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federal register

Tuesday
February 12, 1980

Highlights

9251 **Sinai Support Mission, fund transfer** Presidential Determination

9298 **Black Lung** HEW/PHS proposes to revise regulations governing grant program for black lung clinics; comments by 4–14–80

9310 **Public Telecommunication Services Program** Commerce/NTIA announces grants for fiscal year 1980; applications postmarked by 4–7–80

9309 **Minority Business** Commerce/MBDA solicits applications for one project which will serve the entire State of Tennessee; apply by 4–1–80

9559 **Presidential Campaign Funds** FEC announces effectiveness of revised regulations; effective 2–12–80 (Part VI of this issue)

9289 **Import of Narcotic Raw Materials** Justice/DEA proposes to implement narcotic importation policy in support of worldwide effort to avoid proliferation of sources for export; comments and request for hearing 4–14–80

9536 **Outer Continental Shelf** DOE establishes bidding systems for utilization in OCS oil and gas lease sales; effective 3–13–80 (Part III of this issue)

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Highlights

9526 **Outer Continental Shelf** DOE provides procedures, terms, and conditions for disposition of oil royalties; effective 3-13-80 (Part II of this issue)

9418 **Fund-Raising Manual** OPM is considering amending manual to permit greater flexibility; comments by 3-4-80

9316 **Privacy Act** DOD/Marines publishes a document affecting the systems of records

9427 **Privacy Act** TVA issues annual publication of systems of records

9284 **Yellowfin Tuna and Products** Commerce/NOAA finds government of Senegal no longer in compliance with regulations and will no longer allow entry into the U.S.A.; effective 2-1-80

9293 **AID Financing** IDCA/AID proposes exclusion of suppliers of commodities and of commodity-related services from eligibility; comments by 4-14-80

9447 **Treasury Securities** Treasury/Office of the Secretary announces 12 percent interest rate on notes designated Series C-1987

9548 **Clean Water** EPA proposes to establish ocean discharge criteria; comments by 3-28-80 (Part V of this issue)

9542 **Electric and Hybrid Vehicle** DOE issues amendments to minimum performance standards; effective 3-13-80 (Part IV of this issue)

9315 **Textile Products from Sri Lanka** CITA solicits comments concerning cotton, wool and man-made fiber textile products; comments on consultations which begin 3-24-80

9253 **Tobacco Loan Program** USDA/CCC issues rules updating regulations; effective 2-12-80

9267 **Commercial Products** GSA issues temporary regulation prescribing revised policies and procedures; effective 1-1-80, expiration date 12-31-80, comments by 3-31-80

9448 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Presidential Determination No. 80–10 of January 24, 1980

Determination Under Section 610(a) of the Foreign Assistance Act of 1961, as Amended, To Transfer up to $3.9 Million to the Peacekeeping Operations Account

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 610(a) of the Foreign Assistance Act of 1961, as amended (the "Act"), I hereby determine that it is necessary for the purposes of the Act that up to $3.9 million appropriated under section 531 of the Act be transferred to, and consolidated with, appropriations made under section 552 of the Act, subject to the limitation that funds so transferred shall be available only for the purposes of the Sinai Support Mission. I hereby authorize such transfer and consolidation.

You are requested on my behalf to give prompt notice of this determination, pursuant to section 652 of the Act and section 115 of the Foreign Assistance and Related Programs Appropriations Act, 1979, as made applicable by Public Law 96–123, to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

This determination shall be effective on January 30, 1980 and shall be published in the **Federal Register**.

Jimmy Carter

THE WHITE HOUSE,
Washington, January 24, 1980.

[FR Doc. 80–4660
Filed 2–8–80; 4:44 pm]
Billing code 3195–01–M

Rules and Regulations

Federal Register
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Tuesday, February 12, 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.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 432

Federal Employees; Reduction in Grade and Removal Based on Unacceptable Performance; Decision in Case of Wells v. Harris

AGENCY: Merit Systems Protection Board.

ACTION: Decision invalidating certain regulations.

SUMMARY: On July 31, 1979, the Merit Systems Protection Board (the Board) requested comments on a petition by the American Federation of Government Employees, AFL–CIO, to review the legality of an OPM interim regulation to be codified at 5 CFR 432.206 (44 FR 44857). By order of August 29, 1979, the Board expanded the scope of its review and extended the period for comments to include consideration of the OPM final regulations to be codified at 5 CFR § 432.205 as published at 44 FR 45587 (August 3, 1979). The notice setting forth the details of this order is found at 44 FR 52218.

Both regulations provided interim procedures to be followed by agencies in undertaking removals or reductions in grade based upon unacceptable performance using the procedures provided in 5 USC. § 4303.

Oral arguments before the Board took place on September 27, 1979. A final decision was issued by the Board on December 17, 1979.

§§ 432.205 and 432.206 [Invalid]

The purpose of this notice is to inform all agencies that the Board has ordered that the final regulation (432.205) and interim regulation (432.206) are invalid on their face. *Therefore, all agencies shall cease taking personnel actions pursuant to these regulations.* This order affects any proceeding now pending at any stage before an agency.

The agencies affected are: an Executive agency; the Administrative Office of the United States Courts; and the Government Printing Office.

ADDRESS: Copies of this decision may be obtained by writing to the Secretary, Merit Systems Protection Board, Room 440, 1717 "H" Street, N.W., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Donald L. Cox, Deputy General Counsel, on 202–653–7165.

For the Board.

Ruth T. Prokop,

Chairwoman.

February 6, 1980.

[FR Doc. 80–4574 Filed 2–11–80; 8:45 am]

BILLING CODE 6325–20–M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 737

Post Employment Conflict of Interest

Correction

In FR Doc. 80–2828 appearing at page 7402 in the issue for Friday, February 1, 1980, the "note" which appears in the middle of the first column of page 7407, which now reads:

"Note.—The following index of paragraphs is provided for the convenience of the reader; this index will not appear in the CFR".

should have read:

"Note.—The following index of paragraphs is provided for the convenience of the reader:".

BILLING CODE 1505–01–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program

AGENCY: Commodity Credit Corporation.

ACTION: Final rule.

SUMMARY: This rule updates the tobacco loan program regulations by incorporating amendments previously made, deleting obsolete provisions, making editorial, and other changes which reflect organizational changes within the Department of Agriculture.

EFFECTIVE DATE: February 12, 1980.

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

FOR FURTHER INFORMATION CONTACT: Robert Tarczy, (ASCS), (202) 447–6733.

SUPPLEMENTARY INFORMATION: These regulations are being recodified in order to incorporate the following previous amendments: 39 FR 30477, 40 FR 24175, 40 FR 28788, 41 FR 27376, 41 FR 31183, 42 FR 23795, 43 FR 46833, 44 FR 15994, and 44 FR 57910. This rule also amends § 1464.1 to provide that the Producer Association Division, ASCS will administer this program. Section 1464.2 is amended to change the name of the Consumer and Marketing Service to the Agricultural Marketing Service. Section 1464.2 is also amended to change the title of the Deputy Administrator, Programs to Deputy Administrator, State and County Operations. Section 1464.11 is redesignated § 1446.10 and material previously appearing in § 1464.10 is deleted. Other minor changes have been made and program details have been rearranged for clarity. These changes are to update the regulations to include past amendments, to reflect organizational changes within the Department of Agriculture, to delete obsolete material and to make these regulations more easily readible and understandable.

Final Rule

PART 1464—TOBACCO

7 CFR Part 1464 is amended by revising § 1464.1–1464.10 as follows effective for the 1979 and subsequent crops:

Subpart A—Tobacco Loan Program

Sec.

1464.1 Administration.
1464.2 Availability of price support.
1464.3 Level of price support.
1464.4 Deductions from advances.
1464.5 Interest rate and general provisions.
1464.6 Maturity date.
1464.7 Eligible producer.
1464.8 Eligible tobacco.
1464.9 Auction warehouse certification of flue-cured tobacco.
1464.10 Flue-cured tobacco showing evidence of contamination by the herbicide Picloram.

Authority: Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423).

Subpart A—Tobacco Loan Program

§ 1464.1 Administration.

(a) This program will be administered by the Producer Association Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out by cooperative marketing associations (hereinafter referred to as "associations") acting on behalf of their producer members. To obtain a price support loan, an association must enter into a loan agreement with CCC. The loan agreement will set forth terms and conditions for making price support available to producers. To the extent provided in the loan agreement, an association shall meet the eligibility requirements for price support prescribed in the Cooperative Marketing Associations Eligibility Requirements for Price Support (Part 1425 of this chapter), as amended. CCC reserves the right to restrict the number of associations with which it will contract. In so doing, CCC will select such associations as it deems necessary or desirable to effectuate the purposes of the program with a maximum of efficiency and economy of operations. The names of such associations may be obtained from the Producer Association Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

(b) Each year CCC will make loans to associations. The associations in turn will make price support advances available to eligible producers either directly or through auction warehouses. The tobacco on which producers receive price support advances will serve as security for the loans. Loans made to associations will include not only the initial loan value of the tobacco, but also amounts to cover costs of receiving, processing, storing, and selling the loan tobacco, including that part of overhead costs not borne by the association pursuant to § 1464.4. Associations will be authorized to enter into contracts for these services through the usual trade channels. Loans also may include amounts to cover any Federal and State income taxes which the associations are required by the Internal Revenue Service or State governmental body to pay on income received from the sale of loan tobacco.

§ 1464.2 Availability of price support.

(a) *Kind of tobacco.* Price support will be available to eligible producers on the following kinds of eligible tobacco subject to conditions listed in § 1464.7 and § 1464.8 respectively.

Flu-cured tobacco, types 11, 12, 13, and 14.
Kentucky-Tennessee Fire-cured tobacco, types 22 and 23.
Virginia Fire-cured tobacco, type 21.
Virginia Sun-cured tobacco, type 37.
Dark Air-Cured tobacco, types 35 and 36.
Burley tobacco, type 31.
Maryland tobacco, type 32.
Cigar filler tobacco, type 41.
Cigar filler and binder tobacco, types 42, 43, 44, 53, 54, and 55.
Puerto Rican tobacco, type 46.
Cigar binder tobacco, types 51 and 52.

(b) *Method of providing price support.* (1) *Through auction warehouses.* (i) Price support will be available on tobacco offered for auction sale at auction warehouses which have contracted with an association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association's contracts with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available on each lot of tobacco in the auction when the final bid is less than one bid above the advances available on eligible tobacco. For Flue-cured and Burley tobacco, the associations' contracts with auction warehouses will also require the auction warehouse to mark any tobacco sale bill "No Price Support" if the marketing of the pounds of tobacco covered by the that bill will result in the producer marketing in excess of 110 percent of the producer's effective farm marketing quota. Producers will receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Agricultural Marketing Service, USDA. Inspection and price support services may be extended to new markets or to additional sales on established markets in accordance with this part and subpart A of Part 29 of this title which provides for formal public hearings prior to extending of additional services.

(iii) CCC reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for one or more years if, based on previous performance of similar contracts, or other evidence, there is substantial reason to believe that such warehouse will not fulfill its contract obligations.

(2) *Special requirements for flue-cured tobacco.* Price support will be available only on flue-cured tobacco which has been designated for sale at specific warehouses by the producer under the following conditions:

(i) *Definition.* "Producer" as used in this subparagraph means the person who was issued the tobacco marketing card pursuant to Part 725 of this title.

(ii) *Producer designation of warehouses.* Producers will be required, as a condition of price support, to designate the warehouses at which they will market their tobacco. Such designations may be at any warehouse or warehouses in any market within a radius of 100 miles from the county seat of the county in which the farm is located, or if such farm is physically within two counties, then from the county seat of the county in which the county ASCS office administering that farm is located. To the extent there are less than eight markets within such radius, any warehouse or warehouses in any of the eight markets nearest to the county seat may be designated. A producer may obtain price support only in a warehouse which the producer has designated, and at each such warehouse only with respect to the quantity of tobacco designated for sale at such warehouse.

(iii) *When producer designations shall be made.* Producer designations of the warehouse or warehouses at which they will market their tobacco shall be made each year during a period which shall be announced by the county ASCS office in their county prior to the start of the period. Such period shall be prior to May 31 each year. Producers who lease quota or whose farm is reconstituted (the combining or dividing of a farm due to a change in operation) after such period may designate the warehouse or warehouses at which the tobacco involved will be marketed, as advised by the county ASCS office, according to procedures to be established by the Deputy Administrator, State and County Operations, ASCS. Producers who have designated warehouses which cease to operate or cease to have tobacco inspection or price support available may change their designations of such warehouses at any time subsequent to such occurrences.

Redesignation (changes in warehouses designated or in pounds designated to the warehouses) or initial designations for undesignated farms may be made during the five work days ending on the first Friday of each calendar month after any flue-cured

marketing area has opened for inspection and sale of tobacco. For tobacco produced on any farm such redesignation or initial designation shall be made on any one day of each redesignation period. Such redesignation or initial designation shall be effective on the second Monday following the Friday on which the redesignation period ends.

(iv) *Form and content of designations.* A designation shall be made for each warehouse at which a producer desires to market tobacco by executing a form provided by the county ASCS office. The producer will be required to indicate on such form the name of the warehouse or warehouses designated by the producer and the pounds of flue-cured tobacco the producer desires to sell at such warehouse as well as any other information required to be stated on such form.

(v) *Entering warehouse designation information.* The warehouse code number of the warehouse the producer has designated will be indicated on the farm marketing card. If an effective date is determined in accordance with paragraph (b)(2)(iii) of this section, such effective date will be shown on the farm marketing card. If the producer has not designated a warehouse, a warehouse code will not be shown on the marketing card. Changes in designation by the producer shall be accomplished by the producer returning the marketing card to the county ASCS office and requesting the transfer of any unmarketed pounds of flue-cured tobacco shown on any marketing card to another eligible warehouse or warehouses.

(vi) *Use of warehouse designation information.* (A) A separate sale bill marked "no price support" shall be prepared for that quantity of tobacco weighted in that is in excess of the balance of the pounds designated as shown on the marketing card:

(B) The warehouse shall mark "no price support" on a sale bill for any tobacco which is presented for sale and which is accompanied by a marketing card which does not show a warehouse code, which shows a code of another warehouse, or which shows an effective date which is later than the date on which the tobacco is presented for sale.

(vii) *Availability of designation information.* Each county ASCS office shall send all designations received to the Flue-Cured Tobacco Cooperative Stabilization Corporation, Raleigh, North Carolina, following each designation period and each period for changing designations. That association shall inform the Flue-Cured Tobacco Advisory Committee of the pounds designated to each warehouse and the pounds of any undesignated tobacco which, for the purpose of recommending opening dates and selling schedules in accordance with Part 29 of this title, is available for apportioning for sale at each warehouse. That association also shall furnish each warehouse the name and address of the producers who designated the warehouse, the pounds each designated and the pounds which represented 110 percent of the marketing quota of each such producer.

(viii) *Failure to comply with opening date and selling schedule by warehouses.* (A) Except as provided in paragraph (b)(2)(viii)(B) of this section, on any sales day a warehouse sells tobacco in excess of that allowed by the opening date and designated and undesignated tobacco selling schedules issued in accordance with Part 29 of this title, such excess amount shall be deducted from the quantity of tobacco authorized to be sold at that warehouse on either of the following two sales days. If such reduction in quantity of tobacco sold is not made by the warehouse within such two days, no tobacco inspection or price support shall be made available at such warehouse on the next succeeding sales day. However, any adjustment which is within 100 pounds of the required reduction shall be considered as in compliance with this section.

(B) If, on any sales day, a warehouseman sells 2,500 pounds or more of designated tobacco, or 500 or more pounds of undesignated tobacco in excess of that authorized to be sold at that warehouse on that day, no tobacco inspection or price support services shall be made available at such warehouse on the next succeeding sales day.

(3) *Upon direct delivery to the Association.* Eligible producers in nonauction market areas may deliver eligible tobacco to central receiving points designated by the appropriate association. Eligible producers in auction market areas who have eligible tobacco which is security for a farm storage loan obtained pursuant to Part 1421 of this chapter may, after the close of all auction markets for such kind of tobacco, including cleanup sales, deliver the tobacco to central receiving points designated by the appropriate association. After the tobacco has been graded by USDA inspectors, the producer will receive the price support advance directly from the association for any amount in excess of the amount necessary to repay the farm stored loan.

(4) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided. In case of loans on farm stored flue-cured tobacco which is delivered directly to the association, the normal marketing season shall include the date the producer was directed to deliver the tobacco to the association which will be soon after the close of all markets including cleanup sales.

(5) *For 1979 crop burley tobacco.* Eligible producers may obtain price support on tied and untied burley tobacco packed in bales and offered for auction sale, subject to the following conditions:

(i) Applications for price support on baled tobacco: From September 4 through September 28, 1979, a producer who desires to market burley tobacco in bales may request price support on such tobacco by filing an application with the local county ASC committee. At the time of filing the application for price support on baled tobacco, the producer shall certify that all bales delivered for price support will meet the following specifications and conditions.

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

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

(C) The bales will not contain foreign matter or material.

(D) The bales will not be nested, and

(E) Any and all procedures and certifications which are normally required by law or regulations pertaining to burley production and marketing will be met and the applicable eligibility requirements for price support will also be met.

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

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

(B) If the effective farm poundage quota is more than 1,500 pounds, the amount approved shall be the larger of 1,500 pounds or 20 percent of the effective farm poundage quota but not to exceed the quantity requested except as

provided in paragraph (b)(5)(ii) (C) of this section.

(C) If the total quantity approved for a State is less than 20 percent of the State's effective farm poundage quota, the quantity approved for any farm may be increased by the quantity requested provided the total of all requests does not exceed 20 percent of the State's effective farm poundage quota. If the total quantity requested exceeds 20 percent of the State's effective poundage quota, subtract the quantity initially approved for all farms in the State from the total quantity requested for all farms in the State and the result divided by the difference between 20 percent of the State's effective quota and the total quantity originally requested to obtain a four place proration factor. This factor shall be multiplied by the difference between the quantity requested for each farm and the quantity originally approved to determine the additional quantity to be approved for each farm.

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

(iv) Identification cards for tobacco approved for marketing in bales with price support: A Baled Burley Tobacco Identification Card showing 110 percent of the pounds of baled tobacco approved for marketing with price support shall be issued for each farm for which approval is given. The identification card together with the 1979 burley tobacco marketing card shall be used to identify any baled tobacco for which price support is desired. Separate sale bills marked "Baled Burley" shall be prepared by the warehouse to identify sales of baled burley tobacco. Each bale in the lot shall be properly identified by a card, tag, or other identification attached thereto, showing the basket number. In addition the warehouse shall mark "No Price Support" on the basket ticket and on a sale bill for any baled tobacco not identified by an identification card. A separate basket ticket and sale bill marked "No Price Support" shall be prepared for that quantity of baled tobacco weighed in that is in excess of the balance of the pounds shown on the identification card.

(v) Specification of bales:

(A) Bales accepted for price support must be approximately 1x2x3 feet in size.

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

(vi) Grade loan rates for tobacco delivered for price support. The grade loan rates for baled burley tobacco shall be the same as the grade loan rates to be established for 1979-crop burley tobacco tied in hands.

§ 1464.3 Level of price support.

The level of price support for eligible tobacco shall be as required by statute. For each crop of any kind of tobacco, the level of price support shall be determined by multiplying the support level of the 1959 crop or, if marketing quotas were disapproved for the 1959 crop, the level at which the 1959 crop would have been supported if marketing quotas had been in effect, by the ratio of (a) the average index of prices paid by farmers, as defined in section 301(a)(1)(C) of the Agricultural Adjustment Act of 1938, as amended, for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being terminated to (b) the average index of such prices paid by farmers for the 1959 calendar year. The price support level of each kind of tobacco will be announced soon after the beginning of each calendar year. Schedules of loan rates, by types and grades for each kind of tobacco will be announced as supplements to these regulations insofar as practicable before the opening of the markets. Flue-cured tobacco of varieties Coker 139, Coker 140, Coker 316, Reams 64, and Dixie Bright 244, or a mixture or strain of such seed varieties or any breeding line of Flue-cured tobacco seed varieties, including, but not limited to, 187 Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244 will be supported at one-half the support rate, plus 50 cents per hundred pounds, for comparable grades of acceptable varieties.

§ 1464.4 Deductions from advances.

(a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas may charge the producer a fee of $1 per hundred pounds and may make such other charges as may be authorized or approved by CCC. In the nonauction market area, the fee will be established at a rate commensurate with the services performed by the associations. Such fees and charges may be collected by a deduction from the advance made to the producer on the tobacco or by arrangements with auction warehousemen under which they will collect such charges and remit them to the associations.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the Claim Control Record, Form ASCS–604, the Government will effect collection of the amount of the indebtedness by setoff from the amount of price support advance due the producer in the following manner: Any marketing card covering tobacco eligible for price support issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas (Parts 723 through 726 of this title) will bear a notation showing the indebtedness, the name of the debtor and the amount of the indebtedness. The acceptance and use of a marketing card bearing a notation of indebtedness to the United States by a producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay the United States the price support advance due the producer to the extent of his/her indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(c) If any producer is indebted to the United States for a farm storage loan obtained pursuant to Part 1421 of this chapter, the principal amount of such loan will be deducted from the price support advance paid the producer by the association and will be applied to repayment of the farm storage loan.

§ 1464.5 Interest rate and general provisions.

The loans made to the associations will bear interest at the rate announced by CCC for each crop and will be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud or failure to carry out the loan agreement. In instances where the loan to the association is made on a quantity of tobacco on which a farm storage loan had been made, any unpaid interest applicable to the farm storage loan on such quantity of tobacco will not be collected from the producer who obtained the farm stored loan but will be added to the accrued interest of the loan made to the association. Tobacco loses its identity as to original

ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged as security for the loan. Associations will sell the loan tobacco as provided in the loan agreements for each crop, and the net proceeds of sales of the loan collateral of each crop will be applied to the loan account for such crop until the loan is repaid in full. If the proceeds from the sale of the loan collateral of any crop exceed (a) the amount of the loan plus all fees, handling charges, operating costs and interest; and (b) any amount due CCC under a barter transfer agreement entered into between CCC and the association, such excess shall constitute "net gains" and shall be distributed in cash by the association to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

§ 1464.6 Maturity date.

Loans made under the program will mature on demand.

§ 1464.7 Eligible producers.

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. All producers of any kinds of tobacco for which marketing quotas have been terminated are eligible producers during the period for which the terminations are effective. Any producer of another kind of tobacco is an eligible producer if:

(1) An acreage allotment or marketing quota has been established for his/her TMC farm under the applicable regulations issued by the Secretary of Agriculture with respect to marketing quota and acreage allotments (Parts 723 through 726 of this title) for the applicable marketing year.

(2) All the tobacco produced on the farm is produced on acreage which does not exceed the acreage allotment, or if flue-cured tobacco, does not exceed: (i) The acreage allotment established for the farm; or (ii) 110 percent of the acreage allotment established for the farm in instances where the producer has left unharvested the 4 lower leaves, exclusive of plant bed leaves, on each stalk of tobacco produced on the farm and has previously entered into an agreement to do so with the local county ASC committee in accordance with procedures to be established by the Deputy Administrator, State and County Operations, ASCS; and

(3) If acreage allotments and marketing quotas are in effect for a kind of tobacco, the producer has reported the acreage planted to tobacco on the farm to the local county ASC committee in accordance with regulations issued by the Secretary of Agriculture with respect to determinations of acreage and compliance (Part 718 of this title) for the applicable year, and has complied with any agreement entered into with the local county ASC committee with respect to not harvesting certain lower stalk leaves of flue-cured tobacco; and

(4) The producer has complied with any certification that the producer has executed with respect to any baled 1979 crop burley tobacco delivered for price support.

§ 1464.8 Eligible tobacco.

Eligible tobacco shall be United States and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which:

(a) Is of a kind and crop for which price support is available;

(b) If marketing quotas are in effect has been properly identified in accordance with the applicable tobacco marketing quota regulations by (1) a marketing card which does not bear the words "No Price Support", and (2) if other than Flue-Cured or Burley tobacco, a marketing card which is designated a "Within Quota" marketing card;

(c)(1) Puerto Rican tobacco or tobacco of a kind for which marketing quotas have been terminated. Association must have received a certification by producers that DDT, TDE, toxaphene and endrin, as defined in Parts 724, 725, and 726 of this title were not used on tobacco in the field or after harvest. (2) Tobacco for which acreage allotments or marketing quotas are in effect. Producers must have reported to the local county ASC committee in accordance with Parts 724, 725, and 726 of this title that pesticides DDT, TDE, toxaphene or endrin have not been used in the field or after harvest.

(d) Shall not be tobacco of a kind for which growers have disapproved marketing quotas.

(e) If Flue-Cured tobacco or Burley tobacco, (1) is offered for marketing on a tobacco sale bill which is not marked "No Price Support", and is for a number of pounds which, when added to the pounds of Flue-Cured or Burley tobacco previously marketed on that year's marketing card, does not exceed 110 percent of the effective farm marketing quota for that year; or (2) is delivered directly to the association and is a quantity which, when added to the previous marketings on such card, does not exceed 110 percent of the effective farm marketing quota for that year;

(f) If flue-cured tobacco which was delivered to the association through an auction warehouse, is a quantity which, when added to previous marketings of that producer at that warehouse, does not exceed the quantity designated by the producer for marketing at that warehouse;

(g) Has been delivered to the association by the producer, either directly or through an auction warehouse, prior to sale to any other person;

(h) Has been delivered to the association by the producer either directly or through an auction warehouse, in lots identified by not more than one marketing card for each lot, and

(i) Is in sound and merchantable condition.

§ 1464.9 Auction warehouse certification of flue-cured tobacco.

Auction warehouses through which price support is made available to producers of flue-cured tobacco shall identify, through the use of "certified" basket tickets, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. A distinguishably different type of basket ticket shall be used for all other tobacco offered for sale at auction. In the case of producer tobacco, the warehouseman shall examine the marketing card prior to the time the tobacco is offered for sale, record the marketing card serial number on the tobacco sale bill, and shall use certified basket tickets on the tobacco only if the marketing card presented does not bear the words "Discount Variety". In the case of resale tobacco (tobacco which has previously been sold by the producer), the Tobacco Marketing Quota Regulations provide that, when the State Executive Director, ASCS, determines there is a significant amount of discount variety tobacco available for marketing in any marketing year, such person may require tobacco which is eligible for full price support to be covered by a Form MQ–79–1, Dealer's Certification—Resale Tobacco, unless its eligibility for full price support is determined by the State Executive Director, or designee. When notified by the State Executive Director that this requirement is in effect, the warehouseman shall not use a certified basket ticket for resale tobacco unless a Form MQ–79–1 has been obtained and properly executed by the seller, or unless the State Executive Director has determined that the tobacco is eligible to be so identified. The Form MQ–79–1 Dealer's Certification—Resale Tobacco contains a certification by the seller to the USDA and the warehouse that the tobacco offered for sale and all other resale tobacco in which the dealer has an interest was purchased directly from

the producer and was identified by a marketing card not bearing the words "Discount Variety" or was purchased by the dealer at auction sale through a warehouse having price support available to producers and was identified by a certified basket ticket. Properly executed Dealer's Certification—Resale Tobacco shall be furnished to the USDA representative stationed at the warehouse prior to the sale of the tobacco, with a copy to the warehouse. When the State Executive Director notifies the warehouse that the certifications of any dealer are not acceptable for this purpose, the Dealer's certification shall not be used by the warehouse as a basis for a "certified" basket ticket. Such notice will be given to all warehouses having price support available to producers if a dealer is found to have made a false certification, or if a dealer fails to file reports required by applicable marketing quota regulations. In the latter case, the notice will be rescinded when the dealer files the reports if they show that the dealer has not made false certifications with respect to identification of full support variety tobacco. Dealers making false certifications, or producers using marketing cards other than the one issued for the farm on which the tobacco was produced, to obtain use of certified basket tickets for tobacco not entitled to such identification, shall be subject to applicable provisions of law relating to conspiracy, fraud, or other offenses, and to penalties imposed by applicable marketing quota regulations. A dealer who has full support variety resale tobacco for which the Dealer's Certification cannot properly be executed because such tobacco or other tobacco in which he/she has an interest was acquired other than as the certification form provides, or a dealer whose certifications have been determined to be unacceptable, may have full support variety tobacco identified on a "certified" basket ticket through application to the State Executive Director. In such instances, if by examination of the marketing quota records and other evidence, the Director determines that the tobacco is of full support variety, a special authorization will be given for the warehouses to identify the tobacco on a "certified" basket ticket.

§ 1464.10 1979 Flue-cured tobacco showing evidence of contamination by the herbicide, Picloram.

(a) This section shall apply only to 1979 crop flue-cured tobacco produced on farms on which tobaco plants show evidence of having been contaminated by the herbicide, picloram, as determined by a representative of the county ASC committee. Tobacco produced on such farms will be eligible for price support only if the conditions set forth in this section are met.

(1) All unharvested tobacco plants on the farm which show evidence of having been contaminated by picloram, as determined by a representative of the county ASC committee have been destroyed. All tobacco previously harvested and cured or in the process of curing that was harvested from tobacco plants that show evidence of having been contaminated by picloram (a) has been segregated from all other tobacco and delivered to the Flue-Cured Tobacco Cooperative Stabilization Corporation at designated locations and delivery points, or (b) has been destroyed; *Provided, however,* That in determining whether tobacco is contaminated by picloram, any tobacco, which has been harvested from fields containing both contaminated and uncontaminated tobacco plants and which cannot be segregated, shall be considered to be contaminated tobacco.

(2) The producer shall certify on a form prescribed by ASCS compliance with the conditions specified in this section. Failure to fulfill the conditions specified in this section shall render all tobacco produced on the farm ineligible for price support and any marketing card issued for such farm will be marked "No Price Support."

(3) The destruction of all tobacco previously harvested and cured or in the process of being cured from tobacco plants which show evidence of having been contaminated by picloram, or the destruction of unharvested tobacco plants which show evidence of having been contaminated by picloram, must be witnessed by a representative of the county ASC committee, or the producer must demonstrate to the satisfaction of a representative of the county ASC committee that such tobacco has already been destroyed.

(b) Tobacco already harvested and cured or in the process or curing that was harvested from tobacco plants that show evidence of having been contaminated by picloram, which has been delivered for price support in accordance with the terms and conditions specified in this section, shall be placed in a pool separate and apart from all other 1979 crop flue-cured tobacco. The profits or losses from the separate pool shall be totally independent of any other crop year pool established in accordance with this subpart.

Note.—Because this rule is merely a recodification and clarification of existing regulations, it has been determined that it is impracticable and contrary to the public interest to follow the public participation procedure and the 30-day effective date provisions contained in 5 USC 553 and Executive Order 12066. This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044.

Therefore, this rule will become effective immediately. This rule has been reviewed under the USDA criteria established to implement Executive Order 12044 "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. These regulations contain necessary operating provisions needed to implement the 1979 Tobacco Loan Program announced on September 14, 1979, for which a Final Impact Statement has been prepared and is available from Robert L. Tarczy, ASCS, Price Support and Loan Division, Room 3750, South Building, P.O. Box 2415, Washington, D.C. 20013.

Signed at Washington, D.C. on February 5, 1980.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc 80-4508 Filed 2-11-80; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to issue a revised REA Bulletin 345–78, Specification for Carbon Arrester Assemblies for Use in Protectors. The revision clarifies the intent of this document and introduces improved test procedures.

EFFECTIVE DATE: February 4, 1980.

FOR FURTHER INFORMATION CONTACT: Harry Hutson, telephone (202) 447–3827.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA revises REA Bulletin 345–78. A Notice of Proposed Rule Making was published in the **Federal Register** on October 23, 1979. However, no public comments were received in response to the notice.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044,

"Improving Government Regulations." A determination has been made that this action should not be classified "significant" under the criteria. A Final Impact Statement has been prepared and is available from the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355–S, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: February 4, 1980.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 80–4292 Filed 2–11–80; 8:45 am]

BILLING CODE 3410–15–M

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Reg. B; Docket No. R–0248]

Equal Credit Opportunity; Suspension of Board Interpretation Section 202.1104

Correction

In FR Doc. 80–1650 appearing at page 3567 in the issue of Friday, January 18, 1980, third column, sixth line of **"SUPPLEMENTARY INFORMATION"** should read: "Stat. Annot. § 10:5–12(i)(2) is not".

BILLING CODE 1505–01–M

12 CFR Part 226

[Reg. Z; FC–0165]

Final Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final official staff interpretation.

SUMMARY: The Board is publishing in final form official staff interpretation FC–0165 of Regulation Z, Truth in Lending, regarding the disclosures required in connection with certain pledged savings account mortgages involving required deposit balances. The agency is taking this action after reviewing the comments received upon republication of the interpretation.

EFFECTIVE DATE: February 12, 1980.

FOR FURTHER INFORMATION CONTACT: Maureen P. English, Section Chief, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452–3867.

SUPPLEMENTARY INFORMATION:

(1) In FC–0165 the staff set forth the proper treatment of a required deposit balance in disclosing the amount financed and payment schedule and in computation of an annual percentage rate in a pledged savings account mortgage.

(2) FC–0165 was published on August 8, 1979, with an effective date of September 7, 1979. In response to a request for public comment submitted in accordance with § 226.1(d)(3) of Regulation Z, the effective date was suspended and the interpretation was republished for public comment on September 19, 1979.

(3) The request for republication asserted that the interpretation was incomplete in that it did not explain how a creditor should distinguish between the principal and the earned interest withdrawn from the pledged savings account. It further asserted that the Supplement I equation discussed in the interpretation was not the correct one to use in computing an annual percentage rate for this transaction.

Three comments were received on the interpretation. Two of them urged that guidance be provided on how to distinguish principal and interest from the account; one also argued that another equation from Supplement I should be used for the annual percentage rate, and one comment supported reissuance of the interpretation as originally published.

The staff believes it would be inappropriate to dictate how withdrawals from the pledged account are allocated between principal and interest. Since the method of allocation depends on what in fact happens in a particular instance, it must be done by the creditor itself and cannot be determined by the staff.

The staff also believes that the Supplement I equation discussed in the interpretation is the correct one to use in computing the annual percentage rate for this particular transaction. The references to Supplement I in the interpretation as originally published were to the version of the Supplement then in effect. Since the Board has recently adopted a revised version of Supplement I (44 FR 77139, Dec. 31, 1979), the staff has revised the interpretation to mention the appropriate equation in the new version of the supplement and to clarify which version is being referenced.

Consequently, after fully considering the arguments contained in the request for republication and the comments, the staff continues to believe that FC–0165 correctly interprets Regulation Z, and that it should be revised to include references to the revised Supplement I.

(4) Official Staff Interpretation FC–0165, which follows, has been changed to reflect its new date, to reference a revised version of Supplement I, and to indicate that it is in final form. It is effective immediately.

(5) Authority: 15 U.S.C. 1640(f).

§ 226.8(d)—Proper treatment of required deposit balance in disclosure of amount financed and payment schedule and in computation of annual percentage rate in a pledged savings account mortgage (modifies PI letters 265, 734, 864 and 1136).

§ 226.8(e)—Proper treatment of required deposit balance in disclosure of amount financed and payment schedule and in computation of annual percentage rate in a pledged savings account mortgage (modifies PI 265, 734, 864 and 1136).

§ 226.40—Computing an annual percentage rate for a pledged savings account mortgage.

February 5, 1980.

This will reply to your letter of . . . , concerning the proper disclosures for a mortgage loan which is secured in part by a pledged savings account, a program very similar to that discussed in Public Information Letters 1257 and 1304. In this program a borrower pledges funds in an interest-bearing savings account deposited with the lender; during the first five or ten years of the mortgage, the lender withdraws amounts from the savings account to supplement the borrower's out-of-pocket payments in order to make up the total monthly mortgage payments. In Letter 1257 the staff expressed its opinion that the pledged savings account constitutes a required deposit balance for purposes of Regulation Z; in Letter 1304 we stated that the interest earned on the pledged account may not be treated as an advance for purposes of computing the annual percentage rate. You ask three additional questions about this program, which will be answered in order below.

You first ask how the amount of the loan and the amount financed should be calculated and disclosed when there is a required deposit balance. As you know, Regulation Z does not require disclosure of the "amount of the loan." It does, however, require disclosure of the "amount financed," which is defined in § 226.8(d)(1) as the amount of credit which will be paid to or on behalf of the customer, excluding, among other things, any required deposit balance. A transaction with a required deposit balance is, in effect, a multiple advance transaction, since the release of the deposit constitutes an advance by the creditor to or on behalf of the customer. The timing of the advance depends upon when the funds are made available. In your program, for example, if monthly withdrawals are made from the pledged account for five years, the transaction would consist of one large advance at the beginning followed by 60 smaller, monthly advances.

A simplified example may be of some assistance in explaining this point. Assume a loan of $1,000 in which a required deposit balance of $200 is created at consummation and is to be released to the customer at the maturity of the loan. In this transaction there are two advances: $1,000 at consummation and $200 at maturity, for a total of $1,200 in advances. Deducting the required deposit balance of $200 from this figure results in an amount financed of $1,000. While this might

appear to "cancel out" the effect of the required deposit balance, inasmuch as the amount financed of $1,000 is the same figure that would be disclosed if there were no required deposit balance or multiple advances, you will note that the existence of a required deposit balance has an impact on the annual percentage rate computation. This is because, although the disclosed amount financed does not reflect the timing of advances, calculation of the annual percentage rate does take proper account of the timing of advances. In this connection, see the annual percentage rate formulas beginning on page 10 of the original version of Supplement I to Regulation Z and § 226.40(c)(8) of the recently adopted revised version of Supplement I (see 45 FR 4345, January 22, 1980).

Applying this concept to your transaction, assume a $50,000 mortgage, with $5,000 deposited into the pledged savings account, a portion of which is to be withdrawn every month for the next five years. The transaction would be viewed as having one advance of $50,000 followed by 60 additional advances, the sum of which equals $5,000. The total of advances thus would be $55,000. From this figure, you can deduct the required deposit balance of $5,000, to arrive at the amount financed of $50,000.

The staff has, in previous letters, stated that the amount financed in such a transaction could be disclosed as the difference between the initial advance and the required deposit balance, $800 in the first example and $45,000 in the second example described above (see Public Information Letters 265, 580, 734, 864, and 1136). Although the staff believes the disclosures described in this letter more properly reflect the value received in the transaction, it believes that either of these two approaches may be used in disclosing the amount financed. In all cases, however, the annual percentage rate must be properly computed, taking account of the release of the deposit balance.

Your second question concerns whether the payment to be disclosed pursuant to § 226.8(b)(3) is the total monthly payment (i.e., the borrower's out-of-pocket payment and the principal and accrued interest from the pledged savings account), or whether it is only the "net" payment (i.e., the out-of-pocket payment and the earned interest from the account). You believe the payment required to be disclosed is the total payment, but wish to disclose the "net" payment as additional information pursuant to § 226.6(c). The staff agrees that this disclosure would be appropriate, provided the criteria discussed in § 226.6(c) are met.

Finally, you ask whether the equation in paragraph (f)(3)(ii) in the original version of Supplement I would be the proper one to use to calculate the annual percentage rate for your mortgage and, further, what figures should be used for the terms U_k and P_j. The staff believes that equation is the correct one to use. Note that this equation assumes that since the advance of the full loan amount occurs at the same time as the establishment of the deposit balance, the latter is equivalent to a "payment" and the two amounts offset each other. Therefore, using this equation, the first advance equals the amount of the loan less the required deposit balance and any prepaid finance charge. The principal amounts withdrawn monthly from the account are the subsequent advances. These amounts should be used for the values of U_k. The payments to be shown as P_j in this equation will be the total payments referred to in our answer to your second question above.

If the revised version of Supplement I is used, the equations in Example (i) of § 226.40(c)(8) can be adapted to calculate the annual percentage rate.

This is an official staff interpretation of Regulation Z, issued after republication for comment in accordance with § 226.1(d)(2) of the regulation, and it is limited to the facts and issues as discussed herein. It will become effective February 12, 1980.

Sincerely,

Nathaniel E. Butler,

Associate Director.

Board of Governors of the Federal Reserve System, February 6, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-4465 Filed 2-11-80; 8:45 am]

BILLING CODE 6210-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Regulation OR-164; Amdt. No. 97]

Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB delegates to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation the authority to grant exemptions to permit commuter air carriers to modify, suspend, or terminate service at points on less than the 90 days' notice required in connection with joint fares.

DATES: Adopted: February 5, 1980. Effective: February 5, 1980.

FOR FURTHER INFORMATION CONTACT: Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5298.

SUPPLEMENTARY INFORMATION: Section 37(c) of the Airline Deregulation Act of 1978 (ADA) provides that any commuter air carrier that participates in the uniform method of establishing joint fares must provide 90 days' notice to the Board and the certificated air carriers with which it has interline service when it wishes to modify, suspend, or terminate such service. If such notice is not given, section 37(c) provides that the uniform method of allocating joint fares will no longer apply to that commuter air carrier.

In Order 79-4-32 April 6, 1979,[1] the Board found that it has the power under sections 204 and 416 of the Federal Aviation Act, to grant relief from the notice requirements of section 37(c). We also indicated that, in general, we would grant such relief where a commuter (1) demonstrates that its certificated airline partner has no objection to an exemption or waiver of notice, or (2) shows that, even in the absence of such concurrence, the public interest requires an exemption. As the criteria for the grant or denial of this relief are now clearly established and their application is a routine matter, we have decided to delegate the authority to dispose of such requests to the Chief, Domestic Fares and Rates Division.

We also take this occasion to restate § 385.16 as a delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, to reflect a reorganization of the Board's staff.

Since this amendment is administrative in nature, affecting a rule of agency practice and procedure, we find that notice and public procedure are unnecessary and the rule may be effective immediately.

Accordingly, the Board amends 14 CFR Part 385 as follows:

In § 385.16 Delegation to the Associate Director, Pricing, Bureau of Pricing and Domestic Aviation, the heading is revised, the opening sentence is revised, and a new paragraph (s) is added, to read:

§ 385.16 Delegation to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation.

The Board delegates to the Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, the authority to:

* * * * *

(s) Grant or deny applications for exemptions to permit commuter air carriers to modify, suspend, or terminate service at points on less than the 90 days' notice required by section 37(c) of the Airline Deregulation Act of 1978 without losing their right to participate in the uniform method of allocating joint fares.

(Secs. 204(a) and 416(b) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 771, as amended by 92 Stat. 1731, 1732, 49 U.S.C. 1386; Reorganization Plan No. 3 of 1961, 72 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note).)

[1] 44 FR 21836, April 12, 1979. See also Order 79-1-111, 44 FR 4989, January 24, 1979.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-4561 Filed 2-11-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 606

[Docket No. 78N-0439]

Calibration of Hematocrit Centrifuges and Vacuum Blood Agitators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The agency is amending the biologics regulations to require less frequent performance checks and calibrations for the hematocrit centrifuge and vacuum blood agitator. This action is being taken because the equipment is rarely subject to significant malfunctions, and because if a malfunction does occur that would affect compliance with the requirements for donor protection and the product, it is usually audibly and/or visually obvious.

EFFECTIVE DATE: March 13, 1980.

FOR FURTHER INFORMATION CONTACT: Robert J. Meyer, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the **Federal Register** of June 15, 1979 (44 FR 34515), in which the Food and Drug Administration (FDA) proposed to amend § 606.60(b) (21 CFR 606.60(b)) to require less frequent performance checks and calibrations for the hematocrit centrifuge and the vacuum blood agitator. The proposal would require that (1) the hematocrit centrifuge be standardized and calibrated with a control preparation before initial use, after repairs or adjustments, and annually and that the timer be calibrated every 3 months; and (2) the performance of the vacuum blood agitator be checked for correct results each day of use by observing the weight of the first container of blood filled and be standardized with a container of known mass or volume before initial use and after repairs or adjustments.

Interested persons were given until August 14, 1979, to submit written comments. Fifteen letters were received. Twelve letters expressed approval of the amendments as proposed. Other comments included in the letters and the agency's responses are as follows:

(1) Two comments asked if the proposed changes in § 606.60(b) also apply to the hemoglobinometer and blood container scale.

The agency advises that the proposed changes in § 606.60(b) specifically relate to the performance checks and frequency calibrations for the hematocrit centrifuge and the vacuum blood agitator. When satisfactory data are submitted to support a change in the required performance checks and frequency of calibrations for the hemoglobinometer and blood container scale, the agency will consider proposing changes to their performance requirements.

(2) One comment suggested that the source of the control preparation used to standardize and calibrate the hematocrit centrifuge be specified to preclude variability.

Anticoagulated blood is used for either commercial or establishment control preparations for the standardization and calibration of hematocrit centrifuges. Because the characteristics of anticoagulated blood from either commercial or establishment control preparations do not differ significantly in the determination of packed cell volume, the agency concludes that it is not necessary to specify the source of the control preparation. Accordingly, this comment is rejected.

(3) Two comments were received concerning the exclusive use of a "control cell preparation" for the standardization and calibration of the hematocrit centrifuge. One comment suggested other quality control procedures that could be effectively utilized to ensure performance instead of the control preparation.

The agency believes that the use of a control preparation for the standardization and calibration of the hematocrit centrifuge is one of the most accurate procedures to verify that the equipment will accomplish its purpose satisfactorily. The agency also recognizes that other scientifically sound procedures for calibrating the characteristics of the hematocrit centrifuge are equivalent to the control preparation method. Accordingly, § 606.60(b) has been amended in the final regulation by deleting the requirement that the hematocrit centrifuge be standardized and calibrated exclusively with a control preparation. This will permit the standardization and calibration of the hematocrit centrifuge by alternate methods that will determine if the equipment is performing in the manner for which it was designed to ensure compliance with the requirements concerning donor suitability and the manufacture of products that are safe, pure, potent, and effective.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 701, 52 Stat. 1040-1042 as amended, 52 Stat. 1049-1051 as amended, 52 Stat. 1055-1056 as amended (21 U.S.C. 321, 351, 352, 371) and under the Public Health Service Act (sec. 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), Part 606 is amended in § 606.60 by revising the entries for the hematocrit centrifuge and the vacuum blood agitator in the table of paragraph (b) to read as follows:

§ 606.60 Equipment.

* * * * * * * * *

(b) * * *

Equipment	*Performance check*	*Frequency*	*Frequency of calibration*
* * * * * * *			
Hematocrit centrifuge			Standardize before initial use, after repairs or adjustments, and annually. Timer every 3 mo.
* * * * * * *			
Vacuum blood agitator	Observe weight of the first container of blood filled for correct results.	Each day of use	Standardize with container of known mass or volume before initial use, and after repairs or adjustments.
* * * * * * *			

Effective date: This regulation is effective March 13, 1980.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262).

Dated: February 4, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-4484 Filed 2-11-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 562

[AR 145-1]

Senior ROTC Program—Organization, Administration, and Training; Correction

AGENCY: Department of the Army, DoD.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule that appeared on the Senior Reserve Officers' Training Corps (ROTC) Program at page 51220 in the **Federal Register** of Friday, August 31, 1979, [FR Doc. 79-27349]. this correction is made to correct discriminatory language in 32 CFR 562.6(c).

EFFECTIVE DATE: February 7, 1980.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel James P. Hunt, U.S. Army, Chief, Procurement and Accessions Branch, U.S. Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332 (202) 325-0596.

SUPPLEMENTARY INFORMATION: In FR Doc. 79-27349 appearing at page 51220 in the issue of Friday, August 31, 1979, the following change should be made:

In the second column on page 51222 in § 562.6(c), second sentence, the word "He" will be deleted and the words "He/she" will be added.

Dated: February 4, 1980.

James P. Hunt,

Lieutenant Colonel, U.S. Army Chief, Procurement and Accessions Branch, MILPERCEN.

[FR Doc. 80-4563 Filed 2-11-80; 8:45 am]

BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL 1410-1]

The Commonwealth of Pennsylvania; Designation of Areas for Air Quality Planning Purposes; Approval of Revisions to Section 107 Air Quality Designations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Commonwealth of Pennsylvania has revised its list of air quality attainment designations for twelve areas within the State with respect to particulate matter (TSP) and three areas with respect to sulfur dioxide (SO_2). For TSP, the State has changed eight areas from nonattainment of primary standards to nonattainment of secondary standards, one area from nonattainment of secondary standards to attainment, and three areas from attainment to unclassifiable. For SO_2, the State has changed one area from nonattainment of primary standards to unclassifiable, one area from unclassifiable to nonattainment of primary standards, and one area from unclassifiable to attainment.

On December 29, 1978, Pennsylvania submitted these revisions to the Administrator of the Environmental Protection Agency, along with supporting information, for promulgation under section 107(d) of the Clean Air Act (the Act), 42 U.S.C. 7407(d).

The Harrisburg (TSP) Air Basin will be discussed in a separate rulemaking action. With the exception of the TSP redesignation for the Lancaster Air Basin, EPA approves as a revision to 40 CFR Part 81 the remainder of this list submitted by Pennsylvania.

DATE: These revisions become effective immediately upon publication.

ADDRESSES: Copies of the associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106.

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120. Attn: Mr. James Silvaggio.

Public Information Reference Unit, Room 2922-EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, (Phone) 215/597-8392.

SUPPLEMENTARY INFORMATION:

I. Background

Section 107(d)(1) of the Clean Air Act requires the States to submit to the Administrator a list identifying all air quality control areas, or portions thereof, that have not attained the National Ambient Air Quality Standards. The Act further requires that the Administrator promulgate this list, with such modifications as he deems necessary, as required by section 107(d)(2) of the Act. On March 3, 1978, the Administrator promulgated nonattainment designations for Pennsylvania with respect to total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_3) and oxides of nitrogen (NO_x) (43 FR 8962 (1978)). These designations were effective immediately and public comment was solicited. On September 12, 1978, in response to the comments received, the Administrator revised and amended certain of the original designations (43 FR 40502 (1978)). The Act also provides that a State, from time to time, may review and revise its designations list and submit these revisions to the Administrator for promulgation (section 107(d)(5) of the Act). The criteria and policy guidelines governing these revisions and the Administrator's review of them are the same that were used in the original designations and which are summarized in the **Federal Register** on March 3, 1978 (43 FR 8962 (1978)), September 11, 1978 (43 FR 40412 (1978)) and September 12, 1978 (43 FR 40502 (1978)). Pennsylvania has revised its original designations list and on December 29, 1978, submitted these revisions to EPA.

On July 2, 1979, a **Federal Register** Notice of Proposed Rulemaking (44 FR 38585 (1979)) was published which solicited comments on this redesignation. The comment period ended on August 31, 1979. During the comment period no comments on the redesignations discussed in this rulemaking notice were received.

II. Total Suspended Particulates (TSP)

The changes listed by Pennsylvania for TSP are as follows:

A. Change from "Does Not Meet Primary Standards" to "Does Not Meet Secondary Standards".

1. Northeast Pennsylvania Interstate AQCR.

(a) Reading Air Basin.

(b) Scranton/Wilkes-Barre Air Basin.

2. Metropolitan Philadelphia Interstate AQCR.

(a) Pottstown Borough (Montgomery County).

(b) South Coatesville Borough (Chester County).

3. South Central Pennsylvania Intrastate AQCR.

(a) Lancaster Air Basin.

4. Central Pennsylvania Intrastate AQCR.

(a) City of Altoona (Blair County).

(b) City of Williamsport (Lycoming County).

B. Change from "Does Not Meet Secondary Standards" to "Better than National Standards".

1. Metropolitan Philadelphia Interstate AQCR (Southeast Pennsylvania Air Basin).

(a) Lansdale Borough (Montgomery County).

C. Change from "Better Than National Standards" to "Cannot be Classified".

1. Metropolitan Philadelphia Interstate AQCR (Southeast Pennsylvania Air Basin).

(a) Downingtown Borough (Chester County).

(b) Doylestown Township (Bucks County).

(c) Upper Moreland Township (Montgomery County).

Reading Air Basin; South Coatesville Portion of the Southeast Pennsylvania Air Basin; City of Altoona.

Pennsylvania has revised these three areas from nonattainment of primary TSP standards to nonattainment of secondary TSP standards on the basis that the monitoring sites in all three areas are unrepresentative. Additional studies were needed to determine if these monitors were actually unrepresentative. These additional studies have now been completed and they demonstrate that in each area, the ambient data is unrepresentative because the monitoring sites are heavily impacted by reentrained road dust. The State indicated, however, that modeling studies still show violations of the secondary TSP standards in these areas. Therefore, EPA approves the redesignation of these areas as nonattainment of secondary TSP standards in accordance with Pennsylvania's revisions.

Scranton/Wilkes-Barre Air Basin: Pennsylvania has revised this area from nonattainment of primary TSP standards to nonattainment of secondary TSP standards because available monitoring data showed no primary violations for the eight consecutive quarters from April, 1977 to March, 1979. Modeling and monitoring data do show secondary TSP violations. Based on the State's evaluation, EPA approves the redesignation of this air basin as nonattainment of the secondary TSP standards.

City of Williamsport and Pottstown Borough: The State has revised these areas from nonattainment of primary TSP standards to nonattainment of secondary TSP standards because monitors in each area have indicated attainment of the primary standards, but not the secondary standards, for TSP during both 1977 and 1978. Further, a modeling study performed by the State for the City of Williamsport shows only violations of the secondary TSP standards. Because no violations of the primary TSP standards have occurred for eight consecutive quarters or are predicted by modeling studies, these areas can be redesignated attainment for primary TSP standards. On the basis of these criteria, EPA approves the redesignation of these areas as nonattainment of secondary TSP standards in accordance with the State's revision.

Lansdale portion of the Southeast Pennsylvania Air Basin: Pennsylvania has revised this area from nonattainment of primary TSP standards to attainment because monitoring data for both 1977 and 1978 demonstrate attainment of both the primary and secondary TSP standards. EPA approves the redesignation of this area as "better than national standards" in accordance with the State's revision.

Willow Grove, Downingtown, and Doylestown Portions of the Southeast Pennsylvania Air Basin: Pennsylvania has revised these areas from attainment to unclassifiable, because recent data has indicated violations of the secondary 24-hour TSP standards. The State is conducting a study of the air quality in these areas to determine if these recent increases represent a new trend or represent abnormal occurrences. Pending the outcome of this study, EPA will take no action on the redesignation of these areas.

Lancaster Air Basin: Pennsylvania has revised this area from nonattainment of primary standards to nonattainment of secondary standards. Air quality data submitted by the State showed no violations of the primary TSP standards in 1978 and marginal violations of the primary TSP standards in 1977. However, the most recently available air quality data indicated violations of the annual geometric mean. Therefore, the Administrator has determined that it is not appropriate to consider revising the current designation of nonattainment of primary standards for this Air Basin. Accordingly, the State is required to submit a State implementation plan revision satisfying the requirements of Part D of the Clean Air Act Amendments.

III. Sulfur Dioxide (SO_2)

The changes listed by Pennsylvania for SO_2 are summarized as follows:

1. The Delaware County portion of the Metropolitan Philadelphia Interstate AQCR is changed from "cannot be classified" to "better than national standards."

2. The Monongahela Valley Air Basin is changed from "nonattainment of national standards" to "cannot be classified."

3. The Beaver County Portion of the Beaver Valley Air Basin is changed from "cannot be classified" to "nonattainment of national standards."ge a12fe0.

Delaware County Portion of the Metropolitan Philadelphia Interstate AQCR: Pennsylvania has revised this area from unclassifiable to attainment because the monitoring data in the area demonstrate two consecutive years (1977 and 1978) of attainment of both the primary and secondary SO_2 standards. Modeling studies performed in this area also indicate attainment. EPA approves the redesignation of this area as "better than national standards" in accordance with Pennsylvania's revisions.

Monongahela Valley Air Basin: Pennsylvania has revised this area from nonattainment to unclassifiable because air quality data shows that no violations of either the primary or secondary SO_2 standards occurred during calendar year 1978. The State also indicated that attainment of standards is supported by emission reductions in the area over the past year. In addition, results of an ongoing modeling study indicate no violations of the primary annual SO_2 standards for the base year (1976) and for the situation assuming all sources to be in compliance with the existing SIP limitations. Until the modeling study is complete and additional air quality data are available, the State has chosen to designate the Monongahela Valley Air Basin as "cannot be classified." In view of the fact that SO_2 emission reductions have occurred, that current air quality meets primary and secondary SO_2 standards, and that modeling of all sources in compliance with the existing SIP does not show violations of the SO_2 standards, it is EPA's determination that a revision to the existing SIP for this air basin is not necessary. EPA therefore approves the redesignation of this area as "unclassifiable" in accordance with the State's revisions.

Beaver County Portion of the Beaver Valley Air Basin: Pennsylvania had originally requested, and EPA had proposed, that the entire Beaver Valley

Air Basin be designated as "nonattainment of primary SO_2 standards." This redesignation was based on monitoring and modeling data for this area, available as of December 29, 1978. However, these violations have occurred or are predicted to occur only in the Beaver County portion of the Air Basin. Therefore, on October 26, 1979, the State requested that the Beaver County portion of the Air Basin be designated as "nonattainment", while the "unclassifiable" designation of the Lawrence County portion of the Air Basin be retained. EPA agrees with this redesignation for the Beaver County portion and the retention of the current "unclassifiable" status for the Lawrence County portion of the Air Basin. Because data supporting this action (showing no violations of standards in the Lawrence County portion) was available prior to the publication on July 2, 1979 of the proposed designation (44 FR 38585), the Administrator considers it appropriate to take final action on this redesignation at this time.

IV. EPA Actions

In conjunction with the Administrator's approval actions, the charts contained in 40 CFR 81.339 are revised accordingly.

All other Section 107 designations for the Commonwealth of Pennsylvania not discussed in this notice remain intact (see 43 FR 40513 (1978) et seq.).

Although this action is being taken as a final rule, EPA will consider comments at any time and make appropriate changes in attainment designations. Comments should be sent to Mr. Howard R. Heim, Chief Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 10th floor, 6th & Walnut Streets, Philadelphia, PA 19106.

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

(Section 107(d), 171(2), 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7501(2), 7601(a)).)

Dated: February 1, 1980.

Barbara Blum,

Acting Administrator.

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended to read as follows. Section 81.339 is revised to read as follows:

Subpart C-Section 107 Attainment Status Designations

* * * * *

§ 81.339 Pennsylvania.

* * * * *

§ 81.339 Pennsylvania.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Pennsylvania—TSP				
I. Metropolitan Philadelphia Interstate AQCR:				
(A) City of Philadelphia:				
Census tracts 1-12, 125-142, 144-157, 162-177, 190-205, 293, 294, 298-302, 315-321, 323, 325, 326, 329-332.		X		
Census tracts 13-75, 143, 158-161, 178-189, 295-297, 322, 324, 327.			X	
Balance of City				X
(B) Montgomery County:				
Conshohocken Borough		X		
West Conshohocken Borough			X	
Lower Merion Borough			X	
Narberth Borough			X	
Upper Merion Township			X	
Bridgeport Borough			X	
Norristown Borough			X	
Plymouth Township			X	
Whitemarsh Township			X	
Lansdale Borough				X
Montgomery Township			X	
Upper Gwynedd Township			X	
North Wales Borough			X	
Towamencin Township			X	
Hatfield Township			X	
Hatfield Borough			X	
Pottstown Borough		X		
Upper Moreland Township				X
West Pottsgrove Township			X	
Upper Pottsgrove Township			X	
Lower Pottsgrove Township			X	
Upper Providence Township			X	
(C) Chester County:				
South Coatesville Borough		X		
City of Coatesville			X	
Caln Township			X	
Downingtown Borough				X
East Fallowfield Township			X	
Modena Borough			X	
Valley Township			X	
North Coventry Township			X	
East Coventry Township			X	
Phoenixville Borough		X		
Schuylkill Township			X	
(D) Bucks County: Doylestown Township				X
(E) Remaining Pennsylvania Portion of AQCR				X
II. Northeast Pennsylvania Interstate AQCR:				
(A) Allentown, Bethlehem, Easton Air Basin	X			
(B) Reading Air Basin		X		
(C) Scranton, Wilkes-Barre Air Basin		X		
(D) Remaining Pennsylvania Portion of AQCR				X
III. South Central Pennsylvania Intrastate AQCR:				
(A) Lancaster Air Basin	X			
(B) Harrisburg Air Basin				
(C) York Air Basin	X			
(D) Remainder of AQCR				X
IV. Central Pennsylvania Intrastate AQCR:				
(A) Johnstown Air Basin	X			
(B) Lycoming County:				
City of Williamsport		X		
South Williamsport Borough			X	
Duboistown Borough			X	
Armstrong Township			X	
Susquehanna Township			X	
Woodward Township			X	
Old Lycoming Township			X	
Loyalsock Township			X	
Montoursville Borough			X	

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Pennsylvania—TSP—Continued				
(C) Blair County:				
City of Altoona		X		
Logan Township			X	
Allegheny Township				
(D) Remainder of AQCR			X	
V. Southwest Pennsylvania Intrastate AQCR:				
(A) Monongahela Valley Air Basin	X			
(B) Allegheny County Air Basin	X			
(C) Beaver Valley Air Basin	X			
(D) Remainder of AQCR				X
VI. Northwest Pennsylvania Interstate AQCR:				
(A) Erie Air Basin	X			
(B) Mercer County:				
City of Sharon	X			
City of Farrell	X			
Hickory Township			X	
Sharpsville Borough			X	
Wheatland Borough			X	
(C) Beaver Valley Air Basin	X			
(D) Remaining Pennsylvania Portion of AQCR				X
Pennsylvania—SO_x				
I. Metropolitan Philadelphia Interstate AQCR:				
(A) City of Philadelphia:				
Census tracts 2, 3, 4, 5, 6, 7, 8, 9, 11, 12	X			
Balance of City				X
(B) Delaware County				X
(C) Remaining Pennsylvania Portion of AQCR				X
II. Northeast Pennsylvania Intrastate AQCR				X
III. South Central Pennsylvania Intrastate AQCR				X
IV. Central Pennsylvania Intrastate AQCR:				
(A) Northumberland County:				
Lower Augusta Township	X			
Point Township	X			
Little Mahanoy Township		X		
Rockefeller Township		X		
Shamokin Township		X		
Upper Augusta Township			X	
Sunbury Borough			X	
Northumberland Borough			X	
(B) Snyder County:				
Shamokin Dam	X			
Monroe Township			X	
(C) Remainder of AQCR				X
V. Southwest Pennsylvania Intrastate AQCR:				
(A) Monongahela Valley Air Basin			X	
(B) Allegheny County Air Basin	X			
(C) Beaver Valley Air Basin (Beaver County)	X			
(D) Armstrong County:				
Madison Township	X			
Mahoning Township	X			
Boggs Township	X			
Washington Township	X			
Pine Township	X			
(E) Remainder of AQCR				X
VI. Northwest Pennsylvania Interstate AQCR:				
(A) Warren County:				
Conewago Township	X			
Warren Borough			X	
Mead Township			X	
Clarendon Borough			X	
Pleasant Township			X	
(B) Beaver Valley Air Basin (Lawrence County)			X	
(C) Remaining Pennsylvania Portion of the AQCR				X

[FR Doc. 80-4319 Filed 2-11-80; 8:45 am]

BILLING CODE 6560-01-M

VETERANS ADMINISTRATION

41 CFR Part 8-11

Federal, State, and Local Taxes; Miscellaneous Amendments

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: This amendment revises the VA Procurement Regulations, §§ 8–11.2 and 8–11.5, to update an organizational title and address, and to clarify provisions for tax-free procurement of alcohol according to Bureau of Alcohol, Tobacco, and Firearms regulations (§ 201 et seq., Title 27, Code of Federal Regulations). Also, the amendment deletes material in § 8–11.502.1(d) dealing with excise taxes on playing cards and filled cheese, since excise taxes are no longer imposed on these items.

EFFECTIVE DATE: February 12, 1980.

FOR FURTHER INFORMATION CONTACT: A. G. Vetter, Policy and Interagency Staff, Supply Service, Veterans Administration, Washington, D.C. 20420 (202–389–2918).

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the regulatory development process (§ 1.12, Title 38, Code of Federal Regulations). Since this amendment merely updates previously published regulations to be in accordance with Bureau of Alcohol, Tobacco, and Firearms regulations, and provides for an internal delegation of authority, compliance with notice and public comment procedure is unnecessary in this instance.

Approved: February 5, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. Section 8–11.203 is revised to read as follows:

§ 8–11.203 Supplies and services for the exclusive use of the United States.

The Veterans Administration is exempt from the Federal excise taxes imposed on tobacco and alcohol products when such items are purchased from factories and bonded warehouses by the Veterans Administration for use in its medical care program.

2. The title of § 8–11.250 is revised to read as follows:

§ 8–11.250 Tax exempt tobacco products for State institutions.

3. Section 8–11.250–1 and the title of that section are revised to read as follows:

§ 8–11.250–1 General.

Bureau of Alcohol, Tobacco, and Firearms regulations (27 CFR 295.31–37) permit the withdrawal of tax-free tobacco products by facilities and institutions owned or controlled by the Government of each of the several States, territories and the District of Columbia for gratuitous distribution to present and former members of the Armed Forces of the United States who are patients in such institutions. These arrangements will be effective only with institutions where the official-in-charge abides by the procedures and controls prescribed by the Veterans Administration. The unauthorized or illegal use of these products may result in the withdrawal of this privilege by the Veterans Administration.

4. Section 8–11.250–2 is revised by amending paragraph (e) to read as follows:

§ 8–11.250–2 Institution responsibilities.

* * * * *

(e) Copies of all orders and other pertinent documents will be retained and be available to the Veterans Administration and the Bureau of Alcohol, Tobacco, and Firearms for inspection purposes.

5. Section 8–11.250–3 is revised to read as follows:

§ 8–11.250–3 Institution ordering procedures.

Orders will be on the institution's regular order form made out to the manufacturer of the desired product. The original and two copies of the order, all signed, will be forwarded to the nearest Veterans Administration medical center. Orders shall be issued as shown in this § 8–11.250–3 to cover receipt of unsolicited shipments of these products intended for use of veteran-patients. All copies of these orders will be marked CONFIRMATION—DO NOT RESHIP. All orders shall bear a certificate as follows:

Tobacco products for free distribution to present and former members of the Armed Forces of the United States who are hospitalized or domiciled in this institution.

6. Section 8–11.250–4 is revised by amending paragraph (a) to read as follows:

§ 8–11.250–4 Processing of order by Veterans Administration.

(a) The station head (or designee) will approve the order by signing the original and one copy in ink over his/her stamped or typed name and title. The approved original and copy shall be forwarded to the vendors, as noted in § 8–11.501. (The copy is for retention at the shipping factory for review by the Bureau of Alcohol, Tobacco, and Firearms.) The additional copy shall be retained in the medical center's files.

* * * * *

7. A new § 8–11.251 is added to read as follows:

§ 8–11.251 Tax exemptions for alcohol products.

The withdrawal of spirits free of tax for nonbeverage purposes is permitted to Governmental agencies by regulations of the Bureau of Alcohol, Tobacco, and Firearms. (See 27 CFR 201.389–394, 211.231–237, 213.141–146, and 240.720–722.) The use of tax-free alcohol, whiskey, beer, wine, and denatured spirits for nonbeverage purposes shall include but not be limited to medicinal, mechanical, and scientific purposes and in the treatment of patients. Provisions for tax-free procurement are provided in § 8–1.501.

8. A new § 8–11.501 is added to include new material and to relocate and update revised material formerly in § 8–11.502–1, paragraphs (a), (b), (c) and (d). The added and revised material reads as follows:

§ 8–11.501 Federal excise tax exemption forms.

(a) *Tobacco products.* No tax exemption form or certificate is required for the tax-free purchase of tobacco products. An extra copy of the purchase order will be provided the manufacturer to facilitate recordkeeping.

(b) *Whiskey, alcohol, specially denatured alcohol.* Authority is hereby delegated to the Chief, Marketing Division for Drugs and Chemicals, Veterans Administration Marketing Center, Hines, Ill., and to the Chiefs, Supply Service, Veterans Administration medical facilities, to sign applications for permits on Bureau of Alcohol, Tobacco, and Firearms prescribed forms. This authority is not to be redelegated. Application forms will be obtained from and submitted to the Director, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226. ATF Form 1486, Specially Denatured Spirits for Use of United States, is the application/permit required for specially denatured spirits, and AFT Form 1444, Tax-Free Spirits for Use of United States, is required for distilled spirits (whiskey and alcohol). These are continuing permits to procure items tax free and they must be made available to the supplier in support of each

procurement. Purchases for excise tax-free whiskey and alcohol, not available through the depots, can only be made from a distillery or a bonded premises. In accordance with 27 CFR 213.144, the vendor will also support each shipment with AFT 1473, Shipment and Receipt Specially Denatured Tax-Free, or Recovered Spirits. The ATF 1473 will be completed by the accountable officer and the original copy will be forwarded to the Regional Regulatory Administrator whose address is shown in item 12 of the form. A copy of ATF 1473 will be retained in the purchase order file.

(c) *Beer procured from licensed breweries.* The contracting officers specified in paragraph (b) of this section are hereby authorized to sign application permits to procure from licensed breweries, alcohol (beer) tax free, when such product is prescribed for therapeutic use of patients. The applications, in letter form, shall be submitted to the Director, Bureau of Alcohol, Tobacco, and Firearms, Washington, D.C. 20226 and contain the following information:

(1) Name and address of facility.

(2) Specific purpose for which it will be used.

(3) Quantity proposed to buy each month, year, etc.

(4) Name and address of the brewery.

(5) Copy of document authorizing contracting officer to sign request.

A new permit is needed only when beer is to be purchased from a different brewery than the one for which the original permit was requested.

(d) *Wine.* No tax exemption form or ATF permit is required for the tax-free procurement of wine. An extra copy of a properly executed purchase order or requisition document may be furnished to the supplier to facilitate record keeping.

9. A new § 8–11.502–2 is added to read as follows:

§ 8–11.502 State and local tax exemption forms.

§ 8–11.502–1 [Revoked]

10. Section 8–11.502–1 is revoked.

11. A new § 8–11.502 is added including new material and revised material formerly located in § 8–11.502–1(d). The added and revised material reads as follows:

§ 8–11.502–2 When evidence of exemption is to be furnished.

(a) SF 1094, U.S. Government Tax Exemption Certificate, will be furnished the vendor to claim exemption from payment of State and local taxes when the purchase price excludes such taxes. This form will be used by the U.S. Government as the basis for billing taxing authorities for refund of taxes paid, when the vendor refuses to sell at a price exclusive of such taxes.

(b) SF 1094 will not be furnished the vendor or used by the United States Government to claim reimbursement from the taxing authority, where the total amount of tax (State or local), on any one purchase is $10 or less.

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

[FR Doc. 80–4485 Filed 2–11–80; 8:45 am]
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GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E–69]

Commercial Products; Temporary Regulations

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation prescribes revised policies and procedures for the development, management, and use of specifications, standards, and descriptions for commercial products. The effect of this regulation will be to reduce the costs of Government procurement by decreasing the reliance on Federal specifications and standards and providing for the use of commercial item descriptions.

DATES: Effective date: January 1, 1980. Expiration date: December 31, 1980, unless revised or superseded sooner. Comments due: On or before March 31, 1980.

ADDRESS: Comments should be submitted to the General Services Administration (FF), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Mr. John K. Carney, Acting Director, Office of Supply Policy (703–557–0393).

SUPPLEMENTARY INFORMATION: This regulation is a revision of FPMR Temporary Regulation E–59 (44 FR 12031, March 5, 1979) which provided policies and procedures for the management of specifications, standards, and descriptions for commercial products. The changes in this regulation are designed to more effectively implement the Acquisition and Distribution of Commercial Products (ADCoP) policy prescribed by the Office of Federal Procurement Policy, Office of Management and Budget.

The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

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

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E to read as follows:

[Federal Property Management Regs.; Temporary Reg. E–69]

February 1, 1980.

Commercial products

1. *Purpose.* This regulation provides policies and procedures for the development, management, and use of specifications, standards, and other product descriptions in implementation of the Acquisition and Distribution of Commercial Products (ADCoP) policy prescribed by the Office of Federal Procurement Policy, Office of Management and Budget.

2. *Effective date.* This regulation is effective January 1, 1980.

3. *Expiration date.* This regulation expires on December 31, 1980, unless revised or superseded sooner. Prior to the expiration date, this regulation will be codified in the permanent regulations of the General Services Administration in Title 41, CFR, Public Contracts and Property Management.

4. *Applicability.* Provisions of the regulation apply to all executive agencies.

5. *Background.* a. FPMR Temporary Regulation E–59 (44 FR 12031, March 5, 1979) was developed in partial implementation of the ADCoP policy promulgated by the Office of Federal Procurement Policy, Office of Management and Budget. The policy requires agencies to purchase commercial products and use commercial distribution systems whenever the products or systems adequately satisfy the Government's needs.

b. One of the essential elements required to implement the policy is a Government-wide management system covering the preparation and issuance of specifications, standards, and other product descriptions used in the procurement process. This regulation provides a Government-wide management system and includes policies and procedures relating to the use of all forms of product descriptions. The system provides for a new series of commercial item descriptions and definite guidelines relating to the

establishment of need and justification criteria.

c. The policies included in the management system maximize the use of functional and performance-type requirements. They eliminate unnecessary Federal specifications and standards and emphasize reliance on commercial packaging, packing, and marking. The system limits reference materials to those which are essential and efficient and requires that the complexity of purchase descriptions be reduced commensurate with the legitimate and essential needs of Federal agencies.

6. *Implementation and controls.* Implementation and enforcement of the policies and procedures in this regulation shall be the responsibility of executive departments and agencies involved in the development and use of product descriptions for the procurement of commercial and commercial-type products. Internal agency procedures shall be established to ensure compliance with these policies and procedures.

7. *Definitions.* a. *Agency specification or standard.* A specification or standard developed by and for the use of a particular agency.

b. *Brand-name description.* A product description that identifies a product by its brand name, model or part number, and required salient characteristics.

c. *Commercial item description.* A brief simple description of a commercial or commercial-type product, newly established and formalized for issuance under the Federal specifications and standards program, for use in lieu of specifications and standards or other forms of product descriptions for repetitive acquisition purposes. Commercial item descriptions will be tailored to reflect commercial practices, rely predominantly on voluntary standards, and include functional and performance requirements in the form of key salient characteristics as required to define quality levels or intended application. Commercial item descriptions are issued and controlled by the General Services Administration (GSA) and listed in the GSA Index of Federal Specifications and Standards.

d. *Commercial product.* An item, component, or system available from stock or from regular production or a service that is sold to the public at established catalog or market prices.

e. *Commercial-type product.* A commercial product or service modified with some Government-peculiar physical change or addition and/or otherwise identified differently from its normal commercial counterparts.

f. *Detailed specification.* A description of a product written in terms of design, material, finish, schematics, tolerance, operating characteristics, or component parts.

g. *Department of Defense Index of Specifications and Standards (DODISS).* The DOD publication of unclassified Federal and military specifications and standards, related standardization documents, and voluntary standards that are used by DOD.

h. *Federal specification or standard.* A specification or standard issued or controlled by GSA and listed in the General Services Administration Index of Federal Specifications and Standards.

i. *Functional specification.* A description of a product in terms of its performance characteristics and intended use. It may include a statement of the qualitative nature of the product and, when necessary, will contain those minimum essential characteristics to which the product must conform in order to satisfy its intended use.

j. *General Services Administration Index of Federal Specifications and Standards (GSAIFSS).* The GSA publication of Federal specifications, standards, and commercial item descriptions, including supplements.

k. *Interim specification.* A proposed Federal or military specification that is optional for use by agencies and may be used instead of Federal or military specifications covering the same product.

l. *Military specification or standard.* A specification or standard issued by the Department of Defense (DOD) for mandatory use within DOD.

m. *Market research and analysis.* The process used to ascertain and analyze the range and quality of available commercial products to deterimine whether they meet user needs and to identify the market practices of firms engaged in producing, distributing, and supporting such products.

n. *Product.* An item, material, component, system, subsystem, or nonpersonal service.

o. *Product description.* The description of a product for acquisition and management purposes. Product descriptions include specifications, standards, commercial item descriptions, purchase descriptions, and brand-name descriptions.

p. *Purchase description.* Any informal product description prepared for one-time only use or for small purchases when issuance of a formal product description is not cost effective.

q. *Specification.* A technical document, prepared to support acquisition, which may be detailed or functional, that includes design or performance requirements as well as procedures for determining whether the requirements have been met. They are complete descriptions to the extent that fulfillment of the need is totally dependent on strict compliance to the letter of such requirements.

r. *Specifications program.* The central system for development and maintenance of a uniform series of specifications, standards, and other product descriptions used to describe for acquisition and management purposes the products required by the Government.

s. *Standard.* A prescribed set of rules, conditions, or requirements concerned with the definition of terms; classification of components; delineation of procedures; specification of materials, performance, design, or operations; or measurement of quality and quantity in describing materials, products, systems, services, or practices.

t. *Voluntary standard.* A standard established by a non-Government organization and available for public use. The term does not include private standards of individual firms.

8. *Use of commercial item descriptions (CID's).* Commercial item descriptions (CID's) shall be used in the purchase of commercial and commercial-type products except for:

a. A public exigency and use of the CID would delay obtaining the requirement;

b. Acquisition of items in an amount less than $10,000 (multiple acquisitions of less than $10,000 of the same item shall not be made for the purpose of avoiding the use of CID's);

c. Products acquired and used overseas;

d. Products adequately described in voluntary standards or in standards mandated by law;

e. Acquisitions when a CID is not currently available and is not expected to be available within a reasonable time of the scheduled acquisition action;

f. Products, excluding military clothing, acquired for authorized resale;

g. Construction or new installations of equipment, when nationally recognized industry or technical source specifications and standards are available; or

h. Products for which adherence to a set of prescribed requirements is necessary to satisfy a demonstrated need for a national purpose. This need must be based on national security or other extremely significant benefits that would result from standardization.

9. *Elimination of obsolete or unnecessary Federal specifications and standards.* Existing Federal specifications and standards will be

canceled when they no longer serve the purpose for which they were developed and when they duplicate other valid existing Federal specifications and standards or acceptable voluntary standards or when they are in conflict with the policies otherwise included herein. Normal procedures to affect cancellation, including coordination with affected Government agencies, will be followed by GSA in this effort. This will ensure an orderly systematic transition and provide an opportunity for interested parties to comment.

10. *Deviations from Federal specifications and standards.*

a. *Substitute CID's.* Agencies may authorize deviations from the use of Federal specifications and standards to facilitate implementation of the policy in this regulation. Substitute commercial item descriptions intended to facilitate compliance with the ADCoP policy may be used instead of such specifications and standards. These deviations must be approved by officials with designated authority within agencies.

b. *Special approval required for certain specifications and standards.* There are Federal specifications and standards which, because of their nature, provide advantages to be Government as a whole which outweigh benefits accruable to a single agency. The objectives and intent of those documents should be carefully considered. In particular, Federal standards for telecommunication and automatic data processing equipment are intended to ensure the compatibility of Federal networks and intentions to deviate from the use of these standards require the approval of the Commissioner, Automated Data and Telecommunications Service (C), GSA.

11. *Preparation of new or revised Federal specifications and standards.*

a. *Request to establish.* All requests to establish projects leading to the development and issuance of new Federal specifications and standards will be based on market research and analysis and subjected to a thorough review by GSA. Requests for revisions to existing Federal specifications and standards will be subjected to review as if for a new document. Projects not substantially justified on the basis of need or cost benefit will not be authorized. All requests shall indicate that other alternatives have been considered including the use of recognized voluntary standards or commercial item descriptions. In general, projects to prepare a new, or continue the maintenance of an existing, Federal specification or standard for a commercial item will not be authorized unless the factors in paragraph 8 apply.

b. *Stressing functional or performance requirements.* Functional or performance requirements will be specified instead of design requirements. Design will be specified only to the extent that controls are necessary to achieve commonality and interchangeability or when it is clearly more efficient and effective to do so and is reflective of general industry practice. Design requirement such as dimensions, materials, composition, and formulation may be included only to the extent that these requirements are essential to the end use; e.g., tire size and carpet size, and when the requirements are common practice. Requirements in specifications including those for packaging, packing, and marking will be limited to characteristics of products that are available for general commercial use, provided those products satisfy Federal agencies' requirements. Any requirements deviating from general commercial practice must be specifically justified and documented.

12. *Preparation of commercial item descriptions (CID's). CID's will have the following characteristics.*

a. *Based on market research and analysis.* The description of the products contained in a CID will be based upon market research and analysis. The CID should concisely describe the essential physical and functional/performance characteristics of commercially available products. The description shall be as brief as possible, consistent with enabling precise selection from the makes, models, colors, or other variations of products offered for sale. The following general characteristics should be used, where appropriate, in preparing the CID:

(1) Common nomenclature;

(2) Kind of material; i.e., type, grade, alternatives, etc.;

(3) Electrical data, if any;

(4) Dimensions, size, or capacity;

(5) Principles of operation;

(6) Restrictive environmental conditions;

(7) Intended use, including:

(a) Location with an assembly;

(b) Essential operating conditions; and

(c) Acceptable product levels within the range of products available in the commercial marketplace;

(8) Equipment with which the item is to be used; and

(9) Other pertinent information that further describes the item, material, or service required.

b. *Contractor certification.* CID's may contain a statement substantially as follows:

"The contractor shall certify that the product offered meets the salient characteristics of the description and conforms to the producers' own drawings, specifications, standards, and quality assurance practices, and is the same as the product offered for sale in the commercial marketplace."

The Government reserves the right to require proof of such conformance prior to first delivery and thereafter as may be otherwise provided for under the provisions of the contract. At the discretion of the preparing activity, the length of time that the product must have been offered for sale in the commercial market before being offered to the Government may be specified.

c. *Quality assurance.* Quality assurance provisions may be included in CID's only to the extent they are authorized herein. CID's will include the salient characteristics which market research indicates are essential to properly describe the product and establish the acceptable performance level desired. The certification requirement described in paragraph 12b will replace the imposition of specific Government quality assurance provisions. Quality provisions should be used only if (1) authorized under paragraph 12f(3) of this regulation or (2) when market research indicates that an existing industry standard should be adopted and used as the Government product description and it includes quality assurance provisions, or (3) it is determined through market research that the common industry practice is to include quality assurance provisions to describe and differentiate between the levels of quality within existing commercial product lines. In the latter case, a detailed justification and complete documentation of market research information establishing the industry practice determination shall be approved at a higher level than the preparing activity.

d. *Packaging, packing, and marking.* Packaging, packing, and marking shall specify that the suppliers' normal commercial practices be followed, provided those practices meet the Government's needs. Requirements for unitization or palletization may be included when it is a normal industry option to the purchaser for carload shipments.

e. *Reference to brand names.* Brand names and identification numbers of all brand name products known to be acceptable and of current manufacture may be included. Where the use of a brand name description results in the purchase of an acceptable brand name product which was not referenced in the description, a reference to that brand name product should be included in the description for subsequent

procurements. Where it is found that a referenced brand name product is no longer applicable, the reference thereto shall be deleted from the description.

f. *Commercial-type products.* For commercial-type products, the provisions outlined above apply except that:

(1) Those essential characteristics which are in addition to or different from the off-the-shelf product shall be identified and defined separately in the CID;

(2) The additional or different requirements will be stated as briefly as possible. Those which would be included only to provide protection against events which are unlikely to occur will be avoided and

(3) Quality provisions particularly applicable only to the additional or different requirements or to those characteristics affected by the additional or different requirements, and any special packaging requirements, may be added.

g. *Project initiation and control.* Projects for the development of a new or revised CID will be approved and initiated by GSA in the same manner as any other Federal specification or standard.

h. *Heading, title, and identification.* The heading, title, and identification of CID's shall be as shown in attachment A. No format requirements are otherwise imposed. However, use of a brief outline form is preferred to narrative paragraphs. Rules for selection of titles should follow current procedures. A common customary commercial name (not registered brand names or trademarks) may be entered in the title in parentheses. All CID's will be numbered sequentially beginning with A–A–1 through A–A–99999 to ensure compatibility with the existing numbering system. Through this unique numbering system, CID's will appear first in the numerical sections of the Federal and Department of Defense Index of Specifications and Standards and in each applicable Federal supply class (FSC) in the FSC listing of the indexes. CID's will be listed alphabetically with all other documents in the alphabetical section. The distinctive "A–A" will identify each document as a CID rather than a Federal specification.

i. *Supersession data.* Rules for CID supersession shall be the same as for Federal specifications; i.e., A–A–1C supersedes A–A–1B, etc.

j. *Revisions, amendments, notices, and other associated documents.* As a general rule, CID's are to be updated by revision only. Interim revisions, interim amendments, notices, or the like are not envisioned.

k. *Qualified products lists.* Products that will require the use of a qualified products list in procurement will not be described in CID's.

l. *Agency coordination.* Procedures shall be established during the market research phase preceding the development of a new or revised CID to advise potential civilian and military agency users of the product that a CID will be developed. Potential users should be asked to provide a statement of their needs in essential physical and functional/performance terms, or, as an alternative, by identifying those acceptable product brand names with essential characteristics. Comments that impose detailed technical requirements which conflict with the intent of the policy in this regulation and/or exceed the characteristics of commercially available products will be challenged. Following the market research process, a CID shall be prepared based upon and in consideration of the user needs. No more than 30 calendar days will be allowed for formal coordination of the proposed CID with concurrence presumed if response is not received by the end of that period. Coordination will be limited to those activities that have registered an interest in the product or the document. Maintenance and improvement of the CID should be based upon experience in its use in procurement and subsequent feedback from user activities.

m. *Industry coordination.* A critical step in the development of a CID is in the market research and planning that precedes its preparation. Maximum effort shall be made to identify all commercially available products to be covered by the CID and to describe the essential physical and functional/performance characteristics in such a manner as to obtain maximum competition. Industry input will occur through market research and analysis and formal industry coordination is not required prior to approval and issuance. Such input will be considered also at the time of any subsequent revision or during other maintenance activity. In the event coordination of the CID with industry is considered essential prior to its use, coordination letters shall advise that the proposed CID is intended to describe a commercial product and that comments that attempt to add design features, detailed requirements, or performance characteristics which will restrict or eliminate competition will not be accepted.

13. *Compliance with regulatory requirements.* The requirements in CID's and other product descriptions shall be consistent with regulatory requirements promulgated by other Federal agencies. Due regard shall be given to the conservation of critical materials and the environmental impact of an item with respect to its production, useful life, and final disposition. In the development of product decriptions, consideration shall be given to maximizing the use of recovered materials, minimizing the use of toxic substances, conserving energy, and controlling the use of hazardous materials. Implementation of these requirements shall be accomplished by specifically referencing the applicable regulation in the product description and stating the applicable requirements.

a. *Recovered materials.* Requirements for recovered materials shall be included in accordance with Public Law 94–580, Resource Conservation and Recovery Act of 1976.

b. *Toxic materials.* Product descriptions covering toxic products and formulations shall require compliance with the requirements of Pub. L. 94–469, the Toxic Substances Control Act of 1976, as regulated by the Environmental Protection Agency.

c. *Energy conservation.* The requirements of Pub. L. 94–163, the Energy Policy and Conservation Act, and of the Office of Federal Procurement Policy, Policy Letter 76–1, shall be considered in the development of product descriptions.

d. *Hazardous materials.* Whenever applicable, the product description shall include a requirement that the products furnished under contract comply with recognized safety standards with regard to fire and casualty hazards.

14. *Reference documents.* Whenever practicable, acceptable voluntary standards will be used instead of developing or maintaining duplicative product descriptions. The incorporation of voluntary standards in product descriptions shall be consistent with the guidelines and instructions listed below. Reference to other Federal or military specifications and standards should be minimized. The basic policy shall be to limit references as follows:

a. References shall be restricted to documents that are specifically and clearly applicable to the product description.

b. The specification must indicate in a positive manner the extent to which each referenced document is applicable.

c. Care shall be taken to ensure that reference documents do not contain anything in conflict with other provisions of the product description.

d. When referenced documents contain secondary references which are not applicable, references should be

limited to the primary document only. A statement such as, "References are to the primary reference document only unless otherwise stated," may be included.

15. *Cyclical review.* All product descriptions and their associated documents, when applicable, shall be reviewed and validated under preestablished schedules to ensure that they are accurate and current for procurement purposes. In no case shall the review cycle for any product description extend beyond 5 years. The following considerations should be applied to the review and validation process:

a. Whether the product description is still needed, needed in its present form and scope, or whether a simplified commercial item description would be more applicable;

b. The need to convert existing military and agency specifications, when determined to cover commercial products, to CID's or other appropriate product descriptions;

c. The currency and applicability of reference documents included in the descriptions; and

d. The existence of new industry or Government standards which may better reflect current agency requirements or which can replace or improve significant portions of the descriptions.

16. *Review of existing Federal specifications and standards.* Effective immediately, GSA will review, or cause to be reviewed, all existing Federal specifications and standards to determine whether they comply with the policies included herein, should be canceled, should continue to exist in their present form, should be revised, or should be replaced with a commercial item description. The specifications and standards shall be ranked, to the extent practical, according to the volume of purchases made under them. Reviews shall be coordinated with acquisition schedules to ensure that those specifications and standards coverng high-cost or high-volume items are considered first.

a. On or before February 12, 1981, all Federal specifications and standards over 5 years old shall be reviewed, validated, updated, or canceled by the preparing activity. Documents over 5 years old will be reviewed by GSA in those instances in which preparing activities outside GSA state they are necessary and not in need of any changes resulting from the policies included herein.

b. All Federal specifications and standards covering commercial products will be identified by GSA and considered for conversion to CID's.

c. GSA will prepare quarterly reports of all accomplishments to improve the Government's base of specifications. This report will be compiled by the Federal Supply Service, GSA, with input from all preparing activities.

17. *Exceptions.* The policies included herein are not mandatory when the mandatory use of a designated source of supply to meet the need is established, such as the Federal Prison Industries, Inc., or the Committee for Purchase from the Blind and Other Severely Handicapped, when a detailed description may not only be necessary to ensure obtainment of a satisfactory item but is essential to the supplier's performance as well.

18. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be consolidated at an appropriate agency level and submitted to the General Services Administration (FF), Washington, DC 20406, no later than March 31, 1980.

19. *Effect on other directives.* This regulation supplements the policies in Part 101–29 and cancels FPMR Temporary Regulation E–59, and supplement 1 thereto.

R. G. Freeman III,

Administrator of General Services.

February 1, 1980.

COMMERCIAL ITEM DESCRIPTION

Item Name

Preamble

(Description)

[FR Doc. 80–4447 Filed 2–11–80; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60–1, 60–250, 60–741

Procedures for Filing Administrative Complaints

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Final rule.

SUMMARY: This rule (1) authorizes the Director of the Office of Federal Contract Compliance Programs (OFCCP) or his/her designee to recommend cases for enforcement action under Executive Order 11246, as amended, directly to the Associate Solicitor for Labor Relations and Civil Rights, the Regional Solicitors, and the Regional Attorney, and (2) authorizes the Director of OFCCP to designate others in the OFCCP organization to act in his/her behalf in matters involving section 503 of the Rehabilitation Act of 1973, as amended, and section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, including the recommendation of cases directly to the Associate Solicitor for Labor Relations and Civil Rights, the Regional Solicitors, and the Regional Attorney for enforcement action. These changes will expedite the processing of enforcement cases under the Executive Order, section 503 and section 402, one of the primary reasons for the amendments.

DATES: This regulation is a procedural change which is effective February 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Edward E. Mitchell, Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C–3324, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, telephone (202) 523–9426.

SUPPLEMENTARY INFORMATION: On August 24, 1979, the Department of Labor published in the **Federal Register** (44 FR 49691) certain regulatory amendments designed to expedite the processing of cases under Executive Order 11246, as amended, section 503 of the Rehabilitation Act of 1973, as amended, and section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, by authorizing Regional Solicitors and the Regional Attorney of the Department of Labor to file administrative complaints under those three programs. The rule published today further serves this same purpose by (1) authorizing referral of proposed Executive Order enforcement actions from the Director of OFCCP or his/her designee directly to the Associate Solicitor for Labor Relations and Civil Rights, the Regional Solicitors, and the Regional Attorney, and (2) authorizing the Director of OFCCP to designate others in the OFCCP organization to act in his/her behalf in section 503/402 matters, including referring cases under those statutes to the Associate Solicitor for Labor Relations and Civil Rights, the Regional Solicitors, and the Regional Attorney.

Current regulations under Executive Order 11246 define the Director of OFCCP as including "any person to whom he delegates authority under the regulations * * *" (41 CFR 60–1.3). Regulations on enforcement proceedings under Executive Order 11246, at 41 CFR 60–1.26 (a)(2), state in part that "Whenever the Director has reason to

believe that there is substantial or material violation * * * of the Order * * * he/she may refer the matter to the Solicitor of Labor to institute administrative enforcement proceedings * * *." To expedite the bringing of such proceedings, the rule published today authorizes the Director or anyone delegated such authority by the Director to refer enforcement matters directly to the Associate Solicitor for Labor Relations and Civil Rights, the Regional Solicitors, and the Regional Attorney, as well as to the Solicitor of Labor.

Current regulations implementing the sections 503/402 programs define the term "Director" as "Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor." See 41 CFR 60–250.2 and 41 CFR 60–741.2. The rule published today amends the definition of "Director" under the sections 503/402 regulations to permit the Director of OFCCP to delegate his/her authority under the regulations to other persons. One practical effect of this change will be to expedite the processing of sections 503/402 enforcement matters by permitting the Director to delegate to OFCCP Assistant Regional Administrators authority to refer cases directly to the Regional Solicitors and Regional Attorney for enforcement.

Because these amendments affect only rules of internal agency procedure and practice, the rulemaking procedure prescribed by 5 USC 553(c) is not required under 5 USC 553(b)(3)(A). Also, the regulations herein do not fall within the criteria for significant regulations set forth in Department of Labor guidelines implementing Executive Order 12044 (42 FR 12661, March 23, 1978).

Accordingly, 41 CFR 60–1.26(a)(2), 60–250.2, and 60–741.2 are amended to read as set forth below.

Dated: February 5, 1980.

Ray Marshall,

Secretary of Labor.

Donald Elisburg,

Assistant Secretary, Employment Standards.

Weldon J. Rougeau,

Director, OFCCP.

1. 41 CFR 60–1.26(a)(2) is amended to read as follows:

§ 60–1.26 Enforcement proceedings.

(a) *General.* * * *

(2) If the investigation of a complaint, or a compliance review, results in a determination that the Order, equal opportunity clause or regulations issued pursuant thereto, have been violated, and the violations have not been corrected in accordance with the conciliation procedures in this chapter, the Director or his/her designee may refer the matter to the Solicitor of Labor, Associate Solicitor for Labor Relations and Civil Rights or to the appropriate Regional Solicitor or Attorney of the Department of Labor for the institution of administrative enforcement proceedings to enjoin the violations, to seek appropriate relief (which may include affected class and back pay relief), and to impose appropriate sanctions, or any of the above. However, if the contractor fails to submit an affirmative action program, or refuses to allow the OFCCP access to its premises for an onsite review, and if conciliation efforts under this chapter are unsuccessful, administrative enforcement proceedings to enjoin the violations, to seek appropriate relief, and to impose appropriate sanctions, or any of the above, may be initiated immediately, notwithstanding any other requirements of this chapter. Whenever the Director or his/her designee has reason to believe that there is substantial or material violation or the threat of substantial or material violation of the contractual provisions of the Order or the rules, regulations or orders issued pursuant thereto, he/she may refer the matter to the Solicitor of Labor, to the Associate Solicitor for Labor Relations and Civil Rights or to the appropriate Regional Solicitor or Attorney of the Department of Labor, to institute administrative enforcement proceedings as set forth in this section; or the Director may refer the matter to the Department of Justice to enforce the contractual provisions of the Order, to seek injunctive relief (including relief against noncontractors, including labor unions, who seek to thwart implementation of the Order and regulations) and to seek such additional relief, including back pay, as may be appropriate. There are no procedural prerequisites to a referral to the Department of Justice, and such referrals may be accomplished without proceeding through the conciliation procedures in this chapter, and a referral may be made at any stage in the procedures under this chapter: *Provided,* That no order for debarment from further contracts or subcontracts pursuant to section 209(a)(6) of the Order shall be made without affording the contractor an opportunity for hearing, either administrative or judicial.

* * * * *

2. 41 CFR 60–250.2 is amended by adding a new definition of "Director" to read as follows:

§ 60–250.2 Definitions.

* * * * *

"Director" means the Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor or his/her designee.

* * * * *

3. 41 CFR 60–741.2 is amended by adding a new definition of "Director" to read as follows:

§ 60–741.2 Definitions.

* * * * *

"Director" means the Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor or his/her designee.

* * * * *

(E.O. 11246 (30 FR 12319) as amended by E.O. 11375 and 12086; section 503, Pub. L. 93–112, 87 Stat. 393 (29 U.S.C. 793), as amended by section 111, Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706) and Executive Order 11758; section 503(a), Pub. L. 92–540, 86 Stat. 1097 (38 U.S.C. 2012), as amended by section 402, Pub. L. 93–508, 88 Stat. 1593 (38 U.S.C. 2012))

[FR Doc. 80–4431 Filed 2–11–80; 8:45 am]

BILLING CODE 4510–27–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105–735

[ADM 6240.4]

GSA Standards of Conduct

AGENCY: Office of Ethics, General Services Administration.

ACTION: Final rule.

SUMMARY: This rule revised GSA's standards of conduct and informs all GSA employees and the public of current standards.

EFFECTIVE DATE: November 30, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Saul Katz, Office of Ethics (202–566–1212).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purpose of Executive Order 12044.

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

Dated: February 1, 1980.

R. G. Freeman III,

Administrator of General Services.

Part 105–735 is revised to read as follows:

PART 105-735—STANDARDS OF CONDUCT

Subpart 105-735.1—General

Sec.
105-735.101 Enforcement of standards.
105-735.102 Definitions.
105-735.103 Responsibilities.
105-735.104 Proper conduct of official activities.
105-735.105 Equal opportunity.
105-735.106 [Reserved]

Subpart 105-735.2—Standards of conduct for GSA Personnel

105-735.201 Proper conduct of official activities.
105-735.202 Business dealings on behalf of the Government.
105-735.203 Contributions.
105-735.204 Outside employment.
105-735.205 Reimbursements.
105-735.206 Use of Government facilities, property, and staff.
105-735.207 Misuse of information.
105-735.208 Disclosure of information.
105-735.209 Use of position titles in connection with commercial enterprises.
105-735.210 Indebtedness.
105-735.211 Gambling, betting, and lotteries.
105-735.212 General conduct prejudicial to the Government.
105-735.213 Intermediaries.
105-735.214 Lending or borrowing money.
105-735.215 Political activity.
105-735.216 Reporting suspected irregularities.
105-735.217 Purchase of Government property.
105-735.218 Purchase of real estate.
105-735.219 Use of intoxicants.
105-735.220 Use of Government vehicles.
105-735.221 Use of official telephones.
105-735.222 Use of Government records.
105-735.223 Post-employment conflict of interest.
105-735.224 [Reserved]

Subpart 105-735.3—Statements of Employment and Financial Interests

105-735.301 General.
105-735.302 Criteria for selection of positions subject to filing requirement.
105-735.303 Identification of positions, the incumbents of which must file Confidential Statements of Employment and Financial Interests
105-735.304 Annual statements.
105-735.305 Interests of relatives.
105-735.306 Information not known by employee.
105-735.307 Information excluded.
105-735.308 Confidentiality of statements.
105-735.309 Effect of statements on other requirements.
105-735.310 Procedure in obtaining statements.
105-735.311 Responsibility for review of statements.
105-735.312 Resolving conflicts of interest.
105-735.313 Employee complaint against filing requirement.
105-735.314 Inconsequential financial interests.
105-735.315 [Reserved]

Subpart 105-735.4—Financial Disclosure Reports

Sec.
105-735.401 General
105-735.402 Who must file.
105-735.403 Notice of obligation to file.
105-735.404 When to file.
105-735.405 Where to file.
105-735.406 Extensions of time.
105-735.407 Review of reports.
105-735.408 Procedures for resolving noncompliance.
105-735.409 Penalties for failure to comply with reporting requirements.
105-735.410 Public access and copying.
105-735.411 Notices of conflicts and potential conflicts.
105-735.412 [Reserved]

Subpart 105-735.5—Miscellaneous Statutory Provisions

105-735.501 Summary of pertinent conflict of interest laws.
105-735.502 Laws applicable to GSA personnel.
105-735.503 Code of ethics for Government service.

Authority: E.O. 11222, 3 CFR 1965 Supp.; 5 CFR 735.104.

PART 105-735—STANDARDS OF CONDUCT

Subpart 105-735.1—General

§ 105-735.101 Enforcement of standards.

This part prescribes the fundamental rules of ethics in the conduct of Government business that are mandatory for all who serve in the General Services Administration. These rules are in addition to the criminal laws and other laws governing conduct of Federal employees. Like the laws, they will be strictly interpreted and firmly enforced. Ignorance of these rules or laxity in observance or enforcement of them will not be condoned. They are the prime responsibility of all GSA personnel.

§ 105-735.102 Definitions.

For the purposes of this part, the following terms have the meaning shown:

(a) "Special Government employee" means an officer or employee who has been employed to perform temporary duties, with or without compensation, for not more than 130 days during any period of 365 consecutive days, either on a full-time or intermittent basis (18 U.S.C. 202(a)).

(b) "Employee" means any officer or employee of GSA who is not a special Government employee.

(c) "Person" means an individual, corporation, company, association, firm, partnership, society, joint stock company, or any other organization or institution.

(d) "GSA personnel" means all GSA employees, including special Government employees.

(e) "Gratuity" means any gift, favor, entertainment, hospitality, transportation, loan, or any other tangible thing, and any intangible benefit (for example, a discount, passes, or promotional vendor training) given to or on behalf of GSA employees or their spouses, minor children, or households, for which fair market value is not paid by the recipient or the U.S. Government.

(f) "Standards of Conduct Counsellors"—See § 105-735.103b.

(g) "Appropriate supervisor" means that supervisor within the chain of authority who is acquainted with the duties of the subordinate GSA personnel concerned and has the duty to determine the existence and effect of any conflict of interests of the personnel. Ordinarily, this will be the immediate supervisor of the GSA personnel concerned.

§ 105-735.103 Responsibilities.

(a) Heads of Services and Staff Offices and Regional Administrators.

(1) Heads of Services and Staff Offices and Regional Administrators are responsible for ensuring (i) that all GSA personnel under their supervision are familiar with and understand the standards of conduct and statutes governing conflicts of interest and postemployment restrictions; (ii) that all GSA personnel under their supervision are informed of and are familiar with the identity of their appropriate supervisor; and (iii) that disciplinary or remedial action is taken in the case of all GSA personnel who violate these standards or related laws and regulations, and against supervisors who fail to carry out their responsibilities in taking or recommending disciplinary or remedial action in these cases.

(2) Heads of Services and Staff Offices and Regional Administrators shall ensure that GSA personnel under their supervision are given a copy of this directive and an oral standards of conduct briefing following receipt. New GSA personnel shall likewise receive a copy and a briefing preceding employment or promptly following assumption of duties. Each individual receiving such briefing shall attest in writing to attendance at the briefing, and that he or she has the standards of conduct and comprehends the requirements imposed. All GSA personnel shall be reminded at least semi-annually of their duty to comply with required standards of conduct by Heads of Services and Staff offices and Regional Administrators. All GSA

personnel shall be provided with a copy of all revisions to the standards of conduct and be required to attest in writing to receiving and understanding them.

(3) Heads of Services and Staff Offices and Regional Administrators shall bring the contents of this directive to the attention of the principal officer of each contractor doing significant business with GSA, and shall periodically utilize the opportunity afforded by conferences with representatives of industry and others transacting business with the GSA to direct attention to these GSA standards of conduct regulations.

(b) The Special Counsel to the Administrator for Ethics is the Agency Standards of Conduct Counsellor and Designated Agency Ethics Official.

(1) The Special Counsel to the Adminstrator for Ethics shall designate Deputy Standards of Conduct Counsellors. Those designated shall be responsible for providing advice and assistance to GSA personnel on all questions arising from the operation and implementation of this directive. They shall also be responsible for the proper review, including audits, coordination, and advice, regarding all standards of conduct problems.

(2) The Special Counsel to the Administrator for Ethics shall supervise the adequacy of the advice and training in standards of conduct provided to all GSA personnel and shall be responsible for the timely collection and review of all Confidential Statements of Employment and Financial Interests (GSA Forms 2157 and 2158) and of all Financial Disclosure Reports (Standard Forms 278 and 278A). In these matters the Deputy Standards of Conduct Counsellors shall be subject to the policy guidance and direction of the Special Counsel to the Administrator for Ethics.

(c) Supervisors shall (1) ensure that all GSA personnel under their supervision are instructed in and understand the standards of conduct required by this directive and the laws governing conflicts of interest and postemployment restrictions and adhere to them at all times; and (2) take or recommend disciplinary or remedial action in the case of those who violate the standards or related laws and regulations.

(d) All GSA personnel are required (1) to be fully familiar with the standards of conduct covered in this directive and the laws governing conflict of interest and postemployment restrictions; (2) to comply strictly with them; and (3) to maintain the highest standards of ethical conduct in transacting the Government's business. When in doubt as to the permissibility under this directive of any action on their part, they shall not act until they have received the advice of a Standards of Conduct Counsellor or Deputy Standards of Conduct Counsellor.

§ 105-735.104 Proper conduct of official activities.

(a) GSA personnel shall become familiar with the scope of authority for, and the limitations concerning, the activities for which they have responsibilities.

(b) GSA personnel shall not make or recommend any expenditure of funds or take or recommend any action known or believed to be in violation of U.S. laws, Executive Orders, or applicable directives, instructions, or regulations.

(c) In case of doubt as to the propriety of a proposed action or decision in terms of regulation or law, GSA personnel shall consult Legal Counsel or, if appropriate, the Special Counsel to the Administrator for Ethics or a Deputy Standards of Conduct Counsellor to ensure the proper and lawful conduct of GSA activities.

§ 105-735.105 Equal opportunity.

GSA personnel shall scrupulously adhere to the GSA program of equal opporuntity regardless of race, color, religion, sex, age, handicap, or national origin.

§ 105-735.106 [Reserved]

Subpart 105-735.2—Standards of Conduct for GSA Personnel

§ 105-735.201 Proper conduct of official activities.

(a) GSA personnel shall observe the requirements of courtesy, consideration, and promptness in dealing with the public.

(b) GSA personnel shall avoid any action, whether or not specifically prohibited by this directive, which might result in or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 105-735.202 Business dealings on behalf of the Government.

(a) Those who represent the Government in business dealings have positions of trust and grave responsibility that require them to observe the highest ethical standards. Practices that may be customary in the private business world are not necessarily acceptable for GSA personnel, who are held to a higher standard of public trust.

(b) GSA personnel shall not knowingly deal on behalf of the Government with present or former Government personnel whose participation in the transaction would be in violation of a statute, regulation, or policy set forth in this directive.

(c) *Impartiality in conduct of official business.* GSA personnel shall not allow themselves to be placed in a position in which a conflict of interest might arise or might justifiably be suspected. Such a conflict may arise or appear to arise by the acceptance of gratuities or by any action which could reasonably be interpreted as influencing the strict impartiality that must prevail in all business relationships involving the Government. Strict impartiality is often difficult to maintain when business relationships are allowed to become overly personal. GSA personnel shall ensure that persons doing business or attempting to do business with the agency, or representing business entities, are not permitted to ingratiate themselves to the extent that GSA personnel hesitate to deny requests for special treatment or otherwise to follow the rule of strict impartiality when officially dealing with such persons.

(d) *Conflicts of interest.* (1) Affiliations and Financial Interests. GSA personnel shall not engage in any personal, business, or professional activity, or receive or retain any direct or indirect financial interest, which places them in a position of conflict or apparent conflict between their private interests and the public interests of the United States related to the duties or responsibilities of their GSA positions. For the purpose of this prohibition, the private interests of a spouse and a minor child are treated as private interests of the GSA personnel.

(2) Using Inside Information. GSA personnel shall not use, directly or indirectly, inside information to further a private gain for themselves or others if that information is not generally available to the public and was obtained by reason of their GSA positions.

(3) Using GSA Position. GSA personnel are prohibited from using their official positions to induce, coerce, or in any manner influence any person, including subordinates, to provide any improper benefit, financial or otherwise, to themselves or others.

(4) Disqualification or Divestiture Requirements. Unless otherwise expressly authorized by action taken under 18 U.S.C. 208, all GSA personnel who have affiliations or financial interests which create conflicts, or appearances of conflicts, of interests with their official duties must disqualify themselves from any official activities that are related to those affiliations or interests or the entities involved. A written disqualification must be must be sent to an individual's superior and immediate subordinates whenever it appears possible that the individual's official functions will affect those affiliations, interests, or entities. If the individual cannot adequately perform official duties after such disqualification, he must divest himself of such involvement or be removed from that position.

(5) Membership in Associations. GSA personnel who are members or officers of non-Governmental associations or organizations must avoid activities on behalf of the association or organization that are incompatible with their official Government positions, and must not accept an office proffered because of their Government position and not as a result of a bona fide election.

(6) Commercial Soliciting by GSA Personnel. To eliminate the appearance of coercion, intimidation, or pressure from grade or position, full-time GSA personnel, except special Government employees, are prohibited from making personal commercial solicitations for sales, at any time, on or off duty, to GSA personnel who are under their supervision at any level.

(i) This limitation includes, but is not limited to, the solicitation and sale of insurance, stocks, mutual funds, real estate, and any other commodities, goods, or services.

(ii) This prohibition is not applicable to the one-time sale by an individual of his own personal property or privately owned dwelling or to the off-duty employment of GSA personnel as employees in retail stores, or other situations not including solicited sales.

(iii) See 18 U.S.C. 205 regarding prohibitions applicable to participation of special Government employees in particular matters involving a specific party or parties.

(e) *Acceptance of gratuities.* (1) Acceptance of gratuities (no matter how innocently tendered or received) from those who have or seek business dealings with GSA may be a source of embarrassment to the recipient, and may impair public confidence in the integrity of the conduct of the Government's business. It is emphasized that prohibited conflicts and apparent conflicts of interest can sometimes arise even from relationships and transactions that the persons concerned perceive as inconsequential.

(2) Except as provided in paragraph (e)(3) of this section, GSA personnel and their spouses, minor children, and members of their households shall not solicit, accept, or agree to accept any gratuity for themselves, members of their families, or others, either directly or indirectly from or on behalf of a GSA contractor. A GSA contractor is a persons or entity which:

(i) Is engaged in or seeks business or financial relations of any sort with any GSA component;

(ii) Conducts operations or activities that are either regulated by a GSA component or significantly affected by GSA decisions; or

(iii) Has interests that may be substantially affected by the performance or nonperformance of the official duties of GSA personnel.

(3) This general prohibition does not apply to the following:

(i) The continued participation in employee welfare or benefit plans of a former employer when permitted by law and approved by the appropriate Standards of Conduct Counsellor;

(ii) Trophies, entertainment, prizes, or awards for public service or achievement or given in games or contests which are clearly open to the public or which are offically approved for GSA personnel participation;

(iii) Things available to the public generally (such as university scholarships and attendance at free exhibitions by GSA contractors at public trade fairs);

(iv) Participation by GSA personnel in civic and community activities when the involvement of GSA contractors is remote from the business purposes of any contractor who is sponsoring, supporting, or participating in the activity (for example, participation in a Little League or Combined Federal Campaign luncheon which is subsidized by a GSA contractor);

(v) Social activities engaged in by GSA officials or their representatives with local civic leaders as part of community relations programs of GSA;

(vi) Instances in which the interests of the Government are served by participation of a GSA employee in widely attended luncheons, dinners, and similar gatherings sponsored by industrial, technical, or professional associations for the discussion of matters of mutual interest. Participation in such events is permitted only when the host is the association and not a private company and only when approved by the employee's supervisor as being a part of or related to his official duties. Acceptance of gratuities, food, or refreshments from a private company in connection with such association's activities is forbidden;

(vii) Situations in which participation by GSA personnel at public ceremonial activities of mutual interest to industry or local communities and GSA serves the interests of the Government and acceptance of the invitation is approved by the head of the activity to which the invitee is attached;

(viii) Contractor-provided transportation, meals, or overnight accommodations in connection with official business when arrangements for Government or commercial transportation, meals, or accommodations are clearly impracticable and prior approval of the appropriate supervisor is obtained if practicable and the recipient reports the circumstances in writing to the appropriate supervisor as soon as possible;

(ix) Attendance or participation of GSA personnel in gatherings, including social events such as receptions, which are hosted by foreign governments or international organizations, provided that the acceptance of the invitation is approved by the head of the activity to which the invitee is attached or, when there is doubt as to the propriety of acceptance, by higher authority;

(x) Customary exchanges of gratuities between GSA personnel and their friends and relatives or the friends and relatives of their spouses, minor children, or members of their household where the circumstances make it clear that it is that relationship rather than the business of the persons concerned which is the motivating factor for the gratuity and where it is clear that the gratuity is not paid for by any person or entity described in e(2), above; and

(xi) Situations in which, in the sound judgment of the individual concerned or his or her superior, the Government's interest will be served by GSA personnel participating in activities otherwise prohibited. In such case, a written report of the circumstances shall be made by the individual or his or her appropriate superior in advance of acceptance; or when an advance report is not possible, within 48 hours after acceptance, to the appropriate supervisor and to the appropriate Standards of Conduct Counsellor or Deputy Counsellor.

(4) GSA personnel who are offered or receive unsolicited gratuities (or have gratuities received for them) in circumstances not in conformance with the standards of this section, shall promptly report the circumstances to the

appropriate supervisor for a determination as to proper disposition and shall report the matter fully to the Inspector General. The appropriate supervisor shall consult with the Standards of Conduct Counsellor or Deputy Standards of Conduct Counsellor.

§ 105-735.203 Contributions.

GSA personnel shall not solicit contributions from other GAS personnel for a gift to an employee in a superior official position. A person in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself or herself. GSA personnel shall not make a donation as a gift to a person in a superior official position (5 U.S.C. 7351). These prohibitions do not apply to a voluntary gift of nominal value (or a donation in a nominal amount) made on a special occasion such as marriage, illness, resignation, transfer, or retirement.

§ 105-735.204 Outside employment.

GSA personnel may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his or her Government job.

(a) GSA personnel who engage in outside employment shall report that fact in writing to their supervisor, and shall supply such additional details concerning the nature of that employment as may be required by the supervisor (or a standards of conduct counsellor in some cases), to assist in determining whether the employment is compatible with the full and proper discharge of the employee's official duties. If the supervisor determines that the outside employment is prohibited by this section, the supervisor shall so advise the employee and inform the employee of the consequences of such employment. Standards of Conduct Counsellors are available to assist supervisors in making such determinations. Activities listed in subparagraph d below are exceptions to this rule and require no notification.

(b) *Guidelines and limitations.* Outside employment or other outside activity is incompatible with the full and proper discharge of an employee's duties and responsibilities, and hence is prohibited, if:

(1) It would involve the violation of a Federal or State statute, a local ordinance, Executive order, or regulation to which the employee is subject.

(2) It would give rise to a real or apparent conflict of interest situation.

(3) It would involve acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance might result in, or create the appearance of, a conflict of interest.

(4) It might bring discredit upon, or reasonably cause unfavorable criticism of, the Government or GSA or lead to relationships which might impair public confidence in the integrity of the Government or GSA.

(5) It would involve work with any contractor or subcontractor for GSA or would otherwise involve work for any person or organization which may be in a position to gain advantage in its dealings with the Government through the exercise of the employee's official duties.

(6) It would identify GSA or the employee officially with any organization manufacturing, distributing, or advertising a product. In any permissible outside employment, care shall be taken to ensure that names and titles of employees are not used to give the impression that the activity or product is officially endorsed or approved by GSA or is part of GSA activities.

(7) It would involve use of the employee's time during official working hours.

(8) It would involve use by the employee of official facilities, e.g., office space, office machines or supplies, or the services of other employees during duty hours.

(9) It would be of such extent or nature as to interfere with the efficient performance of the employee's Government duties, or impair the employee's mental or physical capacity to perform them in an acceptable manner.

(10) It would involve use of information obtained as a result of Government employment that is not freely available to the general public in that it either has not been made available to the general public or would not be made available on request. Written authorization for the use of any such information may be given when the Administrator determines that such use would be in the public interest. Further guidelines appear in subparagraph (c) below.

(11) It involves the practice of law as an outside professional activity for a fee or other compensation by an incumbent of an attorney position, except that such employee may serve as paid counsel in those instances and conditions specified in 18 U.S.C. 205.

(12) It involves the receipt of salary or anything of monetary value from a private source as compensation for services to the Government (18 U.S.C. 209).

(c) Use of Government information or expertise.

(1) GSA personnel are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, Executive order, Office of Personnel Management (OPM) regulations, or the provisions of this part. They shall not, however, with or without compensation, engage in teaching, lecturing, or writing that depends on information obtained as a result of Government employment, except when that information has been made available to the general public or will be made available on request, or when the Administrator gives written authorization for use of nonpublic information on the basis that the use is in the public interest. This prohibition includes teaching, lecturing, or writing for the purpose of the special preparation of persons for an examination of the Office of Personnel Management or Board of Examiners for the Foreign Service.

(2) Except as provided in § 105-735.205 (and further qualified below), GSA personnel are prohibited from accepting fees, reimbursements, or honoraria for speaking, lecturing, or writing, or for appearing as expert witnesses before State agencies, unless all the following conditions exist:

(i) acceptance from the person or entity tendering or funding it would not be prohibited under § 105-735.202e;

(ii) the individual presents himself as a private citizen and not in an official capacity;

(iii) such private activities do not interfere with the individual's official duties; and

(iv) the individual's appearance or writing is not part of his or her official duties, does not involve materials which official duties require the individual to prepare or provide, and does not depend on information obtained as a result of Government employment, except when that information has been published or is generally available to the public upon request, or it will be made generally available to the public and the official authorized to release such information to the public gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(3) Unless there is a definite Government position on a matter addressed in the appearance or writing and the individual has been authorized by superior authorities to present that position officially, he shall expressly present his views on that matter as his own and not as those of the Government.

(4) By Executive order the Administrator and Inspector General shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to responsibilities, programs, or operations of this agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) GSA personnel who engage in the following activities with or without compensation, are not required to notify their supervisor:

(1) Participation in the activities of national or State politicial parties when not prohibited by law.

(2) Participation in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational, public service, or civic organization.

(e) Prior written approval of the immediate supervisor is required for an employee to engage in any outside employment while on sick leave from GSA employment. Except under unusual circumstances where the facts warrant the granting of permission, employees are prohibited from engaging in other employment, either during working hours or outside working hours, during periods of sick leave.

§ 105-735.205 Reimbursements.

(a). Acceptance of accommodations, subsistence, or services, furnished in kind, in connection with official travel from sources other than those indicated in paragraph 94e above is authorized only when the individual is to be a speaker, panelist, project officer, or other bona fide participant in the activity attended and when such attendance and acceptance is authorized by the order-issuing authority as being in the overall Government interest.

(b) Except as indicated in paragraph 97a above, GSA personnel may not accept personal reimbursement from any source for expenses incident to official travel, unless authorized by their supervisor consistent with guidance provided by the appropriate Standards of Conduct Counsellor (pursuant to 5 U.S.C. 4111 or other statutory authority). Rather, reimbursement must be made to the Government by check payable to the Treasurer of the United States. Personnel will be reimbursed by the Government in accordance with regulations relating to reimbursement.

(c) In no case shall GSA personnel accept, either in kind or for cash reimbursement, benefits which are extravagant or excessive in nature.

(d) When accommodations, subsistence or services in kind are furnished to GSA personnel by non-U.S. Government sources, consistent with this subsection, appropriate deductions shall be reported and made in the travel, per diem, or other allowances payable.

§ 105-735.206 Use of Government facilities, property, and staff.

GSA personnel shall not directly or indirectly use, take, or dispose of, or allow the use, taking, or disposing of, Government property, facilities, or services, of any kind, including property leased to the Government, for other than officially approved purposes. Government facilities, property, and staff (such as stationary, stenographic and typing assistance, or duplication and chauffeur services) shall be used only for official Government business. GSA personnel have a positive duty to protect and conserve Government property.

§ 105-735.207 Misuse of information.

For the purpose of furthering a private interest, GSA personnel shall not, except as provided in subpar. 96c, directly or indirectly use, or allow the use of, official information obtained through or in connection with their GSA employment which has not been made available to the general public. Criminal penalties are imposed for disclosure of classified or confidential information.

§ 105-735.208 Disclosure of information.

Disclosure of information from records shall conform with the provisions of the Freedom of Information and Privacy Acts (5 U.S.C. 552).

§ 105-735.209 Use of position titles in connection with commercial enterprises.

GSA employees are prohibited from using their title or positions in connection with any commercial enterprise or in endorsing any commercial product. This does not preclude author identification for materials published in accordance with GSA procedures.

§ 105-735.210 Indebtedness.

GSA personnel shall pay their just financial obligations in a proper and timely manner, especially those imposed by law, such as Federal, State, or local taxes. For the purposes of this paragraph, a "just financial obligation" means one acknowledged by the employee, or reduced to judgment by a court. In a dispute between GSA personnel and an alleged creditor, GSA will not undertake to determine the validity or amount of a disputed debt.

§ 105-735.211 Gambling, betting, and lotteries.

GSA personnel shall not participate, while on property owned or leased by the Government or while on duty for GSA, in any gambling activity, including the operation of a gambling device, particiating in a lottery or pool, participating in a game for money or property, or selling or purchasing a numbers slip or ticket, except as otherwise lawfully authorized.

§ 105-735.212 General conduct prejudicial to the Government.

GSA personnel shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct prejudicial to the Goverment.

§ 105-735.213 Intermediaries.

In any relations with the public, GSA personnel shall not recommend or suggest the use of any non-Government person (individual, firm, corporation, or other entity) offering service as intermediary, consultant, agent, representaive, attorney, expenditer, or specialist for the purpose of assisting in any negotiations, transactions, or other business with GSA.

§ 105-735.214 Lending or borrowing money.

GSA personnel shall not lend money for profit to other GSA personnel or lend money for profit to any other person on Government premises. A supervisor shall not borrow money from a subordinate under any circumstances. This prohibition is not applicable to recognized employee credit unions or employee welfare plans.

§ 105-735.215 Political activity.

(a) GSA employees shall not take an active part in political management or in political campaigns; however, political activity in some local elections is permissible. Prohibited activities and exceptions thereto are set forth in subchapter III of chapter 73 of title 5, U.S.C., and chapter 733 of the Federal Personnel Manual.

(b) GSA special Government employees are subject to the political activity restrictions of subchapter III of chapter 73 of title 5, U.S.C., and 18 U.S.C. 602, 603, 607, and 608 while in an active duty status only and for the entire 24 hours of any day of actual employment.

(c) Advice on this subject is available from any GSA counsel.

§ 105-735.216 Reporting suspected irregularities.

It is the obligation of GSA personnel to report immediately any apparent or suspected violation of a statute, order, regulations or directive in connection with any operation of GSA. The report shall be made to the Assistant Inspector General for Investigations in the Central Office or to the Director, Field Investigations Office, in the regional offices and to the appropriate supervisor of the person making the report. GSA personnel shall cooperate with investigations and representatives conducting official investigations and furnish signed statements under oath if appropriate.

§ 105-735.217 Purchase of Government property.

GSA personnel shall not purchase for themselves or for any other person, either directly or indirectly any Government property, personal or real, being sold by GSA. This prohibition also applies to any member of their immediate household, and may be waived in writing by the Administrator in appropriate cases. This prohibition does not apply to the purchase of items sold by GSA-operated stores of a retail nature and offered to the general public at predetermined fixed prices.

§ 105-735.218 Purchase of real estate.

GSA personnel whose official duties are in any way related to the acquisition or disposal of real estate or interests therein or to the maintenance or improvement of real estate shall not, directly or indirectly, purchase any real estate or interest therein except for occupancy as their personal residence unless a full disclosure of the proposed transaction is made in writing to the appropriate supervisor who shall consult with the Special Counsel to the Administrator for Ethics (regional counsel in a region), and the prior written approval of the appropriate supervisor is obtained. A copy of the approval shall be promptly furnished by the supervisor to the GSA General Counsel. Surplus real property may not be purchased under any circumstances. (See § 105-735.217.)

§ 105-735.219 Use of intoxicants.

GSA personnel shall not use intoxicants habitually to excess (5 U.S.C. 7352). Intoxicants shall not be consumed at work or on Government-owned or leased premises.

§ 105-735.220 Use of Government vehicles.

GSA personnel shall not use or authorize the use of Government-owned or leased motor vehicles or aircraft for other than official purposes (31 U.S.C. 638(c)) and shall operate such vehicles or aircraft in strict compliance with all applicable laws.

§ 105-735.221 Use of official telephones.

GSA personnel shall not use Federal Telecommunications System or commercial telephone facilities for long-distance calls unless specifically authorized to do so.

§ 105-735.222 Use of Government records.

GSA personnel shall not knowingly and willfully and unlawfully conceal, remove, mutilate, falsify, or destroy any Government document or record (18 U.S.C. 2085, 2071).

§ 105-735.223 Post-employment conflict of interest.

(a) Enforcement responsibility.

(1) Individual. It is the obligation of all GSA personnel, upon ending service with GSA, to review the post-employment restrictions imposed by law and to determine the restrictions applicable to that individual's future employment and dealings with the agencies of the Federal Government. The limitations are summarized in regulations of the Office of Government Ethics, Office of Personnel Management.

(2) Procedures. It is the responsibility of the Assistant Administrator for Human Resources and Organization to establish procedures to insure that departing GSA personnel are furnished information regarding post-employment limitations and that qualified individuals are made available to provide advice upon request.

(3) General enforcement authority. The Ethics in Government Act and the implementing regulations are enforced by the GSA, the Department of Justice and the Office of Government Ethics.

(b) Scientific and Technological Communications. Contacts with GSA that otherwise would be subject to the post-employment prohibitions may be authorized if the following requirements are met:

(1) The GSA office receiving the contact or communication is advised by the former officer or employee, or by the organization represented by that individual, of the prior employment status of the individual and the general subject matter to be communicated. Notice will be given in advance of any communication, if possible.

(2) The subject matter of the communications is limited to scientific and technological exchanges. These may include discussions of feasibility, risk, cost, and speed of implementation.

(3) The GSA office receiving the communication or participating in the discussions maintains copies of the written communications and written summaries of any discussions.

(c) Exemption for persons with special qualifications in a technical discipline.

(1) Scope of the exemption. A former Government officer or employee may be exempted from the restrictions on post-employment practices if the following conditions are met:

(i) The Administrator certifies that:

(A) the former Government employee has outstanding qualifications in a scientific, technological, or other technical discipline;

(B) the former employee is acting with respect to a particular matter which requires such qualifications; and

(C) that the national interest would be served by the former Government employee's participation;

(ii) The certification is published in the **Federal Register.**

(2) Limitations. The use of this exemption will be limited to instances where the former Government employee's involvement is needed on so continuous and comprehensaive a basis that compliance with the procedures adopted for communication of technological information or other actions to isolate the former Government employee from other aspects of the matter, would be burdensome and impractical.

(3) GSA Registry. The Assistant Administrator for Human Resources and Organization shall establish a registry for current employees, where the nature of their qualifications in one or more technical fields is certified after review by a supervisor, as a basis for establishing such qualifications in connection with, and to expedite a later request for, certification should the necessity for such request arise. Employees in any component of the GSA may apply, through their supervisors, for positions on this registry. A separate record will be maintained by the Office of the Assistant Administrator for Human Resources and Organization listing those former employees for whom the certification has been granted.

§ 105-735.224 [Reserved]

Subpart 105-735.3—Statements of Employment and Financial Interests

§ 105-735.301 General.

Employees and special Government employees in specified positions (other than those required to file Financial Disclosure Reports on Standard Form 278 and 278A) are required to file

statements of employment and financial interests. GSA Forms 2157 and 2158, Confidential Statement of Employment and Financial Interests (For Use by Special Government Employees of GSA), shall be used for this purpose.

§ 105-735.302 Criteria for selection of positions subject to filing requirement.

The following criteria govern selection of positions subject to the requirement of filing Confidential Statements of Financial Interests. Personnel designated to file Financial Disclosure Reports (Standard Forms 278 and 278A) are not subject to this requirement.

(a) Positions in grade GS–13 or above under 5 U.S.C. 5332, or at a comparable pay level under another authority, the incumbents of which are responsible for making Government decisions or taking a Government action in regard to:

(1) Contracting or procurement;

(2) Administering or monitoring grants or subsidies;

(3) Regulating or auditing private or other non-Federal enterprise; or

(4) Other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise.

(b) Positions in grade GS–13 or above under 5 U.S.C. 5332, or at a comparable pay level under another authority, the duties of which require the incumbent to report employment and financial interests to avoid involvement in possible conflicts-of-interest situations and to carry out the purpose of law, Executive order, and GSA regulations.

(c) Positions below grade GS–13 under 5 U.S.C. 5332, or at a comparable pay level under another authority, that meet the criteria in a or b above, and which have been specifically designated as exceptions essential to protect the integrity of the Government by avoiding employee involvement in conflicts of interest or apparent conflicts-of-interest situations.

(d) Positions that meet the criteria of paragraph (a) of this section may be excluded from the reporting requirement when:

(1) Duties are such that the likelihood of involvement in a conflicts-of-interest situation is remote;

(2) Duties are at such a level of responsibility that submission of a statement is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government.

(e) With respect to special Government employees, a statement of employment and financial interests is required only when the special Government employee is hired as a consultant or expert.

§ 105-735.303 Identification of positions, the incumbents of which must file confidential statements of employment and financial interests.

(a) Heads of Central Office and Regional Office Services and Staff Offices shall promptly submit a recommendation to the Special Counsel to the Administrator for Ethics (through the regional counsel in the regions) identifying the specific positions that should be designated as requiring the incumbent to submit Confidential Statements of Employment and Financial Interests. The Assistant Administrator for Human Resources and Organization or the Assistant Regional Administrator for Administration will recommend any positions not in a service or staff office; for example, those in the Administrator's or Regional Administrator's immediate office.

(b) The recommendations shall contain a position description and a description of the incumbents of the specified positions by name, title, grade, and organizational location.

(c) The Special Counsel to the Administrator for Ethics will review the recommendations and will designate each position that he determines requires the incumbent to file a Confidential Statement of Employment and Financial Interests.

(d) All future positions that qualify under the specified criteria shall be promptly processed in the manner provided above, so that the required statements may be submitted not later than 30 days after the employee's entrance on duty. With respect to a special Government employee, the statement shall be submitted not later than the time of his or her employment.

(e) Any incumbent of a designated position who holds that position on an "acting" basis for more than 30 days in a calendar year, continuously or otherwise, shall file a statement.

§ 105-735.304 Annual statements.

Annual statements shall be submitted on or before July 31 each year, containing information current as of June 30 of that year. A complete statement is required even if it reflects no change since the last statement submitted. Notwithstanding the filing of the annual statement, GSA personnel shall at all times avoid acquiring a financial interest that could result, or taking an action that could result, in a conflict of interests. Each special Government employee shall keep the statement current throughout his or her employment with GSA by the submission of supplementary statements.

§ 105-735.305 Interests of relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household and excludes in-laws. These provisions also apply to special Government employees.

§ 105-735.306 Information not known by employee.

If information required to be included on a statement including a description of holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his or her behalf.

§ 105-735.307 Information excluded.

An employee is not required to submit information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For this purpose, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement. These provisions also apply to special Government employees.

§ 105-735.308 Confidentiality of statements.

Statements of employment and financial interests shall be held in confidence. Access to information from the statements shall not be disclosed except to carry out the purpose of this directive.

§ 105-735.309 Effect of statements on other requirements.

The requirement for the Confidential Statement of Employment and Financial Interests is in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation, except that GSA personnel required to submit Financial Disclosure Reports (Standard Form 278 or 278A) are not required to submit Confidential Statements of Employment and Financial Interests. The submission of a statement by GSA personnel does not permit them or any other person to participate in a matter in which that participation is prohibited by law, order, or regulation. These provisions also apply to special Government employees.

§ 105-735.310 Procedure in obtaining statements.

(a) For annual submissions, the appropriate supervisor shall have delivered to the incumbent of each position designated by the Administrator two copies of the statement of employment and financial interests form on or before June 30. The original of the completed form must be returned to the appropriate supervisor no later than July 31. The services of a Deputy Standards of Conduct Counsellor are available to advise and counsel the submitter if requested.

(b) The personnel office shall be responsible for ensuring that a completed statement of employment and financial interests is obtained from new GSA personnel who are subject to the requirement before or at the time of entrance on duty. Such statements shall be forwarded for review by the personnel office to the appropriate supervisor and then to a Deputy Standards of Conduct Counsellor, as appropriate.

§ 105-735.311 Responsibility for review of statements.

The "appropriate supervisor" as defined in § 105-735.102g is responsible for receiving and promptly reviewing all statements of employment and financial interests submitted by subordinates, and for promptly endorsing his or her comments thereon and forwarding them to the Deputy Standards of Conduct Counsellor for further review and disposition.

§ 105-735.312 Resolving conflicts of interest.

(a) When in the review of a statement of employment and financial interests, the "appropriate supervisor" or a Deputy Standards of Conduct Counsellor has reason to believe that a possible conflict of interests exists or requires more information on which to make a judgment, the submitter shall be offered an opportunity to provide additional information or to furnish any explanation deemed pertinent. This information must be documented for the file and incorporated into the statement.

(b) When, after consideration of the explanation offered, a determination is made that a conflict or possible conflict of interests exists, an effort shall be made by the appropriate supervisor, in consultation with the Deputy Standards of Conduct Counsellor, to resolve the conflict in a manner that is mutually acceptable. When a conflict or possible conflict of interest exists that cannot be satisfactorily resolved at the regional level, the Deputy Standards of Conduct Counsellor shall refer the case to the Special Counsel to the Administrator for Ethics.

(c) If efforts of the Special Counsel are unsuccessful in resolving a conflict or apparent conflict, the case will be referred by the Special Counsel to the Administrator for Ethics for resolution by the Administrator.

(d) Remedial action directed by the Administrator may include, but is not limited to, one or more of the following:

(1) Disqualification for a particular assignment;

(2) Change in assigned duties;

(3) Divestment by the employee or special Government employee of his conflicting interests;

(4) Establishment of a blind trust;

(5) Disciplinary action, including removal.

§ 105-735.313 Employee complaint against filing requirement.

An employee required to file a statement of employment and financial interests who believes that the position has been improperly included under these regulations may request a review of such inclusion in accordance with the GSA Grievance Procedure.

§ 105-735.314 Inconsequential financial interests.

Financial interests of the following type are deemed too remote or too inconsequential to affect the integrity of the employee's service and need not be reported: Investments in State or local government bonds and investments in shares of a widely diversified mutual fund or regulated investment company.

§ 105-735.315 [Reserved]

Subpart 105-735.4—Financial Disclosure Reports

§ 105-735.401 General.

The Ethics in Government Act of 1978 as amended (the Act) requires that GSA personnel in specified positions file periodic Financial Disclosure Reports. For these individuals, this requirement is in lieu of the Confidential Statement of Employment and Financial Interests required by Executive order. Standard Form 278 shall be used by employees filing annual reports and termination of employment reports. Standard Form 278A shall be used by employees required to file assumption of duty reports.

§ 105-735.402 Who must file.

GSA personnel occupying positions specified in Title II of the Act or positions designated by the Director of the Office of Government Ethics, Office of Personnel Management.

§ 105-735.403 Notice of obligation to file.

(a) The Assistant Administrator for Human Resources and Organization shall record in each relevant position description that the incumbent is required to file a Financial Disclosure Report. He shall provide each such person with the appropriate report form upon assumption of the duties of the position, upon termination of such duties, and annually no later than 30 days prior to the May 15th filing deadline prescribed by the Act. Vacancy announcements for appropriate positions shall contain a statement that the incumbent will be subject to the financial disclosure requirements of the Act.

(b) When providing each form, the Assistant Administrator for Human Resources and Organization shall send the recipient, by name, a memorandum explaining when and where to file, and shall provide the Special Counsel to the Administrator for Ethics and the individual's appropriate supervisor with a copy of the memorandum.

§ 105-735.404 When to file.

(a) Within 30 calendar days of assuming a position described in Title II of the Act, unless the individual has left another position described in Section II within 30 days prior to assuming the new position. Individuals coming to a position in GSA described in title II of the Act from a similar position in another agency shall furnish a copy of their last report filed with the former agency to the Special Counsel to the Administrator for Ethics through their appropriate supervisor.

(b) Within 30 calendar days of terminating employment in a position requiring the incumbent to submit Financial Disclosure Reports.

(c) No later than May 15 of each calendar year, if the employee occupied a position described in Section II of the Act during the preceding calendar year and performed those duties for more than 60 days in that year.

§ 105-735.405 Where to file.

Reports shall be filed with the Special Counsel to the Administrator for Ethics through the individual's appropriate supervisor.

§ 105-735.406 Extensions of time.

The Special Counsel to the Administrator for Ethics may extend the date of filing for 20 calendar days, and an additional 15 calendar days upon a written request stating good cause. GSA personnel desiring additional time shall make their request to the Special Counsel, who shall forward the request to the Office of Government Ethics.

§ 105-735.407 Review of reports.

(a) A reporting individual shall submit the report to his or her appropriate supervisor for review. The appropriate supervisor shall, within ten days of receipt, make a signed and dated statement in the Comments section of the report, stating whether or not the report reveals a conflict or the appearance of a conflict with the employee's official duties, and shall immediately forward the report to the Special Counsel to the Aministrator for Ethics by the most expeditious means, meanwhile taking action to avoid the reporting individual's participation in matters involving a conflict.

(b) The Special Counsel shall ensure that all reports are reviewed on a priority basis, and in any event, within 60 days of filing.

(c) If the Special Counsel concludes that the reporting individual is in compliance with applicable laws or regulations, that finding shall be entered on the report, the report signed and dated, and the appropriate supervisor duly notified.

(d) If the Special Counsel believes that additional information is required, the reporting individual shall be informed of the information required and the time by which it must be submitted.

(e) If, on the basis of the information provided, the Special Counsel concludes that a reporting individual is not in compliance with applicable laws and regulations, the reporting individual and his or her appropriate supervisor shall be so notified. The reporting individual shall be afforded a reasonable opportunity for a written or oral response. After consideration or the response, the Special Counsel shall reach an opinion as to whether or not the individual is in compliance.

§ 105-735.408 Procedures for resolving noncompliance.

(a) If, after opportunity for an oral or written response, the Special Counsel to the Administrator for Ethics concludes the individual is not in compliance, the Special Counsel shall notify the individual and, after an opportunity for personal consultation (if practicable), notify the reporting individual of the steps considered appropriate for assuring compliance, and the date by which those steps should be taken. Steps may include: (1) divestiture; (2) restitution; (3) establishment of a blind trust; (4) request for an exemption under section 208(b) of Title 18, United States Code; (5) voluntary request for transfer, reassignment, limitation of duties, or resignation.

(b) If steps for assuring compliance are not taken by the employee by the date set, the matter shall be referred by the Special Counsel to the Administrator for Ethics to the Administrator for appropriate disposition.

§ 105-735.409 Penalties for failure to comply with reporting requirements.

(a) The Special Counsel to the Administrator for Ethics shall report to the Administrator the name of any individual who willfully fails to file a report; who willfully fails to report required information; or who is reasonably believed to have willfully falsified a report.

(b) The Administrator will afford the individual an opportunity to explain his or her actions. Any unresolved matter will be referred to the Attorney General, and administrative disciplinary action may also be instituted.

§ 105-735.410 Public access and copying.

Financial Disclosure Reports are available for public inspection and copying in accordance with the Act. Financial Disclosure Reports are filed in GSA's Office of General Counsel, Washington, D.C. 20405.

§ 105-735.411 Notices of conflicts and potential conflicts.

The Special Counsel to the Administrator for Ethics shall maintain and periodically publish a list of those circumstances which have resulted or may result in noncompliance with conflict of interest laws or regulations. Absence of a particular item from this list shall not be construed as an indication that the situation does not constitute a conflict or appearance of a conflict of interests or a violation of laws or regulations.

§ 105-735.412 [Reserved]

Subpart 105-735.5—Miscellaneous Statutory Provisions

§ 105-735.501 Summary of pertinent conflict of interest laws.

(a) *18 U.S.C. 203.* Prohibitions in subsection (a) of this statute are encompassed by prohibitions in 18 U.S.C. 205 below. Subsection (b) makes it unlawful to offer or to pay compensation, the solicitation or receipt of which is barred by subsection (a).

(b) *18 U.S.C. 205.* (1) This section prohibits Government personnel from acting as agent or attorney for anyone else before a department, agency, or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest.

(2) The following exemptions are allowed:

(i) Section 205 does not prevent Government personnel from giving testimony under oath or making statements required to be made under penalty of perjury or contempt or from representing another person, without compensation, in a disciplinary, loyalty, or other personnel matter.

(ii) Section 205 also authorizes a limited waiver of its restrictions and those of section 203 for the benefit of an officer or employee, including a special Government employee, who represents his or her own parents, spouse, or fiduciary. The waiver is available only if approved by the official making appointments to the position. In no event does the waiver extend to representation of any such person in matters in which he or she has participated personally and substantially or which, even in the absence of such participation, are the subject of his or her official responsibility.

(iii) Finally, section 205 gives the head of a department or agency the authority to allow a special Government employee to represent his or her regular employer or other outside organization in the performance of work under a Government grant or contract, if the department or agency head certifies and publishes in the **Federal Register**, that the national interest requires such representation.

(c) *18 U.S.C. 208.* (1) Paragraph (a) of this section requires executive branch personnel to refrain from participating as Government personnel in any matter in which they, their spouses, minor children, or partners have financial interests or in which businesses or nonprofit organizations with which such personnel are connected or are seeking employment have financial interests. A "particular matter" may be less concrete than an actual contract, but is something more specific than rule making or abstract scientific principles. The test is whether the individual might reasonably anticipate that his or her Government action, or the decision in which he or she participates or with respect to which he or she advises, will have a direct and predictable effect upon such financial interests.

(2) Paragraph (b) permits agencies to grant an ad hoc exemption from subsection (a) if the outside financial interest is deemed not substantial enough to affect the integrity of Government services. Categories of financial interests may also be made nondisqualifying by a general regulation published in the **Federal Register.**

(d) *18 U.S.C. 209.* Paragraph (1) prevents executive branch personnel from receiving, and anyone from paying

them, any salary or supplementation of salary from a private source as compensation for their Government service. Paragraph (2) permits participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer. Paragraph (3) exempts special Government employees and anyone serving the Government without compensation. Paragraph (d) exempts contributions, awards, or other expenses under the Government Employees Training Act (5 U.S.C. 2301–2319).

(e) *18 U.S.C. 207, Applicable to former Government personnel.* (1) *Restrictions applicable to all former officers and employees.*

(i) Permanent bar. A former Government employee is permanently barred from serving as agent or attorney for anyone other than the United States before any Government office or agency on any particular matter involving specific parties in which the former officer or employee had participated personally and substantially while with the Government.

(ii) Two-Year bar. A restriction similar to the one summarized above prevents a former employee for two years from representational activities on all particular matters which were actually pending under the former employee's "official responsibility" during the one-year period prior to the termination of such responsibility.

(2) *Restrictions applicable only to "senior employees."* (i) Identification of "senior employees": There are three types of senior employees. Two are named automatically by statute: civilians at the Executive Level and active duty military personnel at grades 09 or above. The third group consists of persons holding positions that first must be "designated" as senior employees by the Director of the Office of Government Ethics. The positions must involve significant decision-making or supervisory responsibility and be at a basic rate of pay of GS–17 or above or within the Senior Executive Service, or, in the case of military members, be held by active duty officers at grades 0–7 or 0–8.

(ii) Two-year ban on assisting in representation by personal presence. A former senior employee may not assist in the representation of another person by personal presence at an appearance before the Government on any particular matter in which the former employee personally and substantially participated while with the Government.

(iii) One-year ban on attempts to influence former agency. A former senior employee may not represent another person or himself in attempting to influence his own former agency on a matter pending before, or of substantial interest to, such agency. Certain communications are exempted from this provision. These include communications by former senior employees who are employed by State or local governments or by certain educational or medical institutions. Other exempt communications are those that are purely social or informational, communications on matters that are personal, including any expressions of personal views where the former employee has no pecuniary interest, and responses to a former agency's requests for information.

(3) *Scientific and technological communications.* The prohibitions discussed above do not apply with respect to communications made solely for the purpose of furnishing scientific or technological information under specific procedures.

(4) *Implementing regulations.* Detailed regulations implementing this law have been published by the Director, Office of Government Ethics.

§ 105–735.502 Laws applicable to GSA personnel.

There are legal prohibitions concerning the following activities which may subject present and former GSA personnel to criminal or other penalties:

(a) Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under any criminal statute (see 18 U.S.C. 2).

(b) Concealing or failing to report to proper authorities the commission of a felony under any criminal statute if such personnel knew of the actual commission of the crime (see 18 U.S.C. 4).

(c) Conspiring with one or more persons to commit a crime under any criminal statute or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (see 18 U.S.C. 371).

(d) Lobbying with appropriated funds (see 18 U.S.C. 1913).

(e) Disloyalty and striking (see 5 U.S.C. 7311, 18 U.S.C. 1918).

(f) Disclosure of classified information (see 18 U.S.C. 798, 50 U.S.C. 783); and disclosure of confidential information (see 18 U.S.C. 1905).

(g) Habitual use of intoxicants to excess (see 5 U.S.C. 7352).

(h) Misuse of a Government vehicle (see 31 U.S.C. 638a(c)(2)).

(i) Misuse of the franking privilege (see 18 U.S.C. 1719).

(j) Deceit in an examination or personnel action in connection with Government employment (see 18 U.S.C. 1917).

(k) Committing fraud or making false statements in a Government matter (see 18 U.S.C. 1001).

(l) Mutilating or destroying a public record (see 18 U.S.C. 2071).

(m) Counterfeiting and forging transportation requests (see 18 U.S.C. 508).

(n) Embezzlement of Goverment money or property (see 18 U.S.C. 641); failing to account for public money (see 18 U.S.C. 643); and embezzlement of the money or property of another person in the possession of an employee by reason of his Government employment (see 18 U.S.C. 654).

(o) Unauthorized use of documents relating to claims from or by the Government (see 18 U.S.C. 285).

(p) Certain political activities (see 5 U.S.C. 7321–7327 and 18 U.S.C. 602, 603, and 607).

(q) Any person who is required to register under the Foreign Agents Registration Act of 1938 (see 18 U.S.C. 219) may not serve the Government as an officer or employee. The section does not apply to Reserves who are not on active duty or who are on active duty for training, or a special Government employee in any case in which the department head certifies to the Attorney General that his or her employment by the United States Government is in the national interest.

(r) Soliciting contributions for gifts or giving gifts to superiors, or accepting gifts from subordinates (see 5 U.S.C 7351).

(s) Acceptance of excessive honorariums (see 2 U.S.C. 441(i)).

(t) Acceptance, without the consent of the Congress, of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign State by a person holding any office of profit or in trust of the Federal Government. (Art. 1, Sec. 9, U.S. Constitution, and Pub. L. 95–105, Foreign Gifts and Decorations Act of 1966, as amended). (See 5 U.S.C. 7342.)

§ 105–735.503 Code of ethics for Government service.

(Adopted by House Concurrent Resolution, H.R. Con. Res. 175, 86th Congress (1958). It provides:

(a) *Any person in Government service should:* (1) Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

(2) Uphold the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.

(3) Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

(4) Seek to find and employ more efficient and economical ways of getting tasks accomplished.

(5) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

(6) Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

(7) Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

(8) Never use any information coming to him confidentially in the performance of governmental duties as a means of making private profit.

(9) Expose corruption wherever discovered.

(10) Uphold these principles, ever conscious that public office is a public trust.

[FR Doc. 80-4446 Filed 2-11-80; 8:45 am]

BILLING CODE 6820-34-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[Docket No. 21348]

Private Land Mobile Radio Services; Providing a new Part 90 that reregulates and consolidates Parts 89, 91 and 93; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: In an effort to set forth a simple and more manageable set of rules for use by applicants, licensees, and industry users, the Federal Communications Commission published regulations at 43 FR 54788, November 22, 1978, providing for the consolidation and updating of the private land mobile radio services provisions. This document makes necessary corrections because of omissions and inaccuracies which occurred in preparation and printing.

EFFECTIVE DATE: January 2, 1979.

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

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Rules Division, Private Radio Bureau, (202) 632-6497.

Released: February 12, 1980.

In the matter of amendment of the Commission's rules governing the private land mobile radio service to provide a new Part 90 that re-regulates and consolidates Parts 89, 91, and 93; Docket No. 21348, See 44 FR 67117, November 23, 1979.

The appendix to the Report and Order in this proceeding (FCC 78-799, 43 FR 54788), contained a new Part 90 which consolidated the rules and regulations formerly contained in Parts 89, 91, and 93. In the process of consolidating, a number of omissions and inaccuracies occurred which are the subject of this errata.

§ 90.73 [Corrected]

1. In § 90.73(c) delete Citizens Band frequencies 27.29, 27.31, 27.33, 27.35, and 27.37 MHz from frequency table.

§ 90.75 [Corrected]

2. In § 90.75(c) correct frequency table to read as follows:

Business Radio Service Frequency Table

Frequency or band	Class of station	Limitations
* * * * *		
460.650	Base or mobile	2, 15, 25, 26
460.675	do	2, 15, 25, 26
460.700	do	2, 15, 25, 26
460.725	do	2, 15, 25, 26
460.750	do	2, 15, 25, 26
460.775	do	2, 15, 25, 26
460.800	do	2, 15, 25, 26
460.825	do	2, 15, 25, 26
460.850	do	2, 15, 25, 26
460.875	do	2, 15, 25, 26
460.900	do	1, 2, 27, 39, 40
460.925	do	1, 2, 27, 39, 40
460.950	do	1, 2, 27, 39, 40
460.975	do	1, 2, 27, 39, 40
461.000	do	1, 2, 27, 39, 40
461.025	do	1, 2, 26
461.050	do	1, 2, 26
461.075	do	1, 2, 26
461.100	do	1, 2, 26
461.125	do	1, 2, 26
461.150	do	1, 2, 26
461.175	do	1, 2, 26
461.200	do	1, 2, 26
461.225	do	1, 2, 26
461.250	do	1, 2, 26
461.275	do	1, 2, 26
461.300	do	1, 2, 26
461.325	do	1, 2, 26
461.350	do	1, 2, 26
461.375	do	1, 2, 26
461.400	do	1, 2, 26
461.425	do	1, 2, 26
461.450	do	1, 2, 26
461.475	do	1, 2, 26
461.500	do	1, 2, 26
461.525	do	1, 2, 26
461.550	do	1, 2, 26
461.575	do	1, 2, 26
461.600	do	1, 2, 26
461.625	do	1, 2, 26
461.650	do	1, 2, 26
461.675	do	1, 2, 26
461.700	do	1, 2, 26
461.725	do	1, 2, 26
461.750	do	1, 2, 26
461.775	do	1, 2, 26
461.800	do	1, 2, 26
461.825	do	1, 2, 26

Business Radio Service Frequency Table—Continued

Frequency or band	Class of station	Limitations
* * * * *		
461.850	do	1, 2, 26
461.875	do	1, 2, 26
461.900	do	1, 2, 26
461.925	do	1, 2, 26
461.950	do	1, 2, 26
461.975	do	1, 2, 26
462.000	do	1, 2, 26
462.025	do	1, 2, 26
462.050	do	1, 2, 26
462.075	do	1, 2, 26
462.100	do	1, 2, 26
462.125	do	1, 2, 26
462.150	do	1, 2, 26
462.175	do	1, 2, 26
* * * * *		
463.200	do	1, 2, 26
463.225	do	1, 2, 26
463.250	do	1, 2, 26
463.275	do	1, 2, 26
463.300	do	1, 2, 26
463.325	do	1, 2, 26
463.350	do	1, 2, 26
463.375	do	1, 2, 26
463.400	do	1, 2, 26
463.425	do	1, 2, 26
463.450	do	1, 2, 26
463.475	do	1, 2, 26
463.500	do	1, 2, 26
463.525	do	1, 2, 26
463.550	do	1, 2, 26
463.575	do	1, 2, 26
463.600	do	1, 2, 26
463.625	do	1, 2, 26
463.650	do	1, 2, 26
463.675	do	1, 2, 26
463.700	do	1, 2, 26
463.725	do	1, 2, 26
463.750	do	1, 2, 26
463.775	do	1, 2, 26
463.800	do	1, 2, 26
463.825	do	1, 2, 26
463.850	do	1, 2, 26
463.875	do	1, 2, 26
463.900	do	1, 2, 26
463.925	do	1, 2, 26
463.950	do	1, 2, 26
463.975	do	1, 2, 26
464.000	do	1, 2, 26
464.025	do	1, 2, 26
464.050	do	1, 2, 26
464.075	do	1, 2, 26
464.100	do	1, 2, 26
464.125	do	1, 2, 26
464.150	do	1, 2, 26
464.175	do	1, 2, 26
464.200	do	1, 2, 26
464.225	do	1, 2, 26
464.250	do	1, 2, 26
464.275	do	1, 2, 26
464.300	do	1, 2, 26
464.325	do	1, 2, 26, 29
464.350	do	1, 2, 26
464.375	do	1, 2, 26, 29
464.400	do	1, 2, 26
464.425	do	1, 2, 26, 29
464.450	do	1, 2, 26
464.475	do	1, 2, 26, 29
* * * * *		
464.525	do	1, 2, 26, 29
* * * * *		
464.575	do	1, 2, 26, 29
* * * * *		
464.675	do	1, 2, 26, 29
* * * * *		
464.775	do	1, 2, 26, 29
464.800	do	1, 2, 26
464.825	do	1, 2, 26, 29
464.850	do	1, 2, 26
464.875	do	1, 2, 26, 29
464.900	do	1, 2, 26
464.925	do	1, 2, 26, 29
464.950	do	1, 2, 26
464.975	do	1, 2, 26, 29
465.000	Base	10, 30
465.650	Mobile	2, 4, 25, 26, 31

465.675	do	2, 4, 25, 26, 31
465.700	do	2, 4, 25, 26, 31
465.725	do	2, 4, 25, 26, 31
465.750	do	2, 4, 25, 26, 31
465.775	do	2, 4, 25, 26, 31
465.800	do	2, 4, 25, 26, 31
465.825	do	2, 4, 25, 26, 31
465.850	do	2, 4, 25, 26, 31
465.875	do	2, 4, 25, 26, 31
465.900	do	1, 2, 27, 39
465.925	do	1, 2, 27, 39
465.950	do	1, 2, 27, 39
465.975	do	1, 2, 27, 39
466.000	do	1, 2, 28, 39
466.025	do	1, 2, 26
466.050	do	1, 2, 26
466.075	do	1, 2, 26
466.100	do	1, 2, 26
466.125	do	1, 2, 26
466.150	do	1, 2, 26
466.175	do	1, 2, 26
466.200	do	1, 2, 26
466.225	do	1, 2, 26
466.250	do	1, 2, 26
466.275	do	1, 2, 26
466.300	do	1, 2, 26
466.325	do	1, 2, 26
466.350	do	1, 2, 26
466.375	do	1, 2, 26
466.400	do	1, 2, 26
466.425	do	1, 2, 26
466.450	do	1, 2, 26
466.475	do	1, 2, 26
466.500	do	1, 2, 26
466.525	do	1, 2, 26
466.550	do	1, 2, 26
466.575	do	1, 2, 26
466.600	do	1, 2, 26
466.625	do	1, 2, 26
466.650	do	1, 2, 26
466.675	do	1, 2, 26
466.700	do	1, 2, 26
466.725	do	1, 2, 26
466.750	do	1, 2, 26
466.775	do	1, 2, 26
466.800	do	1, 2, 26
466.825	do	1, 2, 26
466.850	do	1, 2, 26
466.875	do	1, 2, 26
466.900	do	1, 2, 26
466.925	do	1, 2, 26
466.950	do	1, 2, 26
466.975	do	1, 2, 26
467.000	do	1, 2, 26
467.025	do	1, 2, 26
467.050	do	1, 2, 26
467.075	do	1, 2, 26
467.100	do	1, 2, 26
467.125	do	1, 2, 26
467.150	do	1, 2, 26
467.175	do	1, 2, 26
* * * * *		
468.200	do	1, 2, 26
468.225	do	1, 2, 26
468.250	do	1, 2, 26
468.275	do	1, 2, 26
468.300	do	1, 2, 26
468.325	do	1, 2, 26
468.350	do	1, 2, 26
468.375	do	1, 2, 26
468.400	do	1, 2, 26
468.425	do	1, 2, 26
468.450	do	1, 2, 26
468.475	do	1, 2, 26
468.500	do	1, 2, 26
468.525	do	1, 2, 26
468.550	do	1, 2, 26
468.575	do	1, 2, 26
468.600	do	1, 2, 26
468.625	do	1, 2, 26
468.650	do	1, 2, 26
468.675	do	1, 2, 26
468.700	do	1, 2, 26
468.725	do	1, 2, 26
468.750	do	1, 2, 26
468.775	do	1, 2, 26
468.800	do	1, 2, 26
468.825	do	1, 2, 26
468.850	do	1, 2, 26
468.875	do	1, 2, 26
468.900	do	1, 2, 26
468.925	do	1, 2, 26
468.950	do	1, 2, 26
468.975	do	1, 2, 26
469.000	do	1, 2, 26
469.025	do	1, 2, 26
469.050	do	1, 2, 26
469.075	do	1, 2, 26
469.100	do	1, 2, 26
469.125	do	1, 2, 26
469.150	do	1, 2, 26
469.175	do	1, 2, 26
469.200	do	1, 2, 26
469.225	do	1, 2, 26
469.250	do	1, 2, 26
469.275	do	1, 2, 26
469.300	do	1, 2, 26
469.325	do	1, 2, 26
469.350	do	1, 2, 26
469.375	do	1, 2, 26
469.400	do	1, 2, 26
469.425	do	1, 2, 26
469.450	do	1, 2, 26
469.475	do	1, 2, 26
* * * * *		
469.525	do	1, 2, 26
469.550	do	1, 3, 30
469.575	do	1, 2, 26
* * * * *		
469.675	do	1, 2, 26
* * * * *		
469.775	do	1, 2, 26
469.800	do	1, 2, 26
469.825	do	1, 2, 26
469.850	do	1, 2, 26
469.875	do	1, 2, 26
469.900	do	1, 2, 26
469.925	do	1, 2, 26
469.950	do	1, 2, 26
469.975	do	1, 2, 26

§ 90.207 [Corrected]

3. In § 90.207, correct paragraph (b) to read as follows:

* * * * *

(b) The use of F3 emission in these services will be authorized only on frequencies above 25 MHz.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-4316 Filed 2-11-80; 8:45 am]

BILLING CODE 6712-01-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, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of Determination.

SUMMARY: The Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), finds that the Government of Senegal is no longer in compliance with U.S. regulations governing the taking of marine mammals incidental to yellowfin tuna purse seine fishing operations and accordingly, yellowfin tuna and yellowfin tuna products will no longer be allowed entry into the United States.

EFFECTIVE DATE: February 1, 1980.

FOR FURTHER INFORMATION CONTACT: William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-634-7461.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service (NMFS) published regulations in the **Federal Register** on December 23, 1977 (42 FR 64548-64560) governing the taking of marine mammals incidental to commercial fishing operations. These regulations include documentation provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the yellowfin tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP). Effective January 1, 1978, these importation provisions made the importation of yellowfin tuna and tuna products from nations known to be involved in the ETP fishery contingent upon certain findings by the Assistant Administrator for Fisheries. The Assistant Administrator must find either (a) that the fishing operations of the nation concerned "... are conducted in conformance with U.S. regulations and standards ...," or (b) that, "although not in conformity with these regulations, such fishing is accomplished in a manner which does not result in an incidental mortality and serious injury in excess of that which results from U.S. fishing operations under these regulations." (See 50 CFR 216.24(e)(5)). These findings would then be subject to an annual review in which the information items listed in § 216.24(e)(5)(ii) are updated for the previous calendar year.

In accordance with § 216.24(e)(5)(i), the Assistant Administrator, on September 8, 1978 (43 FR 40025), found that vessels from the Government of Senegal were fishing in conformance with U.S. marine mammal laws and regulations and were therefore allowed

to export yellowfin tuna and tuna products to the United States. On October 17, 1978 Senegal was informed that in order to keep this finding current, an updated report on the information items listed in § 216.24(e)(5)(ii) would be due on or before June 1, 1979.

As the National Marine Fisheries Service has not received this updated report, I have determined that the Government of Senegal is no longer in compliance with § 216.24(e)(5)(ii) of our regulations and accordingly, yellowfin tuna and yellowfin tuna products will no longer be allowed entry into the United States as provided by § 216.24(e)(5)(i).

Dated: February 5, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-4547 Filed 2-11-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 30
Tuesday, February 12, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 25

[Docket No. 79N-0335]

National Environmental Policy Act; Proposed Policies and Procedures; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Extension of comment period.

SUMMARY: The agency is extending the comment period for submitting comments on the proposed policies and supplemental procedures for compliance with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's (CEQ) National Environmental Policy Act Regulations.

DATE: The comment period is extended to March 12, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Taylor, Bureau of Veterinary Medicine (HFV-9), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4500.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 11, 1979 (44 FR 71742), FDA proposed policies and supplemental procedures for compliance with the NEPA and CEQ National Environmental Act Regulations. Comments on the proposal were due by February 11, 1980.

In a letter dated January 28, 1980, the Pharmaceutical Manufacturers Association (PMA), 1155 Fifteenth St. NW., Washington, DC 20005, requested that the comment period on the proposal be extended 30 days to provide additional time needed by PMA to properly ascertain the views of its membership on the proposal. In a letter dated January 29, 1980, the Animal Health Institute (AHI), Suite 1009, 1717 K St. NW., Washington, DC 20036, requested that the comment period on the proposal be extended 60 days to provide additional time for AHI to assure that provisions of FDA's proposal are fully mandated by the CEQ's regulations. Copies of both the PMA and AHI requests are on file with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FDA intends to issue a final rule based on this proposal as soon as possible. The agency has concluded that an extension of the comment period should be granted but that the extension should be limited to 30 days. Accordingly, the comment period is extended to March 12, 1980. Comments may be seen in the office of the Hearing Clerk at the address above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 5, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-4255 Filed 2-11-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 182 and 184

[Docket No. 78N-0272]

Phosphates; Proposed Affirmation of and Deletion From GRAS Status as Direct and Indirect Human Food Ingredients

Corrections

In FR Doc. 79-38647, published at page 74845, on Tuesday, December 18, 1979, make the following corrections:

1. The subject heading should be corrected to read as set forth above;

2. On page 74850, in the second column, in the thirteenth line of the second paragraph, "1.2, and 1.8 and 1.8 percent phosphorus," should be corrected to read "1.2, and 1.8 percent phosphorus,";

3. On page 74850, in the third column, in the second paragraph:

a. In the eighth line "(Ca:P ratio, 1:31) . . ." should be corrected to read "(Ca:P ratio, 1:3.1) . . .";

b. In the thirteenth line "calification" should be corrected to read "calcification";

4. On page 74854, in the second column, in paragraph (a) under § 184.1214, in the eleventh line "liquid" should be corrected to read "liquor";

5. On page 74856, in the first column, in the second paragraph, paragraph (d), after the third line, add the following: "in accordance with § 184.1(b)(i). Current good manufacturing practice";

6. On page 74857:

a. In the second column, in the first paragraph, paragraph (c), delete the fourth and fifth lines, add the word "in" to the beginning of the sixth line, and in the seventh line "agent as defined in § 170.3(o)(24) of this" should be corrected to read "agent as defined in § 170.3(o)(23) of this chapter, processing aid as defined in § 170.3(o)(24) of this";

b. In the second column, in paragraph (c) under § 184.1810, in the fifth line "§ 170.3(11)" should be corrected to read "§ 170.3(o)(11)";

c. In the second column, in paragraph (c) under § 184.1810, in the ninth line the word "in" should be added to the end of the line;

d. In the third column, in the first paragraph, paragraph (d), in the tenth line ". . . chapter 0.5 percent" should be corrected to read ". . . chapter, 0.5 percent";

e. In the third column, in the first paragraph, paragraph (d), in the twelfth line "§ 170.3(n)" should be corrected to read "§ 170.3(n)(26)";

f. In the third column, in the second line of paragraph (a) under § 184.1872, "($Na_5 P_2 O_7$ CAS Reg. No. 007722-88-5)" should be corrected to read "($Na_4 P_2 O_7$ CAS Reg. No. 007722-88-5)".

BILLING CODE 1505-01-M

21 CFR Part 357

[Docket No. 79N-0368]

Cholecystokinetic Drug Products for Over-the-Counter Human Use; Establishment of a Monograph; Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish conditions under which over-the-counter (OTC) cholecystokinetic drug products (products which cause contraction of the gallbladder during diagnostic gallbladder studies) are generally recognized as safe and effective and not misbranded. The proposed rule, based on the recommendations of the Advisory

Review Panel on OTC Miscellaneous Internal Drug Products, is part of the ongoing review of OTC drug products conducted by the Food and Drug Administration (FDA).

DATES: Comments by May 12, 1980; reply comments by June 11, 1980.

ADDRESSES: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on June 23, 1978, a report of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products. Under § 330.10(a)(6) (21 CFR 330.10(a)(6)), the Commissioner of Food and Drug issues (1) a proposed regulation containing the monograph recommended by the Panel, which establishes conditions under which OTC drugs are generally recognized as safe and effective and not misbranded (i.e., Category I); (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding (i.e. Category II); (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify these conditions under either (1) or (2) above (i.e., Category III); and (4) the conclusions and recommendations of the Panel. The Panel's conclusions on cholecystokinetic drug products contained no Category II or Category III conditions.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully evaluated the report. The Panel's findings appear in this document as a formal proposal to obtain public comment before the agency reaches any decision on the Panel's recommendations. This document represents the best scientific judgment of the Panel members but does not necessarily reflect the agency's position on any particular matter contained in it. After FDA has carefully reveiwed all comments submitted in response to this proposal, the Commissioner will issue a tentative final regulation in the **Federal Register** to establish a monograph for OTC cholecystokinetic drug products.

In accordance with § 330.10(a)(2)(21 CFR 330.10(a)(2)), the Panel and FDA have held as confidential all information concerning OTC cholecystokinetic drug products submitted for consideration by the Advisory Review Panel. All this information will be put on public display at the office of the Hearing Clerk, Food and Drug Administration, after March 13, 1980, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality should be submitted to William E. Gilbertson, Bureau of Drugs (HFD–510) (address given above).

Based upon the conclusions and recommendations of the Panel, FDA proposes that the conditions included in the monograph, under which the drug products would be generally recognized as safe and effective and not misbranded (Category I), be effective 30 days after the date of publication of the final monograph in the **Federal Register.**

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464). In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous internal drug products was issued in the **Federal Register** of November 16, 1973 (38 FR 31696). In the **Federal Register** of August 27, 1975 (40 FR 38179), an additional notice supplemented the initial notice with a detailed list of ingredients contained in OTC miscellaneous drug products.

The Commissioner appointed the following Panel to review the information submitted and to prepare a report under § 330.10(a) (1) and (5) on the safety, effectiveness, and labeling of the ingredients in those products: John W. Norcross, M.D., Chairman, Ruth Eleanor Brown, R. Ph. (resigned May 1976), Elizabeth C. Giblin, Ed. D., Richard D. Harshfield, M.D., Theodore L. Hyde, M.D., Claus A. Rohweder, D.O., Samuel O. Thier, M.D. (resigned November 1975), William R. Arrowsmith, M.D. (appointed March 1976), Diana F. Rodriguez-Calvert, Pharm. D. (appointed July 1976).

Representatives of consumer and industry interests served as nonvoting members of the Panel. Eileen Hoates, nominated by the Consumer Federation of America, served as the consumer liaison until September 1975, followed by Michael Schulman, J.D. Francis J. Haley, M.D., served as the industry liaison, and in his absence John Parker, Pharm. D., served. Dr. Hailey served until June 1975, followed by James M. Holbert, Sr., Ph. D. All industry liaison members were nominated by the Proprietary Association.

The following FDA employees assisted the Panel: Armond M. Welch, R. Ph., served as the Panel Administrator. Enrique Fefer, Ph. D., served as the Executive Secretary until July 1976, followed by George W. James, Ph. D., until October 1976, followed by Natalia Morgenstern until May 1977, followed by Arthur Auer. Joseph Hussion, R. Ph., served as the Drug Information Analyst until July 1976, followed by Anne Eggers, R. Ph., M.S., until October 1977, followed by John R. Short, R. Ph.

In order to expand its medical and scientific base, the Panel called upon a consultant in statistics, Ralph B. D'Agostino, Ph. D., for advice.

The Advisory Review Panel on OTC Miscellaneous Internal Drug Products was charged with the review of many categories of drugs. Because of the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents its conclusions and recommendations for cholecystokinetic drug products in this document. The review of all other categories of miscellaneous internal drug products will be continued by the Panel, and its findings will be published periodically in future issues of the **Federal Register.**

The Panel was first convened on January 13, 1975 in an organizational meeting. Working meetings were held on the following dates (the dates of those meetings which dealt with the topic of this document are in italics): February 23 and 24, March 23 and 24, April 27 and 28, *June 22 and 23,* September 21 and 22, and November 16 and 17, 1975; February 8 and 9, March 7 and 8, April 11 and 12, May 9 and 10, July 11 and 12, and October 10 and 11, 1976; February 20 and 21, April 3 and 4, May 15 and 16, *July 9, 10, and 11,* October 15, 16, and 17, and December 2, 3, and 4, 1977; January 28, 29, and 30, March 10, 11, and 12, *May 5, 6, and 7,* and *June 23, 1978.*

The minutes of the Panel meetings are on public display in the office of the Hearing Clerk (HFA–305), Food and Drug Administration (address given above). No person requested an

opportunity to appear before the Panel to express his or her views on cholecystokinetic drug products.

The Panel has thoroughly reviewed the literature and the one data submission and has considered all pertinent data and information submitted through June 23, 1978 in arriving at its conclusions and recommendations.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel considered OTC cholecystokinetic drug products with respect to the following three categories:

Category I. Conditions under which OTC cholecystokinetic drug products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC cholecystokinetic drug products are not generally recognized as safe and effective and are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

A. Submission of Data and Information

Pursuant to the notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179) requesting the submission of data and information on OTC miscellaneous internal drug products, the following firm made a submission related to a product for use as a cholecystokinetic.

1. Submissions by Firms

Firm: Grey Pharmaceutical Co., Norwalk, CT 06856; Marketed product: G.B. Prep.

2. Classification of Ingredients

The active ingredient in the cholecystokinetic, G.B. Prep., is an aqueous emulsion of corn oil.

B. Referenced OTC Volume

The "OTC Volume" cited in this document is the submission made in response to the call-for-data notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179). All of the information included in this volume, except for any deletions which were made in accordance with the confidentiality provisions set forth in § 330.10(a)(2), will be put on public display after March 13, 1980, in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

C. General Discussion

A cholecystokinetic drug product causes contraction of the gallbladder and is used during the course of diagnostic gallbladder studies (cholecystography). Patients may be advised by a physician to obtain this drug and use it at a given time in preparation for the diagnostic procedure. The Panel concludes that such a preparation should be available to the consumer without a prescription because it is a safe and effective agent in preparation for cholecystography.

D. Category I Conditions for Cholecystokinetic Drug Products

The following are Category I conditions under which drug products used for the contraction of the gallbladder during cholecystography are generally recognized as safe and effective.

1. *Category I active ingredient—aqueous emulsion of corn oil.* The Panel concludes that corn oil is safe and effective in the recommended single dose of two ounces (¼ cup) of a 50-percent aqueous emulsion when used as a cholecystokinetic agent in cholecystography.

a. *Safety.* Corn oil has been used for many years as an ingredient in food products such as salad dressings and margarines without reported evidence of harmful effects.

b. *Effectiveness.* In radiologic techniques, emulsified corn oil, when given in the above dosage, acts as a "fatty meal" causing a previously opacified gallbladder to rapidly contract. It is believed that corn oil reaching the upper small intestine causes the hormone cholecystokinin to be released from the small intestinal mucosa into the blood stream and hence to the gallbladder stimulating it to contract vigorously (Ref. 1).

c. *Dosage.* The Panel recommends that corn oil be adminstered orally in a single, two-once dose of a 50-percent aqueous emulsion.

D. *Labeling.* The Panel recommends the Category I labeling for OTC cholecystokinetic drug products. (See paragraph D.2. below—Category I labeling.)

2. *Category I labeling.* The Panel recommends the following labeling to be generally recognized as safe and effective and not misbranded for cholecystokinetic drug products:

a. *Indications.*

(1) "For contraction of the gallbladder during cholecystography."

(2) "For visualization of biliary ducts during cholecystography."

b. *Directions.*

(1) "Take only when instructed by a physician."

(2) "Shake well before using."

Reference

(1) Best, C. H., and N. B. Taylor, "The Physiologic Basis of Medical Practice," 7th Ed., Williams and Wilkins, Baltimore, p. 659, 1961.

The Food and Drug Administration has determined that this document is exempt from the requirement of preparing an Environmental Imapct Statement as specified under 21 CFR 25.1(f)(4).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 210, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended by adding to Part 357 new Subpart C, to read as follows:

Subpart C—Cholecystokinetic Drug Products

Sec.

357.201 Scope.
357.203 Defintion.
357.210 Cholecystokinetic active ingredient.
357.250 Labeling of cholecystokinetic drug products.

Authority: Secs. 201 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart C—Cholecystokinetic Drug Products

§ 357.201 Scope.

An over-the-counter cholecystokinetic drug product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this Part 357, Subpart C, in addition to each general condition established in § 330.1 of this chapter.

§ 357.203 Definition.

Cholecystokinetic drug product. A drug product which causes contraction of the gallbladder and is used during the course of diagnostic gallbladder studies (cholecystography).

§ 357.210 Cholecystokinetic active ingredient.

The active ingredient of the product consists of the following when used within the dosage limits established.

Aqueous emulsion (50 percent) of corn oil.

§ 357.250 Labeling of cholecystokinetic drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "cholecystokinetic."

(b) *Indications.* The labeling of the product contains a statement of the indications under the heading "Indications" that reads:

(1) "For the contraction of the gallbladder during cholecystography."

(2) "For visualization of biliary ducts during cholecystography."

(c) *Directions.* The labeling of the product contains the following statements under the heading "Directions":

(1) "Take only when instructed by a physician."

(2) "Shake well before using."

Interested persons are invited to submit their comments in writing (perferably in four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal on or before May 12, 1980. Comments should be addressed to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be accompanied by a supporting memorandum or brief. Comments replying to comments may also be submitted on or before June 11, 1980. Comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: February 5, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–4256 Filed 2–11–80; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1312

Proposed Limitations on Import of Narcotic Raw Materials

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking on narcotic importation policy.

SUMMARY: This is a notice of proposed rulemaking issued by the Administrator of the Drug Enforcement Administration (DEA), to implement a narcotic importation policy in support of a worldwide effort to avoid the proliferation of sources for export of narcotic raw materials. The Administrator has decided to amend section 1312 of Title 21, Code of Federal Regulations, in accordance with the policy as pronounced in the advanced notice of proposed rulemaking, published in the **Federal Register** on June 12, 1979. (44 FR 33695).

DATES: Written comments or requests for a hearing should be received on or before April 14, 1980.

ADDRESS: Send comments to: Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: William M. Lenck, Chief Counsel, Drug Enforcement Administration, telephone (202) 633–1276.

SUPPLEMENTARY INFORMATION: The background of the proposed policy is set forth in the advanced notice of proposed rulemaking on narcotic importation policy, *supra.* Adoption of the proposed policy, as outlined in the advanced notice will assist in eliminating the fundamental cause of excess supply of narcotic raw materials—the proliferation of sources for export—thereby, lessening the danger that excess supplies will be diverted to illicit traffic. the proposed policy's limitations on U.S. imports will discourage numerous countries from cultivating *Papaver somniferum* poppies for export of opium, poppy straw or concentrate of poppy straw from such poppies.

Interested persons have been afforded an opportunity to comment on the proposed policy by an advanced notice of proposed rulemaking, supra, and due consideration has been given to all comments received in response to the notice, insofar as they relate to the scope of the notice.

Discussion of Comments

The Department of State has furnished its unqualified support of the proposed policy as outlined in the Advanced Notice of Proposed Rulemaking (ANPR).[1] Briefly, it considers the ANPR a needed response from the United States to promote balance between worldwide supply and demand of narcotic raw materials, thereby lessening the possibility that excess supplies will be diverted into illicit traffic.

Other favorable comments have been received in support of the proposed policy which need not be repeated in this notice. Nevertheless, there were several comments filed primarily on behalf of parties adversely affected by the ANPR which objected to the proposed policy. These objections require separate DEA responses.

One commentator has suggested that resolution 471[2] should be interpreted to limit markets to those supplier countries which the world has relied upon for narcotic raw materials over the last decade. Another commentator has argued that to support the traditional supply countries cannot mean that purchases of narcotic raw materials from non-traditional suppliers should be totally prohibited. Nevertheless, the Commission on Narcotic Drugs, during its 1979 session, specifically rejected language in resolution 471 which would substitute "existing suppliers" in place of "traditional suppliers". The intent of the resolution to discourage new producers was clear. The United States, by generally relying only upon those countries authorized by international convention to produce opium for export, has not misinterpreted the intent of resolution 471.

Certain commentators have suggested that the proposed policy will not solve the problem of oversupply of narcotic raw materials. They have attributed the oversupply to the increase in production of traditional nations, not the proliferation of supplier countries. Moreover, they have not viewed the oversupply a threat for diversion of narcotics into the illicit market. However, the consensus shared by the international community has been that the cause of overproduction of narcotic raw materials is the proliferation of suppliers. In addition, although DEA has no evidence of diversion of licit supplies, its considers the International Narcotics Control Board's forecast of future oversupplies a threat which requires preventive action.

Several commentators have been concerned that the proposed policy has failed to assure adequate supplies of essential drugs. They have claimed that the recent pledges of Australia, France, Turkey and India to reduce acreage of cultivation, the potential climatic hazards of India and Turkey, the specter

[1] Copies of the full texts of the State Department position are provided in the appendix of this notice.

[2] The full text of resolution 471, as adopted by the Commission on Narcotic Drugs, is reprinted in the ANPR, *supra.*

of change in national policies of India, Turkey and Yugoslavia, the potential for a decreased demand of synthetic narcotics, and the unproven reliability of the new Turkish processing facility are factors that will contribute to a future shortage of narcotic supplies. DEA recognizes these concerns, however, the possibility of future shortages remain unlikely in light of the large quantities of narcotic supplies in Indian and Turkish inventories, countries which have historically provided narcotic raw materials for the U.S. market, and the small percentage of present U.S. imports from countries outside of the proposed import limitations. In addition, the proposed importation policy includes a provision that would except imports from the proposed limitations until the United States could supplement its own medical needs. In this regard, DEA is monitoring the state of the art research and development programs involving *Papaver bracteatum* cultivation and processing. If a future shortage became imminent, the technology could be made available to alleviate a shortfall in U.S. supplies. DEA, in cooperation with the Department of State and the Department of Health, Education, and Welfare, can examine trends in poppy plant production and supplies of opium and concentrate of poppy straw to assure that there will be adequate supplies to meet U.S. medical needs.

One commentator has suggested that the proposed policy is anti-competitive and inflationary. DEA does not argue that the manufacture of narcotics has been closely controlled, however, the potential for abuse of narcotics warrants a closed regulatory system, in order to prevent diversion into the illicit traffic. In addition, it is the purpose of the exception in the proposed policy to insure that the added costs in maintaining adequate security are reasonable.

Several commentators have contended that the proposed policy is discriminatory, in that it may exclude market suppliers which have been in full compliance with all applicable international agreements. DEA notes that this is possible. Nevertheless, considering that DEA has prohibited all domestic cultivation of poppies, which is permissible under international law, in order to set an example to the world community to refrain from overproduction of narcotic raw materials; its action to restrict imports of narcotic raw materials from countries, which have not traditionally supplied the United States, is clearly consistent with how we have treated our own country and has the full support of the Department of State.

Several commentators have argued that the proposed policy is illegal for the reasons that it is in violation of the *Single Convention on Narcotic Drugs*, 1961 (Single Convention), 18 UST 1407, and is outside of DEA statutory powers.

The Single Convention clearly does not mandate or even recommend that its parties import narcotic raw materials from *all countries* in compliance with international law. A party to the Single Convention may prohibit all importation of narcotics or limit importation to any specified country, so long as, it does not import more than five tons of opium from a country not authorized under Article 24, of the Single Convention without the permission of the International Narcotics Control Board. Moreover, DEA has authority under section 1002 of the Controlled Substance Import and Export Act, 21 U.S.C. 952, to promulgate a regulation limiting the importation of narcotics in support of a worldwide effort to avoid the proliferation of sources for export of narcotic raw materials.

Several commentators have made the following counterproposals:

(1) Include as traditional countries those countries which over sustained periods during the decade preceding 1979, exported narcotic raw materials from poppies lawfully cultivated in their territories; or,

(2) Establish a quota system reserving 30% of U.S. imports to countries other than India and Turkey; or,

(3) Amend point 4 of the proposed policy to insure the continuing availability for importation of sufficient supplies of narcotic raw materials at reasonable prices.

Although the counterproposals would represent a modification in the policy expressed in the ANPR, the Administrator is prepared to hear additional evidence in support of these counterproposals in the form of written comments or oral presentations.

The governments of Hungary and Poland have filed comments which claim that they are traditional sources of CPS and should not be precluded from exporting to the United States. DEA is aware of the long history in manufacturing CPS in their countries, and is aware that the United States has only recently made an exception to allow importation into the United States from Hungary and Poland because of an unprecedented shortfall in narcotic supplies from its traditional suppliers.

The governments of France and Australia have objected to the proposed policy as discriminatory and imply that the United States had encouraged the expansion of their manufacturing capacities. The United States is grateful to Francopia, a French manufacturer of CPS, for its exports of CPS to the United States during a time of short supplies. However, the United States has never made assurances to France, Australia, or for that matter, to any foreign country or manufacturer that there would be a continuing future U.S. demand for CPS.

In any case, the proposed regulation will permit these countries to seek exceptions to the application of this policy subject to market conditions prevailing at that time. Such provision will permit equitable consideration for suppliers in nations listed in the exception to the regulation, based on changing circumstances, without impairing the general U.S. policy of providing support and preference for its two traditional suppliers, India and Turkey.

As evidenced by its recent decision on the domestic cultivation of *Papaver bracteatum* (42 FR 28560), the United States will continue to support its traditional suppliers and will not authorize domestic production of such narcotic raw materials. Nevertheless, the *Papaver bracteatum* decision has served notice to the world community that, if U.S. reliance upon its traditional suppliers does not result in strong controls over licit production or in adequate supplies of narcotic raw materials at reasonable prices, the United States has the capability to cultivate poppies to supplement its medical needs and need not, as suggested by several commentators, rely upon new foreign sources for importation of narcotic raw materials.

Proposed Rule

In consideration of the foregoing, under the authority vested in the Attorney General by section 1002 of the Controlled Substance Import and Export Act, 21 U.S.C. 952, and delegated to the Administrator of the Drug Enforcement Administration by § 0.100(b) of Title 28 of the Code of Federal Regulations, it is proposed to amend § 1312.13, Title 21 of the Code of Federal Regulations, Chapter II, by adding the following paragraph (d):

PART 1312—IMPORTATION AND EXPORTATION OF CONTROLLED SUBSTANCES

§ 1312.13 Issuance of an import permit.

* * * * *

(d) Notwithstanding, paragraph (a)(1) and (a)(2) of this section, the Administrator shall permit importation of narcotic raw materials (opium, poppy straw and concentrate of poppy straw)

only from traditional exporting suppliers as specified below:

(1) *Papaver somniferum* gum opium from a country which has exported *Papaver somniferum* gum opium which it produced, during ten years immediately prior to January 1, 1961, if such country has instituted and maintained adequate control systems for narcotic raw materials as required under the Single Convention on Narcotic Drugs, 1961, 18 UST 1407 (1967) (Single Convention).

(2) *Papaver somniferum* poppy straw from a country which has qualified under subparagraph (1) of this paragraph.

(3) *Papaver somniferum* concentrate of poppy straw from a country which has qualified under subparagraph (1) of this paragraph; or from a country which has produced CPS from *Papaver somniferum* poppy straw grown in a country qualifying under subparagraph (1) of this paragraph if both countries have maintained adequate control systems for narcotic raw materials as required under the Single Convention.

(4) The Administrator may authorize exceptions to subparagraphs (1), (2) or (3) of this paragraph, as necessary in order to honor contracts of U.S. companies signed prior to January 1, 1979, or in order to ensure importation of sufficient supplies of narcotic raw materials at reasonable prices. However, these exceptions would be limited to the following current producers: Australia, Hungary, France and Poland.

Additionally, § 1312.45, Title 21 of the Code of Federal Regulations, Chapter II should be amended by designating the existing paragraph as "(a)" and adding the following paragraph (b):

* * * * *

(b) Notwithstanding paragraph (a) of this section, any party requesting the Administrator to authorize an exception under § 1312(d) of this title, shall have the burden of proving that the exception is necessary in order to honor contracts of United States companies signed prior to January 1, 1979, or in order to ensure importation of sufficient supplies of narcotic raw materials at reasonable prices.

* * * * *

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues to be heard. All such submissions must be received on or before April 14, 1980.

In the event that an interested party submits objections to these proposals which present reasonable grounds for these rules not to be finalized and requests a hearing in accordance with 21 CFR 1316.47, the party will be notified by registered mail of the time and place that the hearing will be held. If any objections which are submitted do not present reasonable grounds, the party will be so advised by registered mail.

If no objections presenting grounds for a hearing on these proposals are received within the time limitations, or all interested parties waive or are deemed to waive their opportunity for a hearing or to participate in a hearing, the Administrator, after giving consideration to written comments and objections, will issue his final order without a hearing.

Dated: February 7, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

U.S. Department of State,
Washington, D.C., July 12, 1979.

Memorandum for: The Honorable, Peter B. Bensinger, Administrator, Drug Enforcement Administration.

From: Mathea Falco, Assistant Secretary for International Narcotics Matters.

Subject: Department of State Comments on Proposed Policy Concerning the Importation of Narcotic Raw Materials.

The Department of State supports the proposed policy concerning importation of narcotic raw materials, under 21 CFR Part 1312, published in the June 12, 1979, **Federal Register**. Implementation of the proposed policy would serve important international narcotics control objectives and would fulfill United States obligations in support of this year's Commission on Narcotic Drugs (CND) Resolution 471. Among these objectives are the following:

1. To promote a balance between worldwide supply of and demand for narcotic raw materials, thereby lessening the increasing danger that excess supplies will be diverted to the illicit market both in the United States and abroad;

2. To fulfill United States obligations as a leader in international narcotics control efforts while strengthening the effectiveness of the United Nations drug control system established by international treaties;

3. To ensure adequate supplies of narcotic raw materials at reasonable prices for American medicinal and scientific needs.

Balancing Supply and Demand

The overwhelming approval of the United Nations Commission on Narcotic Drugs Resolution 471 last February in Geneva, and its subsequent confirmation by the United Nations Economic and Social Council (ECOSOC) in New York in April, express clearly the extent of international concern over the growing imbalance between the supply of and the demand for medicinal narcotics. In its deliberations, the CND attributed the problem of excess supply primarily to a proliferation of producers and manufacturers for export. Of particular concern has been the rapid increase in morphine production and export by non-traditional suppliers, such as Australia and France, which has outstripped world demand. For example, between 1973 and 1977 annual Australian production increased from 4 to 16.6 tons. French production grew from 1.4 to 20.5 tons during the same period. Data from the International Narcotics Control Board (INCB) indicate that if present production trends continue unchecked until 1982, world morphine manufacturing capacity will be approximately 50 percent in excess of morphine demand.

The growing excess of supply over demand is creating increasingly large stocks of unsold opium and concentrate of poppy straw in producing countries. To date, governments of traditional producing countries, such as India and Turkey, have maintained generally effective control systems, purchasing narcotics materials from their licensed growers. Last year, despite considerable domestic political and economic risks, those governments ordered substantial reductions in licensed opium poppy acreage. Thus far, diversion of surplus narcotic stocks into the illicit marketplace has not occurred. It is problematical whether these control systems can continue to function if the already inadequate markets for narcotic raw materials are further strained by the entry of non-traditional producers, such as Australia. It is also hard to predict what traditional producing countries will do if deprived of the legal outlets for the opium poppy crops they have grown for generations. A large portion of what is now licit cultivation may find its way into illicit channels.

Many parts of the world are already awash in illicit opiates. Experience has shown that the more such drugs are available, the greater the number of people who abuse them. While heroin availability and abuse in this country are presently at their lowest levels this decade, drug abuse in Asia and Europe is reaching epidemic proportions. The illicit drug traffic knows no borders, and as demand elsewhere peaks increasing supplies of Middle Eastern heroin will seek other markets—primarily the United States. By supporting Resolution 471, we believe we can reduce significantly the chances of creating additional illicit supplies to threaten our own, as well as other, societies.

Strengthening International Controls

The Single Convention established an effective international framework of control criteria under which opium could be produced for legitimate purposes. The Convention limited the export of opium to the ten countries which had been exporting that material over the ten years preceding signing of the treaty in 1961. These ten countries are normally referred to as the "traditional producers", a concept which we are pleased to see has been incorporated into the proposed rulemaking. Yet the Single Convention addressed poppy straw and concentrate of poppy straw (CPS) only in passing, reflecting the relative unimportance of those materials nearly twenty years ago. By omitting production and export restrictions on poppy straw and CPS, the Single Convention did not provide an adequate international regulatory framework for those increasingly important materials.

Today, approximately 50 percent of world morphine requirements are met by poppy straw and concentrate of poppy straw, with opium meeting the remainder. In effect, this means that 50 percent of the world trade in bulk medicinal opiates is not regulated adequately by treaty. The Single Convention is in obvious need of amendment; a long and tortuous process. In the meantime, CND Resolution 471 is an effort to control poppy straw and CPS production and exports by invoking the Single Convention's spirit where its letter falls short.

United States support for full implementation of CND Resolution 471 is essential if it is to have a meaningful chance of fulfilling its objectives. Although we do not currently import poppy straw, we import approximately 70 percent of all CPS entering the international market. We are, therefore, in a position to bring the majority of CPS exports under some form of international control simply by complying with the CND Resolution. Less than full compliance would condone implicitly the increasing risk of diversion of licit narcotic raw materials into the illicit market—both at home and abroad.

The impact of your proposed rule extends far beyond the question of United States raw material imports. Our widely recognized leadership in international drug control efforts means that other nations are watching closely for our response to the current U.N. initiative to curtail proliferation of narcotic raw material producers. Strong support of this Resolution by the United States will provide incentive for other nations to act in a similarly responsible manner. Absence of strong U.S. support will make it unlikely that other major consuming countries will adequately implement the CND Resolution.

CND Resolution 471 represents a pivotal effort by the international community to strengthen its narcotic control efforts for the common good. Our ability to enhance the future effectiveness of international organizations in controlling both licit and illicit narcotics will be determined largely by the success of this effort.

Impact of Proposed Policy

Restricting sources of United States narcotic raw material imports to "traditional suppliers" as defined in the proposed policy would have little practical impact upon this country's manufacturers or consumers. In 1978, approximately 88 percent of total United States narcotic raw materials came from "traditional supplier" countries which would qualify under the proposed policy. Only 12 percent of our total supplies were purchased from non-traditional suppliers and that was in the form of CPS from France. We must consider, of course, our bilateral relations with non-traditional narcotic producing and exporting countries. With Australia, for example, we have very important ties involving security political, economic, and scientific considerations, the totality of which are beneficial to both parties. Notwithstanding the importance of our relationship with these countries, however, we believe that the issue being addressed is of such overriding moment that it must receive priority attention from us. The proposed rulemaking would not significantly affect our bilateral relations adversely. The following paragraphs address the proposed policy on a point-by-point basis:

Point 1

Point 1 would have only minimal effect upon U.S. companies or their suppliers. Adhering to the Single Convention definition would restrict opium exports to ten countries, Afghanistan, Bulgaria, Burma, India, Iran, Pakistan, Turkey, Viet-Nam, the U.S.S.R., and Yugoslavia. Since India is the only country now legitimately exporting gum opium, the immediate effect of this policy would be nil. Bulgaria, Turkey, the U.S.S.R. and Yugoslavia could conceivably go back into opium production, but labor costs and existing large investments in poppy straw and its concentrate would make such action unlikely.

The inclusion of a requirement that producers exporting to this country maintain adequate control measures is important to long-term international narcotics control effectiveness. Gum opium is still produced, either licity or illicity, in Afghanistan, Burma, Iran, Pakistan, and Viet-Nam—all traditional exporters under the Single Convention. The Government of Afghanistan, for example, has been lobbying for INCB approval to resume licit exports of gum opium, claiming that it meets the Convention's control requirements. It is the Department's view, however, that neither Afghanistan nor the other four potential opium gum exporters have effective control systems. The safeguards contained in Point 1 of the proposed policy would be an effective way of discouraging imports from countries without effective controls.

Point 2

Point 2 would have no direct effect upon United States imports, as no poppy straw is currently being brought into this country. It is unlikely that any American company would import and process *Papaver bracteatum* straw profitably under foreseeable market conditions. Nonetheless, Point 2 is important in that it allows an alternative source of narcotic raw materials if gum opium or CPS become hard to obtain or too expensive.

Point 3

Point 3 would have the most practical bearing upon United States imports, both present and future. Of the ten qualifying nations, only Yugoslavia currently exports significant quantities of concentrate of poppy straw. Since 1977, Yugoslav CPS has gone to the United States. The U.S.S.R. imports narcotic materials to meet its own internal needs. Bulgaria is not a significant exporter of CPS. India does not plan to adopt the CPS process, and the Turkish CPS plant at Bolvadin is not scheduled to begin operation until 1980. Nor is there any indication that any of the other five traditional exporters plan to produce CPS. Even if they were to attempt the technology required, it would be unlikely that they could meet the requirement of the Single Convention for an adequate control system.

Most important to the U.S. in the near and medium term is that Point 3 would permit importation of CPS from non-traditional producers so long as it was manufactured from *Papaver somniferum* straw grown by traditional producer/exporter countries. Of the ten potential traditional sources of such straw, only Turkey now exports straw in any significant quantities. The Dutch process primarily Turkish straw to supply about 60 percent of current U.S. concentrate imports (1978 figures). In the recent past, however, the Dutch have also processed large quantities of incised Indian straw into CPS. If processing Indian straw once more becomes economic, the Dutch could presumably resume importing and processing that material as well as the Turkish product.

In 1978 Hungarian CPS comprised about 12 percent of total U.S. concentrate imports. We understand that this product is manufactured, at least in part, from Turkish-grown poppy straw. Once verified as coming from straw grown in Turkey, or any other traditional producer, the Hungarian CPS would be eligible for continued importation by American firms.

Under Point 3, France would, under existing conditions, eventually lose its share of the U.S. concentrate market because it grows and processes its own straw rather than that of a traditional producer, as defined by the proposed policy. In 1978, imports from France made up about 28 percent of all U.S. concentrate purchased (12 percent of total raw material imports—both opium and CPS).

As Common Market agricultural product prices climb, French farmers are demanding higher prices for their poppy straw as the price for not shifting to other, more profitable crops. Domestic price realities in France, therefore, may lead that country's producers to cut back on CPS manufacturing and/or rely upon cheaper straw imported from Turkey or India. Point 4 of the proposed policy should ease the transition for the French by honoring existing contracts with U.S. firms not due to expire until mid-1981. The French delegation voted for CND Resolution 471, and supported its adoption by ECOSOC.

Any French imports eventually excluded from the U.S. could be made up by imports of gum from India and CPS from those countries now processing straw from Turkey. The Dutch VPF factory, for example, is operating well below capacity and could increase its purchases of Turkish straw to produce more CPS for the U.S. market. This would reduce the current large reserve stocks of Turkish straw.

Surplus Indian opium could also make up for the lost French share on short notice. Advantageous for India would be the high thebaine content of its opium. As availability of thebaine-bearing French CPS diminishes, Indian opium would find increasing favor among U.S. importers to meet any projected need for thebaine in this country. Opium remains the most attractive source of thebaine in this country.

Under Point 3 of the proposed policy, Australia would be denied access to the U.S. market because their two producers manufacture CPS from their own poppy straw. Since neither of those two producers currently export to the United States, any economic loss to them would be potential rather than real. United Nations documents indicate that the established British Commonwealth and European markets were the primary motivation for Australian firms

to boost their production of CPS for export. Presumably, United Kingdom and Commonwealth compliance with Resolution 471 will define traditional producers in such a way as to ensure continued markets for reasonable quantities of the Australian product.

Point 4

Point 4 is a prudent provision to protect our own commercial and consumer interests, and to be fair to exporters like the French who have existing contracts with United States firms.

It has long been accepted by the international community that countries must pay a little more for narcotic raw materials in order to have effective controls and a rough equilibrium between supply and demand of such potentially dangerous products. Governments have agreed that even if they could produce cheaper narcotics on their own and profit from exports, they would not do so in order to assure markets for those traditional producers who had put considerable energy and expense into instituting and maintaining adequate control systems. An example of such restraint was the United States decision in 1977 not to permit domestic production of *Papaver bracteatum*, thereby knowingly giving up potential financial benefits to U.S. pharmaceutical companies. The international community applauded that action, and most followed our lead and showed comparable restraint.

Despite a willingness to accept a certain price to maintain controls, it would not seem reasonable to expect U.S. firms, and ultimately the American consumer, to pay piratical prices if the traditional producers joined in a price-fixing arrangement. Given the most responsible behavior of traditional producers like India and Turkey, however, such actions on their parts would seem most unlikely. Moreover, all concerned are aware that the United States could produce *Papaver bracteatum* and become self-sufficient in narcotic raw materials—with devastating effect on all other producers. We could not, therefore, be placed in a situation with narcotic imports such as we face with those of petroluem. Even excluding the possibility of *Papaver bracteatum* production, the regulations implementing Point 4 could permit alternative narcotic raw material sources in the unlikely event that climatic or political developments jeopardize availability of supplies from traditional suppliers.

Summary

The Department of State supports the porposed DEA policy concerning the importation of narcotic raw materials. The advantages of such a policy are, in brief:

It would have a major influence on reducing the present imbalance between world opiate raw material supply and demand, thereby lessening considerably the risk of diversion into illicit channels;

It would help bring a major source of narcotic raw materials under more effective international control;

It would strengthen our nation's role as a leader in international narcotics control as well as the effectiveness of the UN drug control agencies and their ability to act effectively in the future;

Taken as a whole, the proposed policy would not interfere with adequate medicinal supplies at reasonable prices for the American consumer.

The above benefits outweigh the disadvantages stemming from possibly easing the French out of the U.S. market and from barring potential access to that market to the Australians and other potential suppliers, such as Spain or Singapore. The Department of State, therefore, recommends that the proposed policy be implemented through appropriate rulemaking at the earliest possible date.

The Deputy Secretary of State,
Washington, D.C., November 17, 1979.

Dear Mr. Peter Bensinger: Thank you for your letter of September 24, 1979, regarding the present review of proposed U.S. policy concerning the importation of narcotic raw materials. The memorandum of July 12, 1979, submitted to you on behalf of the Department of State by Assistant Secretary Falco, conveys accurately our view that traditional narcotic raw material suppliers, as defined in the proposed policy published in the **Federal Register** June 12, 1979, should be given the strongest support by the U.S. This is dictated by our international narcotic control objectives and our obligation to implement U.N. Commission on Narcotic Drugs Resolution 471.

As you know, the two major traditional suppliers of narcotic raw materials to the U.S., India and Turkey, have been diligent in their efforts to control strictly licit narcotic raw material production in order to prevent diversion into illicit channels. Both Governments have also been responsive to international concerns over excessive worldwide licit narcotic raw material production, and, accordingly, have taken measures to reduce their narcotic cultivation. In addition, the Government of Turkey is completing construction of the largest poppy straw processing plant in the world, which it intends to be a primary source of supply for the United States medicinal narcotic market. Because of the importance to our foreign policy of continuing our close cooperation with the Governments of Turkey and India, we firmly believe that every effort must be made to ensure U.S. support for their licit narcotics production.

The Honorable Peter B. Bensinger,
Administrator,
Drug Enforcement Administration.

We have carefully reviewed the alternative courses of action set forth in your letter of September 24. We believe that the proposed policy published in the **Federal Register** of June 12, 1979 articulates fully the strong U.S. commitment to support traditional narcotic raw material suppliers. However, we agree that the clarifications of the proposed policy which you suggest in paragraphs 2 and 3 of your letter would be useful in delineating the countries which could be considered as sources of supply, if necessary, to ensure importation into the U.S. of sufficient supplies of narcotic raw materials at reasonable prices. These clarifications would amend paragraph 4 of the proposed rulemaking to read as follows:

"4. Authorize exceptions to the above provisions as necessary in order to honor contracts of U.S. companies signed prior to January 1, 1979, or in order to ensure importation of sufficient supplies of raw materials at reasonable prices by importing from those countries currently exporting concentrate of poppy straw to the U.S., and from those countries that have import permits for concentrate of poppy straw currently pending."

This formulation would, we believe, fulfill the strong U.S. commitment to international narcotic control objectives as well as ensure adequate supplies of narcotic raw material at reasonable prices for American medicinal and scientific needs.

Sincerely,

Warren Christopher.

[FR Doc. 80-4488 Filed 2-11-80; 8:45 am]

BILLING CODE 4410-09-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 208

[A.I.D. Regulation 8]

Suppliers of Commodities and Commodity-Related Services Ineligible for A.I.D. Financing

AGENCY: Agency for International Development.

ACTION: Review of existing regulations.

SUMMARY: This regulation governing exclusion of suppliers of commodities and of commodity-related services from eligibility for A.I.D. financing is published without change for public comment in accordance with the Agency's plan to periodically review existing regulations.

DATES: comments on this regulation must be received on or before April 14, 1980.

ADDRESS: comments should be submitted to: Office of Commodity Management, Room 809, SA–18, Bureau for Program and Management Services, Agency for International Development, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen O'Hara, Office of Commodity Management, AID, telephone (703) 235–2173.

Part 208 of Chapter II, Title 22 of the Code of Federal Regulations is set forth in its entirety below:

PART 208—SUPPLIERS OF COMMODITIES AND COMMODITY-RELATED SERVICES INELIGIBLE FOR A.I.D. FINANCING

Subpart A—General Matter

Sec.
208.1 Scope.
208.2 Purpose.
208.3 Definitions.

Subpart B—Ineligible Suppliers: Debarment and Suspension

208.4 Ineligible suppliers.
208.5 Causes for debarment.
208.6 Duration of debarment
208.7 Cause for suspension.
208.8 Duration of suspension.
208.9 Extension of suspension.

Subpart C—Ineligible Affiliate of the Supplier

208.10 Debarment and suspension of an affiliate firm.
208.11 Criteria for determining affiliation.

Subpart D—Procedures for Notice and Hearing

208.12 Requirement for noitce and hearing.
208.13 Notice of suspension pending completion of investigation by A.I.D.
208.14 Notice after completion of investigation.
208.15 Notice of hearing.
208.16 Notice received.
208.17 Suspension without a hearing.
208.18 Debarment without a hearing.
208.19 Date of the hearing.
208.20 Hearing Examiner.
208.21 Report to the Administrator.
208.22 Findings.
208.23 Recommendations.

Subpart E—Implementation of a Debarment or Suspension Order

208.24 List of ineligible suppliers.
208.25 Reference to the contents of the list.
208.26 Removal of ineligibility by the Administrator.

Authority: The provisions of this Part 208 issued under sec. 621 of the Foreign Assistance Act of 1961, 75 Stat. 445; 22 U.S.C. 2402.

Subpart A—General Matter

§ 208.1 Scope.

This part prescribes the policies and procedures which shall apply to the suspension and debarment of suppliers of commodities and commodity-related services from transactions financed by A.I.D.

§ 208.2 Purpose.

The purpose of this part is to protect the integrity of the Foreign Assistance Program and to assure the prudent use of Foreign Assistance Funds by excluding suppliers from A.I.D. financing for the causes described in §§ 208.5 and 208.7.

§ 208.3 Definitions.

As used in this part:

(a) "Administrator" means the Administrator or Deputy Administrator of A.I.D. or his delegate.

(b) "Adversary hearing" means the kind of hearing required by section 7(c) of the Administrative Procedure Act, 60 Stat. 241; 5 U.S.C. 1006, but without regard to other provisions of that Act.

(c) "Affected person" means the supplier or any affiliate firm who is the subject of an A.I.D. suspension or proposed debarment order.

(d) "Affiliate" means a firm associated with the supplier in any manner indicated in § 208.11.

(e) "A.I.D." means the Agency for International Development.

(f) "Attorney General" means the Attorney General or Deputy Attorney General of the United States or his delegate.

(g) "Borrower/grantee" means the government of any country to which A.I.D. provides any form of assistance, or any agency, instrumentality or political subdivision of such a country, or any private entity to which A.I.D. directly makes funds available by loan or grant.

(h) "Charge" means any allegation of wrongdoing which

(1) Constitutes the basis, in whole or in part, for a criminal indictment or information secured by the United States or the basis for a civil complaint brought by the United States against an affected person; and

(2) Concerns facts which may constitute a cause for debarment by A.I.D. under § 208.5.

(i) "Commodity-related service" means any service necessary to effect a physical transfer of commodities from the country of export to the aid-recipient country or any service associated with the installation of equipment or use of any commodity.

(j) "Debarment" means a determination by A.I.D. pursuant to a cause for debarment prescribed in § 208.5 and in accordance with the procedures indicated in § 208.12(b) that A.I.D. will exclude affected persons from eligibility for A.I.D.-financed contracts for the supply of commodities or commodity-related services for a fixed period of time.

(k) "Implementing document" means any document issued by A.I.D. which authorizes the use of A.I.D. funds for the procurement of commodities or commodity-related services and which specifies the conditions which shall apply to such procurement. The term includes an A.I.D. Letter of Commitment to a bank as well as a Special Letter of Credit.

(l) "Ineligible" means debarred or suspended.

(m) "Supplier" means any person or other entity which furnishes commodities or commodity-related services.

(n) "Suspension" means a determination by A.I.D. pursuant to § 208.7 that A.I.D. will exclude affected persons from eligibility for A.I.D.-financed contracts for the supply of commodities or commodity-related services for a period subject to the limitations prescribed in §§ 208.8 and 208.9, pending determination by A.I.D. whether to proceed with debarment action.

Subpart B—Ineligible Suppliers: Debarment and Suspension

§ 208.4 Ineligible suppliers.

A.I.D. will not make funds available to finance the cost of commodities or commodity-related services provided by any supplier whose name appears on the A.I.D. "List of Ineligible Suppliers." A supplier may be placed on this list only for the causes specified in § 208.5 or § 208.7 and only in accordance with the procedures described in Subpart D of this part.

§ 208.5 Causes for debarment.

A supplier may be debarred for any of the following causes:

(a) Violating in a substantial manner any A.I.D. regulatory provision;

(b) Offering or accepting a bribe or other illegal payment or credit in connection with any transaction financed with funds made available under the Act or with funds made available under other legislation by any other agency of the United States;

(c) Committing a fraud in the procurement or performance of any contract financed with funds made available under the Act or with funds made available under other legislation by any other agency of the United States;

(d) Failure to furnish information to A.I.D. in accordance with contractual undertakings to A.I.D.

(e) Acting in any other manner which shows a lack of integrity or honesty in connection with any transaction financed with funds made available under the Act or with funds made available under other legislation by any other agency of the United States.

§ 208.6 Duration of debarment.

(a) *Relation to seriousness of the cause.* Debarment shall continue for a definitely stated period of time which shall be reasonably related.

(1) To the seriousness of the cause for debarment; and

(2) To any sanction imposed upon the supplier as a result of any criminal or civil fraud judgment.

(b) *Maximum duration of debarment.* Debarment shall be limited to a period of three years. This period may be extended, however, to include any prison term, whether or not suspended, to which the supplier has been sentenced in connection with any cause for debarment.

§ 208.7 Cause for suspension.

Upon probable cause for belief that a supplier has engaged in conduct which constitutes a cause for debarment, the Administrator may direct the suspension of the supplier and of any affiliated firm pending determination of the debarment issue.

§ 208.8 Duration of suspension.

(a) *Relation to A.I.D. investigation.* The period of suspension shall be reasonably related to the time-period necessary for A.I.D. to complete its investigation and to determine whether further steps to debar the supplier and any affiliated firm are appropriate.

(b) *Limitation on the duration of suspension.* Except as provided in § 208.9, the period of suspension shall not exceed one year.

§ 208.9 Extension of suspension.

(a) *If charge brought.* If a charge is brought against a supplier either before or after notice of suspension under § 208.13 has been received, A.I.D. may extend the suspension until:

(1) Judicial proceedings on the charge have been completed; or

(2) The charge has been withdrawn.

(b) *If no charge brought.* If during the period of suspension the Attorney General determines and notifies the Administrator that although no charge has been brought against the supplier, disclosure by A.I.D. of evidence of wrongful conduct by the supplier would substantially hamper the law enforcement activities of the Department of Justice or the successful criminal or civil prosecution of the supplier, A.I.D. may extend the suspension:

(1) For a period of 18 months from the date of the notice of suspension; and

(2) For any further six-month period beyond the foregoing eighteen months upon redetermination and separate notification by the Attorney General to the Administrator concerning the effects of disclosure.

(c) If during the period of suspension A.I.D. institutes debarment proceedings by giving notice of proposed debarment to the affected person pursuant to § 208.14, the suspension shall be extended without other notice until debarment becomes effective or the affected person is removed from the List of Ineligible Suppliers in accordance with the provisions of this Part 208.

Subpart C—Ineligible Affiliate of the Supplier

§ 208.10 Debarment and suspension of an affiliate firm.

A.I.D. may extend the ineligibility of the supplier to other persons or firms if

(a) Such other persons or firms satisfy the criteria for affiliation described in § 208.11; and if

(b) Notice and opportunity for hearing as provided in Subpart D of this part are extended to such affiliates.

§ 208.11 Criteria for determining affiliation.

An "affiliate" of a supplier whom A.I.D. proposes to debar or has already debarred shall mean:

(a) *As between firms.* (1) Any subsidiary firm in which the supplier holds a beneficial interest which exceeds 49 percent; or

(2) Any parent firm which holds a beneficial interest in the supplier which exceeds 49 percent; or

(3) Any subsidiary of the parent firm of the supplier if the parent firm holds a beneficial interest which exceeds 49 percent both in the supplier and in the subsidiary; or

(4) Any other firm in which a director, policymaking officer, dominant owner, or dominant stockholder is also a director, policymaking officer, dominant owner, or dominant stockholder of the supplier.

(b) *As between a supplier who is an individual and a business firm.* Any firm in which:

(1) The supplier is the dominant owner or dominant stockholder; or

(2) The supplier is a director or policymaking officer; or

(3) A firm described in subparagraph (1) or (2) of this paragraph holds a beneficial interest which exceeds 49 percent.

(c) *As between a supplier which is a business firm and an individual.* Any individual who is:

(1) A director, policymaking officer, dominant owner, or dominant stockholder of the supplier.

Subpart D—Procedures for Notice and Hearing

§ 208.12 Requirement for notice and hearing.

(a) Suspension of a supplier or of an affiliated firm shall be preceded by notice as provided in § 208.13(a).

(b) Debarment of a supplier or of an affiliated firm shall be preceded:

(1) By suspension, if appropriate; and

(2) By notice as provided in § 208.14 and, if appropriate, as provided also in § 208.15; and

(3) Except as provided in § 208.18 by an opportunity to appear in an adversary hearing and to contest the proposed debarment.

§ 208.13 Notice of suspension pending completion of investigation by A.I.D.

(a) Affected persons shall be sent a written notice of the suspension and proposed debarment action. The notice shall state:

(1) The general reasons for the proposed debarment; and

(2) That the suspension is for a temporary period pending completion of an investigation by A.I.D. and any debarment proceedings which may follow.

(b) Affected persons shall be sent a written notice whenever A.I.D. extends the suspension period pursuant to § 208.9.

§ 208.14 Notice after completion of investigation.

(a) After completion of an investigation, A.I.D. shall determine whether to institute debarment proceedings. Affected persons shall be notified in writing accordingly.

(b) Notice of a proposed debarment shall advise affected persons that unless a written request for a hearing is received (Office of the Executive Secretary) within 30 days from the date of mailing, debarment will become effective as of the date stated in the notice without any further action by or notice from A.I.D., and that the suspension of the affected person will be extended until debarment becomes effective or the affected person is removed from the List of Ineligible Suppliers in accordance with the provisions of this Part 208.

§ 208.15 Notice of hearing.

If in connection with any proposed debarment the supplier submits a request for a hearing within the period indicated in § 208.14(b), A.I.D. shall give written notice to all affected persons of the time, place and date on which such a hearing will be conducted.

§ 208.16 Notice received.

Notice of proposed administrative action shall be deemed to have been received by an affected person if the notice was properly mailed to the last known address of such person.

§ 208.17 Suspension without a hearing.

A.I.D. may suspend a supplier without a hearing:

(a) Pending completion of an investigation by A.I.D. of the facts upon which a proposed debarment action is to be based;

(b) During any A.I.D. debarment proceeding; or

(c) Pending completion of an investigation by any other federal agency and during any legal proceedings before a judicial or administrative tribunal other than an A.I.D. hearing examiner concerning facts which may establish a cause for debarment by A.I.D.

§ 208.18 Debarment without a hearing.

A.I.D. may debar a supplier or an affiliate firm without a hearing if:

(a) No hearing is requested within the period indicated in the notice described in § 208.14(b); or

(b) There are no disputed questions of fact relevant to the debarment issue; or

(c) The Administrator determines that the security interests of the United States override the interests of the supplier in an adversary hearing; or

(d) The supplier has been debarred by another federal agency and;

(1) Such debarment order was issued in substantial conformity with the concepts of notice and hearing set forth in § 208.12(b); and

(2) Opportunity is given to affected persons to explain why the debarment should not be extended in whole or in part to A.I.D.-financed contracts for the supply of commodities or commodity-related services.

§ 208.19 Date of the hearing.

Unless the Administrator determines that for good cause shown additional time should be granted, a hearing shall be instituted within twenty days after receipt of a request from an affected person for a hearing in response to the notice described in § 208.14.

§ 208.20 Hearing examiner.

(a) The hearing shall be conducted before an impartial hearing examiner designated by the Administrator.

(b) The Administrator shall not be limited in the choice of a hearing examiner to persons employed by A.I.D. or by any other agency of the United States Government.

§ 208.21 Report to the Administrator.

The hearing examiner shall submit to the Administrator written findings based upon the record established during the hearing and recommendations concerning the proposed debarment based upon these findings.

§ 208.22 Findings.

(a) Findings adequate to establish a cause for debarment shall be based upon substantial evidence. Standards of proof necessary for criminal conviction shall not apply.

(b) Evidence of criminal intent shall not be necessary to establish a cause for debarment.

(c) Findings shall not be circumscribed by technical rules of evidence.

§ 208.23 Recommendations.

The Administrator may approve or disapprove the recommendations of the hearing examiner in whole or in part.

Subpart E—Implementation of a Debarment or Suspension Order

§ 208.24 List of ineligible suppliers.

(a) The list of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. The List shall be printed and published as is deemed necessary to disseminate the contents of the List and keep them current, but such printed or published Lists are unofficial insofar as they do not include the names of suppliers and affiliates debarred or suspended subsequent to their preparation.

(b) Organization of printed or published Lists:

(1) The first section shall explain the purpose of the List and the significance of debarment and suspension (in terms of the provisions of this Part 208).

(2) The second section shall describe the contents of the List and shall declare that no prejudice whatsoever attaches to a supplier whose name has been removed from the List.

(3) The third section shall list debarred persons.

(4) The fourth section shall list suspended persons.

(c) Information concerning ineligible suppliers in printed or published Lists:

(1) The supplier shall be identified on the List of Ineligible Suppliers by name, address, and such other descriptive elements as may appear appropriate.

(2) If a supplier engages in several activities or supplies several commodities and the suspension or debarment does not apply to the full range of the supplier's operations, the List shall clearly indicate the limited application of the sanction.

(3) With respect to any debarred supplier, the expiration date of such debarment shall be clearly indicated.

§ 208.25 Reference to the contents of the list.

The Administrator may take such action as he deems appropriate to direct the contents of the list to the attention of parties to A.I.D.-financed transactions. For this purpose the Administrator may direct that reference be made to the list or to any of its contents in any A.I.D. implementing document.

§ 208.26 Removal of ineligibility by the Administrator.

(a) The Administrator may remove the name of any supplier from the list of Ineligible Suppliers before the stated debarment period whenever the Administrator is reasonably satisfied that such action will not compromise the integrity of the Foreign Assistance Program or militate against the prudent use of Foreign Assistance Funds.

(b) A debarred supplier may at any time apply to the Administrator in writing for removal from the list and may set forth facts in support of such action.

Dated: January 17, 1980.

Joseph C. Wheeler,

Acting Administrator.

[FR Doc. 80-4553 Filed 2-11-80; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Puget Sound, Wash.; Operational Restricted Zone

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Proposed rule.

SUMMARY: The Corps of Engineers proposes to establish an operational restricted zone in the vicinity of the Naval Undersea Warfare Engineering Station, Indian Island Annex, Ammunition Pier, Port Townsend, Puget Sound, Washington. The purpose of this restricted area would be to prevent private and commercial activities from creating a potential safety hazard during ammunition handling operations at the pier.

DATES: Comments must be received on or before 20 March 1980.

ADDRESS: Office of the Chief of Engineers, ATTN: DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, (202) 272-0199.

SUPPLEMENTARY INFORMATION: The Commanding Officer, Naval Undersea Warfare Engineering Station, Keyport, Washington, has requested a restricted area be established in the vicinity of the Indian Island Annex Ammunition Pier, Puget Sound, Washington. The area, if

established, will be closed to all private and commercial vessels during ammunition handling activities at the pier. A yellow flag will be displayed 24 hours in advance of ordinance operations and a red flag will be displayed during the operations. Range markers will be on shore to indicate the north and south boundaries of the restricted area.

It is proposed to amend 33 CFR 207.750 by adding a new paragraph (p) as set forth below:

§ 207.750 Puget Sound Area, Washington.

* * * * *

(p) *Port Townsend, Indian Island, Wàlan Point, Naval Restricted Area*—(1) *The area.* The waters of Port Townsend bounded by a line commencing on the north shore of Walan Point at latitude 48°04'41", longitude 122°44'26"; thence to latitude 48°04'19"N, longitude 122°45'05"W; thence to latitude 48°04'15"N, longitude 122°44'48"W thence to a point on the Walan Point shoreline at latitude 48°04'18"N, longitude 122°44'48"W; and thence along the shoreline to the point of beginning. This line is located approximately 200 yards from the face and ends of the pier.

(2) *This regulation.* No vessel shall enter this area without permission from the Commandant, Thirteenth Naval District, or his authorized representative. This restriction shall apply during periods when ship loading and/or pier operations preclude safe entry. These periods will be identified by flying a red flag from the ship and/or pier. A yellow flag will be displayed 24 hours in advance of the restricted periods.

(40 Stat. 266; 33 U.S.C. 1)

Note.—The U.S. Army Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under EO 12044, Improving Government Regulations (43 FR 12661, 24 March 1978).

Dated: February 4, 1980.

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 80-4527 Filed 2-11-80; 8:45 am]

BILLING CODE 3710-92-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans' Benefits; Effective Date of Awards

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendment.

SUMMARY: The Veterans Administration proposes to amend its regulations governing the effective date of an award of additional compensation, dependency and indemnity compensation, or pension by reason of need for aid and attendance or housebound status. The need for this action was brought to our attention by several of our field stations who pointed out that the regulations did not provide specific rules for the effective dates of these benefits. This action corrects that situation.

DATES: Comments must be received on or before March 13, 1980. It is proposed to make this amendment effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until March 24, 1980.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle (202–389–3005).

SUPPLEMENTARY INFORMATION: Claims for Veterans Administration pension, compensation or DIC (dependency and indemnity compensation) may be effective for periods prior to the date the claim is filed with the Veterans Administration. (See, for example, § 3.400(b)(1) and (c)(2).) However, the regulations governing the effective dates of additional pension, compensation or DIC by reason of need for aid and attendance, §§ 3.401(a), 3.402(c) and 3.404 do not make it clear that these benefits may also be awarded retroactively. Furthermore, both § 3.401(a) and § 3.402(c) fail to include any rules governing the effective dates of housebound benefits.

Consequently, we are proposing to amend §§ 3.401(a), 3.402(c) and 3.404 to specifically provide that either the aid and attendance or the housebound benefit may also be awarded retroactively in conjunction with a retroactive award of pension, compensation or DIC. The following example illustrates the application of the proposed amendments.

A veteran files for pension on October 15, 1979. The evidence of record establishes the veteran's entitlement retroactive to March 15, 1979, the date the veteran became permanently and totally disabled. (38 CFR 3.400(b)(1)). The medical evidence also establishes that the veteran is in need of aid and attendance from March 15, 1979. This proposed amendment would clarify that the veteran is entitled to be paid at the aid and attendance rate from March 15, 1979. The current regulations can be interpreted to require payment to the veteran at the basic pension rate from March 15, 1979 to the date claim was filed, October 15, 1979, and at the aid and attendance rate from October 15, 1979.

Minor, nonsubstantive changes have been made to eliminate gender references.

The Veterans Administration does not consider this to be a significant proposal since only a small segment of the veteran population is affected and no compliance burdens or costs are imposed.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until March 24, 1980.

Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: February 5, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

§ 3.400 [Amended]

1. Section 3.400 is amended by deleting the words "widow (widower)" and inserting the words "surviving spouse" in the headnote of paragraph (v).

2. Section 3.401 is amended as follows:

(a) By deleting "§ 3.3(b)" and inserting "§ 3.3(a)" in paragraph (f).

(b) By revising paragraph (a) as follows:

§ 3.401 Veterans.

Awards of pension or compensation payable to or for a veteran will be effective as follows:

(a) *Aid and attendance and housebound benefits.* (1) Except as provided in § 3.400(o)(2), the date of receipt of claim or date entitlement arose, whichever is later. However, when an award of pension or compensation based on an original or reopened claim is effective for a period prior to the date of receipt of the claim, any additional pension or compensation payable by reason of need for aid and attendance or housebound status shall

also be awarded for any part of the award's retroactive period for which entitlement to the additional benefit is established. (38 U.S.C. 210(c); 3010(b)(1), (3))

(2) Date of departure from hospital, institution, or domiciliary. (38 U.S.C. 210(c))

(3) Spouse, additional compensation for aid and attendance: Date of receipt of claim or date entitlement arose, whichever is later. However, when an award of disability compensation based on an original or reopened claim if effective for a period prior to date of receipt of the claim additional disability compensation payable to a veteran by reason of the veteran's spouse's need for aid and attendance shall also be awarded for any part of the award's retroactive period for which the spouse's entitlement to aid and attendance is established. (38 U.S.C. 210(c); 3010(b)(1), (2))

* * * * *

3. Section 3.402 is revised to read as follows:

§ 3.402 Surviving spouse.

Awards of pension, compensation, or dependency and indemnity compensation to or for a surviving spouse will be effective as follows:

(a) *Additional allowance of dependency and indemnity compensation for children § 3.5(e).* Commencing date of surviving spouse's award. See § 3.400(c).

(b) *Legal surviving spouse entitled.* See § 3.657.

(c) *Aid and attendance and household benefits.* (1) Date of receipt of claim or date entitlement arose whichever is later. However, when an award of DIC (dependency and indemnity compensation) or pension based on an original or reopened claim if effective for a period prior to date of receipt of the claim, any additional DIC or pension payable to the surviving spouse by reason of need for aid and attendance or housebound status shall also be awarded for any part of the award's retroactive period for which entitlement to the additional benefit is established. (38 U.S.C. 210(c); 3010(d))

(2) Date of departure from hospital, institutional or domiciliary care at Veterans Administration expense. This is applicable only to aid and attendance benefits. Housebound benefits may be awarded during hospitalization at Veterans Administration expense. (38 U.S.C. 210(c))

§ 3.403 [Amended]

4. Section 3.403 is amended by deleting the words "widow (widower)" and inserting the words "surviving spouse" in the introductory portion preceding paragraph (a).

5. Section 3.404 is revised to read as follows:

§ 3.404 Parents.

Awards of additional amounts of compensation and dependency and indemnity compensation based on a parent's need for aid and attendance will be effective the date of receipt of claim or date entitlement arose, whichever is later. However, when an award of dependency and indemnity compensation based on an original or reopened claim is effective for a period prior to date of receipt of claim, any additional dependency and indemnity compensation payable by reason of need for aid and attendance may also be awarded for any part of the award's retroactive period for which entitlement to aid and attendance is established. When the parent is provided hospital, institutional or domiciliary care at Veterans Administration expense, the effective date will be the date of departure therefrom. (38 U.S.C. 210(c); 3010(d))

[FR Doc. 80-4515 Filed 2-11-80; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 55a

Program Grants for Black Lung Clinics

AGENCY: Public Health Service, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Public Health Service proposes to revise the regulations governing the grants program for black lung clinics established under the section 427(a) of the Federal Mine Safety and Health Act of 1977. This action is taken to increase access to the progrm by more miners and to reflect changes that have occurred in both the way health services are delivered and also changes in specific diagnostic and treatment procedures required in the management of black lung that have been adopted since the publication of the previous regulation.

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

ADDRESS: Written comments should be submitted to the Director, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Room 6-40, 5600 Fishers Lane, Rockville, Maryland 20857. All comments received in timely response to this notice will be considered and will be available for public inspection in the above-named office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: William S. Beacham, Director, Regional Commissions Health Programs, Bureau of Community Health Services, Room 7A-55, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-5033.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the regulation (42 CFR Part 55a) governing the program established by section 427(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 937(a)). The program which is governed by the regulation provides assistance to public and private nonprofit entities and individuals for the construction, purchase, and operation of clinical facilities for the analysis, examination, and treatment of respiratory and pulmonary impairments in coal miners. It is known as the "Black Lung Clinics" program. The major functions of these clinics are to perform examinations to support applications for Department of Labor (DOL) black lung disability benefits and to provide services to minimize the effects of respiratory and pulmonary impairments on coal miners who have respiratory impairments. Black lung is an occupationally related term encompassing several medically defined respiratory impairments affecting individuals who have worked in coal mining, coal processing, or coal transportation. This grant program was operated in 1974; however, funding for the program was not renewed until the enactment of Pub. L. 95-480, the 1979 Labor-Health, Education, and Welfare Appropriations Act. Funding was renewed to support the development of added capacity for disability screening to meet an increased demand expected to be generated by a recent liberalization of the disability criteria enacted in the Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. 95-164).

The regulation governing this program was originally issued on July 2, 1974, and set forth in 42 CFR Part 55a. It was revised in May 1979 (44 FR 30340) in order to remove an unnecessary restriction which would have impeded the proper administration of the renewed program. Therefore, the revision was issued without public comment. At the time of publication of that amendment it was announced that broader revisions of the regulation would follow with opportunity for public

participation. The regulation proposed here includes these additional changes. Individuals commenting on this proposed rule may also comment on the May 1979 amendment which deleted a restriction that basically limited grants to States with at least 3 percent of the Nation's active and inactive coal miners. This restriction has been deleted since its effect was to deny eligibility for grants in many places where large numbers of miners live and need services and because the 3 percent population threshold is impossible to determine.

Guidelines for Program Implementation are available on request. They provide supplementary information on basic services, personnel and staffing, coordination with other service agencies, administrative and organizational arrangements, functioning of advisory committees, and application requirements.

The proposed changes are discussed below in an order corresponding to the regulation.

Definitions

The existing regulation defines a "miner" as an individual who has been employed in or at a coal mine for at least 3 years and who has had direct contact with coal mining or coal processing operations. In accordance with the revisions to the Federal Mine Safety and Health Act, the definition of "miner" or "coal miner" will be amended to mean any individual who works or has worked in or around a coal mine or coal preparation facility in the extraction or preparation of coal. The term will include individuals who work or have worked in coal mine construction or transportation in or around a coal mine to the extent that those individuals were exposed to coal dust as a result of that employment.

"Commission" refers in the existing regulation to the Appalachian Regional Commission. Because of the revision discussed next in this preamble, the definition of "Commission" is unnecessary and will be deleted. Overall coordination of this program with the Commission is a statutory requirement and will continue.

Who May Apply for a Grant?

The present regulation limits entities which may apply for grants to organizations which are designated by State Governors or which have been previous recipients of grants for this purpose from the Appalachian Regional Commission. Prior receipt of a grant from the Commission has been one condition of eligibility for grants under this program. However, it is proposed to delete this factor because the broadened eligibility criteria which are proposed here fit these prior grantees. It is proposed that applications be accepted from any public or nonprofit private entity.

This revision is not intended to discourage Governors from participation in this program if they wish to remain involved.

Rather, the object is to give Governors the flexibility of participating as fully as they wish in the administration of this program within their States and to avoid any requirements which might hinder the award of grants where they can be most effectively used. Full attention will be directed to the approval process established under Office of Management and Budget Circular A–95 which provides Governors an opportunity to select their own scope of involvement in program implementation.

Policy Advisory Committee and Medical Advisory Committee

Under the current regulation, each grantee is required to have two advisory committees: a medical advisory committee and a policy advisory committee. Under the proposed revision, each grantee will be required to establish only a single advisory committee for each clinic or group of clinics to represent the interests of consumers, providers, and the general public. The membership of the advisory committee will consist of a majority of consumers (miners or miner-selected representatives). A policy board meeting these membership requirements may serve this function in lieu of an advisory committee. Guidelines will provide for the functioning of a separate medical advisory committee when the grantee feels this to be advantageous.

What Information Must the Applicant Provide?

Under the existing regulation, applicants must provide information in a time and manner that is prescribed by the Secretary. Under the revised regulation, applications will be required to contain the following information:

(1) A plan for the delivery of services which is based upon the need for services and the effective and efficient use of existing community resources. The plan should specify if the grantee intends to provide any services through an arrangement with another organization, and should include a letter of intent to participate from each such organization. In order to demonstrate the effectiveness and efficiency, a narrative statement describing the program and a budget must be provided as well as a detailed statement of quantified objectives which the grantee intends to achieve.

(2) A statement describing consumer participation in the direction of the clinic including a description of the selection process for consumer, public, and professional members of the advisory bodies. This provision is included in lieu of specific requirements regarding advisory committees.

(3) The proposal continues most of the operational requirements of the existing regulation. Projects must give assurances that services will be provided to persons without regard to the duration of their residence in the area; that services will be provided in a manner that preserves human dignity; and that reports necessary to evaluate and monitor the project will be submitted. Revisions as described below have been made with respect to the establishment of fee schedules, availability of specially trained physicians, and review of applications by health planning agencies.

Establishment of charges and discounts: No one will be denied services because of inability to pay. However, it will be required that a schedule of cost-based charges be established along with a schedule of discounts related to the Community Services Administration *Income Poverty Guidelines.* All third parties will be billed in full for all charges for which they may be oligated. Charges billed to individuals shall be reduced so that there are no charges, except that there may be nominal ones consistent with the goals of the program, to any person whose income is below the Guidelines. Charges will be graduated according to ability to pay for those having incomes above the poverty level. Persons whose incomes are double the poverty income level will be charged full charges. This provision is identical to the rules governing discounts for several other Public Health Service programs including community health centers, migrant health centers, and the National Health Service Corps. It is a change from the existing regulation which requires that charges be related to prevailing rates in the community and which is not specific in regard to the system of discounts.

Cost-based charges will replace prevailing rates because they are more appropriate in this setting. Most grantees are expected to be community hospitals or community health centers which now establish their charges on a basis related to costs. Furthermore, this program will emphasize the provision of services such as health education and breathing training for which prevailing

rates have not yet been established by Medicaid.

Specially trained physician: A physician with special training or experience in the diagnosis and treatment of respiratory diseases must be available to the grantee for consultation. It is currently required that such a physician direct the delivery of medical services. This is an unnecessary and impractical requirement since there may not be a sufficient number of physicians with these qualifications in the areas where respiratory-impaired miners live, and physicians who direct the medical care in Black Lung Clinics will not generally need that level of expertise. A consultative relationship with such a specialist will be required to maintain a practical level of quality assurance.

Health systems agency review: The Black Lung Clinic applications will be required to be submitted to each pertinent health systems agency. Health systems agencies will be invited to review these applications as they do applications for health services grants under the Public Health Service (PHS) Act, and their approvals or disapprovals will be treated as if they were reviews required by section 1513(e) of the PHS Act. This requirement will replace an obsolete provision in the existing regulation which requires participation by the predecessors of the health systems agencies.

What Services Must Be Provided by Black Lung Clinics?

We propose to delete certain requirements from the present regulation. The present regulation requires that clinics have the capacity for performing basic tests onsite, have relationships with other providers to perform more complex testing, and be able to provide for an array of treatment services. The requirements for testing are specified and, in addition, approval and designation by DOL to perform disability examinations is required. The diagnostic capacity to perform the DOL examination is an appropriate and sufficient standard, and it is proposed that it be adopted as the standard for diagnostic capability. It is proposed to revise the list of required treatement services to reflect advances in therapeutic techniques and to emphasize that clinical services for the treatment of miners' chronic respiratory impairments should be within the context of a continuous primary care relationship; that they should emphasize training in self-care relationship; that they should emphasize training in self-care and family-assisted care; that an active outreach program should seek out individuals requiring the services of the clinic; and that a designated individual at the clinic should be responsible for coordinating and carrying out each patient's individual care plan.

The revised regulation will take into account the increased understanding of chronic pulmonary disease and new techniques of care which have emerged in recent years. This new view emphasizes that patients can improve their performance and state of well-being with the assistance of a clinical program which provides education, training, medical support, and coordination with and ready access to appropriate types and levels of care. Inclusion of family members in the treatment program improves the effectiveness of the program. It is presumed that the development of a continuous relationship between the clinic and the patient and his family increases the individual's motivation to learn and practice the techniques which will allow him to live as well as possible with his impairment. Therefore, the new requirements will include primary care, education, counseling, and outreach; and insure adequate followup and continuity of care through patient care coordination.

What Criteria Will Be Used To Select Among Competing Applications for Grants?

Factors considered under the current regulation in the selection of grantees include the number of miners which the applicant proposes to serve; the ability of the applicant to establish services rapidly and effectively; the adequacy of the applicant's facilities; its plan for providing services; the availability of competent staff; the experience in delivery of similar services; and the presence of other resources committed to the program. It is proposed to amend the regulation so that the need for services of the population intended to be served will now be used as a criterion for selection.

How May Project Funds Be Used?

The revised regulation will add the authority for three kinds of major capital expenditures to the list of permissible uses of grant funds: construction of new facilities, acquisition of existing buildings, and modernization of existing buildings. Also, the proposed regulation will allow reimbursement to public participants on advisory committees for their actual costs of participating in program development or oversight.

The capital expenditure authorities are proposed to be used only under unusual circumstances. Applicants who request funds to operate a Black Lung Clinic will generally be expected to possess suitable space. Only in cases where no applicant with access to space through current ownership or ability to rent proposes to serve miners needing services will applications for construction, acquisition, or modernization be considered. Such applications will be required to demonstrate that no existing space is adequate and available to serve a particular population of miners. It is expected that the capital spending authority will be only sparingly invoked.

Standard Provisions

Other changes which are proposed would simplify the regulation by incorporating by reference the standard provisions of Title 45 of the Code of Federal Regulations which governs grants by the Department of HEW. These provisions include several in addition to those in 45 CFR Part 74 which are currently required.

It is proposed to amend Part 55a as set out below:

Dated: December 12, 1979.

Charles Miller,

Acting Assistant Secretary for Health.

Approved: January 28, 1980.

Patricia Roberts Harris,

Secretary.

PART 55a—PROGRAM GRANTS FOR BLACK LUNG CLINICS

Sec.

55a.1 To whom do these regulations apply?
55a.2 Definitions.
55a.3 Who is eligible to apply for a Black Lung Clinics grant?
55a.4 What must an application for a Black Lung Clinics grant contain?
55a.5 What requirements must a Black Lung Clinic meet?
55a.6 What criteria has HEW established for deciding which grant applications to fund?
55a.7 How may project funds be used?
55a.8 What other HEW regulations apply?
55a.9 What confidentiality requirements must be met?

Authority: Section 508, 83 Stat. 803; 30 U.S.C. 937.

§ 55a.1 To whom do these regulations apply?

This part applies to the award of grants pursuant to section 427(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 937(a)). These grants support the operation of clinical facilities known as Black Lung Clinics, for examination, diagnosis, and treatment of respiratory and pulmonary impairments in coal miners.

§ 55a.2 Definitions.

Any term not defined here shall have the meaning given it in the Act. As used in this part:

"Act" means the Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. 801 et seq.).

"Applicant" means any public or nonprofit private agency or institution which files an application for a grant under this part.

"Miner" or "coal miner" means any individual who works or has worked in or around a coal mine or coal preparation facility in the extraction or preparation of coal. The term also includes an individual who works or has worked in coal mine construction or transportation in or around a coal mine, to the extent that the individual was exposed to coal dust as a result of employment.

"Nonprofit," as applied to an agency or institution, means that no part of the net earnings of such agency or institution benefits, or may lawfully benefit, any private shareholder or individual.

"Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

§ 55a.3 Who is eligible to apply for a Black Lung Clinics grant?

(a) Any public or private nonprofit entity may apply for a grant under this part.

(b) Eligible projects—Grants pursuant to section 427(a) of the Act and this part may be made to eligible applicants for carrying out area or statewide clinical services for the analysis, examination, and treatment of miners' occupational respiratory and pulmonary diseases.

§ 55a.4 What must an application for a Black Lung Clinics grant contain?

An approvable application must contain each of the following:

(a) A plan for the provision of the services required by this part containing at least the following elements:

(1) A description of the target population to whom services are to be provided, including a statement of the need for services;

(2) A description of the area in which the target population resides, including descriptions of geographical barriers to service, availability of transportation, and each of the health service providers in the area which provide any of the services required under this part;

(3) A statement of the goals and objectives of the program, how the program intends to achieve them, and how progress toward their achievement will be measured;

(4) A description of how existing resources in the community will be utilized to maximize the effectiveness and efficiency of the use of grant funds;

(5) Letters of intent from each entity which is expected to provide any service under the Black Lung Clinics program, including a statement that, contingent upon a grant award, services will be provided in accordance with the requirements under this part.

(b) An assurance that, should an award be made, the grantee will enter into binding agreements with each of the listed clinics providing letters of intent which shall include provisions that:

(1) Services will be made available regardless of how long the miner has lived in the service area or whether anyone referred the miner to the clinic;

(2) Services will be made available in a manner calculated to preserve human dignity and to maximize acceptability and utilization of services;

(3) Charges shall be made for services rendered as follows (except that no person will be denied services because of inability to pay):

(i) A schedule shall be prepared listing fees or payments for the provision of services, designed to cover reasonable costs of operation;

(ii) A schedule shall be prepared of discounts adjusted on the basis of the patients' ability to pay. The schedule of discounts must provide for a full discount to individuals and families with annual incomes at or below the levels set forth in the most recent Community Services Administration (CSA) *Income Poverty Guidelines* 42 CFR 1060.2 (except that nominal fees for service may be collected from individuals and families with annual incomes at or below those levels if imposition of the fees is consistent with project goals). No discounts shall be provided to individuals and families with annual incomes greater than twice those set forth in the Guidelines;

(iii) Where third-party payors (including Government agencies) are authorized or under a legal obligation to pay all or a portion of such charges, all services covered by that reimbursement plan will be billed and every reasonable effort will be made to obtain payment; and

(iv) Where the cost of care and services furnished under the program is to be reimbursed under title XIX of the Social Security Act, a written agreement with the title XIX agency will be obtained by the clinic unless the title XIX agency refuses to enter into the agreement and the clinic provides evidence of the refusal to the grantee.

(4) Grant funds will be used to supplement and not supplant existing services.

(5) Medical services will be performed in consultation with a physician with special training or experience in the diagnosis and treatment of respiratory diseases.

(6) Each clinic or group of clinics must assure participation in policy development by miners or miner-selected representatives, health care providers, and the general public by establishing either a policy board or an advisory committee to the policy board whose membership represents those groups, and with a majority being miners or miner-selected members.

(7) The necessary reports to evaluate and monitor the project will be submitted.

(c) Evidence that a copy of the application was forwarded to each of the affected health systems agencies designated under Title XV of the Public Health Service Act with a request for review and approval of the application, and that the agency forward its comments to the Secretary. Regulations applying to health systems agencies appear in 42 CFR Subchapter K.

§ 55a.5 What requirements must a Black Lung Clinic meet?

For inclusion in an applicant's plan, clinics must now, or with grant assistance be able to:

(a) Provide for the following services:

(1) Primary care;

(2) Patient and family education and counseling;

(3) Outreach;

(4) Patient care coordination, including individual patient care plans for all patients;

(5) Antismoking advice; and

(6) Other symtomatic treatments.

(b) Meet all criteria for approval and designation by the Department of Labor under 20 CFR Part 725 to perform disability examinations and provide treatment under the Act.

§ 55a.6 What criteria has HEW established for deciding which applications to fund?

(a) Within the limits of funds available for these purposes, the Secretary may award grants to assist in the carrying out of those programs which will in his judgment best promote the purposes of section 427(a) of the Act, taking into account:

(1) The number of miners to be served and their needs;

(2) The quality and breadth of services to be provided;

(3) The degree to which other resources are committed to the program; and

(4) The applicant's ability to manage the proposed program, including its experience with the delivery of medical services by clinical facilities and its ability to make rapid and effective use of the grant funds.

(b) The notice of grant awards specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 3 to 5 years.

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

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

§ 55a.7 How may project funds be used?

(a) Program funds awarded under this part may be used for construction, purchase, and operation of clinical facilities; renovation or modernization of existing space; purchase of medical equipment; salaries of additional personnel; home treatment service; transportation of patients; training of personnel; outreach programs to inform coal miners of the services provided by the clinics; and actual expenses of public participants in program development or oversight; but may not be used for salaries of persons in positions previously supported from other sources.

§ 55a.8 What other HEW regulations apply?

Several other HEW regulations apply to grants under this part. These include:

45 CFR Part 16—Department grants appeals process
45 CFR Part 46—Protection of human subjects
45 CFR Part 74—Administration of grants
42 CFR Part 50—Informal grant appeals procedures
(indirect rates and other cost allocations)
45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964
45 CFR Part 81—Practice and procedure for hearings under Part 80
45 CFR Part 84—Nondiscrimination on the basis of handicap in federally assisted programs
45 CFR Part 90—Nondiscrimination on the basis of age in programs or activities receiving Federal financial assistance

Copies of these regulations and any other regulations which may apply will be made available ot the grantee when the grant is awarded.

§ 55a.9 What confidentiality requirements must be met?

All information as to personal facts and circumstances obtained by the grantee's staff about recipients of services shall be held confidential, and shall not be disclosed without the individual's consent except as may be required by law or as may be necessary to provide service to the individual or to provide for medical audits by the Secretary with appropriate safeguards for confidentiality of patient records. Otherwise information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

[FR Doc. 80-4232 Filed 2-7-80; 8:45 am]
BILLING CODE 4110-84-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 52

Solicitation Provisions and Contract Clauses

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment, a segment of the draft Federal Acquisition Regulation regarding Solicitation Provisions and Contract Clauses.[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before April 16, 1980.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William J. Maraist, Deputy Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: William Maraist (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purpose of the FAR is to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following subpart of the draft Federal Acquisition Regulaion is available upon request for review and comment.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 52.1 Instructions for Using Provisions and Clauses

This Subpart gives instructions for using Part 52 and prescribes procedures for incorporating provisions and clauses, for modifying provisions and clauses, and for using alternates. The subpart also explains the use of provision and clause matrixes, and explains the method of tracking FAR provision and clause derivations.

When drafting is completed this subpart will contain, without exception, all FAR solicitation provisions and contract clauses. The specific text of these are being published with the corresponding FAR text for review and comment. However, this particular FAR segment covers instructions for "incorporating by reference" solicitation provisions and contract clauses. Also example are provided regarding the authorized alteration or modification of such provisions and clauses. In addition, sample "Alternate" provisions and clauses are provided to assist the reviewer.

Subpart 52.3 Provision and Clause Matrixes

This segment provides a partial sample matrix to show the format of the matrixes. The full matrixes for this subpart cannot be completed until the entire FAR is completed. The detailed checklists currently contained in DAR 2-201 and 3-501 will not be continued in FAR, and will be replaced by a series of matrixes, one for each principal contract type/purpose (e.g., fixed-price supply;

[1] Filed as part of the original document.

cost-reimbursement research and development), listing the FAR provisons and clauses used in each and indicating—

(a) Whether they are required, required when applicable, or optional;

(b) Whether they are susceptible of incorporation by reference or must be incorporated in full text;

(c) Where they are to be located in the Uniform Contract Format section of the solicitation or contract; and

(d) Where they are prescribed in the FAR text.

The matrix for each principal contract type/purpose provides a convenient summary and cross-check to help the contracting officer determine which provisions and clauses go in which solicitations and contracts.

The FAR defines the terms "solicitation provision" and "contract clause" in a manner that clearly differentiate between them. The FAR prescribes minor changes to provisions and clauses when appropriate and defines them as "modifications." Substantive changes prescribed by the FAR are defined as "alternates." All FAR provisions, clauses, and alternates will be dated when published in final form.

Dated: February 7, 1980.

LeRoy J. Haugh,

Associate Administrator for Regulations and Procedures.

[FR Doc. 80-4533 Filed 2-11-80; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 680

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold public hearings for the purpose of public input on the Draft Environmental Impact Statement/Fishery Management Plan for Coastal Migratory Pelagic Resources (mackerel).

DATES: Written comments on the plan from members of the public may be submitted no later than March 24, 1980.

Individuals or organizations wishing to comment on the fishery management plan may do so at public hearings to be held as follows:

March 10, 1980—Marathon, Florida
March 10, 1980—Port Isabel, Texas
March 11, 1980—Fort Myers, Florida
March 11, 1980—Port Aransas, Texas
March 12, 1980—St. Petersburg, Florida
March 12, 1980—Houston, Texas
March 13, 1980—Destin, Florida
March 13, 1980—Lake Charles, Louisiana
March 18, 1980—Mobile, Alabama
March 18, 1980—New Orleans, Louisiana
March 19, 1980—Biloxi, Mississippi
March 19, 1980—Baton Rouge, Louisiana
March 20, 1980—Houma, Louisiana

All of the above hearings will start at 7:00 p.m. and adjourn at 10:00 p.m.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

ADDRESS: Send comments to: Chairman, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, (813) (228–2815).

HEARING LOCATIONS:

March 10, 1980—Marathon High School Cafeteria, Sombrero Beach Road, Marathon, Florida.
March 10, 1980—Port Isabel Community Center, Corner Yturria and Maxan Streets, Port Isabel, Texas.
March 11, 1980—Hall of Fifty States, Edwards Drive, Fort Myers, Florida.
March 11, 1980—Port Aransas Community Center, Alister Street, Port Aransas, Texas.
March 12, 1980—Bayfront Center—Neptune Room, 400 First Street, South, St. Petersburg, Florida.
March 12, 1980—Shamrock Hilton Hotel, 6900 South Main, Houston, Texas.
March 13, 1980—Maplewood Junior High School Auditorium, 4401 Maplewood Drive, Sulphur, Louisiana.
March 13, 1980—St. Andrews Episcopal Church, Fellowship Hall, Highway 98, Destin, Florida.
March 18, 1980—Davidson High School Cafeteria, 3900 Pleasant Valley Road, Mobile, Alabama.
March 18, 1980—Chamber of Commerce Auditorium, 301 Camp Street, New Orleans, Louisiana.
March 19, 1980—Biloxi Cultural Center (Library), 117 Lameuse Street, Biloxi, Mississippi.
March 19, 1980—Knapp Hall, LSU Cooperative Extension Center, Highland Road (LSU Campus), Baton Rouge, Louisiana.
March 20, 1980—City Auditorium (Wing), 880 Berret Street, Houma, Louisiana.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 22609, (813) 228–2815.

SUPPLEMENTAL INFORMATION: The hearings will deal with a proposal to implement a fishery management plan for migratory coastal pelagic species in the fishery conservation zone of the Gulf of Mexico and south Atlantic regions, under the authority of the Fishery Conservation and Management Act of 1976 (FCMA).

The Environmental Impact Statement is a review of the plan and a statement of its expected impacts. A fishery management plan consists of major federal action significantly affecting the human environment and requires the approval of the Secretary of Commerce prior to implementation.

The draft plan for coastal pelagics when approved, will serve to manage these species for optimum yield (OY) and therefore, contains regulatory measures applicable to domestic fishing. The management area is the fishery conservation zone of the Gulf of Mexico and off the Atlantic coast from Florida through North Carolina.

Species addressed in this draft plan include king mackerel, Spanish mackerel, and cobia. Included in the plan as minor species but with no proposed management measures are cero mackerel, bluefish, dolphin and little tunny.

The draft plan is intended to accomplish the following objectives:

For king mackerel:

1. Instigate measures necessary to prevent the catch from exceeding MSY.
2. Establish a mandatory statistical reporting system for monitoring the catch.
3. Minimize gear and user group conflicts.

For Spanish mackerel:

1. Instigate measures necessary to prevent the catch from exceeding MSY.
2. Establish a mandatory statistical reporting system for monitoring the catch.
3. Minimize gear and user group conflicts.
4. Promote maximum use of the resource up to the OY estimate.

For cobia:

1. Instigate measures necessary to increase yield per recruit and average size and to prevent overfishing.

OY was determined to be:

King mackerel—37 million pounds
Spanish mackerel—27 million pounds
Cobia—All available fish equal to or larger than 33 inches fork length.

For cobia, sufficient data to calculate an acceptably accurate numerical estimate of OY was not available. The preferred OY will increase yield per recruit and total yield of cobia.

The expected domestic annual harvests (DAH's) for 1981 were 37 million pounds for king mackerel; 27 million pounds for Spanish mackerel;

and 1,004,000 pounds for cobia. There is no surplus available and no foreign allowable catch.

The Council proposes management measures which include the following:

1. Measures which will allow the Council, through the Secretary of Commerce, to address any future gear and user group conflicts in the king mackerel or Spanish mackerel fisheries through the regulatory amendment process, a much faster process than a plan amendment.

2. Divide by area two groups of commercial fishermen who are now in conflict.

3. Set a limit on the total harvest of king mackerel equal to OY and allocate that amount between recreational, commerical hook and line, and commercial net fishermen.

4. Prohibit sale of king mackerel less than 25 inches fork length.

5. Allow a limited, experimental use of purse seines for king and Spanish mackerel to gather more information on the effects which this gear may have on the fishery.

6. Prohibit possession of Spanish mackerel less than 12 inches fork length.

7. Prohibit possession of cobia less than 33 inches fork length.

8. Require mandatory reporting by statistical sample by all user groups and processors.

9. Expand the National Marine Fisheries Service commercial fisheries data collection system to make use of trip tickets.

10. Require trip tickets for reporting of king mackerel catch and effort by all charter and party boats.

11. Require trip tickets for reporting of Spanish mackerel catch and effort by a limited sample of charter and party boats.

Dated: February 7, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-4540 Filed 2-11-80; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Food Program for Women, Infants and Children; Eligibility Criteria

Correction

In FR Doc. 80-3935 appearing on page 8876 in the issue of Friday, February 8, 1980; on page 8879, first column, second paragraph, second line, insert "not" after "could".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 45, No. 30
Tuesday, February 12, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to Section 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on February 21, 1980, at 7:30 p.m., a public information meeting will be held at the City Council Chambers, City Hall, 407 Grant Street, Wausau, Wisconsin 54401.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed Wausau Downtown Shopping Center, an undertaking of the City of Wausau that will adversely affect the Third Street Historic District, Washington House Hotel, and Northern Hotel, Wausau, Wisconsin, properties eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternative courses of action that could avoid, mitigate, or minimize any adverse effect on such properties.

The following is a summary of the agenda of the meeting:

I. An explanaton of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effect on the properties by the City of Wausau.

III. A statement by the Wisconsin State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the properties.

V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005, attention: Patrick H. Steele, 202–254–3495.

Dated: February 5, 1980.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 80-4461 Filed 2-11-80; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Advisory Council on Maternal, Infant and Fetal Nutrition; Cancellation of Meeting

The National Advisory Council on Maternal, Infant and Fetal Nutrition Meeting scheduled for February 11–13, 1980, has been cancelled.

Notice of when the meeting will be rescheduled will appear in the **Federal Register.**

Persons wishing additional information about this meeting should contact Lindy Dahnk, Supplemental Food Programs Division, Food and Nutrition Service, Washington, D.C. 20250, telephone (202) 447–8421.

Dated: February 8, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 4653 Filed 2-8-80; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Forest Plan for the Medicine Bow National Forest and Thunder Basin National Grassland; 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 Forest Plan to cover National Forest System lands in the Medicine Bow National Forest and Thunder Basin National Grasslands.

There are 1,402,070 acres within the proclaimed boundary of the Medicine Bow National Forest; 78 percent is National Forest System land, 4 percent State land, and 18 percent private land; and involves Albany, Carbon, Converse, Natrona, and Platte Counties, Wyoming. The Thunder Basin National Grassland contains 572,359 acres of National Forest System land; and involves Weston, Converse, Niobrara, Campbell, and Crook Counties, Wyoming.

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.

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 during October and November 1980. 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.

Alternatives will be developed by the interdisciplinary team to respond to major 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 resource outputs; 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.

In October of 1980, 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. Donald Rollens, Forest Supervisor of the Medicine Bow National Forest, will direct the environmental analysis and preparation of the environmental impact statement. Ronald H. Olsen, Planning Staff Officer, will be the team leader for conducting the planning effort.

It is anticipated that the draft environmental impact statement will be distributed to the public and filed with the Environmental Protection Agency in April of 1981, with the final environmental impact statement being filed in September of 1981.

Comments on the notice of intent or on the proposal to develop a Forest Plan that would cover the Medicine Bow National Forest and the Thunder Basin National Grassland should be sent to Donald L. Rollens, Forest Supervisor, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070.

Dated: Feburary 1, 1980.

R.A. Caruso,

Acting Regional Forester.

[FR Doc. 80-4482 Filed 2-11-80; 8:45 am]

BILLIING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Dockets 3363 and 34925]

Former Large Irregular Air Service Investigation Phase III; Application of Sundance International, Inc.; Reassignment of Proceeding

This proceeding, insofar as it involves the application of Sundance International, Inc., has been reassigned to Chief Administrative Law Judge Joseph J. Saunders.

Dated at Washington, D.C., February 6, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-4509 Filed 2-11-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37199]

American Airlines, Inc., Civil Penalties for Alleged Violations of Part 250; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above entitled proceeding will be held on March 12, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned.

Dated at Washington, D.C., February 6, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-4510 Filed 2-11-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37228]

American Airlines, Inc., Civil Penalties for Alleged Violations of Part 250; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above entitled proceeding will be held on March 19, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned.

Dated at Washington, D.C., February 6, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-4511 Filed 2-11-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363, 36152, and 36153]

Former Large Irregular Air Service Investigation, Applications of Professional Travel, Inc., d.b.a. Aerostar; Extenstion of Due Date for Issuance of Recommended Decision

This proceeding was instituted by Order 78-7-106, adopted July 21, 1978, which provides in ordering paragraph 11 that all environmental evaluations shall be filed no later than the date set for filing information response exhibits. By Order 79-8-8, issued under delegated authority by Administrative Law Judge Rudolf Sobernheim, and served August 3, 1979, the applications of Professional Travel, Inc. d.b.a. Aerostar were consolidated into this proceeding. By order dated August 27, 1979, Judge Sobernheim set November 1, 1979, as the date for filing information response exhibits. At the applicant's request, Judge Sobernheim extended the time for filing those exhibits to December 3, 1979, by order dated October 26, 1979. On December 3, 1979, the applicant filed its information response exhibits. However, it failed to file its environmental evaluation.

On December 10, 1979, this proceeding was reassigned to the undersigned administrative law judge who issued a notice scheduling a hearing in this case for January 25, 1980. At the hearing on Aerostar's applications, the applicant requested an additional 30-day period of time for the filing of the environmental evaluation. In response to the applicant's request, the presiding judge established February 22, 1980, as the date for the filing of this required submission.

Section 401(c)(2) of the Federal Aviation Act of 1958, as amended, requires the issuance of an initial or recommended decision within 150 days from the date on which the Board determines that an application should be set for public hearing. In this case, the determination was made on August 14, 1979, the effective date of the Board's Order of Consolidation. Section 401(c)(4) of the Act provides that, if an applicant fails to meet the procedural schedule in a particular proceeding, the 150-day period may be extended for a period equal to the period of delay caused by the applicant. Rule 1753(a)(2) of the Board's Rules of Practice, in implementation of that statutory provision, provides that where an applicant fails to meet the procedural schedule the administrative law judge may, by notice, extend the due date for the issuance of a decision for a period not to exceed the period of delay caused by the applicant.

In this case, as indicated above, the procedural schedule was extended because of delays attributable to the applicant by a total of 114 days. Consequently, the date of February 22, 1980, that had previously been noticed (45 FR 2358, January 11, 1980) as the date for the issuance of the recommended decision in this proceeding must be deferred.

Accordingly: Notice is hereby given, pursuant to Rule 1753(a)(2) of the Board's Procedural Regulations (14 CFR 302.1753(a)(2), that the due date for issuance of the recommended decision in this proceeding is extended to May 2, 1980.

Dated at Washington, D.C., February 6, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-4512 Filed 2-11-80; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Wyoming Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wyoming Advisory Committee (SAC) will convene at 11:00 a.m. and will end at 4:00 p.m., on March 1, 1980, at the Converse County Library, 300 Walnut Street, Douglas, Wyoming 81633.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Rocky Mountain Regional Office of the Commission, Executive Tower Inn, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to plan a committee project.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-8534 Filed 2-11-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Department Procedures To Implement Executive Order 12114, Environmental Effects Abroad of Major Federal Actions

By this notice, the U.S. Department of Commerce proposes a new Department Administrative Order 216–12 (DAO 216–12) to implement Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (the Order). This DAO is needed to comply with Section 2–1 of the Order (44 FR 1957–1960; January 9, 1979) which requires Federal agencies to adopt procedures to implement the Order.

The proposed new DAO 216–12 would implement the Executive Order within the Department of Commerce. It would apply to major actions taken by the Department and its component units which may have a significant effect on the environment outside the geographical borders of the United States and its territories and possessions.

To be considered, comments on the proposed DAO 216–12 must be received in writing (preferably in four copies) in the Department of Commerce by April 14, 1980 at the address shown below: Dr. Jordan J. Baruch, Assistant Secretary for Science and Technology, Rm. 3862, U.S. Department of Commerce, Washington, D.C. 20230.

For further information contact Mr. Edward J. Wilczynski, Office of Environmental Affairs, telephone number 202/377–2186.

Dated: February 1, 1980.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

[Department Administrative Order 216–12]

Department Administrative Order Series; Environmental Effects Abroad of Major Federal Actions

Section 1. Purpose

This Order prescribes policy, procedures, and responsibilities for implementing Executive Order 12114, dated January 4, 1979 (the Executive Order), Appendix A, which sets forth requirements for the preparation of environmental documents for decisionmaking use on major Federal actions by the Department of Commerce having significant effects on the environment outside the geographic borders of the United States and its territories and possessions.

Sec. 2. Scope

.01 This Order applies to major Federal actions, as defined in paragraph 3.03 of this Order, having significant effects on the environment, as defined in paragraph 3.01 of this Order, outside the geographic borders of the United States, its territories and possessions.

.02 This Order does not apply to major Federal actions subject to the provisions of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and the Council on Environmental Quality Regulations for Implementing the Procedureal Provisions of the National Environmental Policy Act (40 CFR Parts 1500–1508), except to the extent indicated in paragraph 6.01 of this Order and section 3–5 of the Executive Order with respect to multiple impacts.

Sec. 3. Definitions

.01 *Environment.* For the purpose of this Order, the terms "environment" and "environmental" refer to the natural and physical environment and exlude social, economic and other environments.

.02 *Significantly affects.* For the purpose of this Order, the term "significantly affects" and similar expressions, when used in connection with a proposed major Federal action to which this Order applies, means an action which would significantly harm the environment even though on balance a Departmental unit believes the action to be beneficial to the environment.

.03 *Major action.* For the purpose of this Order, the term "major action" means those actions identified in section 2–3 of the Executive Order and not exempted pursuant to section 2–5 of the Executive Order or exempted pursuant to Section 7 of this Order pertaining to categorical exclusions. "Major action" includes proposed significant change to a major Federal action, which has commenced but has not been completed, where such change is not exempted in accordance with the Executive Order or this Order.

.04 *Organization Unit Head.* For the purpose of this Order, the head of an organization unit means the head of an operating unit, head of a Department Office, or a Secretarial Office, as appropriate.

Sec. 4. Policy

Departmental officials having ultimate responsibility for authorizing and approving actions encompassed by the Executive Order and this Order shall, in making decisions concerning such actions, consider and take into account, along with other pertinent considerations of national policy the information contained in documents prepared pursuant to the Executive Order and this Order addressing environmental impacts of such actions. Heads of organization units may provide, in procedures for implementing the Executive Order and this Order, measures in addition to those called for by the Executive Order and this Order.

Sec. 5. Responsibilities

.01 Except as provided by paragraph .03 of this section, the Deputy Assistant Secretary for Environmental Affairs (the DAS) shall:

a. Determine whether a proposed major Federal action by the Department of Commerce is subject to the Executive Order and this Order and whether preparation of an environmental document is indicated, and, if so, specify the appropriate type of document;

b. Provide guidance for the preparation of the environmental document specified pursuant to subparagraph .01a. and circulate the environmental document in draft form for review within the Department of Commerce;

c. Upon receipt of a letter and environmental document from an organization unit pursuant to subparagraph 5.02e., circulate the environmental document to other federal agencies with relevant environmental jurisdiction and expertise;

d. After consultation with the Head of the organization unit which prepared the environmental document, determine when an affected nation shall be informed, through the Department of State, of the availability of an environmental document;

e. Determine the necessity to modify an environmental document, as provided in Executive Order section 2–5(b) and paragraph 6.06 of this Order, and, after consulting with the head of the organization unit preparing the environmental document, specify the modification in content, timing or availability of the document;

f. Coordinate Department activities in collaborating with the Department of State and the Council on Environmental Quality in the exchange of environmental information, pursuant to section 2–2 of the Executive Order;

g. Consult with the Department of State and the Council on Environmental Quality

when a categorical exclusion is utilized pursuant to Section 7. of this Order;

h. Coordinate Departmental review of environmental documents prepared pursuant to the Executive Order by other Federal agencies and referred to the Department of Commerce by the preparing agency, and, after necessary consultation with interested Department organization units, exercise primary responsibility for preparation and submission of comments to the prepared agency; and

i. In instances where an organization unit voluntarily reviews and prepares proposed comments on an environmental document prepared by another agency pursuant to the Executive Order, but not formally submitted by the preparing agency for Departmental review, review such proposed comments for conformity with Departmental policy, and, after consultation with interested organization units, exercise primary responsibility for submission of comments to the agency which prepared the environmental document.

.02 Heads of Organization Units, other than the National Oceanic and Atmospheric Administration, shall:

a. Notify the DAS when a categorical exclusion is proposed to be used pursuant to Section 7. of this Order;

b. Identify to the DAS potential major actions which may be subject to the provisions of the Executive Order and this Order;

c. Determine whether a draft environmental document, specified pursuant to subparagraph .01a. above, will be prepared, and, if so, submit the document to the DAS for circulation within the Department;

d. Consider the comments generated by the process of intradepartmental review of a draft environmental document in preparing any revised environmental document;

e. Prepare a letter to be signed by the DAS for transmitting for review an environmental document to Federal agencies with relevant environmental jurisdiction and expertise and submit the letter and environmental document to the DAS;

f. Consider comments timely received from other Federal agencies on an environmental document in taking any action addressed by the environmental document;

g. Ensure that applicable environmental documents are available for use by appropriate agency decisionmakers;

h. At the request of the DAS, review an environmental document prepared pursuant to the Executive Order by another Federal agency and referred to the Department, and submit comments on the environmental document to the DAS for consideration in preparing Departmental comments on the environmental document; and

i. In instances where an environmental document prepared pursuant to the Executive Order by another Federal agency is not formally submitted by the preparing agency for Department review, but the organization unit voluntarily reviews such documents, submit any proposed comments on the documents to the DAS for disposition in accordance with subparagraph .01i. above. This provision shall not preclude an organization unit field office from providing a preliminary response to an environmental document received locally, if it is made clear that the official Department position will be provided at a later date by the DAS.

.03 The Administrator of the National Oceanic and Atmospheric Administration (NOAA) shall, with respect to the undertaking of actions pursuant to all legislation administered by NOAA to which this order applies:

a. Determine whether a proposed major NOAA action is subject to the Executive Order and this Order and whether an environmental document is to be prepared, and, if so, the type of document to be prepared;

b. Circulate any environmental document in draft form for review within the Department by organization units and offices with relevant expertise, including the Office of Environmental Affairs;

c. Consider the comments generated by the process of intradepartmental review of a draft environmental document in preparing any revised environmental document;

d. Circulate for review any revised environmental document to other federal agencies with relevant environmental jurisdiction and expertise;

e. Consider comments timely received from other Federal agencies on an environmental document in taking any actions addressed by the environmental document;

f. After consulting with the DAS, determine when an affected Nation shall be informed, through the Department of State, of the availability of an environmental document;

g. Determine the necessity to modify an environmental document, as provided in section 2–5(b) of the Executive Order and paragraph 6.06 of this Order, after consulting with the DAS, and modify the document in content, timing or availability, as deemed necessary;

h. Ensure that applicable environmental documents are available for use by appropriate NOAA and other Departmental decisionmakers; and

i. For any review initiated by NOAA on an environmental document prepared by another Federal Agency pursuant to the Executive Order, submit any proposed Comments on the document to the DAS for disposition in accordance with subparagraph .01i. above. This provision shall not preclude a NOAA field office from providing a preliminary response to an environmental document received locally, if it is made clear that the official Departmental position will be provided at a later date by the DAS.

Sec. 6. Environmental Documents

.01 *Multiple impacts.* If a major Federal action having effects on the environment of the United States or the global commons results in preparation of an environmental impact statement, and if the action also has effects on the environment of a foreign nation, an environmental impact statement need not be prepared with respect to the effects on the environment of the foreign nation.

.02 *Existing document.* If an environmental document, as described in paragraphs .03 through .05 below, exists and adequately addresses the significant environmental effects of a proposed major Federal action to which the Executive Order and this Order apply, an additional document need not be prepared.

.03 *Environmental Impact Statement.* A detailed Environmental Impact Statement (EIS) (a) shall be prepared for (a) actions described in section 2–3(a) of the Executive Order ("global commons") and (b) may be prepared for actions described in section 2–3(d) of the Executive Order ("Presidential designation" or "binding treaty"), if determined to be appropriate pursuant to subparagraphs 5.01a or 5.03a. of this Order. An EIS should be comprehensive in its treatment of anticipated significant environmental effects, based on information that is reasonably available, and taking into account time constraints for agency action.

.04 *Environmental Study.* The responsibile head of an organization unit or the Administrator of NOAA may take the measures available to have prepared the document described in section 2–4(a)(ii) of the Executive Order for actions described in Executive Order sections 2–3(b) ("third party"), 2–3(c) ("recipient"), or 2–3(d) ("Presidential designation" or "binding treaty"), if such document is determined to be appropriate pursuant to subparagraphs 5.01a. or 5.03a. of this Order. An Environmental Study should address anticipated significant envirоinmental effects and provide quantified information, to the extent available, on the most significant aspects of the proposed actions, examine reasonable alternatives to the proposal, and identify feasible mitigation measures that can be used to minimize environmental harm. In determining the type of environmental document to be prepared, pursuant to subparagraphs 5.01a. or 5.03a. of this Order, the DAS or, in the case of actions taken pursuant to subparagraph 5.03 of this Order, the Administrator of NOAA, as appropriate, shall be congnizant of practical impediments to the preparation of an adequate and timely Environmental Study in which a nation or nations other than the United States would be a participant, or the study would be prepared by an international body or organization and the United States would have little or no influence or control in the preparation of the study.

.05 *Environmental Review, Assessment or Analysis.* As indicated by the DAS pursuant to subparagraph 5.01a. of this Order, or as indicated by the Administrator of NOAA purusuant to subparagraph 5.03a. of this Order, an Environmental Review, Assessment or Analysis may be prepared for actions described in Executive Order sections 2–3(b) ("third party"), 2–3(c) ("recipient") or 2–3(d) ("Presidential designation" or "binding treaty"). An Environmental Review, Assessment or Analysis should address significant environmental effects in a careful manner; present quantified information on the most significant aspects of the proposed action, to the extent such information is reasonably available; and, where quantified information is not reasonably available, describe environmental impacts as precisely as practicable. Further, such a document should examine reasonable alternatives to the proposal and identify feasible mitigation measures that can be used to minimize environmental harm.

.06 *Modified Document.* In accordance with Executive Order section 2–5(b) and subparagraphs 5.01e. and 5.03g. of this Order, an environmental document may be modified.

Sec. 7. Categorical Exclusion.

In accordance with section 2–5(c) of the Executive Order, the issuance of export licenses or permits or export approvals are exempted from application of the Executive Order and this Order.

Sec. 8. Advice of the General Counsel.

Responsible officials, in consultation with the DAS, will seek advice of the General Counsel on legal questions arising in connection with thie Order.

Sec. 9. Effect on Other Orders.

This Order is to be applied independently of DAO 216–6, IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT, which supplements the Council on Environmental Quality regulations to implement the National Environmental Policy Act (40 CFR Parts 1500–1508).

Secretary of Commerce.

Office of Primary Interest

Office of Environmental Affairs

[FR Doc. 80–4481 Filed 2–11–80; 8:45 am]

BILLING CODE 3510–18–M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency (MBDA), formerly the Office of Minority Business Enterprise, announces that it is seeking applications under its program to operate one project for a twelve month period beginning May 1, 1980 in the entire State of Tennessee with a primary office in Memphis and a branch office located in Nashville. The cost of the project is estimated to be $237,000 and the Project Number is 04–10–30321–00.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to minority business enterprises. This proposed project is specifically designed to meet the specifications for Construction Contractors Assistance Centers (CCACs). The CCAC shall establish a capability for the collection and dissemination of business information; business packaging; management services and technical assistance.

Eligibility Requirements: There are no restrictions. Any for-profit firm or not-for-profit institution is eligible to submit an application.

Application Materials: An application kit for each of the projects may be requested by writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Atlanta Regional Office, 1371 Peachtree Street, N.E., Suite 505, Atlanta, Georgia 30309.

In requesting an application kit, the applicant must specify its profit status (i.e., a State or local Government, Federally recognized Indian Tribunal Unit, Educational Institution, Hospital, other type of non-profit organization, or if the applicant is a for-profit firm). This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. The applications will be ranked as to their understanding of minority business problems, approach and program methodology, responsiveness to questions, organizational structure, quality of personnel, experience, capacity, and cost. Specific criteria will be included in the application kit.

If an application is approved, an initial award will be made for a period specified for that award. Continuation awards may be made on a noncompetitive basis when determined by the Awards Officer to be in the best interest of the Government.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of April 1, 1980. Detailed submission procedures are outlined in each application kit.

(11.800 Minority Business Development, Catalog of Federal Domestic Assistance)

Dated: February 4, 1980.

Allan A. Stephenson,

Deputy Director.

[FR Doc. 80–4631 Filed 2–11–80; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

Marine Mammals; Denial of Permit

On September 4, 1979, Notice was published in the **Federal Register** (44 FR 51635), that an application had been filed with the National Marine Fisheries Service by Louis Scarpuzzi Enterprises, Inc. for a permit to take three (3) Atlantic bottlenose dolphins *(Tursiops truncatus)* for public display.

Notice is hereby given that pursuant to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), after having considered all pertinent information and facts, the National Marine Fisheries Service has determined that the permit request submitted by Louis Scarpuzzi Enterprises should be denied. The Applicant was notified on February 6, 1980.

Documentation relating to this application is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: February 6, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80–4529 Filed 2–11–80; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Permit Modification Request

Notice is hereby given that Brian W. and Patricia A. Johnson, P.O. Box 3830, Honolulu, Hawaii have requested a modification to Permit No. 258, issued to them under the authority of the Marine Mannal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) on March 26, 1979.

Mr. and Mrs. Johnson are requesting the taking of up to 450 Hawaiian monk seals *(Monachus schauinslandi)* to be remarked up to three (3) times in lieu of the 120 Hawaiian monk seals, each remarked once, authorized in Permit No. 258. The Johnson's are requesting to conduct these activities on the French Frigate Shoals, Kure, Pearl and Hermes Reefs, and Lisianski Island as well as Laysan Island as authorized in Permit No. 258. In addition, they are requesting a one year extension of that permit. The procedures and techniques for marking would be the same as described in the original permit application.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235,

within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request are summaries of those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Documentation pertaining to the above modification request is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island California 90731.

Dated: February 7, 1980.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-4530 Filed 2-11-80; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Index of On-Going Federal Research Projects

The purpose of this notice is to inform the public and other interested parties that, beginning October 1, 1980, the Department of Commerce will assume responsibility for operating an index of on-going Federal research projects. The Director of the Office of Management and Budget, in conjunction with Office of Science and Technology Policy, has determined that the management of Federal research and development resources could be significantly improved and enhanced by the development of a comprehensive central index of on-going research projects. The Smithsonian Science Information Exchange (SSIE), a federally funded non-profit private corporation, currently maintains information regarding on-going research projects. However, consolidation of such an index with the technical research report dissemination activities of the National Technical Information Service (NTIS), Department of Commerce, will result in significant benefits to both the government and the public. Specifically, it is anticipated that consolidation will provide more comprehensive information about on-going Federal research projects, reduce the costs to users of this information, and facilitate the tracking of projects from the research phase to final report.

During Fiscal Year 1980 the Smithsonian Science Information Exchange will continue to operate its index of on-going research as a contractor to the NTIS. As of September 30, 1980, the government's contract with the SSIE will terminate and the Department of Commerce will assume responsibility for the operation of an index of on-going Federal reseach projects. Prior to that time, the NTIS intends to conduct a study on how best to integrate the operation of an index of on-going research with those functions currently performed by the NTIS. Major portions of this study will be performed by an outside contractor with expertise in the design of scientific and technical information systems. The NTIS will also conduct an A-76 study to assure that the government appropriately utilizes the capabilities of the private sector in performing this function. A proposed policy is being drafted to be issued by the Office of Management and Budget, regarding input and use of data about on-going research by Federal agencies. It is expected that a draft of this policy will be distributed for public comment by June 1980.

It is intended that assumption of this function by the Department of Commerce will be achieved as smoothly as possible and with minimum disruption to the users of SSIE and NTIS products. Accordingly, public comments, suggestions and questions regarding this action are welcomed. Inquiries should be sent to the Director, NTIS, 5285 Port Royal Road, Springfield, Virginia 22161. Questions regarding SSIE services and products should continue to be sent to the SSIE until September 30, 1980. After that time, inquiries should be sent to the Director, NTIS.

Melvin S. Day,

Director, National Technical Information Service.

[FR Doc. 80-4513 Filed 2-11-80; 8:45 am]

BILLING CODE 3510-04-M

National Telecommunications and Information Administration

Public Telecommunication Services Program; Solicitation for Grant Proposals

The National Telecommunications and Information Administration (NTIA) solicits proposals for Public Telecommunications Services (PTS) that are needed by, and are affordable to, public service organizations, and Federal, State and local government agencies. The Federal Government has long been committed to satellite communications and to the growth of a vigorous commercial satellite industry. Since existing systems have not yet been responsive to the low-volume, intermittent communication needs of widely dispersed public service agencies, NTIA is seeking to stimulate a new generation of commercial satellite services to meet these needs. Through this grant program, NTIA intends to fund *Public Telecommunications Service* (PTS) organizations to aggregate public service agencies and procure for them communication services at affordable rates.

A PTS is defined broadly as any offering of operational facilities, program/service acquisition and delivery, and other management services necessary to provide telecommunications that will meet agency requirements. Applicants may request funds for the identification, aggregation and development of users/markets; assessment of communications service requirements; procurement/lease of needed facilities; marketing of existing and new program/service offerings; and any other activities necessary to establish and manage a financially self-sufficient telecommunications service for public agencies.

Consistent with Administration efforts to minimize Federal intervention in private sector activities, NTIA will provide core funding for four years for the implementation and management of public telecommunications services. Congress has appropriated $1.2 million for this purpose in FY 1980, and the Administration is requesting similar funding for FY 1981. Subject to Congressional appropriations, funding will be available throughout the four-year period, in decreasing annual amounts, which commences on the date of the first award. To implement this program, NTIA is seeking proposals from non-Federal public and private non-profit organizations, for-profit telecommunications organizations, and established common carriers. It is anticipated that two or three applicants will receive initial funding in FY 1980.

Background

Building upon early Federal assistance, a vigorous and independent commercial satellite industry has emerged to serve the bulk requirements of high-volume telecommunications users. Most public service users have not yet benefited from these developments because their intermittent, geographically dispersed, low-volume telecommunications requirements have not attracted

commercial common carrier investment. A review of industry planning suggests that this bias in favor of trunking and higher volume services is likely to continue.

Analyses suggest that *with sufficient aggregation* of public service agencies' communications requirements, some services are economically viable on existing commercial satellite facilities. Many public service agencies have considered the potential improvements in service delivery and government operations that could be achieved through the use of currently available satellite and terrestrial communications services; however, current services are not tailored to meet these demands at a reasonable cost. Recognition of the extensive social costs of this service gap led to a Presidential mandate for Federal action.

NTIA derives authority for this grant activity from the Administration's National Civil Space Policy (October 1978). In that Policy, NTIA is instructed:

> To formulate policy, to assist in market aggregation, technology transfer, and possible development of domestic and international public satellite services. The policy direction is intended to stimulate the aggregation of the public service market * * *

This solicitation addresses the aggregation of the domestic public service market.

The following is not intended to be an exhaustive list of services considered in this program but is provided only to show examples of the types of programs/services being solicited.

• *Distributed Broadband Service:* This public telecommunications service provides for one-way transmission of broadband programming which *may* be augmented by interactive audio to serve the telecommunications requirements of widely dispersed, public service organizations.

This Public Telecommunications Service could offer opportunities for training, education, information and other services to a wide diversity of public service entities serving highly decentralized audiences, including state and local government agencies, the public and others. The services should be econmically self-sufficient and national in scope—available at widely distributed sites, including homes, schools, hospitals and other institutions by the end of the four-year grant period.

The types of programs and services offered will be determined by the assessed requirements of the users. For instance, programming may include (but not be restricted to) training for public safety personnel, continuing education for health professionals, and collegiate education for adults in rural areas. Service offerings may also include provision of general consumer information, teleconferencing for state, local and regional government officials, and provision of out-patient health care information.

• *Teleconferencing and Training Service:* The PTS could also provide for the distribution of broadband services/programs to, among other users, Federal and regional training centers. As with the first service, this type of service would allow for interaction between participating sites and carry a wide range of services and/or programming. However, the initial service could focus on training, teleconferencing and other activities which have already been tested and found to be cost-effective. The economics of teleconferencing are of particular interest. While past findings on the potential for cost savings from travel substitution and increases in productivity have been mixed, energy costs and budgetary limits on travel in may Federal activities have mandated a re-evaluation of this question.

• *Hybrid Services:* This solicitation was stimulated by an awareness that satellite technology in some situations is the most cost-effective means of configuring systems to serve public service communications needs. This awareness stemmed from the results of several analyses, conducted under the auspices of the NTIA-chaired Interagency Committee on Satellite Telecommunications Applications, that assessed the relative costs of satellite and terrestrial systems. NTIA's Institute for Telecommunications Sciences (ITS), for example, used a NASA survey of the costs of a prototype, 14-city Federal network for training via one-way broadband with interactive audio teleconferencing as the basis for one comparison. Using tariff data to determine the cost of terrestrial distribution systems, ITS concluded that terrestrial systems carrying the broadband signals would cost six times as much as would a satellite distribution system for the 14-city network.

Nevertheless, it must be emphasized that this solicitation is open to proposals for systems utilizing terrestrial services/facilities alone *or* in conjuction with satellite services/facilities. Proposals should provide some evidence that alternative technologies were considered and that the selected design is appropriate to the services offered to users.

Proposed approaches for satisfying other Federal and non-Federal public service agency telecommunications requirements are also acceptable. Additionally, any appropriate mix of services and/or programs, is acceptable if dictated by user requirements.

A. Applicable Regulations

Regulations applicable to this grant program are:

1. *41 Fed. Reg. 148 (Friday, July 30, 1976),* Uniform Administrative Requirements for Grants to Hospitals, educational Institutions and Nonprofit Organizations, OMB Circular A–110.

2. *42 Fed. Reg. 176 (Monday, September 12, 1977),* Uniform Administration Requirements for Grants-In-Aid to State and Local Governments, OMB Circular A–102.

3. Proposals must not violate or abridge pertinent Federal Communications Commission regulations. The applicant assumes full responsibility for compliance with FCC regulations, tariff filings, rulemakings, and procedures throughout the term of the grant.

4. *44 Fed. Reg. 185 (Friday, September 21, 1979),* Proposed Order on Grants Administration for the U.S. Department of Commerce.

B. Effective Date and Duration

1. It is intended that grant awards be made on or about May 15, 1980.

2. To avoid unnecessary delays in the preparation and receipt of proposals, this notice is effective immediately. Applications will be accepted no later than 5:30 p.m., EST, April 7, 1980.

3. Consistent with Administration efforts to minimize Federal intervention in private sector activities, this grant program remains in effect a maximum of four years, commencing on the date of the first grant award. Yearly decreases in the level of Federal support are anticipated. Proposals that will accomplish the objective of establishing telecommunications services which are financially self-sufficient through user support in less than four years will be viewed more favorably than those that will consume the entire period allowed.

4. Upon completion of the grant period, it is expected that continued access and affordable rates, consistent with service costs, will continue to be available to those public users the PTS is initially designed to serve.

C. Statement of Funds Availability

1. Substantial funds are anticipated, in declining amounts, for approximately four years beginning on the date of the first award. Original and follow-on grant requests will be considered annually on a competitive basis. The Congress has appropriated approximately $1.2 million for Fiscal Year 1980.

2. At the discretion of the NTIA, multiple awards may be issued. It is

expected that at least two awards will be made initially; however, the NTIA retains flexibility on the size and number of grants awarded.

3. This limitation on the available funding means that significant support from other sources, including prospective users, will be required and must therefore be made explicit in the proposal. Proposals must establish mechanisms for billing users of the system, indicate fee and revenue schedules, and document the degree of financial self-sufficiency expected by the close of each funding year. Strong evidence must be presented to demonstrate that the service will continue to enjoy financial stability when Federal support is terminated.

4. Provided grantee(s) successfully complete self-established milestones, as shown in an annual plan, funding will be provided, contingent upon Congressional appropriations.

5. Federal funds will *not* be available for acquisition or development of programming materials to be carried via the Public Telecommunication Service. Re-packaging existing programs, procured with funds from other resources, may be a necessary managerial activity and is, therefore, acceptable where consistent with FCC policies. However, the use of these funds to produce or distribute religious or commercial programming is prohibited.

6. Federal funds *may* be used to lease and purchase telecommunications facilities and/or services—e.g., transponder time—for marketing, needs assessment, user analysis and any other activities intrinsic to establishing a stable, responsive PTS. Purchasing of property shall comply with attachment N of OMB Circular A–110.

7. In accordance with Administration efforts to encourage competition, all proposals, including those from established common carriers, must state that competitive procurement procedures will be employed, whenever possible, so that this activity will no way prejudice the emergence of a competitive market in this area.

D. Eligible Applicants

Proposals are solicited from non-Federal entities that are:

1. Public or private non-profit organizations.

2. For-profit telecommunications brokers or resalers as the FCC defines these in 60 FCC 2nd 261 and 62 FCC 2nd 588.

3. Established common carriers, or their wholly-owned subsidiaries, as defined in Title II, Communications Act 1934.

An applicant must formally represent the following:

- It is *not a Federal agency*, Defined in Title 41, Code of Federal Regulations, Section 1–1.203, as "any executive agency or any establishment in the legislative or judicial branch of the Government."
- It is now, or will implement plans to become, predominately a national or a regional (encompassing two or more states) organization in the United States or territories.

E. The Application

1. Standard OMB Application Form 424 must be completed and submitted.

2. *Proposal Summary:* Each proposal will begin with a succinct (2–3 pages) summation of its contents. The summary should immediately state the essence of the proposal. It should describe the proposed Public Telecommunications Service, including but not limited to:

- Experience that establishes credibility as a telecommunications service provider;
- targeted markets of public service users;
- kinds of programs/services to be provided;
- method of user needs assessment;
- method and scope of distribution; and
- configuration of facilities.

3. *Methodology for Establishing and Managing a Public Telecommunications Service (PTS):* Following are four sections which must compose the body of the proposal and which reflect the criteria by which the proposals will be weighed. Adherence to the prescribed format cannot be over-emphasized; failure to respond to all requirements may result in disqualification. The criteria that reviewers will employ in evaluating and selecting proposals, and their relative weights, are indicated, as is the rationale for each requirement. Applicants should be certain that proposals are closely responsive to those criteria. Failure to satisfy any one criterion could seriously weaken or invalidate a proposal.

(a) *Demonstrated Competence* (30 percent)

Years of experience with demonstrations has documented the demand for, and feasibility of, the delivery of public services, training and the accomplishment of administrative functions via satellite and terrestrial telecommunications systems. The establishment of *operational services*, not additional demonstrations, is the objective of this grant program. Because funding will *not* be extended beyond four years, applicants must present evidence that they have *already* had experience in the following activities:

—Identifying prospective users, assessing user requirements, and matching identified requirements with existing and available services and programs;
—Conducting market analyses, in order to anticipate and respond to expanding user demand;
—Aggregating requirements into high-volume, bulk packages enabling resale or services and/or programs to users at an affordable fee;
—Managing telecommunications facilities;
—Developing telecommunications transmission/reception sites;
—Acquiring programs/services, including specifying search techniques to identify new programs or services;
—Establishing scheduling priorities;
—Marketing services to users to ensure broad participation.

(b) *The Proposed Public Telecommunications Service (PTS)* (30 percent)

This section must detail plans for establishing and operating the proposed PTS. It is critical to the success of a proposal that reviewers have a clear and concrete concept of *exactly* what kind of public telecommunications service is proposed. To that end, this section should begin with a concise description of the requirement to be satisfied, the facilities to be utilized and the anticipated growth in demand over the four-year period. Detailed information should be offered describing every aspect of the PTS, including:

—The users to be served;
—Market identification and analysis;
—User requirements assessments;
—System/service design;
—Facilities acquisition;
—Site development;
—User education/marketing;
—Program/service identification, acquisitions and scheduling.

A detailed description of organizational and institutional arrangements and relationships should also be submitted, and may include:

- Management structure: ownership, independence of management, decision-making processes;
- Participation of users—nature, extent; selection process.

The organizational structure developed to manage the operation of the service is closely linked both to the responsiveness of the PTS to users and ultimately to its financial success. In other cases, it can clarify the relationship between the applicant proposing to establish the PTS and an underlying carrier when these two parties are part of the same corporate structure.

This part of the proposed PTS may, depending upon the services proposed,

be extremely important to service success. Some types of services, e.g., teleconferencing, may require substantial assistance to users beyond requirements assessments. Where appropriate, provision for user education and training is expected.

The proposal must also address all relevant legal and regulatory issues raised by the proposed system. Any and all steps required to comply with FCC procedures (e.g., tariff filings) must be specified. Applicants should clearly distinguish completed actions from those to be initiated in the future. Any necessary licenses or permits must be granted by the FCC before funds are released to the grantee.

Descriptions of the previously delineated aspects of the proposed PTS should be tailored to demonstrate the likelihood of a succesful PTS. "Success" is to be interpreted here to mean the following:

- PTS management can assess, or help users assess, communication needs and match identified needs to available services;
- PTS management can aggregate users and requirements, and match these with bulk procured; telecommunications facilities/ services, thereby reducing costs of the service to users;
- Initial service offerings are attractive and responsive to public service telecommunications needs;
- Both facilities and the PTS are flexible enough to adapt to new locations and expanding demands;
- The PTS is offered at several sites, serving a significant portion of the targeted public service market identified in the proposal by the end of one year;
- Targeted user markets, the offered programs/services *and* the geographic areas served are expanded to the maximum extent possible in four years or less;
- The PTS is entirely self-supporting, requiring *no* Federal assistance, at the end of the four years.

(c) *Statement of Financial Plan* (25 percent).

Applicants must submit a detailed financial plan, projecting revenues and expenditures over the proposed grant period.

At a minimum, the plan should include, where appropriate:

—Personnel in personhours;
—Rates of compensation and benefits;
—Overhead rates and bases, including rent and utilities;
—Travel expenditures;
—Installation costs;
—Maintenance costs;
—Transmission costs;
—Depreciation and replacement rates and costs;
—Miscellaneous salaries and expenses (itemized);
—Program/service acquisition costs and payment sources;
—Rate schedule for system users;
—Projected use; and
—Projected income.

This plan must clearly show a gradual transition to full support by PTS users by the close of the fourth year or earlier.

Presented in budget format, proposals must indicate the amount and source of requisite funds, other than those requested from NTIA, that will be used to initiate and continue service. Documentation of commitments, authorizations or projected revenues and of current levels of operation and financial resources are requested. To be competitive, proposals should provide substantial evidence of user willingness to use and pay full and direct costs for the proposed service.

Information will be organized whenever possible in matrix form, e.g., hours of service by numbers of users by renumeration schedule.

(d) *Immediacy of Operation* (10 percent).

Proposals must also present evidence demonstrating the feasibility of near-term offerings of proposed services/ programs at several locations. It is expected that some proposed services will be operational within one year and thereafter will be extended to serve more prospective users in target markets and expanded to new markets during the remainder of the grant period.

(e) *Evaluation Plan* (5 percent).

In order to test the responsiveness of the PTS to user needs, the applicant must submit a plan for evaluation of the service. An approved plan will be executed during the course of the grant period and will be supported with the grant funds awarded.

4. *Other Required Information.* Other data must also be included in proposals:

—Identification of discrete major tasks;
—A milestone chart for accomplishing the tasks;
—Copies of FCC filings and applications;
—Vitae of key project personnel (two page maximum per person).

5. *Optional Supportive Materials:* The proposal may also include:

—Formal letters of contact/agreement from prospective users, if available;
—Formal letters of contact/agreement from commercial carriers, where appropriate, indicating availability of required facilities hardware;
—Brief summaries of *related* projects involving applicant (five-page maximum).

Other relevant documentation may also be submitted, but we urge applicants to limit supportive materials.

F. Applications Review Process

1. Grant proposals will be reviewed by an intergovernmental panel, drawn from Federal agencies represented on the Interagency Committee on Satellite Telecommunications Applications. Given the diverse background of these members, proposals should be written with sufficient clarity to be comprehensible both to lay persons and those with a technical background.

2. Nothing in this Solicitation shall be construed as committing the Assistant Secretary, or delegated authorities, to dividing available funds among all qualified applicants.

G. Reporting Requirements

1. A substantive evaluation, as explained in Section E–3e, is required of each grantee annually.

2. A complete financial plan must be submitted as a part of the proposal. (See Section E–3c, p. 17). This plan will be revised annually, reflecting changes in user fees, facilities and costs, and all other accounting data, e.g., depreciation, rent.

3. Quarterly reports documenting and evaluating progress will be submitted. These reports will include discussion of:

(i) Problems encountered during this reporting period.

(ii) Approaches for resolving the problems.

(iii) Tasks completed during reporting period.

(iv) Major activities to be initiated in next reporting period.

H. Proposals Sent by Mail

Applications sent by mail will be considered to be on time by the Grants Program Administer if the applications were sent by registered or certified mail and mailed not later than April 7, 1980, as evidenced by the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. It may be necessary to ask Postal officials for date-stamp.

I. Hand-Delivered Proposals

Hand-delivered proposals must be taken to the Grants Officer at the address listed at the end of this Solicitation. These will be accepted daily between 9:00 a.m. and 5:30 p.m. (EST), except Saturdays and Sundays, or Federal holidays. Proposals will *not* be accepted after 5:30 p.m. EST on the closing date.

J. Disposition of Proposals

Applicants are required to fill out a self-addressed postcard, included with proposal materials, so we may notify applicants of receipt of proposals within ten working days.

K. Proposal Instructions and Forms

1. An original and two copies of the proposal and supporting materials must be submitted.

2. Questions concerning the preceding information and applications materials shall be addressed to: Kim E. Degnan or Jack O'Neill, Grants Program Administrators, Office of Telecommunications Applications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1325 G Street, N.W., Washington, D.C. 20005, (202) 724–3464.

L. Authorizing Signature

This solicitation is issued with the authority of the Assistant Secretary of Commerce for Communications and Information and/or delegated officials:

Dr. William Lucas,

Associate Administrator, Office of Telecommunications Applications, National Telecommunications and Information Administration.

References

The following references may be helpful to prospective applicants in documenting the cost effectiveness of satellite vs. terrestrial communications services, illustrating potential satellite applications, or more generally telecommunications applications, in health, education, social services, and administration, and reviewing the effectiveness of telecommunications alternatives to face-to-face communications.

A. M. Bennett, W. H. Rappaport, F. L. Skinner, Telehealth Handbook: A Guide to Telecommunications Technology for Rural Health Care, DHEW Publication No. (PHS) 79–3210, May 1978.

K. S. Caldwell, "The Veterans Administration Experiments in Health Communications on the Applications Technology Satellite: Final Report," Veterans Administration, February 1976.

B. Christie and M. Elton, "Research on the Differences Between Telecommunication and Face-to-face Communication in Business and Government," Communications Studies Group, London, 1975.

J. A Curtis and J. M. Biedenbach (eds.), "Educational Telecommunications Delivery Systems," American Society for Engineering Education, 1979.

W. B. Davenport, Jr. (Chariman) "Federal Research and Development for Satellite Communications," Committee on Satellite Communications, Space Applications Board, National Research Council, 1977.

R. A. Duncan (ed.), "Biomedical Communications Experiments: Using the Communications Technology Satelite-Symposium Proceedings," Mitre Corp., December 1978, MTR 79W00024.

R. A. Duncan, C. A. Paquette, J. H. Parness, A. B. Strauch, "Biomedical Communications Experiments: Using the Communications Technology Satellite-System Evaluation," Mitre Corp., January 1979, MTR–79W00032.

M. Elton and J. Carey, "Interactive Telecommunication Systems: A Working Paper on Implementation Problems," Alternate Media Center, New York, February 1978.

"Experiments in Interactive Cable TV" (series of articles on NSF-funded experiments), *Journal of Communication*, Vol. 28, Spring 1978.

Robert T. Filep, and Patricia A. Johansen, A Synthesis of the Final Reports and Evaluations of the ATS–6 Satellite Experiments in Health, Education, and Telecommunications, Redondo Beach, CA: Systems 2000. February 1977.

Johnathan Galloway, Space Communications Technology and U.S. Foreign Policy, Microfilm.

Richard Gould, "Commercial Communications Satellites: Operational, Experimental and Planned," NTC, 1976.

R. G. Gould, and Y. F. Lum, Communication Satellite Systems: An Overview of the Technology, New York, New York, IEEE Press, 1976.

Walter Hinchman Assoc., Inc. "Demand for Domestic Satellite Capacity," prepared for Hughes Aircraft Company, 1979.

R. W. Hough, "Teleconferencing Systems: A State-of-the-Art Survey and Preliminary Analysis," Stanford Research Institute, Menlo Park, California, April 1977.

S. Hubbard, "Report of the Ad-hoc Committee on SYNCOM–IV Options," Office of Science and Technology Policy, Washington, D.C., 1977.

R. Johansen, J. Valley, K. Spangler, Electronic Meetings: Technical Alternatives and Social Choices, Institute for the Future, Menlo Park, California, 1979.

G. W. Jull, et al., Research Report on Teleconferencing, Vol. 2, Report No. 1281–2, Communications Research Center, Department of Communications, Ottawa, Ontario, Canada, 1976.

R. L. Kelly, R. K. Khatri, J. D. Kiesling and J. A. Weiss (1977), "Communications System Technology Assessment Study, Volume II Results," Fairchild Space and Electronics Co. for the National Aeronautics and Space Administration, NASA CR135224.

N. Mendenhall and R. Tortie, "Evaluations of Interactive Tele-education in the Public Service Commission," in M.C.J. Elton, W. A. Lucas, and R. W. Conrath (eds.), *Evaluating New Telecommunications Services*, Plenum Press, 1978.

National Law Enforcement Telecommunications Network Analysis—final report, Phase II, Jet Propulsion Laboratory, California Institute of Technology, Pasadena, California; prepared for the Law Enforcement Assistance Administration, 1975.

J. J. O'Neill, J. T. Nocerino and P. Walcoff, "Benefits and Problems of Seven Exploratory Tele-medicine Projects," Mitre Corp., Document No. MTR–6787, February 1975.

J. P. Rossie, "Medical Applications of Satellite Technology," *Telecommunications*, December 1979.

Satellites and Public Service: An Annotated Bibliography and Analysis, Redondo Beach, CA: Systems 2000, January 1978.

P. I. Wells, "Current Activities in Small Earth Terminal Satellite Domestic Telecommunications," NTIA Report 78–9, August, 1978. (NTIS number not yet assigned).

E. A. Wolff (ed.), "Public Service Communications Satellite User Requirements Workshop—Draft Final Report," NASA, October 1976.

E. A. Wolff (ed.), "Public Service Communications Satellite System Review and Experiment Definition Workshop—Draft Final Report," NASA, March 29, 1977.

D. L. Wright, and J. D. Kiesling "Communication Satellite Services for Special Purpose Users," INTELCOM Telecommunicaions and Economic Development Conference, Vol. I, Atlanta, Georgia, October 9–15, 1977.

U.S. Department of Commerce, National Telecommunications and Information Administration, Office of Telecommunications Applications, Washington, D.C. 20230

This card will acknowledge receipt of your application for Federal assistance under the:

☐ Public Telecommunications Services (PTS) Program

☐ Public Telecommunications Facilities Program (PTFP)

prior to the official closing date.

Application File No.:————————

for OTA/NTIA/DOC————————

(Address the reverse side and return this card with your application.)

[FR Doc. 80–4460 Filed 2–11–80; 8:45 am]

BILLING CODE 3510–60–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Macau; Correction

February 7, 1980.

In FR Doc. 80–2495, appearing at page 6826 in the issue for Wednesday, January 30, 1980, the level of restraint appearing in Column 3 for Category 659 under the new agreement with Macau should be corrected to read as follows:

Category and 12-Month Level of Restraint

659—203,724 pounds

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-4467 Filed 2-11-80; 8:45 am]

BILLING CODE 3510-25-M

Soliciting Public Comment on Consultations Concerning Textile Products From Sri Lanka

February 7, 1980.

On April 21, 1974, the Committee for the Implementation of Textile Agreements published a notice in the **Federal Register** (39 FR 13307) conveying the Committee's intention to announce, and solicit comment on, U.S. Government actions implementing the GATT Arrangement Regarding International Trade in Textiles and the bilateral textile agreements entered into under its terms.

Pursuant to the terms of the Arrangement, the Committee anticipates holding consultations with the Government of Sri Lanka, beginning on March 24, 1980, concerning cotton, wool and man-made fiber textile products. Any party wishing to express a view or provide data or information with regard to the treatment of any product, or comment on production or availability of domestic textile products, is invited to submit such in ten copies to Mr. Paul T. O'Day, Chairman of the Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 3011, Washington, D.C. 20230.

Views, data or information submitted under this procedure will be available for public inspection in the Office of Textiles and Apparel, Room 2815, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, and may be obtained upon written request. Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiations, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) relating to matters which constitute "a foreign affairs function of the United States."

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-4468 Filed 2-11-80; 8:45 am]

BILLING CODE 3510-25-M

COUNCIL ON ENVIRONMENTAL QUALITY

Non-Coal Minerals Mining and Reclamation; Request for Comments and Hearing

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Request for comments and notice of public hearings on non-coal minerals mining and reclamation.

SUMMARY: Section 709 of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87) directed the Council on Environmental Quality to contract for an in-depth study of current and developing technology for surface and open-pit mining and reclamation for minerals other than coal. The law states that the study is to "assist in the establishment of effective and reasonable regulation of surface and open pit mining" for these minerals.

The study has been performed for the Council by the Committee on Surface Mining and Reclamation (COSMAR) of the National Research Council/National Academy of Sciences. Copies of the principal COSMAR report, entitled *Surface Mining of Non-Coal Minerals*, are available from the Office of Publications, National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. 20418, at a cost of $11.50 each. Separate panel reports on Oil Shale and Tar Sands ($9.25), Uranium ($12.25), and Sand and Gravel and other Construction Minerals ($7.50) are also available from the same address.

Section 709 also directs that "specific legislative recommendations shall be submitted to the President and the Congress" upon completion of the study. The Council is therefore interested in obtaining comments from the public on the findings and conclusions contained in the COSMAR report, as well as specific suggestions for legislative recommendations concerning effective and reasonable regulation of non-coal minerals mining and reclamation activities.

We are especially interested in comments on the following elements of the COSMAR report:

- The reports's characterization of environmental concerns associated with the mining and processing of non-coal mineral commodities;
- The report's evaluation of whether current and developing mining technology can achieve effective reclamation of mined land;
- The report's analysis of alternative regulatory mechanisms (institutional approaches);
- The report's conclusions on the generic applicability of environmental performance standards to non-coal minerals;
- The report's findings regarding the need for regulation of specific types of mining activities, such as oil shale, phosphate, or sand and gravel mining.

In order to have the benefit of public opinion on these issues before developing specific legislative recommendations, the Council is inviting both written and oral comments.

DATES: Oral comments may be presented at one of the following informal public hearings:

San Francisco, California.—February 25, 1980, 9:00–5:00, Environmental Protection Agency, Conference Room, 215 Fremont Street.

Denver, Colorado.—February 26, 1980, 9:00–5:00, Federal Building, Room 239, 1961 Stout Street.

Atlanta, Georgia.—March 3, 1980, 9:00–5:00, Environmental Protection Agency, Conference Room, 345 Courtland Street, N.E.

Washington, D.C.—March 5, 1980, 9:00–5:00, New Executive Office Building, Room 2010, 17th Street and Pennsylvania Avenue, N.W.

ADDRESS: Because time may be limited, persons wishing to speak should notify the Council as soon as possible by sending a post card or letter to: Ms. Odelia Doggette, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006, giving your name and the name of any organization you will be representing. This information may also be submitted by telephone; the number is 202–395–4540. Speakers should plan to limit their remarks to approximately 10 minutes. These hearings will not be transcribed; speakers are therefore encouraged to provide written copies of their statements at the hearing.

Written comments may be submitted to the Council at any time *through March 21, 1980.* Comments should be sent to: Robert B. Symthe, Senior Staff Member for Natural Resources, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

Additional information may be obtained from Mr. Symthe or Dr. Erik

Rifkin at the above address; their telephone number is 202–395–4540.

Dated: February 8, 1980.

Edward L. Strohbehn, Jr.,

Executive Director.

[FR Doc. 80-4624 Filed 2-11-80; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Marshall Island Docks Project, Trust Territory of the Pacific Islands

February 1, 1980.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent to Prepare a DEIS.

SUMMARY: 1. The project is part of the present capital improvement program in the Marshall Islands. The program is being administered by the Honolulu District of the U.S. Army Corps of Engineers on behalf of the Government of the Trust Territory of the Pacific Islands. The docks will be located on 15 of the islands in the Marshall District. All docks will be constructed on reinforced concrete piles. The design depth is 16 feet. The docks vary in length from 67 to 1,123 feet. The majority will have T-shaped or L-shaped heads 83 feet long and 24 feet wide. One or more dolphins will be provided to facilitate mooring of vessels at most sites. The dock construction will not require dredging or filling.

2. Alternative designs and sites were considered, but rejected due to engineering, economic, and environmental considerations.

3. The public involvement program involved coordination with local government agencies and the general public. Meetings were held with the local officials of each island and probable users of the proposed facilities during site investigations to discuss local conditions, requirements, and desires.

a. *Significant Issues To Be Analyzed:*

(1) Project impacts on cultural resources.

(2) Project impacts on water quality.

(3) Project impacts on marine resources.

b. *Possible Assignments for Input Into the EIS Among the Lead and Cooperating Agencies:*

(1) *U.S. Army Corps of Engineers.* Fish and wildlife information to assist in assessment of ecological impacts.

(2) *Trust Territory Historic Preservation Officer.* Identification and evaluation of previous cultural resource surveys.

c. *Identification of Other Environmental and Consultation Requirements:* Section 106 of the National Historic Preservation Act of 1966 requires survey and coordination regarding potential project impact on significant cultural resources.

4. Because the study was initiated last year, a scoping meeting will not be held on the project. Agencies involved in the planning process are already informed of the proposed action.

5. Under the present schedule, the DEIS will be made available to the public in February 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Dr. James E. Maragos, Chief, Environmental Resources Section, U.S. Army Engineer District, Honolulu, Building 230, Fort Shafter, Hawaii 96858, Telephone: (808) 438–2263.

B. R. Schlapak,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80-4483 Filed 2-11-80; 8:45 am]

BILLING CODE 3710-NN-M

Marine Corps

Privacy Act of 1974; Amendment to System of Records

AGENCY: Department of the Navy (U.S. Marine Corps).

ACTION: Notice of amendment to system of records.

SUMMARY: The U.S. Marine Corps proposes to amend an existing system of records subject to the Privacy Act of 1974. The specific changes to the system being amended are set forth below, followed by the system published in its entirety, as amended.

DATES: The system shall be amended as proposed without further notice in 30 calendar days from the date of this publication (March 13, 1980) unless comments are received on or before March 13, 1980, which would result in a contrary determination.

ADDRESS: Send comments to the system manager identified in the record system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. B. L. Thompson, Privacy Act Coordinator, Headquarters, U.S. Marine Corps, Washington, D.C. 20380, telephone: 202–694–1122.

SUPPLEMENTARY INFORMATION: The Marine Corps' record systems notices as prescribed by the Privacy Act of 1974, Public Law 93–579 (5 U.S.C. 552a) have been published in the **Federal Register** as follows:

FR Doc. 79–36297 (44 FR 68946) November 30, 1979.

FR Doc. (44 FR 74495) December 17, 1979.

The proposed amendment is not within the purview of the provisions of 5 U.S.C. 552a(O) of the Act which requires the submission of a new or altered system report.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

February 6, 1980.

Amendment

MFD00003

System name:

Joint Uniform Military Pay System/ Manpower Management System (JUMPS/MMS) (43 FR 5472) February 8, 1978.

Changes:

System location:

In the first paragraph, line one, delete the words "Marine Corps Automated Services Center" and substitute the words "Marine Corps Central Design and Programming Activity."

Categories of records in the system:

In paragraph one, at end of last sentence, add the following words "moral code." In paragraph two, line three, delete "Remote Entry Data Display Terminal (REDDT)" and substitute "On Line Manpower System (OLMAN)."

MFD00003

SYSTEM NAME:

Joint Uniform Military Pay System/ Manpower Management System (JUMPS/MMS)

SYSTEM LOCATION:

PRIMARY SYSTEM—Marine Corps Central Design and Programming Activity, 1500 East Bannister Road, Kansas City, Missouri 64131: Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197.

DECENTRALIZED SEGMENTS—There are eight Satellite/Command Data Processing Installations (SDPI/CDPI) which maintain files with similar records at the following locations: SDPI 02, Marine Corps Base, Camp Lejeune, NC 28542; SDPI 03, Marine Corps Base, Camp Pendleton, CA 92055; SDPI 06, FMF Pacific, FPO, San Francisco, CA 96610; SDPI 09, Headquarters U.S. Marine Corps, Washington, D.C. 20380;

SDPI 11, Marine Corps Recruit Depot, Parris Island, SC 29905; SDPI 15, Marine Corps Recruit Depot, San Diego, CA 92140, CDPI 17, Marine Corps Base, Quantico, VA 22134; SDPI 27, Marine Corps Base, Camp S. D. Butler, FPO, Seattle, WA 98773; First Marine Brigade, FPO, San Francisco, CA 96615.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Marine Corps personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

The JUMPS/MMS automated system of records contains the following fields (data elements and data sets) and sub-fields; Social Security Number and the last, first, and middle initial (key); Name, Member Service Number, Contract Legal Agreement, Duty Limitation, Race/Sex/Ethnic Group, Present Unit Identification, Temporary Reporting Unit Code, Former Unit Identification, Intermediate Unit Identification, Future Unit Identification, Command Data Processing Installation Code, Individual Location, Message Routing Indicator, Pay Entry Base Data, Armed Forces Active Duty Base Date, Date of Enlistment/Acceptance, Date of Original Entry Armed Forces, Date of Birth, Estimated Date of Departure, Estimated Date of Arrival, Date Current Tour Began, Date Detached Last Command, Rotation Tour Date, Date Arrived U.S. Dependents Not Restricted, Date Arrived U.S. Enlistment, Careerist Flag, Contract Extension Data, Expiration of Obligated Service, Security Investigation, Permanent Grade, Incentive Pay, Proficiency Pay, Special Pay, Hostile Fire Pay, Basic Allowance for Subsistence, Basic Allowance for Quarters, Duty Status, Last Processing Cycle Information, Project Duty Status, Preference for Duty, Grade for Which Selected, Citizenship, Combat Service, Former Prisoner of War, Civilian Education, Accession Code (Program Enlisted Under), Military Occupational Specialties, Reserved for Future Use, Religion, Tour Control Factor, Sea or Foreign Duty, Program Element Number, Responsibility Center Number, Marital Status, Ethnic Group, Intermediate Monitored Command Code—Estimated Date of Departure, Special Grade and Date of Rank, Old Reason for Transfer Code, New Reason for Transfer Code, Present Tour Control Factor, Prospective Officers Source Code, Reenlistment Bonus Type, Selective Reenlistment Bonus Zone, Separation Document Type, Composite Score, Armed Services Vocational Aptitude Battery, Deployment Monitored Command Code, Date Dependents Location Began, Visual Audit Field, Date Joined Present Unit, TAD Excess Flag, TAD DPI, Officers School Graduation, Active Duty Officer Base Date, Active Duty Aviation Service Base Date, Accession Code, Future Tour Control Factor, Intended Transfer Date, Permanent Change of Station Code, Reason for Transfer Flag, Advanced Monitored Command Code, Advanced Monitored Command Code—Estimated Date of Arrival, Intermediate Monitored Command Code—Estimated Date of Arrival, Prospective Officers Source Code, Current Source of Entry Code, Home of Record, Prior Key, Days Lost Current Contract, Separation Document Type, Language Proficiency, Language Aptitude Test, Electronic Technician Selection Test (Enlisted Only) Reserve for Expansion, General Military Subjects Test Results, Classification Test, Computed General Technical or General Classification Test, Armed Forces Qualification Test/Army Qualification Test Score (Enlisted Only), Army Qualification Battery Scores, Service Schools, Dependents Information, Aeronautically Designated Officers & Noncommissioned Officers Information, Date Last Tour Combat/Combat Supprt Area, Optional Narrative Form, Aeronautically Designated Officers & Noncommissioned Officers Information, Date Designated Military Pilot, Separation Data, Service Date (Officer), Lineal Control Number/Precedence Number Present Rank, Separation Data Addendum, Lineal Control Number Precedence Number Permanent Rank, Month Attended Service Academy, Lineal Footnotes, Running Mate, Limited Duty Officer/Warrant Officer Footnotes, Date of Acceptance 1st Commission in the Marine Corps, Date of Rank 1st Commission in the Marine Corps, Date of Rank 1st Commission Limited Duty Officer, Visual Audit, Electronic Data Processing Test Score, Language Aptitude Test Date, Social Security Number Validation Monitor, Last Transfer Processing Information. Temporary Additional Duty Excess Flag, Temporary Additional Duty Data Processing Installation, Graduates Obligation Code, Active Duty Spouse Identification, Fleet Assistance Program Unit Identification, Active Duty Off Service Base Date, Active Duty Officer Aviation Service Base Date, Program Enlisted For, Operational Flying Time, Operational Flying Computation Date, Operational Flying Start Date, Operational Flying Stop Date, Operational Flying Time Base Date, Operational Flying Gate One, Operational Flying Gate Two, Reserved, Platoon Number, Cycle Number, Last Type Transaction Code Touched, Not used at this time, Today's Date, Disbursing Officers Symbol, Command DPI of Parent Reporting Unit Code, Pay Group, Pay Status, Local Disbursing Office Cognizance, Payment Option/ Leave and Earning Statement Distribution/Pay Distribution Code, Federal Withholding Tax Data, Leave Account, Wage and Tax Summaries, Dependency Status, Dependency Determination, Basic Pay, Pay Grade, Years in Service, Serviceman's Group Life Insurance Deduction, Federal Income Tax Withholding, Federal Indemnity Compensation Act Tax Withholding, Payments, JUMPS Account Standing, Total Allotment Deductions, Last Update and Extract Date, Savings Deposits, Pay Extraction Flag, Regular Reenlistment Bonus, Variable Reenlistment Bonus, Time Lost, Detention of Pay, Repayment Date, Dislocation Allowance, Inadequate Quarters, Interim Housing Allowance, Indebtedness for Final Settlement, Incentive Pay 1, Proficiency Pay, Sea and Foreign Duty Pay, Diving Pay, Hostile Fire Pay, Subsistence Credit, Basic Allowance For Quarters, Personal Money Allowance, Housing Allowance, Additional Federal Tax Withholding, Subsistence Debits, Court Martial/ Nonjudicial Punishment Deductions, Miscellaneous Credits, Miscellaneous Debits, Other Continuing Monthly Deductions, Miscellaneous Leave Data, Retired Serviceman's Family Protection Plan Data. Temporary Lodging Allowance, Clothing Maintenance Data, Basic Allowance for Quarters Debits, Pay Change Flag, Pay Day Data, Miscellaneous Data, Check Mailing Address, Other Services Disbursing Officer Indicator, Reduced Tax, Unassigned, Saved Pay Original Entitlement, Saved Pay Current Entitlement, Tax Exclusion/Nonresident Alien Exempt Taxable Pay, Selective Reenlistment Bonus, Officer Status Change Flag, Aviation Career Incentive Pay, Advance Pay and Allowances, Power of Attorney, Moral Code.

The MMS master files consist of a complete magnetic record for each Marine serving on active duty for a period in excess of 30 days. The On Line Manpower System (OLMAN) is a subsystem of MMS. It has the capability to directly access an extract of the master file. The procedure used to establish the initial computer record and add the individual to the Marine Corps strength is the accession process. The accession of recruits is accomplished through the Recruit Accession Management Subsystem (RAMS). The Commissioning Accession Management Subsystem (CAMS) is designed to

access all officer records into JUMPS/MMS. Accession/reaccession of all nonrecruit enlisted records is accomplished through the Headquarters Accession Management Subsystem (HAMS) at Headquarters, U.S. Marine Corps. The Accession Transcription Form (ATF) is an OCR form which contains information extracted from the enlistment contract and transfer/assignment to active duty orders. The ATF is completed and processed to establish the computer record. The Manpower Management Information System (MMIS) consists of models and processes within MMS. These models and processes support manpower planners and programmers to optimize assignments to unaccompanied overseas tours, predict enlisted population by grade and military occupational specialty (MOS) and to test various policies related to unrestricted officer promotion planning.

Some manual files containing substantiating documents and other data relative to each member's JUMPS/MMS record are maintained. These file folders may contain any part of the JUMPS/MMS record and any one or more of the following documents: Military Pay Record, Military Payroll Money List, Military Pay Voucher, Certificate for Performance of Hazardous Duty, Application of Arrears in Pay, Cash Collection Voucher, Authorization/Designation for Emergency Pay and Allowances, Wage and Tax Statement, Employees Withholding Exemption Certificate (IRS W–4), Employees Withholding Exemption Certificate (IRS W–4E), Notice of Levy, General Accounting Office Notice of Exemption, Dependency Certificate (Wife or Child Under 21 Years), Dependency Certificate (Mother or Father), Dependency Certificate (Unmarried Child over 21 Years), Dependency Application, Clothing Checkage, Statement to Substantiate Payment of Family Separation Allowance, Government Property Checkage Personal Financial Records, Unit Diary, Dependent Travel Record, Allotment/Bond Authorization, Certificate for Cost of Living and/or Housing Allowance, Certificate for Temporary Lodging Allowance, Removal of Mark of Desertion, Field Rations Certificate, Liquidation of Indebtedness, Initial Uniform Allowances for Officers, Additional Uniform Allowance for Officers, Excess Weight-Household Goods Shipment, Hospital Rations Checkage, Excess Expense Involving Movement of House Trailer, Transportation Checkage, Meal Ticket Checkage, Advance Pay, Advance Pay and Allowances, Discharge Gratuity, Combat Arms Bonus, Health Care Coverage, Government Quarters Termination and Assignment, Lump-Sum Leave, Rations Commuted to Private Mess, Reenlistment Bonus, Variable Reenlistment Bonus, Selective Reenlistment Bonus, Sick Misconduct, Prorated Rations, Supplemental Rations, Basic Allowance for Quarters (Own Right).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 and 37, U.S. Code Section 5031 and 5201.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Headquarters, U.S. Marine Corps and Marine Corps commands, activities and organizations—By officials and employees of the Marine Corps in the performance of their assigned duties in matters relating to a Marine's automated personnel and/or pay record.

Department of Defense and its components—By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U.S.—By Officials and employees of the Office of the Attorney General in connection with litigation, law enforcement of other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts—By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U.S.—By the Senate or the House of Representatives of the U.S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller general of the U.S.—By the Comptroller General or any of his authorized representatives in the course of performance of duties of the General Accounting Office relating to the Marine Corps.

By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Federal, state and local government agencies—By officials and employees of federal, state and local government through official request for information with respect to law enforcement investigatory procedures, criminal prosecution, civil court action and regulatory order.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency initiate criminal or civil action against an individual on behalf of the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U.S. Marine Corps, by the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

Department of Health, Education and Welfare (DHEW)—Disclosure of the name, rank or grade, and Social Security Account Number of each Marine Corps active duty military member to the Inspector General of DHEW for the specific purpose of comparison with appropriate rolls reflecting recipients of Aid to Families with Dependent Children (AFDC).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is recorded on magnetic records and discs, punch cards, computer printouts, microform, file folders, and other documents.

RETRIEVABILITY:

The data contained in magnetic records can be displayed on cath-ode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Computerized and conventional indices are required to retrieve individual records from the system. Normally, all types of records are retrieved by Social Security Number and name.

SAFEGUARDS:

Building management employs security guards: building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours but must sign in and out. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Access to personal information is limited to authorized personnel with a need-to-know. Access is restricted to

specific applications programs, records, and files to which personnel have a specific and recorded need-to-know. On line data sets (both tape and disc) pertaining to personal information are password protected, areas are controlled and access lists are used. The files are also protected at a level appropriate to the type of information being processed.

RETENTION AND DISPOSAL:

Magnetic records are maintained on all Marine Corps personnel while they are in service, and for a period of 4 months after they are separated from the service. Paper and film records are maintained for a period of 10 years after the final transaction. End calendar and fiscal year "snapshots" of the MMS data base are maintained indefinitely in magnetic form at Headquarters, U.S. Marine Corps.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, D.C. 20380.

NOTIFICATION PROCEDURE:

Requests from individuals for information concerning pay related matters should be addressed to the Commandant of the Marine Corps (Code FD). Requests from individuals for information concerning personnel matters should be addressed to the Commandant of the Marine Corps (Code MP).

Requesting individual must supply full name and Social Security Number.

The requester may visit the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197 to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

RECORD ACCESS PROCEDURES:

Information on JUMPS may be obtained from the member's local disbursing officer. Information on MMS may be obtained for the member's immediate commanding officer. Requests for information from persons no longer in service should be signed by the person requesting the information. Dates of service, Social Security Number, and full name of requester should be printed or typed on the request. It should be sent to the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Recruiting offices, disbursing offices, administrative offices, and the individual Marine are the principle sources of the information contained in the JUMPS/MMS record for that person.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-4470 Filed 2-11-80; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

F. O. Fletcher, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken and Opportunity for Comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: *December 14, 1979.*

ADDRESS: Send comments to: Jack L. Wood, District Manager, Office of Enforcement, U.S. Department of Energy, 111 Pine Street, San Francisco, CA 94111.

FOR FURTHER INFORMATION CONTACT: Jack L. Wood, District Manager, Office of Enforcement, U.S. Department of Energy, 111 Pine Street, San Francisco, CA 94111, (415) 556-7200.

SUPPLEMENTARY INFORMATION: On December 14, 1979, the Office of Enforcement of the ERA executed a Consent Order with F. O. Fletcher, Inc. of Tacoma, Washington. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective on its execution.

I. The Consent Order

F. O. Fletcher, Inc., with its home office located in Tacoma, Washington is a firm engaged in the selling of petroleum products and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of F. O. Fletcher, Inc., the Office of Enforcement, ERA, and F. O. Fletcher, Inc., entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was all retail sales from November 1973 through May 1974 of middle distillates and motor gasoline.

2. DOE alleges that F. O. Fletcher, Inc. improperly applied the provision of 6 CFR 150.355 and 150.359 as amended, and 10 CFR 212.93, when determining the prices to be charged for middle distillates, and motor gasoline. As a result, F. O. Fletcher, Inc., customers were overcharged on some of their purchases.

3. F. O. Fletcher, Inc., by entering into this Consent Order, does not otherwise concur in the DOE's allegations, nor does it admit any liability or violation of any statute or DOE regulations or rule.

F. O. Fletcher, Inc., however, agrees to refund the compromised overcharge amount of $383,045.69 plus $35,000 interest to both end-users and resellers as set forth in II below.

4. The provision of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, F. O. Fletcher, Inc., agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I-1 above, the compromised overcharge of $383,045.69 plus $35,000 interest as follows:

(a) Fletcher has, to ERA's satisfaction reduced prices to both end-users and resellers and has refunded $283,045.69 to these classes of purchasers.

(b) Refund the compromised overcharge amount of $100,000 plus $35,000 interest to both end-users and resellers.

(1) A pro rata share of $3,530 be refunded to each end-user customer identified in Schedule A of the Consent Order.

(2) The remaining balance of $131,470, applicable to resellers, plus those shares not refunded under paragraph (b)(1) above will be refunded in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant

Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition. Payment will be made on or before January 24, 1980.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount described in II(a) should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of the potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Jack L. Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, California 94111. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 556–7200.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments of F.O. Fletcher, Inc., Consent Order". We will consider all comments we receive by 4:30 p.m., local time, on or before March 13, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 17th day of January, 1980.

June F. Wallach,

Acting District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 80-4526 Filed 2-11-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Dockets Nos. G-3721; etc.]

Getty Oil Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

February 4, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 11, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to 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 on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
C-3721, B, Nov. 16, 1977	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Texas Eastern Transmission Corporation, South Tuleta Field, Bee County, Texas.	Reserves depleted, wells plugged and abandoned and leases released.	
C-12628, D, Dec. 31, 1979	Pioneer Production Corporation, P.O. Box 2542, Amarillo, Texas 79105.	Northern Natural Gas Company, East Spearman Field, Ochiltree County, Texas.	Depletion of gas in paying quantities.	
C-16139, D, Dec. 10, 1979	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Transwestern Pipeline Company, Lower Morrow Formation only, Section 118, Block C, G&M RR Co. Survey, Roberts County, Texas.	[1]	
C-19284, C, Dec. 17, 1979	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	United Gas Pipe Line Company, Valentine Field, Lafourche Parish, Louisiana.	[2]	14.73
CI66-590, D, Dec. 17, 1979	Marathon Oil Company, 539 South Main Street, Findley, Ohio 45840.	Arkansas Louisiana Gas Company, Arpelar Area, Pittsburg County, Oklahoma.	[3]	
CI69-242, C, Nov. 2, 1979	Shell Oil Company, Two Shell Plaza, P.O. Box 2099, Houston, Texas 77001.	Southern Natural Gas Company, South Pass Block 61 *et al.* Fields, Offshore Louisiana.	[4]	15.025
CI70-374, D, Nov. 6, 1979	Aminoil USA, Inc., P.O. Box 94193, Houston, Texas 77018.	Panhandle Eastern Pipe Line Company, N.E. Trails Plant, Dewey County, Oklahoma.	[5]	
CI70-598, C, Nov. 9, 1979	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, South Timbalier Block 23 Well No. 20, Offshore Louisiana.	[6]	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI70-632, C, Nov. 14, 1979	Getty Oil Company	Tennessee Gas Pipeline Company, S12 of Block 23, South Timbalier Area, Offshore Louisiana.	(7)	15.025
CI72-344, C, Nov. 19, 1979	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Tennessee Gas Pipeline Company, LaCopita Field, Starr County, Texas.	(8)	14.65
CI73-329, C, Nov. 27, 1979	Getty Oil Company	Columbia Gas Transmission Corporation, East half of West Cameron Block 181, Offshore Louisana.	(9)	15.025
CI74-421, C, July 31, 1979	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, California 94120.	Transcontinental Gas Pipe Line Corporation, West Cameron Block 41, Offshore Louisiana.	(10)	15.025
CI74-734, C, Nov. 9, 1979	The Superior Oil Company, P.O. Box 1521, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, Block 182, Vermilion Area, Offshore Louisiana.	(11)	15.025
CI75-24, C, Dec. 7, 1979	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, Vermilion Block 182, Offshore Louisiana.	(12)	15.025
CI75-85, E, Nov. 23, 1979	Cities Service Company (Succ. to CSG Exploration Company), P.O. Box 300, Tulsa, Oklahoma 74102.	Cities Service Gas Company, Canadian East (Douglas) Field, Hemphill County, Texas.	(13)	14.65
CI75-480, C, Jan. 21, 1980	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	United Gas Pipe Line Company, Bethany Field, Panola County, Texas.	(14)	14.65
CI75-773, D, Dec. 18, 1979	Pioneer Production Corporation, P.O. Box 2542, Amarillo, Texas 79105.	Arkansas Louisiana Gas Company, South Pine Hollow Field, Pittsburg County, Oklahoma.	Depletion of gas in paying quantities.	.....
CI76-629, C, Dec. 17, 1979	Conoco Inc., P.O. Box 2197, Houston, Texas 77001.	Tennessee Gas Pipeline Company, West Cameron Block 66, Offshore Louisiana.	(15)	14.73
CI77-364, C, Nov. 27, 1979	Getty Oil Company	Columbia Gas Transmission Corporation, East Cameron Block 42, "Platform C", Offshore Louisiana.	(16)	15.025
CI78-210, E, Dec. 10, 1979	Cities Service Company (Succ. to CSG Exploration Company.	Cities Service Gas Company, Certain acreage in the Boyd East Field, Beaver County, Oklahoma.	(17)	14.65
CI78-1143, D, Oct. 24, 1979	Florida Exploration Company (Succ. to Florida Gas Exploration Company), P.O. Box 44, Winter Park, Florida 32790.	Florida Gas Transmission Company, Township 6 North, Range 17 West, Jefferson Davis County, Mississippi.	By agreement dated March 16, 1979 the subject acreage was released to the landowners.	
CI78-1254, Nov. 20, 1979	Mobil Oil Exploration & Producing Southeast, Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	See Robin Pipeline Company,[18] Eugene Island Blocks 261 and 262, Federal Offshore Louisiana.	(19)	15.025
CI79-493, C, Dec. 18, 1979	Texas Eastern Exploration Co., One Houston Center, Houston, Texas 77002.	Texas Eastern Transmission Corporation, Block 525, West Cameron Area, South Addition, Offshore Lousiana.	(20)	15.025
CI79-516, C, Dec. 7, 1979	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Texas 79189.	Michigan Wisconsin Pipe Line Company, High Island Area, Southeast Quarter and the South half of the Northeast Quarter of Block A-475, Offshore Texas.	(21)	14.65
CI80-18, B, Oct. 18, 1979	Pecos Western Corporation, 11246 South Post Oak Road, Houston, Texas 77035.	Columbia Gas Development Corporation under purchase contract with Mobile Oil Corporation, Valentine Field, LaFourche Parish, Louisiana.	(22)	.....
CI80-54, E, Nov. 9, 1979	Gulf Oil Corporation (Succ. in Interest to Kewanee Oil Company), P.O. Box 2100, Houston, Texas 77001.	Pennzoil Company, Certain acreage located in the Tanner Field, Gilmer County, West Virginia.	(23)	14.65
CI80-56, B, Nov. 8, 1979	Cabot Corporation, One Houston Center, Suite 1000, Houston, Texas 77002.	United Gas Pipe Line Company, Cypress Island Field, St. Martin Parish, Louisiana.	(24)	.....
CI80-61, B, Nov. 13, 1979	Bert Fields, Jr., et al., 11835 Preston Road, Dallas, Texas 75240.	Texas Eastern Transmission Corporation, Waskom (Cotton Valley Lower) Field, Harrison County, Texas.	(25)	.....
CI80-63, A, Nov. 20, 1979	Pioneer Production Corporation (Operator), P.O. Box 2542, Amarillo, Texas 79105.	Texas Gas Transmission Corporation, Roy Horecky #2, Church Point Field, Acadia Parish, Louisiana.	(26)	15.025
CI80-65, (G-16971), B, Nov. 16, 1979.	Thomas N. Berry & Company, 510 Oklahoma Natl. Bldg., Tulsa, Oklahoma 74119.	Colorado Interstate Gas Company, Sec. 2-5N-25ECM, Mocane Field, Beaver County, Oklahoma.	Gas reservoir has been depleted—Formation saturated with salt water.	
CI80-66, A, Nov. 21, 199	General American Oil Company of Texas, Meadows Building, Dallas, Texas 75206.	United Gas Pipe Line Company and Southern Natural Gas Company, Blocks 45 and 46, East Cameron Area, Offshore Louisiana.	(27)	15.025
CI80-67, B, Nov. 23, 1979	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Cities Service Gas Company, SW/4 and N/2 SE/4 of Sec. 11-T28N-R21WIM, Harper County, Oklahoma.	Basic Oil and Gas Lease has been terminated for failure of the lease to produce gas or oil in paying quantities.	
CI80-68, A, Nov. 23, 1979	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Certain acreage in West Cameron Block 66 Field Area, Offshore Louisiana.	(28)	15.025
CI80-69, (G-5300), Nov. 23, 1979.	Getty Oil Company	Kansas-Nebraska Natural Gas Company, Inc., Logan County, Colorado.	(29)	.....
CI80-71, A, Nov. 26, 1979	Transco Exploration Company, P.O. Box 1396, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, High Island Area, Block A-273 Field, Offshore Gulf of Mexico.	(30)	14.65
CI80-72, A, Nov. 23, 1979	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	El Paso Natural Gas Company, Sand Hills Field, Crane County, Texas.	(31)	14.65
CI80-73, A, Nov. 21, 1979	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Transcontinental Gas Pipe Line Corporation, South Timbalier Block 185 Area, Offshore Louisiana.	(32)	15.025
CI80-74, A, Nov. 27, 1979	McAlester Fuel Company, P.O. Box 10, Magnolia, Arkansas 71753.	Columbia Gas Transmission Corporation, Florence Field, Vermilion Parish, Louisiana.	(33)	15.025

[1] The production and reserves of natural gas were releasted due to small volume and high cost of the facilities necessary to connect and deliver this gas to Transwestern's pipeline system.

[2] Applicant is filing under Gas Purchase Contract dated 6-9-75, amended by Letter Agreement dated 11-1-78, filed 2-26-79.

[3] Depleted and the wells were plugged and abandoned the latest on 4-4-78. Leases expired by their own terms and were released of record.

[4] Applicant is filing under Contract dated 8-27-68, amended by Amendment dated 9-5-79.

[5] Applicant requests authority to abandon this sale to the extent that certificate involved sales of gas attributable to raw gas which Aminoil purchased from Sarkeys Inc., under a behind-the-plant percentage-type sales contract dated 6-1-78.

[6] Applicant is filing under Gas Purchase and Sales Agreement dated 12-16-69, amended by Amendment dated 10-31-79.

[7] Applicant is filing under Gas Purchase and Sales Agreement dated 12-18-69, amended by Amendatory Agreement dated 10-30-79.

[8] Applicant is willing to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 (NGPA) and the Commission's Regulations under said Act.

[9] Applicant is filing under Gas Purchase and Sales Agreement dated 8-1-72, amended by Amendatory Agreement dated 11-10-77.

[10] Applicant is willing to accept prescribed uniform base rates pursuant to the NGPA of 1978, subject to adjustments and escalations, for certain classifications of jurisdictional sales of natural gas.

[11] Applicant is filing under Gas Purchase Contract dated 4-30-74, amended by Amendment dated 6-1-78.

[12] Applicant is filing under Contract dated 10-8-79.

[13] Applicant is filing under Gas Purchase Contract dated 3-15-73, as amended. By Assignment of Interests dated 10-1-79, Cities Service Company succeeded to the interests of CSG Exploration Company in the leases from which gas production is committed under the 3-15-73 contract.

[14] Applicant is filing under Gas Purchase Contract, as amended, dated 1-14-75, and further amended by Amendment dated 11-19-79.

[15] Applicant is filing under Gas Purchase Contract dated 6-17-76, amended by Amendatory Agreement dated 8-6-79.

[16] Applicant is filing under Gas Purchese & Sales Agreement dated 3-4-77, amended by Amendatory Agreement dated 7-5-79.

[17] By Assignment of Interests dated 10-1-79, Cities Service Company succeeded to the interests of CSG Exploration Company in the leases from which gas production is committed under the Gas Purchase Contract dated 11-7-77.

[18] Applicant requests that the certificate in Docket No. CI78-1254 be further amended to reflect the name of Sea Robin Pipeline Company (Sea Robin), as Purchaser of gas hereunder, in place of United Gas Pipe Line Company (United).

[19] By Assignment dated and effective 10-13-78, United assigned to Sea Robin all of its rights and obligations, as Purchaser, to purchase gas pursuant to Gas Sales Contract dated 7-20-78, (MOEPSI Gas Rate Schedule No. 89).

[20] Applicant is willing to accept temporary authorization conditioned to the applicable maximum lawful price, including any increases in such rate prescribed, allowed, or published by the Commission; provided that Applicant or the operator, Marathon Oil Company, shall also be entitled to file applications with the appropriate jurisdictional agencies for increases to any higher contractually authorized prices allowed by the regulations of the Commission under both the NGA and the NGPA.

[21] Applicant is filing under Gar Purchase Contract dated 6-1-79, amended by Amendment dated 11-29-79.

[22] 10 MCF/day—insufficient gas for sale to pipeline. Columbia Gas Development Corporation states that this amount of gas is not commercial and hence does not justify the installation of a compressor to put gas into a pipeline carrying approximately 1000 psi.

[23] Effective as of 7-1-78, Applicant acquired all of Kewanee's interest in properties covered by contract dated 12-3-35, as amended.

[24] All gas reserves have been depleted. The last well on the remaining lease has been plugged and abandoned and all leases under Rate Schedule 51 have been released.

[25] Pursuant to the terms thereof, the Contract terminated as to this well because the Purchaser has refused to lay its line to and connect the well within the time provided in the Contract because the well appeared to the Purchaser not to justify the expense of connecting to such well. The Contract is self executing under such circumstances and operates to delete such well from the Contract.

[26] Applicant is filing under Gas Purchase Contract dated 10-25-71, and ratified by Applicant by instrument dated 8-24-79.

[27] Applicant is filing under Gas Purchase Contract dated 9-1-79.

[28] Applicant is filing under Gas Purchase Contract dated 9-26-79.

[29] The gas reserves underlying the dedicated acreage are not capable of producing gas in commercial quantities, have no recompletion possibilities, and are considered to be depleted. The small remaining gas produced is used for lease fuel.

[30] Applicant is willing to accept a certificate conditioned upon the maximum applicable rate as allowed by the NGPA of 1978.

[31] Applicant is filing under a Ratification and Adoption Agreement dated 12-18-78, ratifying the terms of a contract dated 3-9-70.

[32] Applicant is filing under Gas Purchase Contract dated 1-15-73.

[33] Applicant is filing under Contract dated 10-27-77.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-4233 Filed 2-11-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

High Energy Physics Advisory Panel, Subpanel on Accelerator R&D; Open Meeting

Notice is hereby given of the following open meeting. Less than 15-days' notice is being given because the scheduling of this meeting has been determined by the charge placed on the Subpanel to complete its studies and prepare its report in advance of the High Energy Physics Advisory Panel (HEPAP) meeting now scheduled for the first week of May. HEPAP review of the Subpanel's study is an essential requirement in preparation for the major High Energy Physics program planning meeting presently scheduled for the first week of June 1980.

NAME: Subpanel on Accelerator R&D of the HEPAP. The HEPAP is a committee constituted under the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770).

DATE AND TIME: Friday, February 22, 1980—9:00 a.m.–6:00 p.m. Saturday, February 23, 1980—9:00 a.m.–5:00 p.m.

PLACE: Berkner Hall, Brookhaven National Laboratory, Upton, Long Island, New York.

CONTACT: Dr. David F. Sutter, Secretary, HEPAP Subpanel on Accelerator R&D, Department of Energy—J-309, Washington, D.C. 20545, Telephone: 301-353-3367.

PURPOSE OF COMMITTEE: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

TENTATIVE AGENDA: The status of accelerator R&D at Brookhaven, including sessions on accelerator R&D related to the ISABELLE project, R&D related to the acceleration of polarized proton beams in the Alternating Gradient Synchrotron, development of the MEQALAC (a linear accelerator with electrostatic focusing), and high field superconducting magnets;

Status of accelerator R&D at the Cornell University Wilson Synchrotron Laboratory, covering work in support of the CESR project and RF superconductivity;

Reports on accelerator R&D in Japan and further developments of laser-induced acceleration of charged particle beams.

PUBLIC PARTICIPATION: The meeting is open to the public. The Chairperson of the Subpanel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subpanel will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Dr. Sutter at the address or telephone number above. Requests must be received at least 3 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

TRANSCRIPTS: Available for public review and copying at the Freedom of Information Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 8, 1980.

Georgia Hildreth, *Director, Advisory Committee Management.*

[FR Doc. 80-4635 Filed 2-11-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1412-4]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EIS's) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of January 28, 1980 to February 1, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from February 8, 1980 and will end on March 24, 1980. The 30-day review period for final EIS's as calculated from February 8, 1980 will end on March 10, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

For hard copy reproduction: Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

For hard copy reproduction or microfiche: Information Resources Press, 2100 M Street, NW, Suite 316, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ regulations became effective. Pursuant to section 1506.10(A), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of January 28, 1980 to February 1, 1980 the 30-day review period will be calculated from February 8, 1980. The review period will end on March 10, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of January 28, 1980 to February 1, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and county(ies) of the EIS, the date EPA announced availability of the EIS in the **Federal Register** and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous notices of availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: February 7, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

Appendix I.—EIS's Filed With EPA During the Week of: January 28, 1980, Through February 1, 1980

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A, Administration Building, Washington, D.C. 20250, (202) 447-3965.

Rural Electrification Administration

Draft

D B Wilson Station Unit 1 & 2, Assoc. transmission, Ohio County, Ky., February 1: Proposed is a loan guarantee commitment for financing of two proposed 440 MW Generating Units at the D. B. Wilson Station located near Matonzas, Ohio County, Kentucky. The Big Rivers Electric Corp., Inc., plans to construct and operate the coal-fired electric generating units. The associated 345 kV and 161 kV transmission facilities are proposed to connect the Ried Station at Sebree, to the Coleman Station at Hawesville via the D. B. Wilson Station, and Providence to Hardensburgh. Transmission lines may traverse Hopkins, Webster, McLean, Ohio, Daviess, Hancock and Breckenridge Counties, Kentucky. (USDA-REA-ADM-80-3-D.) (EIS Order No. 800085.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272-0121.

Draft

San Francisco Bay to Stockton, Avon to Stockton, several counties in California, January 28: Proposed are navigation improvements for the Stockton Channel from Avon to Stockton in the Counties of Contra Costa, Sacramento, San Joaquin, and Solano, California. The channel is currently 30 feet deep and would be dredged another 5 feet to provide for large vessel use. Additional width would be provided at selection locations of safer passage of vessels in the narrow channels. The alternatives consider: 1) modification of authorized project, 2) maintain situation, 3) increased utilization of LASH, and 4) intermodal transportation. (Sacramento District.) (EIS Order No. 800073.)

Final

Cadet Bayou, Construction, Anchorage Basin, O&M, Hancock County, Miss., January 28: This action involves two separate, but closely related Federal actions in Cadet Bayou, Hancock County, Mississippi: 1) construction and subsequent maintenance of a proposed anchorage basin which would become a part of the existing Federal project, and 2) operation and maintenance of the exisiting Federal Project itself. The existing project provides for a channel 8 feet deep and 100 feet wide extending from the 8-foot contour in Mississippi Sound for a distance of about 1.48 miles to the mouth of the bayou. The proposed anchorage basin would be located 1,800 feet upstream from the mouth of the bayou and would connect with the existing Federal channel. (Mobil District.) Comments made by: DOI, DOC, USDA, DOT, HEW, HUD, EPA, State agencies, groups. (EIS Order No. 800072.)

Final

Verdigris River Fleeting Area Development, permit, Rogers and Wagoner Counties, Okla., January 31: Proposed is the issuance of a permit for the construction, operation and maintenance of a fleeting area on Verdigris

River in Rogers and Wagoner Counties, Oklahoma. The fleeting area would provide storage for both empty and loaded barges and would consist of 21 deadmen capable of mooring 38 barges. The fleeting area would be located in the river cutoff on the right descending bank at mile 37.1 of the Verdigris River one-quarter mile upstream of the applicant's existing docking facility. (Tulsa District) Comments made by: AHP, USDA, DOI, DOT, EPA, State and local agencies, businesses. (EIS Order No. 800083.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Wallace Stickney, Region 1, Environmental Protection Agency, John F. Kennedy Federal Bldg., Room 2203, Boston, Massachusetts 02203, (617) 223–4635.

Final

Wastewater Collection and Treatment, Yarmouth, Barnstable County, Mass., January 28: Proposed is the awarding of grant funds to the Town of Yarmouth, Barnstable County, Massachusetts, for wastewater collection and treatment facilities. Three new alternatives are considered in the FEIS which include: 1) sewering of Route 28 and wastewater and septage treatment at Site D; 2) construction of a Yarmouth/Dennis septage facility at Site D, with a strong non-structural program to handle the Route 28 water quality program; and 3) a two phase alternative including construction of the Yarmouth/Dennis facility, sewering of Route 28 and treatment at Site D. Comments made by: EPA, FERC, DOI, State and local agencies. (EIS Order No. 800070.)

Draft

Contact: Mr. Steve Torok, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, (215) 597–8334.

Bushkill-Lower Lehigh/Nazareth Wastewater Mgmt., Northampton County, Pa., January 28: Proposed is the awarding of funding for the construction of wastewater management facilities for the following communities in Northampton County, Pennsylvania: Bushkill Township, Palmer Township, Plainfield Township, Stockertown Borough, Tatamy Borough, and Upper Nazareth Township. The recommended action includes: 1) gravity sewers, pump stations, and force main as means of collection and transport; 2) treatment of wastewater from Bushkill watershed at Easton STP; 3) treatment of wastewater from the Schoeneck Creek watershed at the RBC Plant; 4) decentralized wastewater management; and 5) individual household need areas. (EIS Order No. 800074.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, (202) 566–1416.

Final

Hamilton Air Force Base, disposition and use, Marin County, Calif., February 1: Proposed is the disposition of approximately 1653.5 fee acres and 258.6 acres of easements, permits and licenses, with associated facilities, on Hamilton Air Force Base, located in the City of Novato, Marin County, California. The alternatives address the following land uses: aviation, commercial/industrial, residential, and public. Also considered is no action, and holding of the land by the Federal government. Comments made by: AHP, HEW, DOT, DOD, DOC, EPA, DOI, COE, State and local agencies, groups, individuals and businesses. (EIS Order No. 800084.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broum, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755–6306.

Final

Poplar Hills Development in Hoffman Estates Cook County, Ill. January 29: The proposed action is the issuance for HUD home mortgage insurance for the Poplar Hills Development located in Hoffman Estates, Cook County, Illinois. The single family home development will contain a total of 740 units and be built in six phases on 331.9 acres. Present construction comprises the first, second, and third stages of the total development as 264 units have been completed as of April 1, 1978. Alternatives are no action (rejection of insurance would not halt the project), development of remainder of site as multi-family, or build the number of remaining units as clustered townhouses. (HUD–R05–EIS–78–10(F).) Comments made by: USDA, EPA, DOI, DOT, FHA, State and local agencies. (EIS Order No. 800076.)

Section 104(H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Final

Mt. Olive Storm Sewer/Treatment Facilities (CDBG), Morris County, N.J. January 31: Proposed is the issuance of CDBG funds for the construction of a storm sewer and associated treatment facilities to provide improved drainage in the Budd Lake-Netcong area in the Township of Mount Olive, Morris County, New Jersey. The drainage system consists of two main branching systems. The northern branch would lie along Second Street and Woodland Avenue. The southern branch would lie along Budd Lake-Netcong Road and would include interceptor sewers along Lehigh Road and Cornell Street. A siltation basin is proposed at the outlet of the drainage system in order to reduce silt and other pollutant loadings prior to discharging into Budd Lake. Comments made by: HUD, EPA, DOI, USDA, COE, State and local agencies, groups and individuals. (EIS Order No 800082.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg. Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

Bureau of Land Management

Final

Crossman Peak Radar Installation, Mohave County, Ariz., January 29: Proposed is the construction of Air Surveillance Radar facilities either on Crossman Peak, near Lake Havasu City in Mohave County, Arizona or at two other sites in Arizona: 1) on Cherum Peak, Mohave County, or 2) Harquahula Peak, Yuma County. The facilities would provide low-elevation air traffic coverage in the Lower Colorado River Basin, presently lacking such coverage, and high-elevation air traffic coverage, within a 100-mile radius of Kingman, Arizona. The roads needed to provide access to any of the summits would improve access for recreation and mining. (FES–80–6) Comments made by: AHP, USDA, HEW, NWF, DOT, State and local agencies, individuals and businesses.(EIS Order No. 800077.)

Boise District Agricultural Development, Elmore, Owyhee, and Twin Falls Counties, Idaho, January 28: Proposed is the development of 111,015 acres of public land for farming under the Desert Land Act and the Carey Act. The project is located in Elmore, Owyhee, and Twin Falls Counties, Idaho. In addition, about 37,000 acres of Public land adjacent to farm locations would be reserved for public purposes such as wildlife habitat tracts, gravel sites, air strips, sanitary landfills, and other uses. This development would occur from 1980 through 1984 at about 22,000 acres per year. Six alternatives are considered. (FES–80–5.) Comments made by: DOI, USDA, FERC, AHP, COE, DOE, HEW, EPA, DOT, State and local agencies, groups, individuals, and businesses. (EIS Order No. 800071.)

National Park Service

Grand Canyon National Park, Burro Control Mohave and Conconico Counties, Ariz., January 30: Proposed is a management and restoration plan within four areas impacted by feral burros in Grand Canyon National Park, Mohave and Coconino Counties, Arizona. The plan proposes to remove approximately 350 feral burros, primarily by live removal attempts (trapping and herding), and to fence a 2.5 mile section of the park boundary to prevent ingress of burros from surrounding federal lands. The alternatives considered include: 1) no action, 2) total removal of burros by live removal techniques, 3) partial retention of burros in the park, and 4) other methods to achieve total or partial reduction. (FES–80–7) Comments made by: AHP, USDA, USN, DOI, EPA, State and local agencies, groups, individuals, and businesses. (EIS Order No. 800081.)

Voyageurs National Park, Master Plan, Koochiching and St. Louis Counties, Minn., January 30: Proposed is master plan for the 219,128 acre Voyageurs National Park in Koochiching and St. Louis Counties, Minnesota. Features of the plan include, in part: 1) acquiring nonfederal lands within and outside park boundaries; 2) classification of lands and water; 3) a 216,856 natural zone area; 4) a primitive subzone; 5) outstanding natural, development and natural

environment areas; 6) visitor/recreation areas, programs and facilities; and 7) forest fire, natural resource and environmental quality agreements. (FES–80–4.) Comments made by: DOI, COE, EPA, DOT, USDA, State and local agencies, groups, individuals, and businesses.(EIS Order No. 800080.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20540, (202) 426–4357.

Federal Highway Administration

Draft

Port Orchard Bypass, WA–160 to WA–16

Kitsap County, Wash., January 29: Proposed is the construction of the Port Orchard Bypass between WA–160 and WA–16 in Kitsap County, Washington. The project would involve an east-west route beginning at the intersection of Lund Street and Bethel Road extending approximately one mile via a bridge crossing the Blackjack Creek ravine at Tremont Street to the intersection of Tremont and Port Orchard Boulevard. The alternatives consider: 1) improvement of the existing facility, 2) the Tremont-Lund connector, 3) the Tremont-Lincoln connector, and 4) the Melcher-Bethel connector. (FHWA–WA–EIS–79–02–D.) (EIS Order No. 800078.)

Draft Supplement

I–86 (Formerly I–15) American Falls Dam (DS–1), Power County, Idaho, January 28: This statement supplements a final EIS, No. 770118, filed 1–27–77 concerning the I–86 (Formerly I–15) West Interchange American Falls Dam in Power County, Idaho. This supplement considers a modification of the arterial system alternative which would begin at the I–86 interchange, extend to Oregon Trail Avenue, proceed west across the railroad tracks and then parallel them until connecting with the new highway coming from the Dam. Idaho Street would be extended over the railroad tracks and connect with the west alternative. (FHWA–ID–EIS–76–05–S.) (EIS Order No. 800075.)

EIS's Filed During the Week of Jan. 28 Through Feb. 1, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Arizona	Coconino	Final	Grand Canyon National Park, Burro Control	800081	01–30–80	DOI
	Mohave	Final	Crossman Peak Radar Installation	800077	01–29–80	DOI
		Final	Grand Canyon National Park, Burro Control	800081	01–30–80	DOI
California	Several	Draft	San Francisco Bay to Stockton, Avon to Stockton	800073	01–28–80	COE
	Marin	Final	Hamilton Air Force Base, Disposition and Use	800084	02–01–80	GSA
Idaho	Elmore	Final	Boise District Agricultural Development	800071	01–28–80	DOI
	Owyhee	Final	Boise District Agricultural Development	800071	01–28–80	DOI
	Power	Supple	I–86 (Formerly I–15) American Falls Dam (DS–1)	800075	01–28–80	DOI
	Twin Falls	Final	Boise District Agricultural Development	800071	01–28–80	DOI
Illinois	Cook	Final	Poplar Hills Development in Hoffman Estates	800076	01–29–80	HUD
Kentucky	Ohio	Draft	D. B. Wilson Station Unit 1 & 2, Assoc. Transmission.	800085	02–01–80	USDA
Massachusetts	Barnstable	Final	Wastewater Collection and Treatment, Yarmouth	800070	01–28–80	EPA
Minnesota	Koochiching	Final	Voyageurs National Park, Master Plan	800080	01–30–80	DOI
	St. Louis	Final	Voyageurs National Park, Master Plan	800080	01–30–80	DOI
Mississippi	Hancock	Final	Cadet Bayou, Construction, Anchorage Basin, O&M	800072	01–28–80	COE
New Jersey	Morris	Final	Mt. Olive Storm/Treatment Facilities (CDBG)	800082	01–31–80	HUD
Oklahoma	Rogers	Final	Verdigris River Fleeting Area Development, Permit	800083	01–31–80	COE
	Wagoner	Final	Verdigris River Fleeting Area Development, Permit	800083	01–31–80	COE
Pennsylvania	Northampton	Draft	Bushkill-Lower Lehigh/Nazareth Wastewater Mgmt.	800074	01–28–80	EPA
Washington	Kitsap	Draft	Port Orchard Bypass WA–160 to WA–16	800078	01–29–80	DOT

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Waiver/ extension	Date review terminates
U.S. DEPARTMENT OF AGRICULTURE					
Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A, Admin. Building, Washington, D.C. 20250, (202) 447–3965.	National Soil and Water Conservation Program, RCA.	Draft 800063	Feb. 5, 1980	Extension	Mar. 24, 1980.
U.S. DEPARTMENT OF INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, (202) 343–3891.	OCS Sale No. 46, Western Gulf of Alaska, Kodiak.	Draft 91230	Dec. 14, 1979	Extension	Feb. 15, 1980.

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register".	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No.	Date notice published in "Federal Register"	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
None.				

[FR Doc. 80-4463 Filed 2-11-80; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

Agreements Field

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 3, 1980. Comments should include facts and arguements concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 2846-46.

Filing party: John R. Attanasio, Attorney for West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference, Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Subject: Agreement No. 2846-46 would amend the West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference agreement by adding a new Article 32 to provide that the Conference may collect, keep and internally distribute to its members any useful cargo and freight statistics, including those of individual carriers.

Agreement No.: T-3040-3.

Filing party: Stanley P. Hebert, Port Attorney, Port of Oakland, 66 Jack London Square, Oakland, California 94607.

Summary: Agreement No. T-3040-3, between the City of Oakland (City) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui OSK Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines), modifies the parties' basic agreement which provides for the 10-year nonexclusive preferential assignment of certain marine terminal facilities located in the City's Outer Harbor Terminal, which the Lines will use primarily for handling containerized traffic. The purpose of this amendment is to modify the Lines' right of first refusal on additional area in Parcel "B" adjacent to the assigned premises.

Agreement No.: T-3596-1.

Filing party: Annette Ubinas Landrau, Acting General Counsel, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico.

Summary: Agreement No. T-3596-1, between the Puerto Rico Ports Authority (Port) and Agencies Intermares, Inc. (AII), modifies the basic agreement between the Port and AII, which provides for the Port's 5 year renewable term lease to AII for preferential use of certain facilities at Pier No. 12, San Juan, P.R., described therein. The amended agreement provides for the additional lease of a warehouse (4,821 sq. ft.), open shed (2,318 sq. ft.), and open space (25,519.96 sq. ft.). AII will pay to the Port a fixed rental of $40,000 per contract year (dockage and wharfage guarantee), or dockage and wharfage charges normally assessed by the Port, whichever is greater. Minimum dockage and wharfage guarantee shall be paid in monthly installments of $3,333.33; AII will pay a monthly rate of $200 for electricity and $25 per month for water; security for payment of rentals and other charges in the amount of $35,000; penalty charge of $1,045 and AII shall erect at its own cost a chain link fence to separate the leased area from the remaining area.

Agreement No. T-3885.

Filing party: Richard W. Buchanan, Esq., Le Gros, Buchanan, Paul & Madden, 2910 Seattle-First National Bank Bldg., Seattle, Washington 98154.

Summary: The subject agreement provides that Korea Direct Service (KDS)[1] may lease and make use of berths, facilities, equipment, container yards and container freight stations at Terminal 37 Seattle, Washington, which are now leased to the Japanese Six Lines [2]

[1] Consisting of Korea Marine Transport Co., Ltd., NYK Line, Ltd. and Showa Line, Ltd.

[2] Japan Line, Ltd., KKK Line, Ltd., Mitsui-O.S.K. Lines, Ltd., NYK Line, Ltd., Showa Line, Ltd. and Yamashita-Shinnahan Steamship Co. Ltd.

(Lines). KDS will compensate the Lines for such use in proportion to its share of use and will arrange separately with the same stevedores for necessary labor.

Agreement No. T-3887.

Filing party: Antonio Zapater Cajigas, 50 Isabel Street, P.O. Box 1350, Ponce, Puerto Rico 00731.

Summary: Agreement No. T-3887 between the Administrative Board of the Municipal Piers of Ponce (Lessor) and Agtek International Inc., (Lessee) provides for the lease of a covered area of about 60 feet long by 30 feet wide, bounded on one side by premises owned by Lessor and leased to Leopoldo Fontanillas, Inc., and on the other side premises also owned by lessor and leased to Luis A. Ayala Sucrs, Inc. Rental for the leased premises shall be $160.00 per month, plus $10.00 per month for the consumption of electricity. Lessee agrees to use the subject premises for the sale and exclusive purpose of storage and warehousing and safekeeping its equipment, fixtures and appurtenances of fishing boats, pertaining to, or chartered or used by Lessee.

Agreement No. T-3889.

Filing party: John M. Ridlon, General Attorney, Sea-Land Industries, Inc., P.O. Box 900, 10 Parsonage Road, Edison, New Jersey 08817.

Summary: Agreement No. T-3889, between Sea-Land Service, Inc. (Sea-Land) and Maher Terminals, Inc. (Maher), provides for the sublease of berthing and stevedoring rights by Sea-Land at its container terminal facilities in the city of Elizabeth, New Jersey to Maher. As compensation, Maher shall pay Sea-Land the appropriate rates and charges as published in the New York Port Authority Terminal Tariff. The term of the agreement is for one year, with four successive one-year renewal options.

Agreement No. 7670-20.

Filing party: Howard A. Levy, Attorney for North Atlantic Baltic Freight Conference, Suite 727, 17 Battery Place, New York, New York 10004.

Subject: Agreement No. 7670-20 amends the basic agreement of the North Atlantic Baltic Freight Conference by deleting language applicable to Norwegian America Line which has resigned from the above-named Conference.

Agreement No. 9522-42.

Filing party: John R. Attanasio, Attorney for the Med-Gulf Conference, Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Subject: Agreement No. 9522-42 would amend the Med-Gulf Conference agreement by adding a new Article 18 to provide that the Conference may collect, keep and internally distribute to its members any useful cargo and freight statistics, including those of individual carriers.

By Order of the Federal Maritime Commission.

Dated: February 6, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-4516 Filed 2-11-80; 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 22, 1980. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. T-3888

Filing party: William F. Dart, Ltd., 111 West Washington Street, Chicago, Illinois 60602.

Summary: Agreement No. T-3888, between the Chicago Regional Port District (Port) and International Great Lakes Shipping Company (INGLA), provides for the lease of 100,000 square feet of land at the port of Chicago, Illinois, to INGLA for the construction of a warehouse. As compensation, INGLA will pay port an annual rental of $1,000, as well as real estate taxes and utility charges. The term of the lease is fifteen years.

By Order of the Federal Maritime Commission.

Dated: February 6, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-4517 Filed 2-11-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(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.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 5, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (consumer finance and insurance activities; Colorado): to engage through its indirect subsidiary, Citicorp Person-to-Person Financial Center, Inc., in operating a finance company, including making or acquiring loans and other extensions of credit, secured or unsecured, for consumer and other purposes; purchasing and servicing for its own account sales finance contracts; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; acting as agent for the sale of property and casualty insurance and for the sale of credit life and credit casualty accident and health insurance directly related to extensions of credit. Credit related life, accident and health may be underwritten by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial

Center, Inc. These activities will be conducted from a *de novo* office in Boulder, Colorado and an existing office in Westminster, Colorado, both offices serving the entire State of Colorado.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 6, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-4473 Filed 2-11-80; 8:45 am]

BILLING CODE 6210-01-M

First Hugo Capital Corp.; Formation of Bank Holding Company

First Hugo Capital Corporation, Hugo, Colorado, 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 The First National Bank of Hugo, Hugo, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 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, February 6, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-4472 Filed 2-11-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Anesthetic and Life Support Drugs Advisory Committee Meeting; Correction.

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The meeting of the Anesthetic and Life Support Drugs Advisory Committee announced by notice in the **Federal Register** of January 15, 1980 (45 FR 2906) for February 19 and 20, 1980, is actually a meeting of a recently established subcommittee on the perinatal effects of obstetrical medication. The agenda remains as previously published.

FOR FURTHER INFORMATION CONTACT: John M. Singer, Bureau of Drugs (HFD-160), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3560.

Dated: February 4, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 4229 Filed 2-11-80; 8:45 am]

BILLING CODE 4110-03-M

Public Advisory Committees; Request for Nominations of Voting Members

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) requests nominations for membership on the Medical Radiation Advisory Committee. One vacancy exists at present, and three additional vacancies will occur on June 30, 1980.

DATE: Nominations must be received by March 28, 1980.

ADDRESS: Nominations must be submitted to the Bureau of Radiological Health (HFX-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gordon C. Johnson at the address shown above (301-443-6220).

SUPPLEMENTARY INFORMATION: The function of the Medical Radiation Advisory Committee is to advise the Commissioner of Food and Drugs on the formulation of policy and development of a coordinated national program relating to application of radiation to obtain maximum diagnostic information and therapeutic benefit per unit of radiation exposure to the public.

The committee meets approximately twice a year and has advised FDA on programs related to medical and dental use of ionizing radiation, x-ray equipment, training of medical radiation users, nuclear medicine, and the development of policy statements on the effective use of medical radiation.

Among its current activities, the committee reviews qualifications of operators of x-ray equipment, reviews radiological training programs, advises on equipment requirements, guidelines, and standards, and considers efficacy in relation to the reduction of unnecessary radiological examinations.

The committee consists of 13 members selected from medicine, dentistry, health sciences, biomedical engineering, public health, and related technology. The committee has particular need for expertise in medical diagnosis, diagnostic technology, medical epidemiology, and health care delivery. The term of office is 4 years.

In a notice published in the **Federal Register** of February 27, 1979 (44 FR 11123), FDA requested nominations of qualified persons to replace members whose terms expired on June 30, 1979. Eligible individuals nominated in response to that notice who were not selected will be reconsidered for a period of 2 years thereafter, along with new nominations for membership. The names and affiliations of those appointed pursuant to the February 27, 1979 notice have not yet been announced.

FDA has a special interest in assuring that women, minority groups, and the handicapped are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female, minority, and handicapped candidates.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information concerning financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflict of interest.

Dated: February 5, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-4230 Filed 2-11-80; 8:45 am]

BILLING CODE 4110-03-M

Health Resources Administration

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Resources Administration Federal Advisory Committee has been filed with the Library of Congress:

National Council on Health Planning and Development.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245–6791. Copies may be obtained from Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–7175.

Dated: February 6, 1980.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 80–4437 Filed 2–11–80; 8:45 am]

[BILLING CODE 4110–83–M]

Advisory Council and Subcommittees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1980:

Name: National Guidelines, Goals, Priorities, and Standards Subcommittee of the National Council on Health Planning and Development.

Date and Time: Thursday, March 13, 1980, 9:00 a.m.–5:00 p.m.

Place: Regency Hotel, House of Commons, 3900 Elati, Interstate 25 at 38th Ave., Exit 108, Denver, Colorado 80216.

Open for entire meeting.

Purpose: The objectives of the National Guidelines, Goals, Priorities, and Standards Subcommittee are to study the experience nationwide in the public and private sectors with the adoption and/or adjustment of the National Guidelines for Health Planning and their impact and recommend changes as appropriate; study the experience of the Health Systems Agencies and State Health Planning and Development Agencies nationwide in implementation of high priority goals and sub-goals and their impact; advise the Council in identifying additional high priority goals and sub-goals; investigate and coordinate information on demonstrations underway by provider, reimbursement, regulatory, labor, industry, and community groups on sub-goals, such as those on alcoholism and prevention; study, investigate and identify research needs appropriate to the formulation, adjustment and refinement of the National Guidelines, and study and develop improved indicators to assess the impact of the Guidelines or the need for revisions; and recommend to the Council on the need for further development and/or revision of the National Guidelines.

Agenda: Staff Reports on Computerized Tomography Standards and Health Systems Plans and Goals; two panels on Guidelines and Goals Issues in Rural Sites and Metropolitan-Rural Areas; Panel of Regionalization of Perinatal Services, and Energy Impacted Areas and Their Health Problems. Blocks of time have been reserved for both the morning and afternoon sessions for public hearings. Those who wish to testify at the hearings should write Ms. Laurel Shannon, Health Resources Administration, Center Building, Room 10–22, 3700 East-West Highway, Hyattsville, Maryland 20782, or telephone (301) 436–7272.

Name: Implementation and Administration Subcommittee of the National Council on Health Planning and Development.

Date and Time: Thursday, March 13, 1980, 10:00 a.m.–5:15 p.m.

Place: Regency Hotel, House of Lords, 3900 Elati, Interstate 25 at 38th Ave., Exit 108, Denver, Colorado 80216.

Open for entire meeting.

Purpose: The objective of the Implementation and Administration Subcommittee is to study and make recommendations on the implementation and administration of Titles XV and XVI of the Public Health Service Act. Specific areas for the Subcommittee's consideration are (1) the impact of HEW's implementation/administration on the effectiveness of Health Systems Agencies and State Health Planning and Development Agencies; (2) the effectiveness of the interrelationships between health planning agencies and HEW, Central and Regional Offices; (3) the timing and strategy of implementation and of the dissemination and distribution of regulatory and technical material; (4) how to better meet the needs of HSAs and SHPDAs; and (5) the review of the Council's responsibilities under section 1122 of the Social Security Act.

Agenda: Review of section 1122 Case; Federal-State-Local Relationships; Status Report on Consumer Participation; Report on Provider Participation and Report on section 1122 Program.

The afternoon session will be entirely devoted to public hearings. Those who wish to testify at the hearings should write Mr. Terry Shannon, Bureau of Health Planning, Health Resources Administration, Center Building, Room 6–22, 3700 East-West Highway, Hyattsville, Maryland 20782, or telephone (301) 436–6850.

Name: Technology and Productivity Subcommittee of the National Council on Health Planning and Development.

Date and Time: Thursday, March 13, 1980, 1:00 p.m.–5:00 p.m.

Place: Regency Hotel, Palladium Room, 3900 Elati, Interstate 25 at 38th Ave., Exit 108, Denver, Colorado 80216.

Open for entire meeting.

Purpose: The objective of the Technology and Productivity Subcommittee is to advise the full Council on matters related to the productivity of the health care delivery system and to the implications of new medical technology for the organization, delivery and equitable distribution of health care services. "Technology" includes the drugs, devices and medical and surgical procedures used in medical care and the organizational and supportive systems within which such care is delivered. "Productivity" is the efficiency with which health care is delivered.

The Subcommittee is to deliberate and to make recommendations to the full Council on matters chosen from among those brought to it by Council members, HEW staff and advisory committees, other Federal departments, congressional committees and staff, provider groups and the public at large. The Subcommittee in addition will study and investigate the current needs for assistance of HSAs and SHPDAs in the area of evaluating productivity improvement and new medical technology, help transmit concerns of HSAs and SHPDAs to appropriate Federal agencies, and review the current resources both within the Federal Government and among the educational, research and other developmental agencies for providing needed assistance to HSAs and SHPDAs. In addition, it will review technology assessment activities within the Department in order to assure they are relevent to the needs of the HSAs and are useful in the development and implementation of national standards, goals, and guidelines, and for the establishment of priorities with those goals.

Agenda: Reports on Contracts—Applied Management Science and MEDICUS; Report on the Conference on Incentives for Improving Productivity; Discussions on the Supporting Material on the Productivity Study; and time for public comments.

Name: National Council on Health Planning and Development.

Date and Time: Friday, March 14, 1980, 8:45 a.m.–4:00 p.m.

Place: Regency Hotel, House of Lords and House of Commons, 3900 Elati, Interstate 25 at 38th Ave., Exit 108, Denver, Colorado 80216.

Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Pub. L. 93–641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93–641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: Reports from Administrator and Bureau Directors of the Health Resources Administration; discussions on health planning and reports from the Subcommittees, and a period for public comments.

Anyone requiring information regarding the subject Council should write to or contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Health Resources Administration, Room 10–27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone (301) 436–7175.

Agenda items are subject to change as priorities dictate.

Dated: February 6, 1980.

James A. Walsh,

Associate Administrator for Operations and Management.

[FR Doc. 80–4438 Filed 2–11–80; 8:45 am]

BILLING CODE 4110–83–M

Office of the Secretary

Advisory Council on Education Statistics; Meeting

Notice is hereby given, pursuant to section 10, Pub. L. 92–463, that a meeting of the Advisory Council on Education Statistics will be held on February 29, 1980, from 9:00 a.m. to 12:00 noon in Room 503A–507A, Humphrey Building 200 Independence Avenue SW, Washington, DC. 20201.

The Advisory Council on Education Statistics is mandated by section 406(c) of the General Education Provisions Act as added by section 501(a) of the Education Amendments of 1974, Pub. L. 93–380 (20 USC 1221e–1(c)), to advise the Secretary of the Department of Health, Education and Welfare, and the Assistant Secretary for Education, and the National Center for Education Statistics (NCES); and "shall review general policies for the operation of the Center and shall be responsible for establishing standards to ensure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence."

The agenda includes an Administrator's report summarizing recent developments of the National Center for Education Statistics, a meeting with Congressional staff members, and a review of the Annual Report of the Council.

Questions regarding the meeting should be directed to: Executive Director, Advisory Council on Education Statistics, Room 3153–E, FOB #6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Records shall be kept of all Council proceedings and shall be available for public inspection in the Office of the Administrator, National Center for Education Statistics, located at 400 Maryland Avenue, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on February 7, 1980.

Marie D. Eldridge,

Administrator, National Center for Education Statistics.

[FR Doc. 80–4478 Filed 2–11–80; 8:45 am]

BILLING CODE 4110–12–M

Data Acquisition Activities

AGENCY: Office of the Assistant Secretary for Education, Department of Health, Education, and Welfare.

ACTION: Notice of Data Acquisition Activities Involving Educational Agencies and Institutions.

SUMMARY: The paperwork control requirements in section 400A of the General Education Provisions Act, added by Pub. L. 95–561, require public announcement of certain data requests that Federal agencies address to educational agencies and institutions. Federal agencies propose to collect the data described below from educational agencies or institutions during school year 1980–81.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth M. Proctor, FEDAC Staff, 400 Maryland Avenue SW., Washington, D.C. 20202 Phone (202) 245–1022. The contact persons listed in conjunction with the individual summaries are the ones to whom specific comments or questions concerning a data acquisition activity should be directed.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, section 400A of the General Education Provisions Act, the Secretary of Health, Education, and Welfare is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies.

(1) whenever the respondents are primarily educational agencies or institutions; and

(2) whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated authority to the Assistant Secretary for Education.

We published interim FEDAC review procedures on August 8, 1979 (44 FR 46535), which are now effective. The Council is considering revisions to these procedures based on the public, Federal agency, and Congressional comments received. Revisions, as necessary, will be made and the procedures will be republished. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it."

Data activity plan summaries of proposed data acquisition activities for school year 1980–81 are being published for comment. Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. Comments should be addressed to the project sponsor listed in item (r) of each of the data activity plan summaries. Comments should refer to the specific sponsoring agency and form number and they must be received on or before March 13, 1980. After the public comment period ends, each project sponsor must submit copies of the comments and a summary of them to the FEDAC staff for review. In addition to these specific summaries, a composite listing of known data acquisition activities planned for school year 1980–81 will be published by February 15, 1980.

Dated: February 6, 1980.

Peter D. Relic,

Acting Assistant Secretary for Education.

The proposed data activity plan summaries follow:

Data Activity Plan Summary

(a) Title of Proposed Activity: Application for Comprehensive Program of the Fund for the Improvement of Postsecondary Education.

(b) Agency/Bureau/Office: fund for the Improvement of Postsecondary Education.

(c) Agency Form Number: ASE 0001.

(d) Justification: The Comprehensive Program is an annual grant competition designed to solicit applications from postsecondary education institutions which propose to improve educational practice. The information requested is necessary to make decisions about which applications will receive grant awards.

(e) Description of Survey Plan: N/A.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: N/A.

(h) Consultations Outside the Agency: The Fund has conducted this competition for eight years. Each year refinements are made based on

comments of applicants and reviewers. In addition, during 1979, an extensive inquiry (discussions with over 500 practitioners) was undertaken as the program objectives for this competition were rewritten.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average persons hours
Colleges and universities	[1] 1100	
	[2] 250	11
		80
Nonprofit organizations	[1] 200	
	[2] 50	11
		80
Organizations other than schools or colleges	[1] 200	
	[2] 50	11
		80

[1] Preapplications.
[2] Applications.

(j) Sensitive Questions: None.

(k) Estimate of Costs to Federal Government: $160,000 (in contracts, and salaries and expenditures).

(l) Justification of How Information Once Collected Will Be Used: The applications submitted are used to determine how grants will be awarded.

(m) Methods of Analysis: Applications will be reviewed by several external readers and by staff.

(n) Legislative Authority Specifically Requiring or Allowing This Data Collection: Pub. L. 92–318, Sec. 301(a)(2) 20 USC 1221d [Subject to the provisions of subsection (b), the Secretary is authorized to make grants and contracts with, institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a nonprofit institution or agency) to improve postsecondary educational opportunities by providing assistance to such educational institutions and agencies for * * *]

(o) Timetable for Dissemination of the Collected Data: No dissemination of the data. Grant awards made in July.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: $400,500; 44,500 person-hours.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of Exact Data Instrument: Russell Y. Garth, Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: See item (h).

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: A "Notice of Closing" is published in the **Federal Register** and application materials are available at least sixty days in advance of the closing date.

(u) Specific Justification for a Multiyear Approval: The same competition, using forms and materials essentially unchanged, is conducted each year.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Maintenance and Retention of Records Pertaining to Elementary and Secondary School Discipline Procedures and Actions.

(b) Agency/Bureau/Office: Department of Health, Education, and Welfare/Office of the Secretary/Office for Civil Rights.

(c) Agency Form Number: OS–1–80.

(d) Justification:

(1) Title VI of the Civil Rights Act of 1964 provides that recipients of Federal financial assistance shall keep such records as the responsible Department official or his designee deems necessary to ascertain compliance with applicable statutes and regulations. Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 adopt and incorporate these procedural requirements of Title VI by reference.

(2) To determine whether recipients, with regard to discipline, are in compliance with Title VI, Title IX, and Section 504, OCR conducts periodic compliance reviews and complaint investigations. Successful resolution of claims or questions of discrimination raised by these complaint investigations or compliance reviews depends upon the availability of information reflecting whether school officials administer discipline to students differently because of their race, color, national origin, sex or handicap.

OCR will use information maintained by recipients to compare how discipline is administered to minority and nonminority students, students of both sexes and handicapped students, beginning with the commission of the infraction, the individuals involved, the facts of the case and its final disposition.

(3) The only other similar data available are the aggregate discipline data collected on Civil Rights Survey Forms 101 and 102 at the school district and school levels respectively. These data are sufficient for targeting recipients for compliance reviews but lack the individual student data necessary to compare one student's record with another as is often necessitated by complaints of discrimination in discipline, or to compare like offenses imposed upon students such as fighting, possession of dangerous weapons, etc., when determining whether a recipient's discipline policies discriminate on the basis of race, ethnicity or handicap.

(e) Description of Survey Plan: N/A.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: N/A.

(h) Consultation Outside the Agency:

(1) Persons with whom the submitted material was discussed are as follows:

Dr. Peter Relic, Deputy Assistant Secretary for Education, Department of Health, Education, and Welfare
Dr. George Rhodes, Acting Associate Commissioner for Equal Education Opportunity Programs
Mr. Ernest Clayton, Coordinator, Educational Information Systems, Anne Arundel County Public Schools, Annapolis, Maryland
Dr. Oliver Moles, National Institute of Education
Mr. William Blakey, Deputy Assistant Secretary for Legislation, Department of Health, Education, and Welfare
Mr. Paul Weckstein, Center for Law and Education, Cambridge, Massachusetts
Mr. M. Hayes Mizell, American Friends Service Committee, Washington, D.C.
Ms. Susan Kaesar, Citizens Council for Ohio Schools, Cleveland, Ohio
Ms. Imani Bennett, Lawyer's Committee for Civil Rights Under Law, Washington, D.C.
Mr. Paul Smith, Children's Defense Fund, Washington, D.C.

(2) Several consultations were made with the Civil Rights Task Force of the Committee for Evaluation of Information Systems, Council of Chief State School Officers. Respondent groups verified the experience of OCR that the records OCR proposes to require are generally maintained by recipient educational agencies as a sound administrative practice.

(i) Estimation of Respondent Burden:

Respondent type	Number	Estimate of average person-hours
LEA	16,000	14.66

(j) Sensitive Questions: Not Applicable.

(k) Estimate of Cost to Federal Government: $25,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: OCR is required by statute and regulation to conduct compliance reviews and complaint investigations where allegations have been made of

discrimination in the provision of educational services on the basis of race, ethnicity, sex or handicap.

When conducting complaint investigations, it is necessary to review discipline records to determine the date, time, and circumstances, persons involved, facts leading to the imposition of disciplinary sanctions and to ascertain whether allegations contained in the complaint are true.

When conducting compliance reviews, it is necessary to review disciplinary records of all or a sample of students to ascertain whether the discipline policies and procedures of the recipient provide for equal treatment without regard to race, ethnicity or handicap. In such a case, it will be necessary for investigators to compare the disciplinary sanctions imposed upon minority and nonminority students who have committed similar or like offenses (e.g., fighting verus fighting, drug possession versus drug possession, and whether the incident is the first offense or one of several for the persons involved), to determine if there are patterns and practices by the recipient which discriminate on the basis of race, ethnicity or handicap.

Maintenance and retention of the types of records described above are necessary for OCR to make informed and responsible determinations of compliance or noncompliance as they cannot reliably be recreated at the time that compliance reviews and complaint investigations are being conducted. They are particularly important when it is necessary to conduct the discipline portion of the compliance activities required by the Emergency School Aid Act (ESAA).

With regard to discipline, the names of persons involved, circumstances surrounding the commission of disciplinary infractions, locations where they took place, names of witnesses, etc. must be recorded when they occur or soon thereafter to ensure the completeness and reliability of the information.

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) PL–88–352

* * * Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part * * * (45 CFR 80.6(b).)

Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)

The procedural provisions applicable to Title VI of the Civil Rights Act of 1964 are adopted and incorporated by reference. The procedures may be found at 45 CFR 80.6–80.11 and 45 CFR Part 81 (45 CFR 86.71).

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794)

The procedural provisions applicable to Title VI of the Civil Rights Act of 1964 are adopted and incorporated by reference. The procedures may be found at 45 CFR 80.6–80.10 and CFR Part 81.

(o) Timetable for Dissemination of Collected Data: Not Applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Person-Hours—234,590; Costs—$2,714,210.20.

(q) Evidence of any Urgent Need or Very Unusual Circumstance requiring the Data: Not Applicable.

(r) Copy of Record Keeping Requirements: Department of Health, Education, and Welfare, OS, Office for Civil Rights, 330 Independence Avenue, SW., Washington, D.C. 20201.

(s) Brief Account of Early Involvement and Communications, With Respondent Populations: Individuals involved in the preparation of this requirement participated in several discipline pilot reviews in selected school districts. Continuous contact has been maintained with certain of the individuals listed in subparagraph (h) of this document particularly with the Committee for Evaluation of Information Systems, Council of Chief State School Officers.

(t) Assurance That Respondent Will Have Sufficient Leadtime To Comply With Request: The recordkeeping requirement, when approved, is to become effective at the beginning of School Year 1980–81.

(u) Specific Justification for a Multiyear Approval: The ever changing discipline situations in public elementary and secondary schools necessitates the maintenance of discipline data on a continuing basis. It should be noted that although certain categories of discipline information must be maintained on a multi-year basis, there is a provision that limits its retention to two years after the close of the school year in which the incident occurred.

The requirement will place a minimal burden upon LEAs and their constituent schools because: (1) the information is that normally maintained by the respondents as a sound administrative practice and (2) that the information is to be retained by the respondent and not forwarded to OCR.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Sixth Annual Data Collection in Response to Section 406A of the General Education Provisions Act.

(b) Name of the sponsoring Agency/Bureau/Office: U.S. Office of Education, Office of Evaluation and Dissemination.

(c) Agency Form Number: OE 511.

(d) Justification: This data collection is necessary to provide the information required for the annual report to the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives, by the U.S. Commissioner of Education, as specifically directed by Section 406A of the General Education Provisions Act.

(e) Description of Survey Plan: Computer-generated data collection forms will be mailed to respondents beginning after September 30, 1980. State agency personnel will collect the required data, complete the collection forms, and return them to the Office of Evaluation and Dissemination, U.S. Office of Education, by December 31, 1980. USOE will serve as the coordinator for the collection, will process the data, and will produce the mandated Congressional report.

(f) Tabulation and Publication Plans: USOE will process and tabulate the collection of information as soon as forms are returned from respondents, towards meeting the statutory date of publication of the report on March 31, 1981.

(g) Time Schedule for Data Collection and Publication: Time schedules are statutory. Data collection forms can be mailed to respondents after the close of the fiscal year on September 30, 1980; completed forms are to be returned by December 31, 1980; the report is to be submitted by March 31, 1981.

(h) Consultations Outside the Agency: Consultations are regularly carried out with the Committee on Evaluation and Information Systems (CEIS) of the Council of Chief State School Officers (CCSSO).

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
State education agencies	51	100
Federal agencies	1	18
State library agencies	30	7
State vocational education directors	6	33
Adult education administrators	2	8

(j) Sensitive Questions: None.

(k) Estimate of Cost to Federal Government: The estimated annual cost to the Federal Government of complying with the requirements of Section 406A of the General Education Provisions Act is $100,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Data collected in this activity will be compiled, analyzed and publicly disseminated to serve multiple uses: (a) To respond to the specific Congressional mandate to prepare a report to the Congress; (b) to establish a data base for information nowhere else available in one location, for the benefit of program management, assessment of program effectiveness, program evaluation, research, and future legislative actions; (c) and to make this information readily available to the public.

(m) Methods of Analysis: Local level data will be aggregated to State level totals and will be tabulated by State, Federal education program, and type of grantee. Ratios will be developed such as program dollars per program participant. Distributions of grant dollars and grantee size will be developed according to simple stratifications.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: The specific legislative authority requiring this data collection is Section 406A of the General Education Provisions Act, which states:

"Responsibility of States To Furnish Information

"Sec. 406A. (a) The Commissioner shall require that each State submit to him, within ninety days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall:

"(1) list all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

"(2) include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriation Act or Acts these funds were available;

"(3) with respect to the second preceding fiscal year, include a compilation of reports from local educational agencies and other public and private agencies and institutions within such State which sets forth the amount of such Federal funds received by each such agency and the purposes for which such funds were expended;

"(4) with respect to such second preceding fiscal year, include a statistical report on the individuals served or affected by programs, projects, or activities assisted with such Federal funds; and

"(5) be made readily available by the State to local agencies and other public and private agencies and institutions within the State, and to the public.

"(b) On or before March 31 of each year, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of statistical data derived therefrom."

((20 U.S.C. 1232f) Enacted August 21, 1974, P. L. 93–380, sec. 512(a), 88 Stat. 571)

(o) Timetable for Dissemination of Collected Data: Data will be available to users late in 1981, in the form of a magnetic tape data base maintained in the tape library of the National Center for Education Statistics.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: It is estimated that about 5500 total person-hours will be required by all respondents to complete the request. At an average cost of ten dollars per person-hour, the estimated total cost would be $55,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: A copy of the exact data instrument may be obtained from Murray Spitzer, Office of Evaluation and Dissemination, U.S. Office of Education, Room 4079, FOB No. 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Population: The respondent population for this data collection is represented by the Committee on Evaluation and Information Systems (CEIS) of the Council of Chief State School Officers (CCSSO). From the time that implementation of the project was started by USOE, and continuing through the present time, regular communications regarding the project have been maintained with CEIS.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: The data collection will take place after the close of the prior fiscal year on September 30, 1981. At that time State agency records should contain the required information about grants made during that prior fiscal year, and about expenditures of grants made during the second preceding fiscal year.

(u) Specific Justification for a Multi-Year Approval: Multi-year approval is being requested for this and the prior year data collection on the grounds that a standardization of requirements will simplify respondents' administrative procedures.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Financial Status and Performance Reports for the Special Adult Education Program for Indochina Refugees.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Office of Education/Bureau of Occupational and Adult Education/Division of Adult Education.

(c) Agency Form Number: OE 575–1, –2.

(d) Justification: Health, Education, and Welfare Administrative Regulations for the Administration of Grants (45 CFR Part 74, subparts I and J) requires that grantees annually report on the status of funds and the performance of activities conducted under grants. Accordingly, financial and performance reports on activities carried out by grantees under the Special Adult Education Program for Indochina Refugees (funded under the Adult Education Act of 1966, as amended) are to be submitted annually to the U.S. Office of Education, Division of Adult Education.

(e) Description of Survey Plan: NA.

(f) Tabulation and Publication Plans: NA.

(g) Time Schedule for Data Collection and Publication: NA.

(h) Consultation Outside the Agency: In Fiscal Year 1977 the Division of Adult Education administered the Emergency Adult Education Program for Indochina Refugees and awarded 65 grants. During this experience several grantees commented on the simplicity of data requirements and the ease in which information could be gathered. As a result of these comments and because the activities under the Special Adult Education Program for Indochina Refugees are identical to those performed in the Emergency Indochina program, the Division of Adult Education plans to require new grantees to report the same data as requested of grantees under the "Emergency" programs.

(i) Estimation of Respondent Reporting Burden: It is estimated that 8 hours will be required to gather data and complete the proposed reporting forms. This estimate is based on the experience of a prior year when similar data was required. This estimate includes consideration of time needed to gather and compile data as well as

complete forms. The estimate also takes into account a reduction in the number of data items grantees will be required to use on the Financial Status Report.

Respondent type	Number	Estimate of average person-hours
Adult education administrators	35	8
Local educational agencies	35	8

(j) Sensitive questions: The proposed data collection instruments do not contain any question of a sensitive nature.

(k) Estimate of Cost to Federal Government: The cost to the Federal government involves $2,000 for the development of forms, $500 for printing forms, $20,500 for processing and analyzing data.

(l) Detailed Justification of How Information Once Collected Will Be Used: All data proposed for collection are needed primarily for the purposes of accounting for the expenditure of funds and for assessing the effectiveness of projects under the Special Adult Education Program for Indochina Refugees. Data will also be used to determine the degree to which project objectives are accomplished and adult Indochina refugees are served.

Data of this type can be obtained from grantees only and, therefore, must be collected with the proposed instruments.

(m) Methods of Analysis: NA.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

"Grantees shall use Standard Form 269, Financial Status Report, to report the status of funds for all nonconstruction grants." (Sec. 74 .73(a) of 45 CFR Part 74, HEW's Administrative Regulations for the Administration of Grants).

"* * * grantees shall submit annual performance reports * * *" (Sec. 74.82(b) of 45 CFR Part 74, HEW's Administrative Regulations for the Administration of Grants).

(o) Timetable for Dissemination of Collected Data: Grantees are required to submit the Financial Status and Performance reports 90 days after the grant year or the termination of grant support. Data verification and processing require approximately one month; therefore, data are usually available to users in January.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: With each of the 70 grantees expending 8 person-hours to complete the proposed forms, it is estimated that 560 total person-hours are required at a total cost of approximately $6,500.

(q) Evidence of any Urgent Need or Very Unusual Circumstance Requiring the Data: NA.

(r) Copy of the Exact Data Instrument: A copy of the data instruments may be obtained from Mrs. Sharon A. Jones, U.S. Office of Education, Division of Adult Education, Room 5060, 7th and D Streets, S.W., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Other than the involvement described in item h, the Division of Adult Education has not consulted with respondent groups on the proposed data collection instruments.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: At the time grants are awarded grantees will be given a copy of the reporting instruments. This will allow grantees time to familiarize themselves with the data requirements and institute procedures for the collection of data at the beginning of project operations.

(u) Specific Justification for a Multiyear Approval: Grants under the Special Adult Education Program for Indochina Refugees may be funded for 18 months; therefore, a multiyear approval would permit multiyear grant recipients to use the same forms year after year without making adjustments to their data collection mechanisms. Further, previous grantees had no difficulty utilizing the proposed reporting forms and the instuments are routine administrative forms which represent a minimal burden.

Data Activity Plan Summary

(a) Title of the Proposed Activity: ESEA Title I Financial and Performance Report (State report on participants and funds for ESEA Title I), Amendment.

(b) Name of the Sponsoring Agency/Bureau/Office: U.S. Office of Education/Office of Evaluation and Dissemination.

(c) Agency Form Number: OE 686–3.

(d) Justification: Section 100.b.432 of the General Provisions Regulations and Section 183 of ESEA, Title I require Title I grantees to provide uniform information about participants, activities, and funding to the U.S. Office of Education. The form was approved on September 26, 1979, and an amendment is proposed to provide for the reporting about participants in the Part B State-Administered Program for the Neglected and Delinquent. (OE 686–1 will collect information about fiscal matters regarding this Part B program.)

(e) Description of Survey Plan: All State agencies are required to submit the Financial and Performance Report.

(f) Tabulation and Publication Plans: Data from this additional section will be aggregated for national, regional, and agency type (neglected, delinquent, adult corrections) totals; numbers of participants by age will be tabulated. These figures as well as information from completed national evaluation (data collection in 1976–77) will be reported to Congress on February 1, 1982, as required by Section 183 of ESEA, Title I.

(g) Time Schedule for Data Collection and Publication: Reports will be due to the Commissioner as required by regulations (45 CFR, Section 116.7) on February 1, 1981.

(h) Consultations Outside the Agency: Consultations outside the agency were of two types: (1) a policy panel of State personnel, institutional staff, teachers in corrections sites, and a representative of each of the Committee on Evaluation and Information Systems of the Council of Chief State School Officers and the National Advisory Council on the Education of Disadvantaged Children, which met every six months between 1976 and 1979 to advise on the Title I evaluation and reporting for State institutions; and (2) a research panel of five national experts which met on a similar schedule to recommend technical and analytical strategies for institutions' evaluation and reporting tasks.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimated average hours
State educational administrator	58	[1]8

[1] For this amendments

(j) Sensitive Questions: There are no sensitive questions included in the data collection.

(k) Estimate of Cost to Federal Government: The cost to the Federal Government for the data collection, analysis, and dissemination of information for this amendment is approximtely $2,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Information (age of participants, services, and type of institution) about the State-administered Title I program for the neglected or delinquent will be tabulated and reported to Congress as required in Section 183 of ESEA, Title I. It will also be used by staff in the U.S. Office of Education responsible for administering the program as part of their monitoring activities and by staff responsible for preparing the budget to

estimate need and develop the budget justification.

(m) Methods of Analysis: Analysis will consist of (1) frequency distributions and percents and (2) cross-tabulations of numbers of students by age, service, and institution type.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 183 of ESEA Title I requires the Commissioner to report to Congress on Title I programs which are "comprehensive and detailed, as up-to-date as possible, and based . . . on objective measurements . . ." (20 U.S.C. 2833). The "Administrative and Fiscal Requirements" of the General Provisions for Programs (Section 100.b.432) requires a performance report submitted no less often than annually describing how well goals were met, as prescribed by the Commissioner (45 C.F.R. 100.b.432).

(o) Timetable for Dissemination of Collected Data: Time-table for the dissemination of data: A report to Congress on these data will be submitted as required (Title I, Section 183) on February 1, 1982, and copies will be sent to all States.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The estimate of total persons hours to complete this additional section is 464 costing overall about $5,104.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Data of this type has always been part of the Financial and Performance report.

(r) Copy of the Exact Data Instrument: Draft available for review from: Dr. Janice Anderson, U.S.O.E., Room 4079, FOB–6, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Respondents have reported this data annually in the past and have been briefed in national and regional meetings. Drafts for comment have been distributed to all participants in those meetings.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: These data are due on February 1, 1981, and are collected routinely by the respondents for use in their own monitoring and review activities.

(u) Specific Justification for a Multiyear Approval: The Financial and Performance report (OE 686–1, 2) was approved for use in FY 80 and 81; the same is sought for this small addition to it.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Evaluation of the Classroom Instruction Component of the ESEA Title VII Bilingual Education Program.

(b) Name of the Sponsoring Agency/Bureau/Office: Elementary and Secondary Programs Division, Office of Evaluation and Dissemination, U.S. Office of Education.

(c) Agency Form Number: OE–751.

(d) Justification:

1. *Explanation of circumstances which make the information requirement necessary:* Title VII of the Education Amendments of 1978 (Section 742) instructs the Assistant Secretary for Education to "coordinate research activities of the National Institute of Education with the Office of Bilingual Education, the National Center for Education Statistics, and other appropriate agencies in order to develop a national research program for bilingual education." Operationally, this coordination of research activities is performed by the Part-C Coordinating Committee which plans and implements the various studies and activities of this broad research plan. The data collection proposed here was judged by the Part-C Coordinating Committee to be an essential component of the national research program in bilingual education.

2. *How, by whom, and for what purpose data would be used:* The major goal of the study is acquiring an undestanding of the characteristics of projects funded by the Basic Program grants and the ways by which individual projects are implemented. The U.S. Office of Education is interested in examining the implementation process and collecting the associated data to (a) provide information to the Education Department which will assist them in improving the management and operation of the Bilingual Education Program, and (b) provide information on program operations to the Congress during the reauthorization hearings for the Elementary and Secondary Education Act scheduled for Spring 1982. Regarding the latter point, the Education Amendments of 1978 define more clearly (than the Education Amendments of 1974) that which the Congress intends to be funded by ESEA Title VII. A study of the implementation process would provide valuable information on the level of implementation, and the types of factors which either facilitate or impede implementation. In this regard the study also will assess the degree to which funded projects are consistent with the legislative intent, and consider other issues involved in such an assessment. Additionally, a study of the implementation process will determine more clearly those changes which must take place at a Local Education Agency for a bilingual education project to become established when Federal funding is withdrawn.

3. *Why similar data already available cannot be used for these purposes:* Two previous studies have examined in part the characteristics of and implementation strategies used by Basic Program grant projects. The first, conducted in 1975–76 by the Rand Corporation, examined the effectiveness of four Federal programs (one of which was the Bilingual Education Program) in supporting educational changes within Local Educational Agencies; the second, conducted in 1975–76 by the American Institutes for Research, documented the characteristics of Basic Program grant projects as a part of their examining the impact on students of program participation. Results from both studies provide information regarding program operations as of 1975–76. Since 1977–78, however, the Office of Bilingual Education has initiated a variety of program modifications and, from both the perspective of the Education Department and the Congress, information regarding project characteristics as of 1980–81 is required.

(e) Description of Survey Plan:

1. *Description of respondent universe:* Seven respondent universes are involved in the data collection activity. Each is a category of personnel associated with a Local Educational Agency having a bilingual education project funded by an ESEA Title VII Basic Program grant during 1980–81 academic year. These universes are: (a) School Superintendents; (b) LEA Coordinators of Federal Programs; (c) Project Directors of Title VII-funded bilingual education projects; (d) School Principals; (e) Teachers associated with Title VII-funded bilingual education projects; (f) Teacher Aides who work with Teachers of Title VII-funded bilingual education projects; (g) Chairpersons of the Parent Advisory Committees associated with the Title VII-funded bilingual education projects.

2. *Respondent selection method to be used:* The data collection activity is divided into two parts. The first is that of relatively short questionnaires which will be mailed to all project directors and all chairpersons of Parent Advisory Councils; the second, structured interviews which will be conducted with school superintendents, coordinators of federal programs, project directors, school principals, teachers, teacher aides, and PAC chairpersons associated with 60 projects sampled randomly from all Title VII-funded bilingual education projects in operation during the 1980–81 academic year. More specifically, two independent sampling plans will be

used—one associated with all Spanish language projects and, the other, all non-Spanish language projects. Using a stratified-random sampling plan with proportional allocation across strata, 48 Spanish language projects will be selected. Here, the stratification variables to be used are geographical region (4 strata), duration of federal grant (2 strata), and number of languages served by project (3 strata). Regarding non-Spanish language projects, those involving the French, Chinese, and Navajo languages will be selected for inclusion in the study. For each language, four projects will be selected randomly from among those in operation during the 1980–81 academic year. These three classes of languages were selected because of their high relative frequency (after Spanish) and because language proficiency tests are available for students in grades Kindergarten through 6 in each language.

3. *Statisticians who have reviewed and approved design:* Mr. Frances J. Potter; Dr. Milton R. Goldsamt; Dr. Robert Goodrich; Development Associates, Inc., Arlington, Virginia; Abt Associates, Inc., Cambridge, Massachusetts.

4. *Contractor performing study:* The study is being conducted under contract by Development Associates, Inc., 2924 Columbia Pike, Arlington, Virginia 22204.

5. *Provision for confidentiality of collected data:* Data collected by the contractor will be kept physically secure and will be reviewed only by authorized personnel.

(f) Tabulation and Publication Plans: The results from the study will be reported in three documents: 1. Volume I, containing a detailed description of the study and all results obtained. 2. Volume II, containing selected case histories of project sites visited (with projects coded and not identified by name). 3. Overview, containing a general description of the study and a discussion of the major findings. As currently scheduled, a preliminary draft of the Overview document (labeled "Interim Findings") will be available on 1 February 1982; copies of Volume I, Volume II, and the Overview will be available for public distribution on 30 September 1982.

(g) Time Schedule for Data Collection and Publication: The study began on 1 October 1979 and will end on 30 September 1982. The data collection activities will be conducted during the 1980–81 academic year (October 1980 to May 1981). Copies of all final reports will be available on 30 September 1982. The expected elapsed time between the completion of data collection and the issuance of first published results (the "Interim Findings" described in section (f) is eight months.

(h) Consultations Outside the Agency: All data collection instruments and the study design will be reviewed carefully by (1) professional staff members of Development Associates, Inc., (2) professional staff members of Abt Associates, Inc., (3) a 5-member national technical advisory panel associated with the study, (4) a 5-member policy advisory panel associated with the study, (5) a representative of the Council of Chief State Officers, Committee on Evaluation and Information Systems, and (6) representatives of the Education Department.

(i) Estimation of Respondent Reporting Burden: The data collection activity is divided into two parts: the mailed questionnaire, and structured interviews conducted with personnel at specific Local Educational Agencies. The respondent burden for each part is given below.

1. Respondent reporting burden: mailed questionnaire—

Respondent type	Number	Estimate of average person-hours
School administrators (project directors)	575	0.75
Parents (chairperson of PAC)	575	.50

2. Respondent reporting burden: structured interviews—

Respondent type	Number	Estimate of average person-hours
School administrators:		
LEA superintendent	60	0.33
LEA coordinator of Federal programs	60	0.50
Project directors	60	1.50
Principals	90	0.50
Parents (chairperson of PAC)	60	0.50
Teachers (structured interviews)	700	1.00
Teachers (classroom observation log)	700	2.40
Teacher aides	230	0.33

(j) Sensitive Questions: There are no questions in any of the data collection instruments which are judged to be of a sensitive nature.

(k) Estimate of Cost to Federal Government: The total cost of this 3-year contract to the federal government is $1,519,571.00. The estimated cost of forms design, sampling, editing, data management, analyses, and publication of results is $1,410,515.00.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary users of the information collected will be the Education Department and the Congress. In general, the Education Department will use the information to determine the degree to which the range of services provided by the Department are consistent with the needs of individual projects. Examples of relevant questions here are: "To what extent do funded projects have the necessary levels of material and organizational support (e.g., instructional materials, facilities, staff, staff training, supplies and equipment)?"; "To what extent do administrators and teachers perform the recommended project activities (e.g., teach the prescribed subject matter, use the recommended sequencing and medium of instruction)?"; and "What factors enhance or impede project implementation?" In general, the Congress will use the information during the 1982 ESEA reauthorization hearings to determine the extent to which projects funded are consistent with the legislative intent (i.e., are operated as transitional bilingual education projects) and the degree to which the academic skills addressed by projects are consistent with those necessary to function effectively in an all English-speaking classroom in the United States.

(m) Methods of Analysis: A series of descriptive and analytic techniques and approaches will be used to address the policy questions considered within the scope of the study objectives, and the evaluation questions considered relevant to each study objective. Data from mail survey instruments will be used to make descriptive generalizations which apply to the universe of Title VII-funded projects, while data from interview guides and the other sources will be used to draw analytically sound generalizations about Title VII project characteristics, approaches, skills being addressed within project settings, levels of project implementation, and factors which either facilitate or impede the offering of bilingual education services to needy students. Statistically rigorous comparisons will be made across various types of bilingual education projects, and across multiple data sources, key local educational agency, project, and instructional personnel, and Parent Advisory Committee Chairpersons so that a full *and* balanced picture of project and classroom-level emphases and activities can be gathered for future policy and Federal, state and local program-planning purposes.

The type of intergrated descriptive and statistical approaches which will be used for the above purposes, therefore, include the following:

1. *Descriptive* (histographs, scatterplots, exploratory data analytic

techniques, charts and table shells, indexes, content analyses, frequency distributions and percentages); means and standard deviations or variances (on sample and population estimates); medians, modes, counts, reliability estimates of sets of items, psychometric item analyses.)

2. *Correlational* (bivariate correlations, cluster analysis, factor analysis, cross-tabulations (two- or three-way); multiple linear regression; and multivariate approaches (if feasible).

3. *Hypothesis-Testing* (factorial and other forms of analysis of variance and covariance).

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Not later than November 1 of each year, the Secretary shall transmit * * * an annual evaluation report which evaluates the effectiveness of applicable programs in achieving their legislated purposes together with recommendations relating to such programs for the improvement of such programs which result in greater effectiveness in achieving such purposes. * * *" (Section 417 of the General Education Provisions Act). "The Commissioner should submit a report to the Congress and the President on the condition of Bilingual Education in the nation and the administration and operation of the title." (ESEA Title VII, Section 731(e)).

(o) Timetable for Dissemination of Collected Data: All data collected during the study will be available to users on September 30, 1982, and will be distributed via final reports, magnetic computer tape and associated documentation guide.

(p) Estimate of the total Person-Hours and Costs Required To Complete the Request:

1. Mailed Questionnaire: 575 projects.

Respondent	Number	Estimated person-hours	Average salary/hour	Total cost for respondent category
School administrators (project directors)	575	0.75	$8.29	$3,575.06
Parents (chairperson of PAC)	575	.50	0	0
Total				3,575.07

2. Structured Interviews and Classroom Observations: 60 projects.

Respondent	Number	Estimated person-hours	Average salary/hour	Total cost for respondent category
School administrators:				
LEA superintendent	60	0.33	$18.16	$359.57
LEA coordinator of programs	60	.50	8.29	248.70
Project directors	60	1.50	8.29	746.10
Principals	90	.50	11.51	517.95
Parents (chairperson of PAC)	60	.50	0	0
Teachers (interviews)	700	1.00	7.26	5,082.00
Teachers observations	700	2.40	7.26	12,196.80
Teacher aides	230	.33	3.25	246.68
Total				19,397.80

3. See the following table.

	Total person-hours	Total cost
Questionnaire	718.75	$3,575.06
Structured interview	2,670.70	19,397.80
Total	3,389.45	22,972.86

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Ten data collection instruments will be used: their titles, respondents, and method of collection are summarized below. Copies of the exact data instuments will be available in June 1980, and copies of the instruments may be obtained by writing to David M. Shoemaker, U.S. Office of Education/ FOB6/ Rm 3044, 400 Maryland Avenue SW, Washington, D.C. 20202.

Title of instrument, respondent, and method of collection

1. Project Director Mail Questionnaire, LEA Project Director, Mail Questionnaire
2. Parent Advisory Committee, Chairperson Mail Questionnaire, LEA PAC Chairperson, Mail Questionnaire
3. LEA Superintendent Interview Guide, LEA Superintendent, Structured Interview
4. LEA Federal Program Coordinator, Interveiw Guide, LEA Federal Program Coordinator, Structured Interview
5. School Principal Interview Guide, School Principal, Structured Interview
6. Project Director Interview Guide, Project Director, Structured Interview
7. Teacher Interview Guide, Teacher, Structured Interview
8. Teacher Classroom Activities Log, Teacher, Structured Observation Schedule
9. Parent Advisory Committee, Chairperson Interview Guide, LEA PAC Chairperson, Structured Interview
10. Teacher Aide Interview Guide, Teacher Aide, Structured Interview

(s) Brief Account of Early involvement and Communications With Respondent Population: Before Data collection begins, all instruments will be pilot-tested using selected individuals from the respondent populations. Additionally, each instrument will be reviewed by the national advisory panels associated with the study, as well as by a representative of the Council of Chief State School Officers, Committee on Evaluation and Information systems. Additionally, the usual protocol procedures will be followed in advising-state educational agencies and local education agencies about this study.

(t) Assurance that Respondents Will Have Sufficient Leadtime to Comply With Request: Data collection will occur during the 1980–81 academic year. The schedule for data collection will be jointly determined by the respondents and the contractor conducting the data collection activities.

(u) Specific Justification for a Multiyear Approval: No multi-year approval is requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Evaluation of the Classroom Instruction Component of the ESEA Title VII Bilingual Education Program: Estimation of program impact on participating students (Note: The estimation of program impact is an optional task in the larger study.)

(b) Name of the Sponsoring Agency/ Bureau/Office: Elementary and Secondary Programs Division, Office of Evaluation and Dissemination, U.S. Office of Education.

(c) Agency Form Number: OE–75–1.

(d) Justification:

1. *Explanation of circumstances which make the information requirement necessary*: Title VII of the Education Amendments of 1978 (Section

742) instructs the Assistant Secretary for Education to "coordinate research activities of the National Institute of Education with the Office of Bilingual Education, the National Center for Education Statistics, and other appropriate agencies in order to develop a national research program for bilingual education." Operationally, this coordination of research activities is performed by the Part-C Coordinating Committee which plans and implements the various studies and activities of this broad research plan. The data collection proposed here was judged by the Part-C Coordinating Committee to be an essential component of the national research program in bilingual education.

2. *How, by whom, and for what purpose data would be used*: The purpose for which the data would be used is estimating the degree of program impact on students participating in bilingual education projects funded by ESEA Title VII Basic Program grants. The U.S. Office of Education is interested in estimating program impact to (a) provide information to the Education Department which will assist them in improving the management and operation of the Bilingual Education Program, and (b) provide information on program effectiveness to the Congress during the reauthorization hearing for the Elementary and Secondary Education Act scheduled for spring 1982.

3. *Why similar data already available cannot be used for these purposes*: During the 1975–76, the American Institutes for Research estimated the degree of program impact on students participating in Basic Program grant projects. Results provided information regarding program operations as of 1975–76. Since 1977–78, however, the Education Department has initiated a variety of program modifications and from both the perspective of the Education Department and that of the Congress, information regarding program impact as of 1980–81 is desired.

(e) Description of Survey Plan: As a task in the contract let 30 September 1979 for the study entitled "Evaluation of the Classroom Instruction Component of the ESEA Title VII Bilingual Education Program," the contractor, Development Associates, Inc., and its subcontractor, Abt Associates, Inc. are required to propose potential designs for estimating program impact. After reviewing the proposed study designs, the U.S. Office of Education will decide by March 1980 whether or not an impact study is feasible and, if feasible, the design which is to be implemented by that contractor. For this reason, a description of the survey plan which may be used is not available.

(f) Tabulation and Publication Date: By way of background, the results from the classroom instruction component study will be reported in three documents: 1. Volume I, containing a detailed description of the study and all results obtained. 2. Volume II, containing selected case histories of project sites visited (with projects coded and not identified by name). 3. Overview, containing a general description of the study and a discussion of the major findings.

The impact study findings will be presented in a generally similar format. Based on current schedule, a preliminary draft of the overview document (labeled "Interim Findings") will be available on 1 February 1982; copies of Volume I, Volume II, and the Overview will be available for public distribution on 30 September 1982.

(g) Time Schedule for Data Collection and Publication: The study began on 1 October 1979 and will end on 30 September 1982. The data collection activities will be conducted during the 1980–81 academic year (October 1980 to May 1981). Copies of all final reports will be available on 30 September 1982. The expected elapsed time between the completion of data collection and the issuance of first published results (the "interim findings" described in section f) is eight months.

(h) Consultations Outside the Agency: All data collection instruments and the study design will be reviewed carefully by (1) professional staff members of the Development Associates, Inc., (2) professional staff members of Abt Associates, Inc., (3) a 5-member national technical advisory panel associated with the study, (4) a 5-member policy advisory panel associated with the study, (5) a representative of the Council of Chief State School Officers, Committee on Evaluation and Information Systems, and (6) representatives of the Education Department.

(i) Estimate of Respondent Reporting Burden: This information will be available in April 1980.

(j) Sensitive Questions: This information will be available in April 1980.

(k) Estimate of Cost to Federal Government: The estimated cost to the federal government for this data collection activity is likely to be from $300,000 to $500,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The primary users of the information will be the Education Department and the Congress. In general, both the Education Department and the Congress will use the information to determine the degree to which a Basic Program grant is effective in increasing the achievement level of students of limited English proficiency. Examples of relevant questions here are: "To what extent do participating students achieve those skills necessary to function effectively in an all English-speaking classroom?"; "To what extent is the level of student achievement attributable to project participation?"; and "what types of students benefit most from project participation?"

(m) Method of Analysis: This information will be available in April 1980.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "Not later than November 1 of each year, the Secretary shall transmit . . . an annual evaluation report which evaluates the effectiveness of applicable programs in achieving their legislated purposes together with recommendations relating to such programs for the improvement of such programs which result in greater effectiveness in achieving such purposes. . . ." (Section 417 of the General Education Provisions Act). "The Commissioner should submit a report to the Congress and the President on the condition of Bilingual Education in the nation and the administration and operation of the title. . . ." (ESEA Title VII, Section 731[e]).

(o) Timetable for Dissemination of Collected Results: All data collected during the study will be available to users on 30 September 1982, and will be distributed via final reports, magnetic computer tape and associated documentation guide.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: This information will be available in April 1980.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Regarding the Data: Not applicable.

(r) Copy of Exact Data Instrument: If the U.S. Office of Education decides that an impact study is feasible, it is anticipated that the data collection instruments will have been selected and/or constructed by July 1980. At that time, copies of the instruments (or a statement of the skills to be measured) may be obtained by writing to David M. Shoemaker, U.S. Office of Education/FOB6/Room 3044, 400 Maryland Avenue, SW, Washington DC 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Before data collection begins, all instruments will be pilot-tested using selected individuals from

the respondent populations. Each instrument will be reviewed by the national advisory panels associated with the study as well as by a representative of the Council of Chief State School Officers, Committee on Evaluation and Information Systems. Additionally, the usual protocol procedures will be followed in advising SEA's and LEA's about the study.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: Data collection will occur during the 1980–81 academic year. The schedule for data collection will be jointly determined by the respondents and the contractor conducting the data collection activities.

(u) Specific Justification for a Multiyear Approval: No multi-year approval is requested.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Study of ESAA Special Project Awards.

(b) Name of the Sponsoring Agency/Bureau/Office: Office of Education, Resources and Operation, Office of Evaluation and Dissemination.

(c) Agency Form Number: OE 762.

(d) Justification: The Emergency School Aid Act Special Projects component has not yet been systematically studied under the ESAA evaluation set-aside. Since the Special Projects component of ESAA is now the second largest (in FY 80 $95,769,000 or 35.5 percent of the total appropriation), a general review in time for input into reauthorization of ESAA.

The data will be used for the following purposes:

- Determine the initial impact of the new SEA awards in reinforcing the actions of selected States to deal constructively with desegregation issues. Also, is there any evidence that the availability of these funds is helping to move other States toward more positive desegregation policies?

The study will also examine models of technical assistance through interviews and an extensive review of the literature. The emphasis will be on state technical assistance but other providers of technical assistance will also be included as part of a broad review of technical assistance. The actual ESAA awards will be compared with the models and suggestions made for the expansion of productive technical assistance.

- Examine the use of ESAA preimplementation awards to produce orderly local desegregation efforts. Over a period of 2 or 3 years is there evidence that LEAs are making progress in meeting desegregation goals and that the ESAA funds expedite that progress?
- Examine the desegregation needs of districts receiving each category of awards and determine whether needs are being adequately met.

(e) Description of Survey Plan: Plans are to conduct visits in approximately 15 SEAs and three school districts per SEA. In addition about five school districts will be visited to review Emergency Special Project activities and case studies will be conducted of preimplementation awards in eight communities. The survey plan also calls for the use of available data to describe the universe of FY 1980 ESAA Special Projects awardees. This information would be largely from grant applications. The universe is now unknown since the FY 1980 awards have not yet been made.

(f) Tabulation and Publication Plans: Study results will be reported in narrative and tabular form in a report to be published at the end of the study.

(g) Time Schedule for Data Collection and Publication:

Data collection: January–April 1981.
Publication: January 1982.

(h) Consultations Outside the Agency: There will be consultants with CEIS and with other outside experts.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Local education agencies	58	1.0
Organizations other than schools or education agencies	200	1.0
Principals	50	1.0
Public elementary/secondary schools	50	1.0
School administrators and supervisors	50	1.0
State education agencies	15	10.0
Teachers, elementary/secondary	150	.5
State boards/commissions	15	2.0
Individuals	500	1.0

(j) Sensitive Questions: None likely.

(k) Estimate of Cost to Federal Government: $1,500,000.

(l) Detailed Justification of How Information Once Collected Will be Used:

- Examine the impact of the SEA awards.
- Review models of state technical assistance in order to determine if additional ESAA technical assistance activities may be useful.
- Examine the impact of the ESAA preimplementation awards.
- Determine the desegregation status of districts receiving Emergency Special Projects awards.

(m) Methods of Analysis: The methodology of the study will include use of available data, interviews and site visits in selected LEAs and SEAs, literature review of the technical assistance process, and case studies of preimplementation LEAs over time.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 417(a)(1) of Pub. L. 93–380 requires that "* * * the Secretary shall transmit to the * * * (Congress) * * * an annual evaluation report which evaluates the effectiveness of applicable programs in achieving their legislative purposes * * *" In addition, Section 613 of the Emergency School Aid Act authorizes the expenditure of funds "* * * for the purpose of evaluating specific programs and projects assisted under this title."

(o) Timetable for Dissemination of Collected Data: Publication January 1982.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: 1,163 person-hours, $9,000 cost.

(q) Evidence of any Urgent Need or Very Unusual Circumstances Requiring the Data: Does not apply.

(r) Copy of the Exact Data Instrument: Available about December 1980 from Robert York, Office of Evaluation and Dissemination, U.S. Department of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: None yet.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request.

(u) Specific Justification for a Multiyear Approval: None requested.

Data Activity Plan Summary

(a) Title of Proposed Activity: Study of Multi-Ethnic Desegregation.

(b) Agency/Bureau/Office: Office of Evaluation and Dissemination.

(c) Agency Form Number: OE763.

(d) Justification: The study will examine school district needs and problems in desegregation situations involving multiple racial/ethnic groups, strategies to be used to deal with these problems, and how ESAA funds are or may be used to assist in the desegregation process. Previous evaluation studies have focused on the desegregation needs and process in settings involving black/white desegregation. Increasingly, however, ESAA is being called on to assist school districts with multiple group desegregation, especially in the western portion of the country. The study is needed to assist program officials and policy makers in planning the most effective ways in which the ESAA

program can best facilitate desegregation in these settings.

(e) Description of Survey Plan: The study will examine multi-group desegregation in a sample of 20 communities involved in such desegregation. Issues to be examined include: (1) the approaches that courts have taken in approving integration plans for districts with multiple groups; (2) the extent of current and anticipated multiple desegregation; (3) the relationship of desegregation processes to bilingual needs and programs; (4) the needs and problems of students and schools undergoing such desegregation; and (5) current and potential ESAA strategies for facilitating desegregation in these settings. ESAA programs to be included are Basic Grants, Out-of-Cycle Grants, NPO's and Magnet Schools. The study methodology will include personal interviews with various groups and individuals involved in and knowledgeable about multiple group desegregation, as well as analysis of existing information.

(f) Tabulation and Publication Plans: Study results will be reported in narrative and tabular form in a report to be published in the spring of 1982.

(g) Time Schedule for Data Collection and Publication: Data for the study will be collected in the spring of 1981, and a report will be published in January of 1982.

(h) Consultations Outside the Agency: An advisory group will be formed for the study consisting of representatives of respondent groups, of the Committee on Evaluation and Information Systems of CSSO, and of experts in desegregation.

(i) Estimation of Respondent Reporting Burden:

1. Type: District administrative staff
2. Number: 80
3. Estimated Average Man-Hours per Respondent: 1 hour

1. Type: School administrative staff
2. Number: 80
3. Estimated Average Man-Hours per Respondent: 1 hour

1. Type: Teachers, elementary/secondary
2. Number: 200
3. Estimated Averaged Man-Hours per Respondent: 45 minutes

1. Type: Parents
2. Number: 200
3. Estimated Average Man-Hours per Respondent: 30 minutes

1. Type: Community group representatives
2. Number: 100
3. Estimated Average Man-Hours per Respondent: 1 hour

1. Type: Secondary school students
2. Number: 400
3. Estimated Average Man-Hours per Respondent: 30 minutes

(j) Sensitive Questions: The data collection instruments will contain no sensitive questions.

(k) Estimate of Cost to Federal Government: $400,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information will be used by policy makers and program officials in planning effective strategies for the ESAA program. Information will also be useful to communities anticipating such desegregation in the future. recommended legislative changes will be reported to Congress in the Annual Evaluation Report, as well as in briefings and testimony.

(m) Methods of analysis: The analysis will include legal analysis of desegregation plans, content analysis and summarization of personal interviews and the use of descriptive statistical procedures.

(n) Legislative Authority Specifically requiring or Allowing the Data Collection: Section 417(a)(1) of Pub. L. 93–380 requires "* * * the Secretary shall transmit to the * * * (Congress) * * * an annual evaluation report which evaluates the effectiveness of applicable programs in achieving their legislated purposes * * *" In addition, Section 613 of the Emergency School Aid Act authorizes the expenditure of funds "* * * for the purpose of evaluating specific programs and projects assisted under this title."

(o) Timetable for Dissemination of Collected Data: The results of the study will be disseminated within the agency, to the congress and to interested groups in the field in the spring of 1982.

(p) Total Person-Hours and Costs Required To Complete the Request: The total person-hours is 710. The estimated cost to complete the request is $3,500.

(q) Evidence of Urgent Need or Unusual Circumstance Requiring the Data: Increasingly, desegregation situations involve Hispanic and other groups that have not been involved in desegregation in the past. The Office of Education needs to anticipate the desegregation problems in these new types of situations, so that its programmatic response will be as effective as possible.

(r) copy of the Exact Data Instrument: The exact data instrument is not yet available. It is expected to be ready in January 1981, and it will be made available for public comment at that time.

(s) Early Involvement and Communications With Respondent Populations: No involvement has yet occurred. When the study is funded, protocol letters will be sent to the chief State School Officers. Letters will also be sent to selected school districts informing them of the purposes of the study, and requesting their cooperation, at least a month before data collection begins.

(t) Assurance That Respondents Will Have Sufficient Leadtime To comply With Request: Respondents will be notified at least one month prior to date of collection, which will be scheduled at the convenience of the respondents. No new record keeping requirements will be involved.

(u) Specific Justification for Multi-year Approval: No multi-year approval is requested.

Data Activity Plan Summary

(a) Title of Proposed Activity: Non-student Borrower Application for a Health Education Assistance Loan.

(b) Name of Sponsoring Agency: U.S. Office of Education, Bureau of Student Financial Assistance, Division of Policy and Program Development, Health Loan Branch.

(c) Agency Form Number: OE 768.

(d) Justification: When individuals complete medical school, they are referred to in this program as "nonstudents." Nonstudents are eligible to make loans to pay the interest on loans they made as students. The subject form is the document which initiates the loanmaking process for these nonstudents.

(e) Description of Survey Plan: N/A.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection and Publication: N/A.

(h) Consultations Outside the Agency: The Student Application for a Health Education Assistance Loan (OE Form 621–2) requests data similar to that asked for in the proposed Nonstudent Application. In formulating the Student Application, numerous meetings and consultations were held with the Student Loan Marketing Association, various financial institutions, and student organizations.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours (minutes)
Nonstudent borrower	400	15
Financial institution	200	30

(j) Sensitive Questions: Pub. L. 95–630 was enacted November 10, 1978 and it included Title XI, The "Right to Financial Privacy Act (RFPA) of 1978", which applies to all financial institutions. The term "financial

institution" includes any bank, savings bank, trust company, savings and loan association, or credit union, among others. The Right to Financial Privacy Act regulates any financial institution which provides a Federal agency, ("Government authority") or its agencies with access to, or information contained in, the financial records of a customer. The RFPA applies to all financial institutions which are lenders in the Health Education Assistance Loan Program because these lenders disclose identifiable information from customer records to the Office of Education or provide the Office of Education access to customer financial records for purposes of program reviews. Among other provisions, the RFPS requires that when a Federal agency involved in a loan program seeks information from a customer's financial records, it must certify to the financial institution that the Federal agency is complying with the applicable provisions of the RFPA. No further certification is required by the certifying Federal agency during the term of the loan or loan guaranty.

(k) Estimate of Cost to Federal Government: $3,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information on the proposed application form will be used for the following program management functions: (1) to assist lenders in determining the amount of the loan; (2) to determine the insurability of the loan under statutory and regulatory guidelines.

(m) Method of Analysis: N/A.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Legislative Authority—(42 U.S.C. 294E), Pub. L. 94–484, Section 735(a) which states, "* * * the Secretary may (1) prescribe such regulations as may be necessary to carry out the purposes of this subpart; * * *" Regulatory Authority—Section 126.19, "All forms required under the HEAL Program are provided by the Commissioner of Education."

(o) Timetable for Dissemination of Collected Data: None of the information collected on the Nonstudent Borrower Application will be generally disseminated. The nonstudent borrower fills out Section I of the application and submits the application to the lender who in turn, uses the information to determine the allowable loan amount and the borrower's eligibility to make a loan. If the loan is made, the lender submits the application to the Office of Education where a determination of insurability is made.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: 1. Nonstudents must only give very general information and will be able to complete Section I in less than 15 minutes. There is no cost to them to supply the requested data. 2. The lender will be able to complete the application in approximately one-half hour. Administrative costs to the lender will be approximately $20 per application for a total of $4,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: The utmost importance is attached to this proposed application since it is the document which initiates the loanmaking process for the nonstudent. To date, 157 students to whom loans were made have graduated. These individuals are now eligible to borrow to pay the interest on loans they made as students. At present, there is no application form available for individuals who wish to make nonstudent loans.

(r) Copy of the Exact Data Instrument: Mr. J. Fred Wells, Health Education Assistance Loan Program, Room 3674, ROB–3, 7th and D Streets SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The Student Application for a Health Education Assistance Loan (OE Form 621–2) basically requests the same information as the proposed Nonstudent application. In developing the student application, numerous meetings and consultations were held with various financial institutions and the Student Loan Marketing Association. Attending the meetings were members of health professions organizations, academic institutions and medical student organizations. The changes to the form are non-controversial and relate only to the nonstudent status of the borrower, e.g., the borrower must indicate his or her eligibility for a loan (Item No. 9). The only change for the financial institution is to include a space and instructions for computing the maximum amount of the loan.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: N/A.

(u) Specific Justification for a Multiyear Approval: The subject application is a routine, administrative form. As previously stated, it is the document which initiates the loanmaking process for the nonstudent. Although current program authorization is for fiscal year ending September 30, 1980, nonstudents may borrow to pay the interest on student loans until September 30, 1982. Applications should be available until that time.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Special Community Service and Continuing Education Grants-Application.

(b) Name of the Sponsoring Agency/Bureau/Office: Office of Education, Bureau of Higher and Continuing Education, Division of Training and Facilities.

(c) Agency Form Number: OE 1280.

(d) Justification: To make grants to institutions of higher education for special continuing education projects designed to seek solutions to national and regional problems related to social and technological change and environmental pollution.

(e) Description of Survey Plan: Application packages will go out to every accredited institution of higher education in the United States.

(f) Tabulation and Publication Plans: This information will be used in the evaluation of applications from institutions of higher education.

(g) Time Schedule for Data Collection and Publication: Application packages will go out at the end of February. Closing date will be at the end of June. Awards will be announced by the end of September.

(h) Consultations Outside the Agency: Panelists will be used to rate and rank all of the applications.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	200	50

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: $1,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: This information will be used in the evaluation of applications for award of grants under this program.

(m) Methods of Analysis: Each application will be rated in accordance with the weighted criteria approved and published in the **Federal Register**, and included in the application booklet.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Title IA, Section 106, of the Higher Education Act of 1965, as amended (20 U.S.C. 1005(a):

Sec. 106(a) The Commissioner is authorized to reserve from the sums appropriated pursuant to section 101 for any fiscal year an amount not in excess of 10 per centum of the sums so

appropriated for that fiscal year for grants pursuant to subsection (b).

(b)(1) From the sums reserved under subsection (a), the Commissioner is authorized to make grants to, and contracts with, institutions of higher education (and combinations thereof) to assist them in carrying out special programs and projects, consistent with the purposes of this part, which are designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution.

(2) No grant or contract under this section shall exceed 90 per centum of the cost of the program or project for which application is made.

(o) Timetable for Dissemination of Collected Data: Awards will be made by September 30. Announcement of awards will be implemented by the Office of Education and non-award letters will be sent out to all institutions that did not receive grants with an offer to send panelist critique and quartile ranking to all who desire this information.

(p) Estimate of the Total Person-Hours and Costs Required to Complete the Request: 50 hours×$20 per hour×200 proposals=10,000 person-hours $200,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Form may be obtained from: Community Service and Continuing Education Branch, Bureau of Higher and Continuing Education, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Program has been operative for six years, clientel keeps in close touch with Special Projects Office. In addition, staff presents speeches at colleges and universities and State Grant Administrators inform their constituents regarding the Federal porgram.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: Respondents will have at least 60 days after receiving application package to complete applications.

(u) Specific Justification for a Multiyear Approval: This is an application package which addresses program regulations that do not change unless legislative authorization expires or is amended.

Data Activity Plan Summary

(a) Title of Proposed Activity: State Student Financial Assistance Training Program Financial Status and Performance Report

(b) Name of the Sponsoring Agency/Bureau/Office: Office of Education/Bureau of Student Financial Assistance/State Student Financial Assistance Training Program (SSFATP)

(c) Agency Form Number: OE 1329–1

(d) Justification: Program regulations, 45 CFR Section 178a.10 (Reporting requirements), derived from 20 U.S.C. 1088b–3, require each participating jurisdiction to submit a report at the end of each award period, containing the information determined by the Commissioner to be necessary to ensure that the State is adequately performing the responsibilities for which training funds have been awarded. These include the following particular provisions:

(1) The requirement in Section 178a.4(b) of the program regulations that States must administer the training programs in consultation with Statewide financial aid administrator organizations.

(2) The requirement in Section 178a.4(c) of program regulations that State training programs must (to the extent of available funds) sequentially perform at least 1 of 5 training objectives each year.

General Reporting requirements governing SSFATP are also found in OE General Provisions Regulations, 45 CFR Part 100a (made applicable to SSFATP by Section 178a.1(b) of program regulations), Sections 100a.403 (Financial Status Reports) and 100a.432(b) Performance Reports).

The data obtained from the Performance Report will be used to determine and verify the extent to which the State has successfully implemented each of the activities and achieved each of the program goals contained in its approved SSFATP applications and, thus, the extent to which the State program is in conformity with the requirements established.

The information reported by States on the Financial Status Report will be used to verify that States have not exceeded their approved levels of expenditure under program grant award notifications, to determine the amounts of unobligated program funds to be reverted to the Treasury, and to verify that States have expended SSFATP funds in conformity with approved program budgets contained in SSFATP applications, as amended. The SSFATP Staff will take any necessary follow-up management action on any reporting deviations from approved program applications in order to secure full conformity on the part of the State to program regulatory requirements.

As the content of and methods involved in the State training programs change from year to year, so does the data to be reported. Thus, completion of a new report is necessary each year.

The person responsible for completing the performance part of this document must compile data as well as write some short narrative statements. The fiscal person at the State agency who usually completes the financial part must also compile data before filling in that portion. These tasks combined with the clerical ones of typing and xeroxing the report would normally take more than 30 minutes.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Not Applicable.

(h) Consultation Outside the Agency: First drafts of the original form were discussed with representatives of several State scholarship agencies, including: Dr. Haskell Rhett of the New Jersey Department of Higher Education, who was also the President of the National Association of State Scholarship and Grant Programs (NASSGP) at the time, Stan C. Broadway, Executive Director of the North Carolina State Education Assistance Authority, and Richard Johnston of the Wisconsin State Scholarship Program. (Both Mr. Broadway and Mr. Johnston are also past Presidents of NASSGP).

Secondly, through the cooperation of Don Vickers, Assistant Director of the Vermont State Scholarship Program and co-chairman of the *ad hoc* SSIG–NASSGP State Management Data Needs Committee, copies of the second drafts of these original forms were mailed to the executive and/or program directors of all eligible State/Territorial Scholarship agencies for comment. Comments received were used in further refinement of the forms, although no major problems or disagreements arose.

Finally, David Morgan, in his presentation on the SSFAT Program at the semi-annual meeting of NASSGP in Scottsdale, Arizona (Oct. 31–Nov. 2, 1979) informed the participants that we were making some changes in the document and invited their comments. None have been received thus far.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
(1) State scholarship agencies	57	[1]4

[1] Per response.

(j) Sensitive Questions: Not Applicable.

(k) Estimate of Cost to Federal government: The total direct cost to the Federal Government (including processing costs and staff personnel) is estimated to be $150.00 per year.

(l) Detailed Justification of How Information Once Collected Will Be Used: This document collects performance data that is used to monitor compliance of the State training programs with the provisions of the SSFATP regulations that require the sequential attainment of 5 objectives and the consultation with State-wide financial aid administrator organizations in the administration of the program. The additional data collected is used to monitor the effectiveness and the quality of the States' training programs in terms of number of people benefiting, the method training provided and the means of evaluation used.

The fiscal data collected with this document indicates compliance with the State matching of resources requirement and also shows any unobligated balance of federal funds that must be returned to OE.

(m) Methods of Analysis: Data is collected at the State level. Tabulations of description data are then compiled in this office.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "At the end of each award period for which a State receives a grant under this part, the State shall provide a report containing such information as the Commissioner determines necessary to ensure that the State is adequately performing its responsibilities." (45 CFR 178a.10) (20 U.S.C. 1088b–3)

(o) Timetable for Dissemination of Collected Data: Data will be available approximately 6 weeks after the date on which the reports are due. The information will be made available either in writing or by telephone upon request.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total Person-Hours, 228; Total Dollars, $2,000.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: None.

(r) Copy of the Exact Data Instrument: This data instrument may be obtained from Patricia Hopson, Director, Division of Training and Dissemination, Bureau of Student Financial Assistance, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The first draft of the original OE 1329–1 was discussed with representatives of several State Scholarship agencies. Later, second drafts were submitted for comment to all executive and/or program directors in the 57 eligible States and territories, and although we received some comments that were used in refinement of the document, no major disagreements or problems arose.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: Documents are mailed to the State agencies in July of each year, and the completed forms are due in DTD on October 31 of the same year. Not only do States have 3 months to complete the form, but because this is an annual procedure, the program officials are aware of the form's general content as well as its due date.

(u) Specific Justification for a Multiyear Approval: This document is a routine administrative form designed for compliance with SSFATP regulations that require States to submit performance reports to ensure that they are adequately fulfilling their responsibilities. The document has been used successfully in each of the program years since the program's inception.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Field Test for First Follow-up of High School Students Who, as Sophomores, Participated in the National Longitudinal Study High School and Beyond.

(b) Name of the Sponsoring Agency/Bureau/Office: National Center for Education Statistics, Division of Multilevel Education Statistics.

(c) Agency Form Number: NCES 2408–30—Student roster Verification; NCES 2408–31—School Questionnaire Update; NCES 2408–32—Student Questionnaire; NCES 2408–33—Discussion Guide.

(d) Justication:

High School and Beyond, a longitudinal study, obtains base-line information on a nationally representative sample of high school students, with subsequent follow-up studies of the same individuals at approximately two-year intervals. This announcement covers plans for a field test to be conducted in the spring of 1981 in preparation for the first follow-up in 1982 of students who, as sophomores in 1980, will have participated in the base-year 1980 survey.

The purposes of the field test are:

(1) To obtain a measure of student mobility from sample schools and to estimate the reporting burden placed on schools when they are asked to provide information on the whereabouts of students who were sophomores two years earlier. This information is to be used in producing an efficient and economical study design for the first full-scale follow-up study in 1982.

(2) To examine the need for updates of the information given by the participating schools in 1979 in the School Questionnaire, and to test procedures for minimizing burden to the schools in providing the updates.

(3) To pretest questions that come within the scope of the overall study in the following areas: the students' educational and vocational experiences; their plans and aspirations; the factors they believe have influenced, or will influence, their choices; their familiarity with, and possible interest in, financial-aid sources for postsecondary education and training; and their values and opinions as they relate to education, careers, and their future adult roles. Items needed for student identification will also be included.

(4) To learn, through small-group discussion in each school, how the students tend to react to individual questions in the pretest, whether the students see value in this type of longitudinal study, and whether the students think they would be willing to continue their participation in later follow-up surveys at approximately two-year intervals. A general guide for the discussion will be used by the interviewers. The information obtained will help NCES to design the 1982 follow-up study for maximum validity and minimal attrition.

(e) Description of Survey Plan: In 1979, a field test was administered in a sample of 42 schools in preparation for the base-year survey in the spring of 1980. The field-test schools were selected from six States (Arizona, Florida, Iowa, Michigan, New York, and Texas). The same schools and students will be asked to participate in the spring 1981 field test for the first follow-up of the sophomore cohort in 1982. The following will be requested of the schools:

(1) Information on student availability. Each school will be provided with a list of the sophomores who participated in the 1979 field test. The school will be asked to indicate for each student whether he/she is still enrolled in the school; and if not enrolled, what information the school is able to provide readily on the student's status and whereabouts (dropped out, transferred, graduated, entered military service, etc.).

(2) Update of School Questionnaires. Each school will receive a copy of the school's 1979 responses to the School Questionnaire. The principal of the school, or his/her designate, will be

asked to review the responses and indicate any changes since 1979.

(3) Student participation. Those students still enrolled in the school will be invited to meet together for an hour with a contractor representative and to (a) reply to a brief questionnaire (20 minutes or less) which will include some items proposed for the final version of the instruments for the first follow-up, and (b) for the remainder of the hour, participate in group discussion with a contractor representative to discuss their reactions to High School and Beyond.

(f) Tabulation and Publication Plans: Not applicable.

(g) Time Schedule for Data Collection and Publication: Data will be collected in February, March, and April 1981. No publication of field-test data is planned.

(h) Consultations Outside the Agency: Consultations regarding the first follow-up field test have taken place with agencies that are specifically interested in the inclusion of questions of interest to their agencies (i.e., Bureau of Adult and Occupational Education, Bureau of Education for the Handicapped, and Department of Defense). There has also been extensive consultation since the inception of HIGH SCHOOL AND BEYOND, with representatives from a large number of interest groups with special programmatic concerns in the development of educational policies at the Federal, State, and local levels such as: American Association of School Administrators, American Council on Education, American Federation of Teachers, American Vocational Association, Council of Chief State School Officers, Council of Great City Schools, National Association of Secondary School Principals, National Association of State Boards of Education, National Association of Trade and Technical Schools, National Congress of Parents and Teachers, National Education Association, and a number of other associations concerned especially with equal opportunity for the handicapped, for minorities, and for women.

Major consultations have also taken place and will be continued with: a Committee of Federal Users of the longitudinal data; the National Planning Committee for HIGH SCHOOL AND BEYOND, chiefly representing non-Federal researchers in education and social science; and persons who have had experience in conducting the predecessor study, NCES's National Longitudinal Study of the High School Class of 1972 (now entering its fourth follow-up).

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
School administrators and supervisors	42	[1] 1
Principals (school) or their designates	42	[2] 1
Students	1500	[3] 1

[1] Information on student availability.
[2] Updating school questionnaire.
[3] Questionnaire and group sessions.

(j) Sensitive Questions: None.

(k) Estimate of cost to Federal Government: The estimated total cost to the Federal Government of the first follow-up field-test activities of HIGH SCHOOL AND BEYOND is $120,000.

(l) Detailed Justification of How Information Once Collected Will Be Used: Student mobility data will be used in modifying the study design. Attrition rates and traceability of the students will provide estimates of the feasibility, advisability, and costs of following up students who have left school.

Results obtained from updates of School Questionnaires will assist NCES in determining the magnitude of changes in schools over a two-year period and in estimating the reporting burden to the schools. This information will be useful in determining the value and feasibility of obtaining the updates in the 1982 follow-up survey.

Pretesting items for the student questionnaire and identification pages will provide information bearing on the usefulness, appropriateness, and adequacy of these items for the first follow-up.

Reaction of students in group discussion sessions will provide valuable insight into the kinds and types of problems that may occur in the administration of the 1982 follow-up survey. Measures can then be taken by survey planners to cope with these concerns or problems and to maximize student participation in further follow-up studies. A high retention rate is essential in order to obtain nationally representative results.

(m) Methods of Analysis: Not needed for field test.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The purpose of the Center shall be to collect and disseminate statistics and other data related to education in the United states and in other nations. The center shall—

(1) collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States;

(2) conduct and publish reports on specialized analyses of the meaning and significance of such statistics;

(3) assist State and local educational agencies in improving and automating their statistical and data collection activities; and

(4) review and report on educational activities in foreign countries."

(Sec. 501 of Public Law 93–380; 20 USC 1221e–1)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: The estimated total number of person-hours is 1,584 hours, as follows:

	Hours
School personnel	[1] 84
Students	[2] 1,500
Total	1,584

[1] 2 hours per school.
[2] 1 hour per student.

The estimated cost of school-personnel time, at $9 per hour, is $756. See also (i) above.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Copies can be obtained from Dr. Edith M. Huddleston, NCES/DMES, Room 3137, FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Respondent populations have previously participated in High School and Beyond field-testing, and understand that it is a longitudinal study which will require periodic follow-up surveys.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: The respondent populations will be contacted by contractor representatives early in the fall of 1980 asking for their participation in February, March and/or April, 1981 field testing. This schedule should provide about six months lead-time for respondent schools to prepare for field testing of the first follow-up.

(u) Specific Justification for a Multiyear Approval: Not applicable.

Data Activity Plan Summary

(a) Title of the Proposed Activity: State-Level Personnel Exchange. (Elementary/Secondary).

(b) Name of the Sponsoring Agency/Bureau/Office: National Center for Education Statistics.

(c) Agency Form Number: NCES 2428.

(d) Justification: The State-Level Personnel Exchange is part of the NCES assistance program. NCES will pay for travel and per diem for employees from one State to visit another State to provide technical assistance. These

application forms are necessary to determine the purpose of the exchange and to determine that the appropriate State-level approvals have been obtained. A post-trip report is also required.

(e) Description of Survey Plan: NA.

(f) Tabulation and Publication Plans: NA.

(g) Time Schedule for Data Collection and Publication: NA.

(h) Consultations Outside the Agency: These forms have been discussed with: George Rush and Ann Covill, Council of Chief State School Officers and John Stiglmeier, Director, Information Center for Education, New York. All requested data are available without extensive file searching, either manual or machine.

(i) Estimation of Respondent Burden: Respondent type: SEA's; Number: 32; Estimate of Average Person-hours: 1.

(j) Sensitive Questions: No sensitive questions are asked.

(k) Estimate of Cost to Federal Government: As an application form, no cost estimate is required.

(l) Detailed Justification of How Information Once Collected Will Be Used: The information will be used to: (1) determine whether the activity is a "personnel exchange;" (2) assure that the activity proposed took place as planned.

(m) Method of Analysis: NA.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Center (NCES) shall— * * *

(3) assist State and local educational agencies in improving and automating their statistical and data collection activities * * *."

(Pub. L. 93–380, Sec. 406(b); 29 USC 1221e)

(o) Timetable for Dissemination of Collected Data: NA.

(p) Estimate of Total Person-hours and Costs Required To Complete the Request: The estimated 32 applicants should require a total of 32 hours to prepare the forms at a total cost of $1,000.

(q) Evidence of any urgent need or Very Unusual Circumstance Requiring the Data: NA.

(r) Copy of the Exact Data Instrument: May be obtained from: Mr. Curtis O. Baker, National Center for Education statistics, Room 3061, FOB6, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications with Respondent Populations: Members of the Committee on Evaluation and Information Systems of the Council of Chief State School Officers proposed the Personnel Exchange concept to NCES.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: As an application form, with no specific data for applying, the applicant can determine the most appropriate time to apply.

(u) Specific Justification for Multiyear Approval: Multi-year approval is requested because this form: (1) is a routine application, (2) represents a minimal burden, (3) represents a direct benefit to the respondents.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Certificate of Proficiency in English for the Foreign Curriculum Consultant Program.

(b) Name of the sponsoring Agency/Bureau/Office: Office of Education, Bureau of Higher and Continuing Education, Division of International Education, International Studies Branch.

(c) Agency Form Number: OE Form 7627–2.

(d) Justification:

(1) Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 has as its objective the improvement and development of modern foreign language and area studies in the educational structure of the United States through visits and study of American scholars abroad and foreign scholars in the United States. (22 U.S.C. 2452(b)(6), 2456 (a)(2).

To help accomplish this objective, the Foreign Curriculum Consultant Program enables school systems, state departments of education, colleges and universities, and private nonprofit educational organizations, or a combination of such organizations to secure the services of qualified educators to act as resource persons in the field of language and area studies.

(2) The data requirements requested in the English language proficiency cerfificate are used by the Office of Education, the Department of State, the International Communication Agency, American Embassies, binational commissions, the Board of Foreign Scholarships, and host institutions, which supplement federal funds, to determine whether the foreign scholar has sufficient English language competence to accomplish the duties of his consultancy.

(3) No similar data exists on these foreign nationals.

(e) Description of Survey Plan: Not applicable.

(f) Tabulation and Publication Plan: Not applicable.

(g) Time Schedule for Data Collection and Publication: Not applicable.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden: (1) Respondent Type: Federal agencies and foreign educators; (2) Number: 60; (3) Estimate of Average Person-hours: 3.

(j) Sensitive Questions: Not applicable.

(k) Estimate of Cost to Federal Government: Not applicable.

(l) Detailed Justification of How Information Once Collected Will Be Used: The data requirements in the English language proficiency certificate are used by the Office of Education, the Department of State, the International Communication Agency, American Embassies, binational commissions, the Board of Foreign Scholarships, and host institutions to determine whether the foreign educator has sufficient English language competence to accomplish the duties of his consultancy.

(m) Methods of Analysis: Not applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: Section 434(a)(3) of the General Education Provisions Act States: "In case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Commissioner determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Commissioner at such time, in such manner, and containing such information as the Commissioner shall prescribe by regulation and, as a pre-condition for approval, . . ." (20 U.S.C. 1232c)

(o) Timetable for Dissemination of Collected Data: Not applicable.

(p) Estimate of the Total Person-Hours and Costs Required To Complete the Request: Total Person-Hours: 180; Total Costs: $1,800.

(q) Evidence of Any Urgent Need or Very Unusual Circumstances Requiring the Data: Not applicable.

(r) Copy of the Exact Data Instrument: Dr. Richard T. Thompson, Chief, International Studies Branch, Division of International Education, BHCE, U.S. Office of Education, Washington,D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: Most U.S. Embassies and binational commissions are familiar with this form and have it on file.

(t) Assurance That Respondents Will Have Sufficient Leadtime to Comply With Request: (1) Announcement of competition to U.S. Embassies and foreign Scholars: January/February in the year in which awards are made; (2) Time of collection: April/May; (3)

Frequency: Annually; (4) Method of Collection: Airpouch or cable messages through International Communication Agency communications channel.

(u) Specific Justification for a Multiyear Approval: The data requested is the minimum necessary to evaluate the applicant, and to determine his chances for success in an American context.

Since this form is the result of a refinement process which started in 1964 and it contains the minimum data needed, it is anticipated that this form will not be modified.

This form, without changes, enables U.S. Embassies and binational commisions to counsel prospective applicants. Furthermore, applications not used in one year may be utilized in another year resulting in a savings to the taxpayer. Therefore, it can be considered as a routine administrative form; it represents a small or minimal burden; and it has been used successfully in past years.

Data Activity Plan Summary

(a) Title of the Proposed Activity: Institutional application for Faculty Research Abroad and Doctoral Dissertation Research Abroad; Individual application for Faculty Research Abroad and Doctoral Dissertation Research Abroad.

(b) Sponsoring Agency/Bureau/Office: Office of Education, Bureau of Higher and Continuing Education, Division of International Education, International Studies Branch.

(c) Agency Form Number: OE 7628, OE 7628–1, OE 7628–2 (Individual application), Standard Form 424 (Institutional application).

(d) Justification:

Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 has as its objective the improvement and development of modern foreign language and area studies in the educational structure of the United States through visits and study of American scholars abroad. (22 U.S.C. 2452(b)(6), 2456(a)(2)

To help accomplish this objective, the Faculty Research Abroad and Doctoral Dissertation Research Abroad programs provide opportunities for scholars to conduct research in the non-Western world.

The data requirements of the individual application forms, which were published in the **Federal Register** Vol. 42, No. 59, March 28, 1977, are used by the Office of Education, a panel of consultants from the academic community, the Department of State, the International Communication Agency, American Embassies, binational commissions, host country officials and the Board of Foreign Scholarships to determine the academic qualfications and suitability of the candidates for grants to conduct research and/or study overseas and in assisting succcessful applicants to secure the appropriate research visas.

The data requirements of the institutional application form, which were published in the **Federal Register** Vol. 42, No. 59, March 28, 1977 simplify the administration of the programs as authorized in Section 434(a)(3) of the General Provisions Act. U.S. institutions of higher education utilize this form to transmit all the individual applications of their scholars and, in the event their scholars are selected for funding, the data provided in the forms enables the Office of Education to make grants to the institutions. (20 U.S.C. 1232c)

(e) Description of Survey Plan: N/A.

(f) Tabulation and Publication Plans: N/A.

(g) Time Schedule for Data Collection: Nov. 1980—(See also item (t)).

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

(1) Respondent type: Students and Faculty in postsecondary education; (2) Number: 600; (3) Estimate of average person-hours: 16.

(1) Respondent type: Colleges and universities; (2) Number: 170; (3) Estimate of Average person-hours: 24.

(j) Sensitive Questions: Item 22 of the individual application is a health statement (to be completed by a private or university physician) in which the physician simply certifies that the applicant "is physically and psychologically able to carry out all phases of the study as outlined in this application". This statement, which replaced a form requiring a detailed medical history, is needed because health conditions and medical care in many parts of the non-Western world are often inadequate. This can present problems for healthy individuals. It can have serious consequences for individuals with medical problems.

Respondents have not objected to this item in the application form because they are sophisticated enough to realize its necessity.

The information is protected under the terms of the Privacy Act of 1974.

(k) Estimate of Cost to Federal Government: N/A.

(l) How Information Once Collected Will Be Used: The information requested in the individual application form, which was published in the **Federal Register**, Vol. 42, No. 59, March 28, 1977, is used by the Office of Education, a panel of consultants from the academic community, the Department of State, the International Communications Agency, American Embassies, binational commissions, host country officials and the Board of Foreign Scholarships to determine the academic qualifications and suitability of the candidates for grants to conduct research and/or study overseas and in assisting successful applicants to secure the appropriate research visas.

The data requirements of the institutional application form, which were published in the **Federal Register**, Vol. 42, No. 59, March 28, 1977, simplify the administration of the programs as authorized in Section 434(a)(3) of the General Provisions Act. U.S. institutions of higher education utilize this form to transmit all the individual applications of their scholars and, in the event their scholars are selected for funding, the data provided in the form enables the Office of Education to make grants to the institutions.

(20 U.S.C. 1232c)

(m) Methods of Analysis: N/A.

(n) Legislative Authority Specifically Requiring or Allowing Data Collection: Section 434(a)(3) of the General Education Provisions Act states: "In the case of any application for assistance under any applicable program to which paragraph (1) does not apply and with respect to which the Commissioner determines that this section would simplify the administration of an applicable program, each such application shall be submitted to the Commissioner at such time, in such manner, and containing such information as the Commissioner shall prescribe by regulation and, as a precondition for approval * * *"

(20 U.S.C. 1232c)

(o) Timetable for Dissemination of Collected Data: N/A.

(p) Estimate of the Total Person-Hours and Costs Required To Complete Request: 1. Individual application total person-hours: 9600; Total Costs: $60,000. 2. Institutional application total person-hours: 4080; Total Costs: $40,800.

(q) Evidence of Any Urgent Need or Very Unusual Circumstance Requiring the Data: N/A.

(r) Copy of the Exact Data Instrument: Applications may be obtained from the International Studies Branch, Division of International Education, Bureau of Higher and Continuing Education, Office of Education, Washington, D.C. 20202.

(s) Brief Account of Early Involvement and Communications With Respondent Populations: The description of collection of information and data

acquisition activity were made available for public comment through publication in the **Federal Register** Vol. 42, No. 59, March 28, 1977.

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: (1) Announcement of deadline for competition: 60 days prior to deadline; (2) Time of collection: First week in November in the year preceding the time planned overseas activity; (3) Frequency: Annually: (4) Method of collection: Mail.

(u) Specific Justification for a Multiyear Approval: The individual and the institutional application have not only simplified the application process but also have given institutions and individual applicants a comprehensive idea about the mechanics of the application process and the need for each data item.

The data requested is the minimum necessary to evaluate the applicant and his project, determine his chances for success in an overseas context, and facilitate the issuance of research permissions by host country governments.

Since the forms are the result of a refinement process which started in 1964 and they contain the minimum data needed, it is anticipated that these forms, which have both reduced respondent burden and the workload of the Federal administrative office, will not be modified.

Keeping the forms without changes enables institutional representatives to counsel prospective applicants during the school year. Furthermore, applications not used in one year may be utilized in another year resulting in a saving to the taxpayer.

Data Activity Plan Summary

(a) Title of Proposed Activity: Applications for Grants Under Education for the Handicapped Programs.

(b) Agency/Bureau/Office: U.S. Office of Education/Bureau of Education for the Handicapped.

(c) Agency Form Number: OE Form 9037.

(d) Justification:

(1) As directed in Pub. L. 91–230, the Commissioner of Education is authorized to establish discretionary grant programs for research, demonstration, and training related to the education of handicapped children. (The specific legislative authority for the programs covered by OE Form 9037 may be found in part (n).) The purpose of BEH research programs is to support applied research and research-related activities having a direct bearing on educational problems of handicapped children; demonstration programs are designed to demonstrate new or improved approaches to educating handicapped children; and the objective of training programs is to improve the quality and increase the supply of special educators and support personnel at both the preservice and inservice levels. OE form 9037 is the approved vehicle for the funding and establishment of programs in fulfillment of the authority found in Pub. L. 91–230 (and subsequent amendments).

The application form (instructions, guidelines, forms) must be submitted in request for Federal assistance to the following BEH grant progams: Research and Demonstration (CFDA 13.443), Early Childhood Assistance (CFDA 13.444), Media Services and Captioned Films (CFDA 13.446), Personnel Preparation (CFDA 13.451–SEA's or LEA's only), Regional Education Programs for Deaf and Other Handicapped Persons (CFDA 13.560).

(2) The application packages for each BEH program covered by OE Form 9037 provide instructions and information necessary to submit a request for Federal assistance. The information submitted by potential grantees will be used by the Federal government (BEH) to determine grant eligibility, technical acceptability of applications and/or amount of grant award. The technical acceptability of proposals is determined through a set of selection criteria addressing various aspects of the application proposal, such as plan of operation, quality of key personnel, evaluation plan, adequacy of resources, and budget and cost effectiveness. Procedures for the review of applications and a description of the grant award process may be found in the Education Division General Administrative Regulations (EDGAR).

(3) The submission of the OE 9037 application package is the only method through which the aforementioned discretionary grant programs may be established; similar information/data are not available in any other format or from any other source.

(4) The submission of an application (proposal) containing an appropriate project description and budget is the only means by which the BEH can evaluate an applicant's intent and objectives in proposing a project. Proposals must be prepared in sufficient detail to permit the BEH to make an accurate and objective determination of the quality and feasibility of the proposed effort. Such a requirement must necessitate a respondent burden in excess of the 0.5 hours generally accepted as the limit for reporting requirements.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Not Applicable.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	650	37
Local education agencies	530	37
Nonprofit organizations	328	37
State education agencies	206	37
Other State agencies	12	37
Profit agencies	54	37
State institutions	24	37
Other (hospitals, museums, etc.)	73	37

(j) Sensitive Questions: There are no questions or requirements of a sensitive nature contained in the application form.

(k) Estimate of Cost to Federal Government: Not Applicable.

(l) Justification of How Information Once Collected Will Be Used: The information submitted by potential grantees will be used by the BEH to determine grant eligibility, technical acceptability of applications, and/or amount of grant award. (Further justification may be found in part (d).)

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection:

(1) "The Commissioner is authorized to arrange by contract, or otherwise * * * for the development and carrying out * * * of experimental preschool and early education programs for handicapped children * * *." (Pub. L. 91–230, Part C, Section 623; 20 U.S.C. 1432; 45 CFR 121d)

(2) "The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining * * * programs for training personnel * * * as teachers of handicapped or as supervisors of such teachers." (Pub. L. 91–230, Part D, Section 632; 20 U.S.C. 1432; 45 CFR 121f)

(3) "The Commissioner is authorized to make grants * * * for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children." (Pub. L. 91–230, Part E, Section 641; U.S.C. 1441; 45 CFR 121h)

(4) "The Commissioner is authorized to * * * provide by grant and contract for the conduct of research in the use of educational and training films and other

educational media for the handicapped * * *" (Pub. L. 91–230, Part F, Sections 651 and 652 as amended by Pub. L. 93–380; 20 U.S.C. 1451, 1452; 45 CFR 121i)

(5) "The Commissioner is authorized to make grants * * * for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons." (Pub. L. 93–380, Part C, Section 625; 20 U.S.C. 1424a)

(6) "The Commissioner is authorized to make grants * * * for projects for: (1) encouraging * * * work in various fields of education of handicapped children and youth * * * or (2) disseminating information * * *." (Pub. L. 91–230, Part D, Section 633; 20 U.S.C. 1433; 45 CFR 121g)

(o) Timetable for Dissemination of Collected Data: Applicants will be notified of grant award decisions within six months of the closing date for each grant program identified in part (d). Such notification will be provided to applicants by mail.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: Total Person-Hours, 69,449; Cost, $677,128.

(q) Evidence of Any Urgent Need: Not Applicable.

(r) Copy of the Exact Data Instrument: A copy of the exact application package may be obtained from: Slagle Allbritton, Evaluation Officer, Bureau of Education for the Handicapped, Donohoe Building, Room 4030, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Involvement and Communications With Respondent Populations: This revision to OE 9037 is required by the promulgation of the new Education Division General Administrative Regulations. The proposed regulations were published on May 4, 1979; regional meetings were held in May and June and written comments were accepted to July 3, 1979. In general, EDGAR requires a modification to the program narrative section of the application form, which in turn necessitated restructuring of the selection criteria used to determine the technical acceptability of proposals (applications).

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: Closing dates for the preparation and transmittal of applications in response to the various programs covered by OE Form 9037 are published in the **Federal Register** prior to the start of the fiscal year in which applications are actually processed. Application packages are distributed to interested parties approximately 60 days prior to the published closing date. Closing dates occur throughout the fiscal year.

(u) Justification for Multi-Year Approval: Multi-year approval it requested for OE Form 9037. This application form has been in use for several years and has undergone several revisions to improve clarity and readability, as well as to eliminate unnecessary or burdensome requirements. As noted in part (s), the current submission responds to requirements of EDGAR and, once these changes are made, there should be no need to modify the application form in the near future. The form is required on an annual basis to fulfill legislative mandates and therefore should be considered a routine program management form justifying multi-year approval by FEDAC.

Data Activity Plan Summary

(a) Title of Proposed Activity: Application for Grants Under Handicapped Personnel Preparation Program (IHE's and Private Non-Profit Organizations).

(b) Agency/Bureau/Office: U.S. Office of Education/Bureau of Education for the Handicapped.

(c) Agency Form Number: OE Form 9047.

(d) Justification:

(1) As directed in Pub. L. 91–230, Part D, the Commissioner of Education is authorized to establish training programs to improve the quality and increase the supply of special educators and support personnel at both the preservice and inservice levels. A statement of the specific legislative authority for this personnel preparation program may be found in part (n). OE Form 9047 is the approved vehicle for the submission (and subsequent funding of applications from institutions of higher education (IHEs) and private and other non-profit agencies (ONAs) to the CFDA 13.451) personnel preparation program. (OE Form 9037 must be used by state and local education agencies when applying for assistance under the Handicapped Personnel Preparation Program.)

(2) The application package provides instructions and information necessary to submit a request for Federal assistance. The information submitted by potential grantees will be used by the Federal government (BEH) to determine grant eligibility, technical acceptability of applications, and/or amount of grant award. The technical acceptability of proposals is determined through a set of selection criteria addressing various aspects of the application, such as plan of operation, quality of key personnel, evaluation plan, adequacy of resources, and budget and cost effectiveness.

(3) The submission of the OE 9047 application package is the only method through which this discretionary grant program may be established in IHEs and ONAs; similar information/data are not available in any other format or from any other source.

(4) The submission of an application (proposal) containing an appropriate project description, budget and data is the only means by which the BEH can evaluate an applicant's intent and objectives in proposing a project. Proposals must be prepared in sufficient detail to permit the BEH to make an accurate and objective determination of the quality and feasibility of the proposed effort. Such a requirement must necessitate individual respondent burden in excess of the 0.5 hour generally accepted as the limit for reporting requirements.

(e) Description of Survey Plan: Not Applicable.

(f) Tabulation and Publication Plans: Not Applicable.

(g) Time Schedule for Data Collection and Publication: Not Applicable.

(h) Consultations Outside the Agency: None.

(i) Estimation of Respondent Reporting Burden:

Respondent type	Number	Estimate of average person-hours
Colleges and universities	1,141	27
Private non-profit organizations	107	27

(j) Sensitive Questions: There are no questions or requirements of a sensitive nature contained in the application form.

(k) Estimate of Cost to Federal Government: Not Applicable.

(l) Justification of How Information Once Collected Will Be Used: The information submitted by potential grantees will be used by the BEH to determine grant eligibility, technical acceptability of applications, and/or amount of grant award. (Further justification may be found in part (d).)

(m) Methods of Analysis: Not Applicable.

(n) Legislative Authority Specifically Requiring or Allowing the Data Collection: "The Commissioner is authorized to make grants to institutions or agencies * * * in providing training of professional personnel * * *." (Pub. L. 91–230, Part D, Section 631; 20 U.S.C. 1431; 45 CFR 121f.)

(o) Timetable for Dissemination of Collected Data: Applicants will be

notified of grant award decisions within six months of the closing dates for new and continuation applications. Such notification will be provided to applicants by mail.

(p) Estimate of Total Person-Hours and Costs Required To Complete the Request: Total Person-Hours—33,696; Cost—$387,504.

(q) Evidence of Any Urgent Need: Not Applicable.

(r) Copy of the Exact Data Instrument: A copy of the exact application package may be obtained from: Slagle Allbritton, Evaluation Officer, Bureau of Education for the Handicapped, Donohoe Building, Room 4030, 400 Maryland Avenue SW., Washington, D.C. 20202.

(s) Involvement and Communications With Respondent Populations: This revision to OE 9047 is required by the promulgation of the new Education Division General Administrative Regulations (EDGAR). The proposed regulations were published on May 4, 1979; regional meetings were held in May and June and written comments were accepted to July 3, 1979. In general, EDGAR requires a modification to the program narrative section of the application form, which in turn necessitates a restructuring of the selection criteria used to determine the technical acceptability of proposals (applications).

(t) Assurance That Respondents Will Have Sufficient Leadtime To Comply With Request: Closing dates for the preparation and transmittal of applications for Handicapped Personnel Preparation Program are published in the **Federal Register** prior to the start of the fiscal year in which applications are actually processed. Application packages are distributed to interested parties approximately 60 days prior to the published closing date.

(u) Justification for Multiyear Approval: Multiyear approval is requested for OE Form 9047. This application form has been in use for several years and has undergone several revisions to improve clarity and readability, as well as to eliminate unnecessary or burdensome requirements. As noted in part(s), this requested revision responds to requirements of EDGAR and, once these changes are made, there should be no need to modify the application form in the near future. The form is required on an annual basis to fulfill the legislative mandate and therefore should be considered a routine program management form justifying multiyear approval by FEDAC.

[FR Doc. 80-4456 Filed 2-11-80; 8:45 am]

BILLING CODE 4110-89-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Grand Resource Area, Utah; Resource Management Plan

February 4, 1980.

AGENCY: Bureau of Land Management.

ACTION: Grand Resource Area, Utah; Resource Management Plan.

Notice is hereby given that pursuant to Section 202(f) of the Federal Land Policy and Management Act of 1976, the Bureau of Land Management is revising its multiple use land plan for the Grand Resource Area. The plan will be completed and an environmental impact statement written in accordance with the new planning regulations published in the August 7, 1979 **Federal Register.**

The Grand Resource Area is located in Southeastern Utah and includes all of Grand County and the northern third of San Juan County, and includes over 1.5 million acres of public land.

Some of the problems and issues that have been identified to date include: mineral development versus recreation and wilderness values; forage allocation, livestock versus wildife; designation of off-road vehicle areas; availability of public land for solid waste disposal.

An interdisciplinary team consisting of the following specialists: land specialists, minerals specialists, range specialist, wildlife specialist, recreation specialist and an economist will be used to formulate alternative ways of resolving the problems and issues pertinent to the resource area.

Public participation will be sought at various points throughout the planning process. Public participation will include personal contact with individuals, user groups, agencies, etc.; workshop sessions, meetings and open houses. The first series of meetings which are to identify issues and problems which should be considered in the planning process will be completed by March 21, 1980. Persons who have suggestions regarding problems and issues which should be considered in the planning effort are invited to submit them by March 21, 1980 to Del Backus, Area Manager, Grand Resource Area, Sand Flats road, P.O. Box M, Moab, Utah 84532, or call 801-259-6111.

For further information, contact the Area Manager at the above address.

S. Gene Day,

District Manager.

[FR Doc. 80-3437 Filed 2-11-80; 8:45 am]

BILLING CODE 4310-84-M

Final Decisions on the Intensive Wilderness Inventory of Public Lands in Oregon Along the Proposed Route of the Alaska Natural Gas Transportation System

Authority

This decision is issued under the authority of Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA), and in accordance with the guidelines in the *Wilderness Inventory Handbook,* issued by the Bureau of land management on September 27, 1978.

Background

The wilderness review of approximately 62,550 acres of public land in Oregon located along the proposed route of the Alaska Natural Gas pipeline was initiated in October, 1978. On November 21, 1978 a notice was published in the **Federal Register** announcing a proposed decision and a 60-day public comment period. Following the January 21, 1979 close of the public comment period, all comments were evaluated, the proposed decision was reviewed and recommendations for a final decision were prepared. The announcement of the final decision was delayed pending receipt by the BLM of an opinion from the Department of the Interior, Office of the Solicitor, concerning relationships between FLPMA and the Alaska Natural Gas Transportation Act of 1976. It stated that the pipeline corridor is not exempt from the wilderness review provisions of FLPMA.

Decisions

The final decisions are:

(a) To designate a 7,560-acre portion of Inventory Unit OR-5-1 in the Prineville District as a wilderness study area. The interim management provisions of Section 603(c) of FLPMA remain in effect on these lands.

(b) To eliminate the following public lands from further wilderness review:

Prineville District

3,400-acre portion of Inventory Unit OR-5-1

7,640 acres in Inventory Unit OR-5-2

25,00 acres in 8 parcels, each with less than 5,000 acres, in the Redmond area.

12,000 acres in 13 parcels, each with less than 5,000 acres, in the La Pine area.

1,300 acres in 3 parcels in the Bend-Cow Canyon area.

Baker District

3,760 acres in the Juniper Canyon area.

Lakeview District

1,890 acres near Bonanza.

These areas will be released from the interim management restrictions of Section 603(c) of FLPMA as soon as these decisions go into effect.

The decision for each inventory unit and parcel is considered individually and separately from the decision for every other inventory unit and parcel. These decisions will become effective March 13, 1980, unless protests are received or unless formally and publically amended by the Oregon State Director. Decisions will be amended only if based upon new information received as a result of this publication. Any amendment will be published in the **Federal Register** and will become effective 30 days following such publication. This 30 day extension will apply only to the amended decision.

Any person wishing to protest any of the decisions announced herein must file a written protest with the Oregon State Director, P.O. Box 2965, Portland, Oregon 97208 within 30 days of the date of this publication. The protest must specify the area or areas 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 stated reasons. The State Director will publish a notice in the **Federal Register** to announce that a protest has been filed and that it suspends the effect of the decision under protest (in accordance with 43 CFR Part 4.21) 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 request.

Any person adversely affeced by the State Director's decision on a written protest may appeal such decision within 30 days by following the normal administrative procedures (43 CFR Part 4) for appeals to the Interior Board of Land Appeals.

Additional Information

A brief report on these final decisions, including maps of the two inventory units in the Prineville District has been sent to more than 2,500 individuals, organizations and agencies. A copy can be obtained by writing to the Public Affairs, Room, Bureau of Land Management, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208.

E. J. Petersen,

Acting State Director, Bureau of Land Management.

[FR Doc. 80-4093 Filed 2-11-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before February 2, 1980. Pursuant to section 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by February 27, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

ALABAMA

Jefferson County

Birmingham, *Henley Retail Block,* 2002—2010 5th Ave. N.

Birmingham, *Molton Hotel,* 5th Ave. and 20th St. N.

ALASKA

Barrow-North Slope Division

Barrow vicinity, *Rogers-Post Site, 13 mi. SW of Barrow.*

ARIZONA

Cochise County

Bisbee, *Bisbee Historic District,* U.S. 80.

Navajo County

Snowflake, *Hulet, John R., House,* Hulet Ave. and Smith St.

Snowflake, *Snowflake Stake Academy Building,* Ballard and Hulet Aves.

ARKANSAS

Carroll County

Eureka Springs and vicinity, *Eureka Springs Railroad Historic District.*

COLORADO

Boulder County

Boulder, *Norlin Quadrangle Historic District,* University of Colorado campus.

El Paso County

Manitou Springs, *Cliff House,* 306 Canon Ave.

Jefferson County

Morrison vicinity, *Bradford House III Archeological Site.*

Larimer County

Fort Collins, *Laurel School Historic District,* Off U.S. 287.

Las Animas County

Villegreen vicinity, *Torres Cave Archeological Site.*

Pitkin County

Redstone, *Redstone Inn,* 0082 Redstone Blvd.

Pueblo County

Pueblo, *Young Women's Christian Association,* 801 N. Santa Fe Ave.

Rio Blanco County

Rangely vicinity, *Collage Shelter Site.*

Summit County

Breckenridge, *Breckenridge Historic District,* Roughly bounded Jefferson Ave., Wellington Rd., High and Main Sts.

Weld County

Keota vicinity, *Keota Stone Circles Archeological District.*

DELAWARE

New Castle County

Wilmington, *Logan House,* 1701 Delaware Ave.

Wilmington, *Lower Market Street Historic District,* Market St.

Wilmington, *Philips-Thompson Buildings,* 200–206 E. 4th St.

Wilmington, *Rodney Court,* 1100 Pennsylvania Ave.

ILLINOIS

Cook County

Chicago, *Pattington Apartments,* 660–700 Irving Park Rd. and 707–719 Bittersweet Pl.

Hoffman Estates, *Sunderlage Farm Smokehouse,* 1775 Vista Walk.

Hancock County

Hamilton Vicinity, *Felt, Cyrus, House,* 3 mi. N of Hamilton on IL 96.

Kane County

Aurora, *Aurora Elks Lodge No. 705,* 77 S. Stolp Ave.

Aurora, *Keystone Building,* 30 S. Stolp Ave.

Aurora, *Paramount Theatre,* 23 E. Galena Blvd.

Lake County

Lake Forest, *Vine-Oakwood-Green Bay Road Historic District,* 185–295 E. Vine Ave., 454–494 N. Oakwood Ave., and 437–461 N. Green Bay Rd.

Madison County

Edwardsville, *Berleman House,* 115 S. Main St.

Peoria County

Peoria, *Cumberland Presbyterian Church,* 405 N. Monson St.

Peoria, *Peoria Waterworks,* Lorentz Ave.

Will County

Lockport, *Lockport Historic District,* Area between 7th and 11th Sts. and Canal and Washington Sts. (boundary increase).

Woodford County

Metamora, *Stevenson, Adlai E., I, House,* 104 W. Walnut St.

INDIANA

Elkhart County

Goshen, *Elkhart County Courthouse,* Courthouse Sq.

KENTUCKY

Boone County

Walton vicinity, *Gaines, Col. Abner, House,* N of Walton at 84 Old Lexington Pike.

Fayette County

Lexington vicinity, *Hayes, Samuel T., House,* NE of Lexington on Sulphur Well Rd.

Floyd County

Prestonsburg, *May, Samuel, House,* 690 Northlake Dr.

Gallatin County

Warsaw, *Peak, Henry C., House,* Sparta Pike.

Harrison County

Cynthiana, *Lafferty, William T., House,* 548 E. Pike St.

Jefferson County

Louisville, *Inter-Southern Insurance Building,* 239–247 S. 5th St.
Louisville, *Jefferson County Armory,* 525 W. Muhammad Ali Blvd.
Louisville, *Jefferson County Courthouse Annex,* 517 Court Pl.
Louisville, *Louisville Free Public Library,* 301 W. York St.
Louisville, *Maine Street District,* 316, 320, 324, and 328 W. Main St.
Louisville, *National Foundry and Machine Company,* 1402 W. Main St.
Louisville, *Peterson Avenue Hill,* Peterson Ave.
Louisville, *Schuster Building,* 1500–1512 Bardstown Rd.
Louisville, *West Main Street Historic District,* W. Main St. (boundary increase).

Laurel County

Bernstadt, *First Evangelical Reformed Church,* KY 80.
London, *Bennett, Sue, College Historic District,* College St.

Marion County

St. Mary vicinity, *St. Mary's College Historic Buildings,* S of St. Mary.

Mercer County

Harrodsburg, *Harrodsburg Commercial District,* Roughly bounded by Lexington, Greenville, and Chiles Sts., Moreland and Beaumont Aves.

Montgomery County

Mount Sterling vicinity, *Morgan, Ralph, Stone House,* E of Mount Sterling on Harper's Ridge Rd.

Muhlenberg County

Greenville, *Short, George, House,* 121 N. Main St.

Nelson County

Bloomfield vicinity, *Merrifield, Samuel B., House,* N of Bloomfield on KY 55.

Scott County

SCOTT COUNTY MULTIPLE RESOURCE AREA , (Partial Inventory), This area includes: Jordan, *Jordan Historic District,* Water St. and S. Broadway; Shakopee, *Shakopee Historic District;* Belle Plaine, *Episcopal Church of the Transfiguration,* Walnut and Church Sts.; *Hooper-Bowler-Hillstrom House,* Court and Cedar Sts.; Jordan, *Foss and Wells House,* 613 S. Broadway St.; *Jordan Brewery Ruins,* S. Broadway St.; Jordan vicinity, *Bisson House, SR 57; Mudbaden Sulphur Springs Company,* Off SR 63; New Market, *New Market Hotel and Store,* Main St.; New Market vicinity, *Kajer Farmstead,* SR 2; Shakopee, *Coller House,* 434 S. Lewis St.; *Early Shakopee Houses,* 411 and 419 E. 2nd St.; *Merchants Hotel,* 211 E. 2nd St.; *Reis Block,* 1st and Holmes Sts.; Shakopee vicinity, *Lenzmeier House,* KY 300; *St. Mary's Church of the Purification,* SR 15; *Strunk-Nyssen House,* Off U.S. 169.

Todd County

Trenton vicinity, *Idlewild,* SE of Trenton on U.S. 41.

MAINE

Waldo County

Belfast, *Belfast Commercial Historic District,* Main St. between Church and Cross Sts.

MARYLAND

Anne Arundel County

Annapolis, *Chesapeake Bay Brogan Mustang,* City Dock.

Baltimore (independent city)

Green Mount Cemetery, Bounded by North and Greenmount Aves., Ensor and Hoffman Sts.

Baltimore County

Stevenson and vicinity, *Green Spring Valley Historic District,* MD 25 and MD 140.

Cecil County

Fair Hill, *Mitchell House (Fair Hill)* MD 213 and MD 273.

Kent County

Worton vicinity, *Christ Church, Graveyard and Sexton's House,* N of Worton on MD 298.

Montgomery County

Brookeville vicinity, *Clover Hill,* NW of Brookeville at 21310 Zion Rd.

Prince Georges County

Hyattsville, *Hyattsville Armory,* 5340 Baltimore Ave.

St. Marys County

St. Marys vicinity, *Woodlawn,* S of St. Marys off MD 252.

Talbot County

Easton vicinity, *Gross' Coate,* NW of Easton.

MASSACHUSETTS

Bristol County

Fall River, *Osborn House,* 456 Rock St.
New Bedford, *Palmer Island Light Station,* New Bedford Harbor.

Essex County

Peabody, *Second O'Shea Building,* 9–13 Peabody Sq.

Franklin County

Northfield, *King Philip's Hill.*

Suffolk County

Boston, *Berger Factory,* 37 Williams St.
Boston, *Dillaway School,* 16–20 Kenilworth St.
Boston, *Dorchester-Milton Lower Mills Industrial District,* Both sides of Nesponset River.
Boston, *Garrison, William Lloyd, School,* 20 Hutchings St.

Worcester County

Gardner, *Elm Street Fire Station,* 58 Elm St.
Gardner, *Lake Street Fire Station,* 2 Lake St.
Shrewsbury vicinity, *Fisher, Nathan, House,* E of Shrewsbury on MA 9.
Shrewsbury vicinity, *Lothrop, Joseph, House,* E of Shrewsbury at 208 Turnpike Rd.
Shrewsbury vicinity, *Maples Cottage,* E of Shrewsbury on Oak St.

MICHIGAN

Baraga County

Zeba, *Kewawenon Mission,* Peter Marksman Rd.

Genesee County

Flint, *Flint Brewing Company,* 2001 S. Saginaw St.

Houghton County

Hancock, *East Hancock Neighborhood Historic District,* Roughly bounded by Front, Dunstan, and Vivian Sts., Mason and Cooper Aves.
Hancock, *Lieblein House,* 525 Quincy St.

Kent County

Grand Rapids, *Goodspeed Brothers Building,* 188 Monroe St., NW.

Marquette County

Marquette, *Longyear Hall of Pedagogy-Northern Michigan University,* Presque Isle Ave.

Monroe County

Erie vicinity, *North Maumee Bay Archeological District.*

Presque Isle County

Onaway, *Presque Isle County Courthouse,* State and Maple Sts.

St. Clair County

Port Huron, *Fort Gratiot,* Off U.S. 25.

MINNESOTA

Beltrami County

Saum, *Saum Public School,* SR 23.

Clay County

Clay County Multiple Resource Area (Partial Inventory). This area includes: Barnesville, *Barnesville City Hall and Jail,* Front and Main Sts.; *Patterson-Hernandez House,* 1st. Ave. and Elm St.; Comstock, *Comstock Public School,* Main St.; Comstock vicinity, *Bernhardson Cabin,* SR 59; Moorhead, *Bergquist, John, Cabin,* 719 10th Ave. N.; *Federal Post Office Building,* 521 Main Ave.; *Huntoon House,* 709 8th St. S.; *Main Building, Concordia College,* S. 8th St.; *St. John the Divine Episcopal Church,* 120 S. 8th St.; *420 Main Avenue Commercial Building,* 420 Main Ave.; Moorhead vicinity, *Olness, John, House,* U. S. 75; *Probstfield, R. M., House,* SR 96; Sabin vicinity, *Krabbenhoft, Wulf C., Farmstead,* SR 69.

Hennepin County

Edina, *Baird, George W., House,* 4400 W. 50th St.
Minneapolis, *Maternity Hospital,* 300 Queen Ave. N.

MISSOURI

Boone County

Columbia, *Tiger Hotel,* 23 S. 8th St.

Buchanan County

St. Joseph, *Corby-Forsee Building,* 5th and Felix Sts.

Jackson County

Independence, *Bingham-Waggoner House and Estate,* 313 W. Pacific Ave.
Kansas City, *Hyde Park Historic District,* Roughly bounded by Armour and Harrison Blvds., 39th St. and Gillham Rd.
Kansas City, *Kansas City Call Buildings,* 1715 E. 18th St.

Laclede County

Lebanon, *Laclede County Jail,* Adams and 3rd Sts.
St. Louis (independent city)
Fullerton's Westminster Place, Westminster Pl.
Holy Cross Parish District, 8115 Church Rd.
Stone Houses, 200–204 Steins St.
Strassberger's Conservatory, 2302–2306 S. Grand St.

Pulaski County

Richland vicinity, *Manes, Calloway, Homestead,* NW of Richland.

Washington County

Caledonia Multiple Resource Area (Partial Inventory). This area includes: Caledonia, *Caledonia Historic District,* Main, Alexander, and Henry Sts., and College Ave.; *Harvey and Casey Flouring Mill,* Mill St.; *Lucas House,* Mill St.; Caledonia vicinity, *Bellevue Presbyterian Church Manse,* E of Caledonia on MO 32; *Nolie House,* E of Caledonia off MO 32; *Rieffer House,* N of Caledonia; *Sutton House (Woods-Holman House)* SW of Caledonia.

NEBRASKA

Saline County

Crete, *Rademacher, Frank J. House,* 1424 Grove St.

NEW HAMPSHIRE

Hillsborough County

Amherst, *Amherst Village Historic District,* NH 101 and NH 122.

Rockingham County

Hampstead, *Hampstead Meetinghouse,* Emerson Ave.

NEW JERSEY

Hunterdon County

Flemington vicinity, *Clover Hill Historic District,* Amwell and Wertsville-Clover Hill Rds.

Sussex County

Wallpack Center vicinity, *Peters Valley Historic District,* Sandyston-Haney's Mill, Walpack and Kuhn Rds.

NEW YORK

Bronx County

Bronx, *Poe Cottage,* 2640 Grand Concourse.

New York County

New York, *Eldridge Street Synagogue,* 12–16 Eldridge St.
New York, *Former Police Headquarters Building,* 240 Centre St.
New York, *McGraw-Hill Building,* 326 W. 42nd St.
New York, *Roosevelt, Sara Delano, Memorial House,* 47 and 49 E. 65th St.

Orange County

Chester, *Yelverton Inn and Store,* 112–116 Main St.

Putnam County

Garrison vicinity, *DeRham Farm,* N of Garrison on Indian Brook Rd.

OHIO

Athens County

Athens, *Athens State Hospital,* KY 682 and Richland Ave.

Columbiana County

East Liverpool, *Carnegie Public Library,* 219 E. 4th St.

Cuyahoga County

Cleveland, *Euclid Avenue Presbyterian Church,* 11205 Euclid Ave.

Defiance County

Defiance, *Fort Defiance Park,* Fort St.

Guernsey County

Buffalo vicinity, *Finley, Ebenezer, House,* E of Buffalo on OH 313.

Hamilton County

Cincinnati, *Domhoff Buildings,* 4201–4203 Hamilton Ave. and 1604–1614 Chase Ave.
Cincinnati, *Pfleger Family Houses,* 216 and 218 Erkenbrecker Ave.
Norwood, *Norwood Municipal Building,* 4645 Montgomery Rd.

Hocking County

Logan, *James, Charles Worth, House,* 75 Hill St.

Marion County

Marion, *Hotel Harding,* 267 W. Center St.

Monroe County

Rinards Mills vicinity, *Knowlton Covered Bridge,* N of Rinards Mills on SR 387–A.
Woodsfield, *Monroe Bank,* 117 Main St.

Montgomery County

Oakwood, *Schantz, Adam Sr., House,* 214–316 Schantz Ave.

Muskingum County

ROBINSON-RANSBOTTOM POTTERY MULTIPLE RESOURCE AREA (Partial Inventory). This area includes: Ironspot, *Factory Site,* Moxahala Creek; Roseville, *Ransbottom, C. W., House,* 291 Washington St.; *Ransbottom, Edward, House,* 99 Main St.; *Ransbottom, Frank M., House,* 289 Washington St.; *Ransbottom, Mort, House,* 152 N. Main St.
Norwich, *Hardesty, Ralph, Stone House,* Main St.
Zanesville, *Gorsuch, Ernest J., House,* 1869 Norwood Blvd.
Zanesville, *St. Thomas Aquinas Church,* 130 N. 5th St.

Noble County

Caldwell, *Caldwell, Samuel, House,* East and Locust Sts.

Shelby County

Sidney vicinity, *Wilson-Lenox House,* W of Sidney at 9804 Houston Rd.

Wyandot County

Upper Sandusky, *Walker, William, Jr., House,* 132–134 S. 4th St.

OREGON

Deschutes County

Bend, *McCann, Thomas, House,* 440 NW. Congress St.

Linn County

Albany, *Hochstedler, George, House,* 237 6th Ave., SE.
Brownsville, *Howe, C. J., Building,* 104 Spaulding Ave.
Lebanon, *Booth, Dr. J. C., House,* 486 Park St.

Marion County

Gervias, *Dupuis, Edmond, House,* 325 Elm Ave.
Salem, *Burggraf-Burt-Webster House,* 901 13th St., SE.

Multinomah County

Portland, *Cole, David, House,* 1441 N. McClellan St.
Portland, *Osborn Hotel,* 205 SE. Grand Ave.
Portland, *Severson, Peter, Houses,* 511 and 517 SE. 16th Ave.
Portland, *Trinity Lutheran Church and School,* 106 NE. Ivy St.

RHODE ISLAND

Washington County

Charleston vicinity, *Foster Cove Archeological Site.*

TEXAS

Cameron County

Brownsville, *Immaculate Conception Church,* 1218 E. Jefferson St.

Dallas County

Dallas, *Dallas Scottish Rite Temple,* Harwood and Young Sts.

Orange County

Orange, *Sims House,* 905 Division St.

UTAH

Cache County

Logan, *Linquist Hall,* 201 N. 1st East St.

Sanpete County

Manti, *Manti Presbyterian Church,* U.S. 89.

Sevier County

Monroe, *Monroe Presbyterian Church,* 20 E. 100 North St.
Richfield, *Richfield Presbyterian Church,* 34 E. 200 South St.
Salina, *Salina Presbyterian Church,* 204 S. 1st East St.

WASHINGTON

Kittitas County

Yakima, *Wa Pai xie Archeological District,* Yakima Firing Center.

Skamania County

North Bonneville vicinity, *North Bonneville Archeological District.*

WISCONSIN

Milwaukee County

Milwaukee, *Knapp-Astor House,* 930 E. Knapp St. and 1301 N. Astor St.
Milwaukee, *Sixth Church of Christ, Scientist,* 1036 N. Van Buren St.

Portage County

Plover, *Old Plover Methodist Church,* Madison Ave.

WYOMING

Sweetwater County

Rock Springs, *First National Bank Building,* 502 S. Main St.

[FR Doc. 80-4136 Filed 2-11-80; 8:45 am]

BILLING CODE 4310-03-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before February 8, 1980. Pursuant to section 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by February 22, 1980.

NEW YORK

New York County

New York, *Exchange Court,* 52 Broadway

Ronald M. Greenberg,

Acting Chief, National Register Division.

[FR Doc. 80-4462 Filed 2-11-80; 8:45 am]

BILLING CODE 4310-03-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241; Rule 19; 79th Revised Exemption No. 90]

Aberdeen and Rockfish Railroad Co., et al.; Exemption Under Mandatory Car Service Rules

To all railroads:

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410-D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a) and 2(b).

Aberdeen and Rockfish Railroad Company
Reporting Marks; AR
The Ahnapee & Western Railway Company
Reporting Marks: AHW
Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator
Reporting Marks: AA
Apalachicola Northern Railroad Company
Reporting Marks: AN
The Arcata and Mad River Railroad Company
Reporting Marks: AMR
Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB
Bath and Hammondsport Railroad Company
Reporting Marks: BH
Burlington Northern Inc.
Reporting Marks: BN-CBQ-GN-NP-SPS
Cadiz Railroad Company
Reporting Marks: CAD
Camino, Placerville & Lake Tahoe Railroad Company
Reporting Marks: CPLT
Central Vermont Railway, Inc.[1]
Reporting Marks: CV

[1] Additions.

City of Prineville
Reporting Marks: COP
The Clarendon and Pittsford Railroad Company
Reporting Marks: CLP
Columbus and Greenville Railway Company
Reporting Marks: CAGY
Delaware and Hudson Railway Company [1]
Reporting Marks: DH
Delta Valley & Southern Railway Company
Reporting Marks: DVS
Detroit, Toledo and Ironton Railroad Company
Reporting Marks: DT&I-DTI
Duluth, Missabe and Iron Range Railway Company
Reporting Marks: DMIR
East Camden & Highland Railroad Company
Reporting Marks: EACH
East St. Louis Junction Railroad Company
Reporting Marks: ESLJ
Galveston Wharves
Reporting Marks: GWF
Genessee and Wyoming Railway Company
Reporting Marks: GNWR
Green Bay and Western Railway Company [1]
Reporting Marks: GBW
Green Mountain Railroad Corporation
Reporting Marks: GMRC
Greenville and Northern Railway Company
Reporting Marks: GRN
The Hutchinson and Northern Railway Company
Reporting Marks: HN
Helena Southwestern Railroad Company
Reporting Marks: HSW
Illinois Terminal Railroad Company
Reporting Marks: ITC
Indiana Eastern Railroad and Transportation, Inc. D/B/A The Hoosier Connection
Reporting Marks: HOSC
Lake Erie, Franklin & Clarion Railroad Company
Reporting Marks: LEF
Lake Superior & Ishpeming Railroad Company
Reporting Marks: LSI,
Lamoille Valley Railroad Company
Reporting Marks: LVRC
Lancaster and Chester Railway Company
Reporting Marks: LC
Lenawee County Railroad Company, Inc.
Reporting Marks: LCRC
Longview, Portland & Northern Railway Company
Reporting Marks: LPN
Louisiana Midland Railway Company
Reporting Marks: LOAM
Louisville and Wadley Railway Company
Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Manufacturers Railway Company
Reporting Marks: MRS
Maryland and Delaware Railroad Company
Reporting Marks: MDDE
McCloud River Railroad Company
Reporting Marks: MR
Middletown and New Jersey Railway Company, Inc.
Reporting Marks: MNJ
Mississippian Railway
Reporting Marks: MISS
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT-BKTY

New Hope and Ivyland Railroad Company
Reporting Marks: NHIR
New Orleans Public Belt Railroad
Reporting Marks: NOPB
New York, Susquehanna and Western Railroad Company
Reporting Marks: NYSW
North Louisiana & Gulf Railroad Company
Reporting Marks: NL&G
Octararo Railway, Inc.
Reporting Marks: OCTR
See footnote 2.
Pearl River Valley Railroad Company
Reporting Marks: PRV
Peninsula Terminal Company
Reporting Marks: PT
Pittsburgh, Allegheny & McKees Rocks Railroad Company
Reporting Marks: PA&M
Port Huron and Detroit Railroad Company
Reporting Marks: PHD
Port of Tillamook Bay Railroad
Reporting Marks: POTB
Prairie Trunk Railway [1]
Reporting Marks: PARY
See footnote 2.
Raritan River Rail Road Company
Reporting Marks: RR
St. Lawrence Railroad
Reporting Marks: NSL
St. Louis Southwestern Railway Company
Reporting Marks: SSW
St. Marys Railroad Company
Reporting Marks: SM
Sandersville Railroad Company
Reporting Marks: SAN
Savannah State Docks Railroad Company
Reporting Marks: SSDK
Sierra Railroad Company
Reporting Marks: SERA
Southern Pacific Transportation Company
Reporting Marks: SP
See footnote 2.
Terminal Railway, Alabama State Docks
Reporting Marks: TASD
The Texas Mexican Railway Company
Reporting Marks: TM
Toledo, Peoria & Western Railroad Company
Reporting Marks: TPW
Union Railroad of Oregon
Reporting Marks: UO
Upper Merion and Plymouth Railroad Company [1]
Reporting Marks: UMP
Vermont Railway, Inc.
Reporting Marks: VTR
The Virginia and Maryland Railroad Company
Reporting Marks: VAMD
Virginia Central Railway
Reporting Marks: VC
Warwick Railway Company [1]
Reporting Marks: WRWK
Wabash Valley Railroad Company
Reporting Marks: WVRC
WCTU Railway Company
Reporting Marks: WCTR
Youngstown & Southern Railway Company
Reporting Marks: YS
Yreka Western Railroad Company
Reporting Marks: YW

[2] Delete: Oregon & Northwestern Railroad Company, Providence and Worcester Company, Southern Railway Company

Effective February 1, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., January 30, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-4459 Filed 2-11-80; 8:45 am]

BILLING CODE 7035-01-M

[Released Rates Application No. MC-1488]

National Motor Freight Association, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC-1488.

SUMMARY: National Motor Freight Association, Inc., Agent for and on behalf of parties to its National Motor Freight Classification, ICC NMF-100-F, amendments thereto reissues thereof or amendments to such reissues, seeks authority to amend Released Rates Order No. MC-529 to include authority to establish and maintain: (a) classes and/or exceptions ratings in tariffs which publish exceptions to such classification, and (b) specific and/or general commodity rates, including commodity column rates in tariffs which publish commodity rates taking precedence over said classification, applying on the transportation in interstate and foreign commerce of electrical semi-conductors, as described in RRO No. MC-529, when the property is released in value, in writing, by the shipper.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. William W. Pugh, Counsel for National Motor Freight Traffic Association, Inc., 1616 P Street, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Mrs. Clara Cheslock, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, telephone: (202) 275-7447.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730 and 11707, formerly sections 20(11), 219, and 413 of the Interstate Commerce Act, to publish released value ratings and/or rates in the tariffs of carriers parties to the National Motor Freight Classification ICC NMF-100-F.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-4458 Filed 2-11-80; 8:45 am]

BILLING CODE 7035-01-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 March 13, 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 March 13, 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.

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Decided: January 15, 1980.

By The Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 14252 (Sub-71F), filed July 3, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham (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), from Decatur, IL over IL Hwy 48, then over Interstate Hwy 55 to junction IL Hwy 16, thence over Hwy 16 to Pana, IL, then over IL Hwy 29 to Taylorville, IL, returning over the same route to Pana, IL, thence along IL Hwy 16 to junction U.S. Hwy 51, thence over U.S. Hwy 51 to Decatur, IL, and return over the same route, serving all intermediate points. (Hearing site: St. Louis, MO.)

MC 14252 (Sub-74F), filed July 17, 1979. Applicant: Commercial Lovelace Motor Freight, Inc., 3400 Refugee Road, Columbus, Ohio 43227. Representative: William C. Buckham, (same address as applicant). To 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 Delavan, IL as an off-route point in connection with applicants presently-authorized regular route operations. (Hearing site: St. Louis, Missouri.)

MC 43963 (Sub-23F), filed July 24, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting time, in bags, from Rockwood, WI, to points in IL and IN. (Hearing site: Chicago, IL.)

MC 52793 (Sub-27F), filed July 25, 1979. Applicant: BEKINS VAN LINES CO., 333 South Center Street, Hillside, IL 60162. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St. NW., Washington, D.C. 20004. Transporting *new furniture,* from Youngstown, OH, to points in NJ, NY, CT, MA, RI, ME, NH, and VT. (Hearing site: Youngstown, OH, or Washington, DC.)

MC 52793 (Sub-28F), filed July 25, 1979. Applicant: BEKINS VAN LINES CO., 33 South Center Street, Hillside, IL 60162. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St. NW., Washington, D.C. 20004. Transporting *new furniture* and *office partitions* from Forest City, NC, to points in CT, DE, MD, MA, NJ, NY, PA, RI, NH, VT, ME and OH. (Hearing site: Charlottee, NC or Washington, DC.)

MC 52793 (Sub-29F), filed July 25, 1979. Applicant: BEKINS VAN LINES CO., 333 South Center Street, Hillside, IL 60162. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St. NW., Washington, D.C. 20004. Transporting *new furniture,* from Senatobia, MS, to points in CT, MA, RI, ME, NH, VT, NY, NJ and PA. (Hearing site: Jackson, MS, or Washington, DC.)

MC 69492 (Sub-74F), filed July 26, 1979. Applicant: HENRY EDWARDS d.b.a. HENRY EDWARDS TRUCKING CO., P.O. Box 97, Clinton, KY 43201. Representative: Henry E. Seaton, 929 Pennsylvania Building, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Transporting *malt beverages* from Evansville, IN, to points in AR on and east of AR Hwy 7, TN on and west of the Tennessee River, and KY on and west of U.S. Highway 41, and to Cairo and Metropolis, IL. (Hearing site: Memphis, TN.)

MC 70832 (Sub-31F), filed July 17, 1979. Applicant: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17042. Representative: S. Harrison Kahn, Attorney at Law, Kahn and Kahn, Suite 733 Investment Building, Washington, D.C. 20005. To transport general commodities, except those of unusual value Class A and B explosives,

household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Berwick and Hazleton, PA as off-route points to applicant's regular route operations between Harrisburg, PA and New York, NY. (Hearing site: Harrisburg, PA.)

MC 71598 (Sub-44F), filed July 24, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter (same as applicant). Transporting *such commodities as are manufactured, processed, distributed, or dealt in by manufacturers or converters of paper and paper products* (except commodities in bulk), from Chillicothe and Schooleys, OH, to points in CT, MA, NJ, NY, PA, and RI. (Hearing site: New York, NY.)

MC 73533 (Sub-4F), filed July 25, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham Street, Baltimore, MD 21224. Representative: Gerald K. Gimmel, Gimmel & Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting (1) *general commodities* (except those of unusual values, commodities in bulk, classes A and B explosives, and commodities requiring the use of special equipment), and (2) *empty trailers* and *containers,* between Norfolk, VA, on the one hand, and, on the other, Baltimore, MD, Philadelphia, PA, and New York, NY. (Hearing: Baltimore, MD.)

Note.—Dual operations may be involved.

MC 103993 (Sub-985F), filed July 2, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Indiana 46515. Representative: Paul D. Borghesani (same address as applicant). Transporting (1) *iron and steel articles,* from the facilities of Magnum, Inc., at or near Buffalo, NY, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment and supplies,* used in the manufacture, sale and distribution of commodities in (1) above in reverse direction. (Hearing site: Detroit, MI.)

MC 105782 (Sub-16F), filed July 26, 1979. Applicant: HUGHES REFRIGERATED EXPRESS, INC., P.O. Box 2106, Haines City, FL 33844. Representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801. Transporting *bananas* from Tampa, FL, to points in IL, WI, MI, IN, OH, PA, NC, SC, NY, KY, MN, TN, WV, IO, MO, VA, KS, AL, GA, MA, NJ, and to points in Canada. (Hearing site: Orlando or Miami, FL.)

MC 107012 (Sub-400F), filed July 23, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Transporting *appliances* from the facilities of The Maytag Company at or near Newton, IA, to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN and VA. (Hearing sites: Des Moines or Cedar Rapids, IA, or Omaha, NE.)

Note.—Common control may be involved.

MC 107012 (Sub-401F), filed July 27, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *new furniture,* from the facilities of The Hon Company at or near Chester, VA, to points in the United States (except AK, HI, IL, IN, MI, MO, NE and OH). (Hearing sites: Richmond, VA or Washington, DC.)

Note.—Common control may be involved.

MC 107403 (Sub-1233F). Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., same address as applicant. Transporting *liquid chemicals,* in bulk, in tank vehicles, from the facilities of First Chemical Corporation at Pascagoula, MS to all pts. in KS, NC, SC, TN, VA & UT.

Note.—Hearing site: Washington, DC.

MC 107403 (Sub-1234F), filed July 17, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., same address as applicant. Transporting *liquid chemicals,* in bulk, in tank vehicles, from the facilities of USS Chemicals Division of United States Steel Corporation at Neville Island, PA to all points in FL, MS & VA.

Note.—Hearing site: Washington, D.C.

MC 107403 (Sub–1235F), filed July 27, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., same address as applicant. Transporting *chemicals, in bulk, in tank vehicles, from Atlanta, GA, to points in AR, TX, WI, OH, PA, VA, MA & MD.*

Note.—Hearing Site: Washington, DC.

MC 109533 (Sub-114F), filed July 26, 1979. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Avenue, Richmond, VA 23224. Representative: E. T. Liipfert, Suite 1000, 1660 L Street, N.W., Washington, D.C. 20036. 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 Albany, GA, and Jacksonville, FL. From Albany over U.S. Hwy 82 to Tifton, GA, then over Interstate Hwy 75 to jct. Interstate Hwy 10, then over Interstate Hwy 10 to Jacksonville and return over same route, serving no intermediate points. (2) Between Chicago, IL, and Indianapolis, IN; From Chicago over Interstate Hwy 90 to jct. Interstate Hwy 65 then over Interstate Hwy 65 to Indianapolis and return over same route, serving no intermediate points. (3) Between Mt. Vernon, IL, and Indianapolis, IN; From Mt. Vernon over Interstate Hwy 57 to Effingham, IL, then over Interstate Hwy 70 to Indianapolis and return over same route, serving no intermediate points. (4) Between Louisville, KY, and Indianapolis, IN, over Interstate Hwy 74, serving no intermediate points. (5) Between Cincinnati, OH, and Indianapolis, IN, over Interstate Hwy 74 serving no intermediate points. (6) Between Evansville, IN, and Louisville, KY; From Evansville over U.S. Hwy 41 to jct. Interstate Hwy 64, then over Interstate Hwy 64 to Louisville and return over same route, serving no intermediate points. (7) Between Memphis, TN, and Birmingham, AL, over U.S. Hwy 78, serving no intermediate points. (8) Between Birmingham, AL, and Jacksonville, FL; From Birmingham over Interstate Hwy 65 to Montgomery, AL, then over U.S. Hwy 231 to Dothan, AL, then over U.S. Hwy 84 to Valdosta, GA, then over Interstate Hwy 75 to jct. Interstate Hwy 10 then over Interstate Hwy 10 to Jacksonville and return over same route, serving no intermediate points. (9) Between Memphis, TN, and St. Louis, MO; From Memphis over Interstate Hwy 40 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to St. Louis and return over same route, serving no intermediate points. (10) Between Memphis, TN, and Benton, KY; From Memphis over U.S. Hwy 51 to jct. Ky. Purchase Parkway, then over KY Purchase Parkway to jct. Ky. Hwy 408, then over Ky. Hwy 408 to Benton and return over same route, serving no intermediate points. (11) Between Memphis, TN, and Madisonville, KY; From Memphis over U.S. Hwy 51 to jct. Ky Purchase Parkway, then over KY Purchase Parkway to jct. U.S. Hwy 41 then over U.S. Hwy 41 to jct Ky Hwy 85, then over KY Hwy 85 to Madisonville and return over same route, serving no intermediate points. (12) Between Evansville, IN, and Indianapolis, IN; From Evansville over U.S. Hwy 40 to jct. Interstate Hwy 70 then over Interstate Hwy 70 to Indianapolis and return over

same route, serving no intermediate points. (13) Between Jefferson City, MO, and Memphis, TN; From Jefferson City over U.S. Hwy 63 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to jct. Interstate Hwy 40 then over Interstate Hwy 40 to Memphis and return over same route, serving no intermediate points. (14) Between Washington, PA, and Toledo, OH; From Washington over Interstate Hwy 79 to jct. Interstate Hwy 76 then over Interstate Hwy 76 to jct. Interstate Hwy 80 then over Interstate Hwy 80 to Toledo and return over same route serving no intermediate points. (15) Between St. Louis, MO, and Indianapolis, IN, over Interstate Hwy 70 serving no intermediate points. (16) Between Jefferson City, MO, and Chicago, IL; From Jefferson City over U.S. Hwy 54 to jct. U.S. Hwy 36, then over U.S. Hwy 36 to jct. Interstate Hwy 55 to Chicago and return over same route serving no intermediate points. (17) Between Kansas City, MO, and Chicago, IL; From Kansas City over U.S. Hwy 24 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to Chicago and return over same route, serving no intermediate points. (18) Between Indianapolis, IN, and Toledo, OH; From Indianapolis over Interstate Hwy 69 to jct. U.S. Hwy 24, then over U.S. Hwy 24 to Toledo and return over same route serving no intermediate points. (19) Between Chicago, IL, and Toledo, OH, over Interstate Hwy 90 serving no intermediate points. (20) Between Columbus, OH, and Toledo, OH; From Columbus over U.S. Hwy 23 to jct. Ohio Hwy 15 then over Ohio Hwy 15 to Findley, OH, then over Interstate Hwy 75 to Toledo and return over same route, serving no intermediate points. (Hearing—Washington, D.C.) Applicant states that it presently has authority to serve all of the terminals involved, and seeks by the application to gain authority to operate over the most direct routes between terminal and other key points.

MC 111812 (Sub-666F), filed July 27, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same 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), from the facilities of Streamline Shippers Association, Inc., and Minnesota Intermodal Shippers Association at or near Los Angeles, CA, to points in IA, MN, NE, ND and SD, restricted the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Los Angeles, CA.)

MC 111812 (Sub-667F), filed July 27, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same as applicant). Transporting *magazines, books, periodicals,* and *newspaper inserts, parts and sections,* from the facilities of Wisconsin Cuneo Press, Inc., at Milwaukee, WI, to points in AL, CT, FL, GA, IN, MD, MA, NJ, NY, NC, PA, SC, VA and DC. (Hearing site: Milwaukee, WI.)

MC 114273 (Sub-623F), filed July 17, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *flat glass* from the facilities of Fourco Glass Co. at Clarksburg, WV and Fourco Glass Co. float plant at or near Flemington, WV to points in IA, NE, MN, MO, KS, and CO. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Common control may be involved.

MC 114552 (Sub-225F), filed July 23, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: Wilburn L. Willaimson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting (1) *building and construction materials* and *metal and metal articles,* from points in AL, FL, GA, NC, SC and VA to points in IL, IN, IA, MI, MN, NE, OH and WI; (2) *building and construction materials* (except lumber and *metal and metal articles* from points in AL, FL, GA, NC, SC and VA to points in AL, DE, DC, FL, GA, KY, MD, MS, NJ, NY, NC, PA, SC, TN, VA and WV (Hearing site: (1) Birmingham, AL, (2) Charlotte, NC.)

MC 114552 (Sub-231F), filed July 17, 1979. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, SC 29201. Transporting (1) *building materials* (except in bulk) and (2) *materials, supplies and equipment used in the manufacture, installation, or distribution of building materials* (except commodities in bulk) between the facilities of United States Gypsum Company at Chamblee and Morrow, GA, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV.

MC 115162 (Sub-494F), filed July 23, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same as applicant). Transporting *(1) industrial weights and counterweights, castings, plastic reels and plastic containers* from points in Lee County, AL to points in the United States in and east of ND, SD, NE, KS, OK and TX; and *(2) materials and supplies used in the manufacture and distribution of industrial weights and counterweights, castings, plastic reels and plastic containers (except commodities in bulk, in tank vehicles),* from points in the United States in and east of ND, SD, NE, KS, OK and TX to points in Lee County, AL. (Hearing site: Atlanta, GA or Montgomery, AL.)

MC 115322 (Sub-192F), filed July 17, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz (same as applicant). Transporting *general commodities,* except in bulk, between points in the United States (except Alaska and Hawaii), restricted to shipments moving from or to the facilities of Union Camp Corporation facilities or of its subsidiary, Moore-Handley, Inc. (Hearing site: Washington, DC.)

MC 116273 (Sub-239F), filed July 26, 1979. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (same address as applicant). Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from the facilities of Amco Chemicals at Wood River, IL, to points in AL, AR, FL, GA, IN, KY, LA, MA, MD, MI, MO, MS, NJ, NY, OH, PA, RI, SC, TX, VA, and WV. (Hearing site: Chicago, IL.)

MC 116763, (Sub-553F), filed July 27, 1979, July 24, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). Transporting *citric acid,* except in bulk, in tank vehicles, from the facilities of Miles Laboratories, Inc., at or near Elkhart, IN, and Dayton, OH, to points in the United States in and east of MN, IA, MO, OK & TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 117883 (Sub-249F), filed July 24, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Neil E. Hannan, P.O. Box 62, Versailles, OH 45380. Transporting *meats, meat products, meat by-products,* and *articles* distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the facilities

of Dubuque Packing Company at Denison, IA to points in CT, DE, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin. (Hearing site: Omaha, NE or Washington, DC.)

MC 118263 (Sub-87F), filed July 26, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Transporting *prepared frozen foodstuffs,* in vehicles equipped with mechanical refrigeration, from the facilities of Freezer Queen Foods, Inc., a Division of Nabisco, Inc., at Buffalo, N.Y. to points in the United States east of MN, IA, MO, AR, and LA, restricted to the transportation of traffic originating at the facilities of Freezer Queen Foods, Inc., at the named origin and destined to points in the named destination territory. (Hearing site: Buffalo or Rochester, N.Y.)

MC 119493 (Sub-314F), filed July 25, 1979. Applicant: MONKEN COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *flour, flour mixes, meals, and grits* (except in bulk) and materials and supplies used in the manufacture and distribution of the foregoing commodities, (except commodities in bulk) between points in KS (except Whitewater, McPherson, Buhler, and Inman, KS) on the one hand, and, on the other, points in AL, AR, GA, IA, IL, IN, KY, LA, MO, MS, NE, OK, TN, FL, and TX. (Hearing site: Kansas City, MO, and Topeka, KS.)

MC 119632 (Sub-100F), filed July 25, 1979. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence (same address as applicant). Transporting *non-frozen foodstuffs,* except in bulk, from Plymouth, IN, to points in KY, MO, NJ, NY, PA, TN, VA, WV, and to Worcester, MA, restricted to the transportation of traffic originating at the named origin and destined to the named States. (Hearing site: South Bend or Ft. Wayne, IN.)

MC 119912 (Sub-4F), filed July 25, 1979. Applicant: SUNRISE TRANSPORTATION, INC., 9850 East Highway 120, Manteca, CA 95336. Representative: Thomas M. Loughran, Loughran & Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Transporting *lime,* in bulk, from Arrowlime, NV, and Nelson, AZ, to points in CA south of San Luis Obispo, Kern and Inyo Counties. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 123272 (Sub-39F) filed July 26, 1979. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *bottles and bottling supplies,* from points in NY, NJ, WV, IN, IL, MI and OH to Clermont and Louisville, KY. (Hearing site: Chicago, IL, or Louisville, KY.)

MC 124692 (Sub-301F) filed July 17, 1979.

MC 124692 Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). Transporting *iron and steel articles,* from Crystal Lake, IL, to the plant site of Hyster Company, at Portland, OR, restricted to traffic destined to Hyster Company, Portland, OR. (Hearing site: Chicago, IL.)

MC 125433 (Sub-294F) filed July 23, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). Transporting *molybdenum concentrates and molybdic oxides* (except in bulk), from the facilities of Kennecott Copper Corporation at or near Garifled, UT, Hurley, NM, and Hayden, AZ, to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

Note.—Common control may be involved.

MC 126822 (Sub-62F) filed July 23, 1979. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: Kenneth E. Smith (same address as applicant). Transporting *canned goods* from the facilities of Escalon Packers, Inc., at or near Escalon, CA, to points in MI, IL, WI, OH, NE, PA, and MN. (Hearing site: San Francisco, CA.)

MC 135732 (Sub-38F) filed July 23, 1979. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, NJ 07207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *chemicals and compounds,* and *materials, equipment, and supplies* used in the manufacture and sale of chemicals and compounds (except commodities in bulk), between Boonton, Kearny, and Harrison, NJ, Chicago, IL, and Houston, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: New York, NY or Washington, DC.)

MC 135732 (Sub-41F), filed July 26, 1979. Applicant: AUBREY FREIGHT LINES INC., P.O. Box 503, Elizabeth, NJ 07207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *foodstuffs* (except in bulk), from the facilities of the C. F. Mueller Co. at or near Jersey City, NJ, to points in OH, IN, MI, IL, WI and IA. (Hearing site: New York, NY or Washington, DC.)

MC 136343 (Sub-169F), filed July 26, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *paper, paper products, plastics, plastic articles, containers, metal ends, machinery parts, warp beams, and chemicals, and materials, equipment and supplies* used in the manufacture, sale, or distribution of the foregoing commodities (except in bulk in tank vehicles), between points in the United States in and east of MN, IA, NE, KS, OK, and TX, on the one hand, and, on the other, the facilities of the Sonoco Products Company in IN, OH, NY, TX, GA, AL, SC, VA, KS, PA, NC, MO, KY, TN, MA, IL, FL, NJ, MI, WI, and IA. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 136343 (Sub-175F), filed July 17, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting *such commodities as are manufactured, processed, distributed, or dealt in by manufacturers or converters of paper and paper products* (except commodities in bulk) from the facilities of the Mead Corporation located at Chillicothe and Schooleys, OH, to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA, restricted to the transportation of traffic originating at the named origins and destined to the named destinations (except shipments in foreign commerce). (Hearing site: Columbus, OH or Cincinnati, OH.)

MC 136553 (Sub-79F), filed July 23, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *tanks and pressure vessels, and accessories, parts and materials used in the operation and manufacture of tanks and pressure vehicles,* between Dubuque, IA, on the one hand, and, on the other, points in the United States (except AK and HI), (2) *books; paper, paper products and printed material,* between Dubuque, IA, on the one hand, and, on the other, points in IL, MN, MO, and WI, (3) *castings,* from Dubuque, IA, to points in IL and WI, and points in IN in the Chicago commercial zone, and (4) *steel tubing* from Gillespie, IL, to Springbrook,

IA. (Hearing site: Chicago, IL or Des Moines, IA.)

MC 136782 (Sub-27F), filed July 25, 1979. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Warren W. Wallin, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), from Albany and New York, NY, Boston and Worcester, MA, Baltimore and Mt. Airy, MD, Philadelphia, PA, New haven, CT, and Wilmington, DE, to points in IN, IL, MI, PA, OH, WV, and WI. (Hearing site: Pittsburgh, PA or Cleveland, OH.)

MC 138732 (Sub-31F), filed July 27, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, P.O. Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlmann, 717 17th St., Suite 2600, Denver, CO 80202. Transporting (1) *lumber* and (2) (a) *lumber products, wood products, and building materials; commodities* the transportation of which, because of size or weight, requires the use of special equipment and (b) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment) in mixed loads with commodities the transportation of which, because of size or weight, require the use of special equipment; (3) *self-propelled articles;* (4) *farm machinery and equipment;* (5) *pipe, (except* iron and steel pipe) (6) *construction, materials, equipment and supplies* and (7) *mental and mental articles,* (A) between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, (B) From points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, to points in AL, AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, PA, SD, TN, TX and WI, and (C) From points in AL, AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, PA, SD, TN, TX and WI, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA and WY. Dual operations may be involved. (Hearing site: San Francisco, CA; or Portland, OR.)

MC 138762 (Sub-37F), filed July 23, 1979. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada, T2P 2P9. Representative: Richard H. Streeter, Wheeler & Wheeler, 1729 H Street, NW, Washington, D.C. 20006. Transporting *polyvinyl chloride,* in bulk, in tank vehicles, from ports of entry on the International boundary line between the United States and Canada located in New York to Franklin, Mechanicsburg and Conshohoken PA, Buffalo, NY, and Kearny, NJ. (Hearing site: Buffalo, New York or Washington, DC.)

MC 138762 (Sub-39F), filed July 23, 1979. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada, T2P 2P9. Representative: Richard H. Streeter, 1729 H Street NW, Washington, DC 20006. Transporting (1) *tall oil and synthetic alcohol,* and (2) *acrylic copolymer,* in bulk, in tank vehicle, from Panama City, FL, and Springhill, LA to ports of entry on the International Boundary line between the United States and Canada located in MI and NY, and (2) from ports of entry on the International Boundary line between the United States and Canada located in MI and NY to Rockmart, GA. (Hearing site: Buffalo, NY or Washington, DC.)

MC 138882 (Sub-274F), filed July 23, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: Mr. James W. Segrest, P.O. Drawer 707, Troy, AL 36081. Transporting (1) *foodstuffs* and (2) *materials, equipment, and supplies used* in the manufacture, sale and distribution of foodstuffs (except commodities in bulk) between the facilities of Douglas Foods, Inc., at Douglas, GA, on the one hand, and, on the other, points in the United States (except AK and HI) (Hearing site: Atlanta, GA or Birmingham, AL.)

MC 139482 (Sub-135F), filed July 17, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration, from the facilities of Hershey Chocolate Co., and H. B. Reese Co. located in Derry Township, Dauphin County, PA; Y & S Candies, Inc. located in East Hempfield Township, Lancaster County, PA, and Dauphin Distributors Service located in Hampden Township, Cumberland County, PA to points in IA, IL, IN, MN and WI. (Hearing site: St. Paul, MN.)

MC 139482 (Sub-138F), filed July 27, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting *small arms ammunition and related components, electrical switch boxes, conduit outlet boxes, junction boxes and covers, electrical apparatus* for the foregoing commodities (except electrical appliances) and *advertising materials, and materials, equipment and supplies* used in the manufacture of the foregoing commodities between Anoka, MN, on the one hand, and, on the other, points in the United States except AK and HI. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 139482 (Sub-140F), filed July 27, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting (1) *frozen and canned foodstuffs,* and (2) *materials, equipment & supplies* used in the manufacture and distribution of foodstuffs, between the facilities of Douglas Foods, Inc. at Douglas, GA, on the one hand, and on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Douglas Foods, Inc. (Hearing site: Jacksonville, FL.)

MC 141443 (Sub-24F), filed July 23, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting: (1) *such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses* (except frozen commodities and commodities in bulk), (a) from the facilities of The Clorox Company at or near Houston, TX, to points in AR, LA, MS and NM; (b) from the facilities of The Clorox Company at or near San Leandro, CA, to points in ID, NV, OR, UT and WA; (c) from the facilities of The Clorox Company at or near Oakland, CA, to points in NV; (d) from the facilities of The Clorox Company at or near Los Angeles, CA, to points in AZ and NV; (e) from the facilities of The Clorox Company at or near Sparks, NV, to the facilities of The Clorox Company at or near Los Angeles, Oakland and San Leandro, CA; and (2) *materials, equipment and supplies used* in the manufacture, sale and distribution of the commodities named in (1) above, (a) from points in CO and OK to the facilities of The Clorox Company at or near Kansas City, MO; (b) from points in AR, LA, OK, MS and NM to the facilities of The Clorox Company at or near Houston, TX; (c) from points in ID, NV, OR, UT and WA to the facilities of The Clorox Company at or near Oakland and San Leandro, CA; (d) from points in AZ and NV to the facilities of The Clorox Company at or near Los Angeles, Ca; and (e) from the facilities of The Clorox Company at or near Los Angeles,

Oakland and San Leandro, CA, Houston, TX, and Kansas City, MO, to the facilities of The Clorox Company at or near Sparks, NV, restricted in parts (1) and (2) above to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 141443 (Sub-27F), filed July 26, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *charcoal briquettes, fireplace logs,* and *hickory chips,* (1) from Stockton, CA, to points in and west of MN, IA, MO, AR, and LA (except IA, ND and SD), and (2) from Elk Grove, CA, to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA and WY. (Hearing site: Louisville, KY.)

Note.—Dual operations may be involved.

MC 142453 (Sub-1F), filed July 25, 1979. Applicant: UPSTATE TRANSIT, INC., R.D. #4, Geyser Road, Saratoga Springs, NY 12866. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Saratoga, Warren and Washington Counties, NY, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Albany, NY or Saratoga Springs, NY.)

MC 142672 (Sub-74F) filed July 23, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don A. Smith, P.O Box 43, 510 North Greenwood, Fort Smith, AR 72902. Transporting: (1) *new furniture,* crated and uncrated, from Fort Smith, AR, to points in the United States (except AK, AZ, CA, HI, ID, NM, NV, OR, UT, and WA), and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above* (except commodities in bulk), from points in the United States (except AK, AZ, CA, HI, ID, NM, NV, OR, UT and WA) to Fort Smith, AR. Applicant does not intend to tack this authority with its existing authority. (Hearing site: Little Rock, AR, Dallas, TX or Washington, DC.)

MC 146062 (Sub-2F) filed July 26, 1979. Applicant: J. C. HAULING CO., 6233 Gravois Avenue, St. Louis, MO 63116. Representative: Thomas P. Rose, Jefferson Building, 101 East High Street. Transporting *crushed dolomite,* in bulk, in dump vehicles, from the facilities of Valley Mineral Products Corporation at or near Bonne Terre, MO, to the facilities of Granite City Steel, a division of National Steel Corporation, at Granite City, IL. (Hearing site: St. Louis, MO.)

MC 146742 (Sub-2F) filed July 26, 1979. Applicant: H & F TRUCKING COMPANY, INC., Rural Route 4, Mattoon, IL 61938. Representative: Robert W. Gardier, Jr., George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, OH 43215. Transporting *general commodities* between points in Champaign, Clark, Clay, Coles, Crawford, Cumberland, Douglas, Edgar, Effingham, Fayette, Jasper, Lawrence, Macon, Moultrie, Piatt, Richland, Shelby and Vermillion Counties, IL, on the one hand, and, on the other, Indianapolis, IN, points in the St. Louis-MO-East St. Louis, IL, commerical zone. (Hearing site: Chicago, IL.)

MC 146782 (Sub-9F) filed July 26, 1979. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting *Welded steel tubing* from the facilities of Welded Tube Company of America at or near Chicago, IL, to points in AL, FL, GA, KY, LA, MS, NC, OK, TN and TX. (Hearing site: Nashville, TN, or Chicago, IL.)

MC 147013, (Sub-2F), filed July 24, 1979. Applicant: RDL, INC., P.O. Box 286, Gambrills, MD 21054. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Transporting *canned and preserved foodstuffs,* from Winchester and Timberville, VA Martinsburg, WV and Lincolnton, NC to points in TX, LA, AL, AR, GA, OK, TN, MS, and FL. (Hearing site: Washington, D.C.)

MC 147512 (Sub-2F), filed July 26, 1979. Applicant: HUDSON EXPRESS, INC., P.O. Box 142, Hudson, WI 54016. Representative: Gran J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. Transporting *tool joint steel forgings* (1) from Detroit, MI, to Milwaukee, WI, Waconia, MN, Mars, PA, and points in TX; and (2) from Milwaukee, WI, and Waconia MN, to points in TX. (Hearing site: Minneapolis, St. Paul, MN.)

MC 147932F, Filed July 26, 1979. Applicant: COWEN TRUCK LINES, INC., Route No. 2, Perrysville, OH 44864. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. Transporting *metal Containers, metal serving trays, can ends and parts and materials* for the foregoing commodities from Chicago, IL, to points in OH. (Hearing site: Chicago, IL or Washington, DC.)

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Decided: January 23, 1980.

By the Commission Review Board Number 3, Members Parker, Fortier and Hill. Member Parker not participating.

MC 2934 (Sub-36F), filed July 26, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington Street, Suite 1000, Indianapolis, IN 46204. Transporting *new office furniture and parts for new office furniture,* from Aurora, IL, to points in AL, FL, GA, NC, OH, PA (except Lackawanna, Wayne, Pike, Carbon, Monroe, Northampton, Philadelphia, Lehigh, Berks, Bucks, Montgomery, Chester, Delaware, Lancaster Counties, PA), and New York (except Orange, Westchester, Putnam, Dutchess, Columbia, Bronx, Queens, Kings, Richmond, Nassau, Suffolk Counties and New York City, NY), RI, SC, OK, and TX. (Hearing site: Indianapolis, IN.)

MC 2934 (Sub-47F), filed August 3, 1979. Applicant: AERO MAYFLOWER TRANSIT, CO., INC., 9998 N. Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington Street, Suite 1000, Indianapolis, IN 46204. Transporting (1) *artificial christmas trees,* and *decorations,* and (a) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (2) *venetian blinds,* (a) *parts* for venetian blinds, and (b) *equipment* used in the manufacture and distribution of the commodities in (2) above, and (3) *lawn accessories* and *garden accessories,* between the facilities of Marathon Carey-McFall Company, in PA, GA, TX, OH, IN, IL, MA, NJ, and FL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Indianapolis, IN.)

MC 8515 (Sub-23F), filed July 23, 1979. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Transporting *general commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and those requiring special equipment), between the facilities of Caterpillar Tractor Co. at Decatur, IL, and Lafayette, IN, on the one hand, and, on the other, Decatur, IL, points in Scott County, IA, and points in that part of IL on and north of a line beginning at Chicago, IL, and extending along

Interstate Hwy 57 to junction Illinois Hwy 9, then along Illinois Hwy 9 to junction U.S. Hwy 67, then along U.S. Hwy 67 to the IL–IA State line. (Hearing site: Chicago, IL.)

MC 10875 (Sub-53F), filed August 7, 1979. Applicant: BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, NY 10011. Representative: G. G. Heller (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) serving the facilities of General Electric Company, at Mt. Vernon, IN, as an off route point in connection with carrier's otherwise-authorized regular-route operations. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 14125 (Sub-11F), filed July 25, 1979. Applicant: PIQUA TRANSFER & STORAGE COMPANY, 524 Young Street, Piqua, OH 45356. Representative: Boyd B. Ferris, 50 West Broad Street, columbus, OH 43215. Transporting *such commodities as are dealt in or used by manufacturers of welded steel tubing,* (except in bulk) between Piqua, OH, on the one hand, and, on the other, points in IN, MI, IL, PA, WV, and KY. (Hearing site: Columbis, OH.)

MC 14215 (Sub-55F), filed July 20, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 W. Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Transporting: *lime and limestone, and lime and limestone products,* from points in Sandusky county, OH, to points in MD, KY, NC, NY, NJ, PA, TN, VA, WV, and DC. (Hearing site: Columbus, OH, or Washington, DC.)

MC 21455 (Sub-50F), filed August 6, 1979. Applicant: GENE MITCHELL CO., a corporation, West Liberty, IA 52776. Representative: Kenneth F. Dudley, 1501 East Main, P.O. Box 279, Ottumwa, IA 52501. Transporting *wheat gluten and wheat products,* from Keokuk, IA, to Sacramento, San Francisco, and Oakland, CA. (Hearing site: Dallas, TX.)

MC 30844 (Sub-654F), filed July 25, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting: *incandescent electric lamp bulbs* from Lexington, KY, to Newark, NJ, Kernston, VA, and points in Trumball and Mahoning Counties, OH. (Hearing site: Washington, DC.)

MC 53965 (Sub-160F), filed August 2, 1979. Applicant: GRAVES TRUCK LINE, INC., Post Office Box 1387, Salina, KA 67401. Representative: Bruce A. Bullock (same address as applicant). Transporting *general commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Atchinson, KS and junction U.S. Hwy 73 and U.S. Hwy 36, over U.S. Hwy 73 serving no intermediate points; (2) between junction U.S. Hwy 73 and U.S. Hwy 36 and Lincoln, NE: (a) from junction U.S. Hwy 73 and U.S. Hwy 36 over U.S. Hwy 36 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Lincoln, and return over the same route, serving junction U.S. Hwy 36 and U.S. Hwy 77 and junction U.S. Hwy 77 and NE Hwy 33 as intermediate points; and (b) from junction U.S. Hwy 73 and U.S. Hwy 36 over U.S. Hwy 73 to junction NE Hwy 2, over NE Hwy 2 to Lincoln, NE and return over the same route, serving junction U.S. Hwy 73 and U.S. Hwy 75 and junction NE Hwy 2 and U.S. Hwy 73 as intermediate points. (3) between St. Joseph, MO and junction U.S. Hwy 73 and KS Hwy 27, over U.S. Hwy 36 serving Belleville, KS, junctions U.S. Hwy 36 and U.S. Hwy 281 and junction U.S. Hwy 36 and U.S. Hwy 73 as intermediate points. (4) between Russell, KS and Grand Island, NE, over U.S. Hwy 281 serving Hastings, NE and junctions U.S. Hwy 281 and U.S. Hwy 36 as intermediate points. (5) between junction NE Hwy 2 and U.S. Hwy 73, and Plattsmouth, NE, over U.S. Hwy 73 serving no intermediate points, and (6) between junction U.S. Hwy 73 and U.S. Hwy 75 and Topeka, over U.S. Hwy 75, serving no intermediate points. (Hearing site: Omaha and Lincoln, NE.)

Note.—Applicant intends to tack this authority with its existing authority.

MC 53965 (Sub-161F), filed August 1, 1979. Applicant: GRAVES TRUCK LINE, INC., Post Office Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock (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), between Tulsa, OK and Dallas, TX, from Tulsa over U.S. Hwy 75 to junction Indian Nation Turnpike, then over Indian Nation Turnpike to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction U.S. Hwy 75, then over U.S. Hwy 75 to Dallas, and return over the same route, serving no intermediate points, and serving Ft. Worth, TX as an off-route point. (Hearing site: Dallas, TX, and Tulsa, OK.)

Note.—Applicant intends to tack this authority with its existing authority.

MC 60014 (Sub-135F), filed July 23, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *telephone poles and cross ties,* from the facilities of Kerr-McGee Chemical Corporation at or near Meridian, MS, to those points in the United States and east of MN, WI, IL, KY, TN, MS, and LA. (Hearing site: Oklahoma City, OK, or Washington, DC.)

MC 60014 (Sub-136F), filed July 25, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *wallboard, fiberboard, pulpboard, and strawboard,* from the facilities of Boise Cascade Corporation at or near Cicero, IL, to those points in the United States in and east of MI, IN, KY, TN, and MS. (Hearing site: Washington, DC.)

MC 61445 (Sub-16F), filed August 1, 1979. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Avenue, Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Transporting *cooling towers and evaporator condensers,* (1) from Baltimore, MD, to points in DE, MD, NJ, NY, PA, VA, WV, and DC; and (2) from Milford, DE, to points in DC, DE, MD, NJ, NY, PA, VA, and WV. (Hearing site: Washington, DC.)

MC 72235 (Sub-13F), filed July, 23, 1979. Applicant: IVORY VANLINES, INC., 5601 Corporate Way, Suite 107, West Palm Beach, FL 33407. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting (1) *motor vehicle parts and equipment, and (2) materials, and supplies used in the manufacturing of the commodities named in (1) above, from the facilities of Rockwell International at or near Centralia, IL, to Detroit, Flint, and Ypsilanti, MI, and St. Louis, MO.* Hearing site: Washington, D.C. or Miami, FL.)

MC 94265 (Sub-312F), filed July 20, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460 West, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses 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, from the facilities of Peter Eckrich & Sons, Inc., in Allen Township, MI, to points in MS and FL, restricted to the transportation of traffic originating at the above named origin. (Hearing site: Chicago, IL, or Washington, DC.)

MC 95084 (Sub-146F), filed July 20, 1979. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, 1501 East Main Street, Ottumwa, IA 52501. Transporting *lumber,* from ports in AR and LA to points, in IL, IA, KS, MN, MO, NE, ND, OK, SD, and WI. (Hearing site: Kansas City, MO or Little Rock, AR.)

MC 106674 (Sub-410F), filed July 20, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *concrete products* and *pipe fittings,* and *materials, equipment and supplies* used in the manufacture and installation of concrete products and pipe fittings, (except commodities in bulk), between the facilities of Price Brothers Company, at Livonia, MI, on the one hand, and, on the other, points in IL, IN, KY, NY, OH, PA, and WV. (Hearing site: Chicago, IL or Indianapolis, IN.)

MC 107445 (Sub-22F), filed August 7, 1979. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46225. Representative: Alki E. Scopelitis 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *conveyors, machinery, material handling equipment* and (2) *pollution control devices,* from Tiffin, OH, to points in the United States (including AK but excluding HI). (Hearing site: Indianapolis, IN, or Columbus OH.)

MC 107515 (Sub-1261F), filed June 29, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *non-alcoholic beverages,* from Birmingham, AL, to points in FL, GA, and TN. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 107515 (Sub-1265F), filed July 20, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *drugs, medicines, intravenous solutions and administration sets,* from the facilities of Travenol Laboratories, Inc., in the Los Angeles, CA, commercial zone, to points in the United States, in and east of TX, AR, MO, IA, and MN. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 107515 (Sub-1266F), filed July 23, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *meats,* from Asheboro, NC, to points in OH, KY, and TN. (Hearing site: Greensboro, NC.)

Note.—Dual operations may be involved.

MC 109515 (Sub-18F), filed August 9, 1979. Applicant: OZELLA HARRINGTON, P.O. Box 604, Benson, AZ 85602. Representative: Earl H. Carroll, 363 North First Ave., Phoenix, AZ 85003. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *nitric acid,* in bulk, from Curtiss, AZ, to Henderson, NV, under continuing contract(s) with Apache Powder Company, of Curtiss, AZ. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 109584 (Sub-200F), filed August 6, 1979. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *liquid trace minerals,* in bulk, in tank vehicles, from Anaheim, CA, to points in ID, OR, and WA. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application under 49 U.S.C. 11343 (formerly section 5(2) of the Interstate Commerce Act) for approval of the common control, or file an affidavit indicating why such approval is unnecessary. Affidavits are due 30 days from the date of publication. (Hearing site: Los Angeles, CA.)

MC 111045 (Sub-178F), filed August 8, 1979. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). Transporting *acrylonitrile and methyl methacrylate,* in bulk, in tank vehicles, from the facilities of American Cyanamid, at or near Avondale, LA, to the facilities of American Cyanamid, at or near Pace, FL. (Hearing site: Washington, DC.)

MC 111274 (Sub-51F), filed July 22, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *grain drying, handling and storage equipment and steel buildings* between the facilities of Bantam Systems, Inc., in IL, KS, and MO, and points in the United States (except AK and HI) under continuing contract(s) with Bantam Systems, Inc., of Chicago, IL. (Hearing site: Springfield, IL, or Chicago, IL.)

MC 111545 (Sub-291F), filed August 9, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as above). Transporting *plastic pipe,* from the facilities of Sedco Pipe Products, Inc., at or near Auburndale, FL, to those points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Atlanta, GA of Washington, DC.)

MC 112184 (Sub-69F), filed July 26, 1979. Applicant: THE MANFREDI MOTOR TRANSIT CO., 11250 Kinsman Road, Newbury, OH 44065. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *flour,* in bulk, in tanks vehicles, from points in Cecil County, MD, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC under continuing contract(s) with Ross Industries, Department of Cargill, Inc., of Wichita, KS. (Hearing site: Columbus, OH.)

MC 114045 (Sub-544F), filed July 22, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address). Transporting *plumbing fixtures and fittings, and parts and supplies* for plumbing fixtures, from the facilities of American Standard Inc. at New Orleans, LA, to points to FL and TX. (Hearing site: New Brunswick, NJ.)

MC 114045 (Sub-547F), filed August 7, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as above). Transporting (1) *paper and paper products,* from the facilities of International Paper Company at or near Ticonderoga, NY, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the named facilities. (Hearing site: New York, NY.)

MC 115654 (Sub-160F), filed July 26, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 13th & Pennsylvania Ave., N.W., Washington, D.C. 20004. Transporting *dairy products, imitation cream, imitation fruit drinks, water ices, ice mixes, water ice bars, sherbert, frozen desserts, and delicatessen products,* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of The Kroger Co., at or near Indianapolies, IN, to the facilities of The Kroger Company at Little Rock, AR, Atlanta, GA, St. Louis, MO, Columbus, OH, and Memphis, TN. (Hearing site: Cincinnati, OH.)

MC 115654 (Sub-162F), filed August 1, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 13th & Pennsylvania Ave., N.W., Washington, D.C. 20004. Transporting *sugar* (except in bulk), from those points in LA on, south, and east of a line beginning at the AL-LA State line and extending along U.S. Hwy 90 to junction U.S. Hwy 190, then along U.S. Hwy 190 to the Atchafalaya River, then along the Atchafalaya River to the Gulf of Mexico, to points in AL, AR, GA, IL, IN, KY, LA, MS, MO, OH, and TN. (Hearing site: Nashville, TN, or New Orleans, LA.)

MC 115975 (Sub-39F), filed July 23, 1979. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O Box 48, Wood River, IL 62095. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *petroleum and petroleum products,* in bulk, in tank vehicles (except petro-chemicals), from the facilities of Mobil Oil Corporation at or near St. Louis, MO, to points in AR, IA, IL, IN, KS, KY, LA, MI, MN, MS, NE, OH, OK, TN, TX, and WI under continuing contract(s) with Mobil Oil Corporation, of Dallas, TX. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 116254 (Sub-290F), filed August 8, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). Transporting (1) *steel pipe,* from Charleston, SC, and Pensuaken, NJ, to points in FL, GA, AL, TN, NC, SC, and VA; and (2) *copper tubing,* from Wynne, AR, Zelienople, PA, Pine Hall, NC, Richmond, VA, and Atlanta, GA, to points in TN, AL, FL, GA, NC, SC, VA, MD, and DC. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 116645 (Sub-32F), filed July 20, 1979. Applicant: DAVIS TRANSPORT CO., P.O. Box 56, Gilcrest, CO 80623. Representative: Richard S. Mandelson, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Transporting *liquid animal feed ingredients and molasses,* in bulk, from Scottsbluff, Gering and Bayard, NE, to points in Weld County, CO. (Hearing site: Denver, CO.)

MC 117565 (Sub-98F), filed August 7, 1979. Applicant: MOTOR SERVICE COMPANY INC., P.O. Box 448, Coshocton, Ohio 43812. Representative: John R. Hafner (same address as applicant). Transporting *Alloys and Silicon metals,* between Philo and Powhatan Point, OH, on the one hand, and on the other, points in CT, ME, MA, NH, NJ, NY, RI, and VT. (Hearing site: Cleveland, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 118535 (Sub-142F), filed August 7, 1979. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, Missouri 64730. Representative: Jim Tiona, Jr. (same address as applicant). Transporting *dry alumina,* in bulk, from the facilities of Aluminum Company of America, at or near Bauxite, AR, to points in KS, and MO. (Hearing site: Kansas City, MO.)

MC 121254 (Sub-2F), filed July 24, 1979. Applicant: O'LEARY TRANSPORTATION CO., INC., 324 Grove Street, Worcester, MA 01605. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg MD 20760. Transporting *dry commodities,* in bulk, between points in VT, ME, NH, RI, MA, CT, NY, NJ, PA, OH, DE, and MD. (Hearing site: Worcester or Boston, MA.)

MC 121664 (Sub-81F), filed July 22, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. Transporting *lumber,* from Gulfport, MI, to those points in the United States in and east of TX, OK, KS, NE, SD, and ND. (Hearing site: Birmingham or Montgomery, AL.)

MC 121664 (Sub-82F), filed July 22, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35233. Transporting (1) *petroleum, petroleum products, vehicle body sealer,* and *sound deadener compounds,* (except commodities in bulk, in tank vehicles, and filters), from points in Warren County, MS, to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV, (2) *petroleum, petroleum products, vehicle body sealer,* and *sound deadener compounds, filters,* and *materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in part (1) above,* (except in bulk, in tank vehicles), from points in GA, IL, IN, KY, NY, OH, PA, SC, VA, and WV, to points in Warren County, MS, restricted in Parts 1 and 2 above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation in Warren County, MS. (Hearing site: Birmingham or Montgomery, AL.)

MC 121664 (Sub-83F), filed July 22, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35233. Transporting *lumber and pallets,* from Moundville and Tuscaloosa, to those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Birmingham or Montgomery, AL.)

MC 121664 (Sub-84F), filed July 22, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. Transporting *lumber,* from Crestview, FL, to points in the United States in and east of TX, OK, MO, IA, and MN. (Hearing site: Birmingham or Montgomery, AL.)

MC 121664 (Sub-85F), filed July 22, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35233. Transporting *building materials, and materials and supplies used in the manufacture of building materials,* between the facilities of GAF Corporation at or near Annapolis, MO, Kansas City, KS, St. Louis, MO, Chester, SC, Dallas, TX, Erie, PA, Joliet, IL, Minneapolis, MN, Mobile, AL, Mt. Vernon, IN, Savannah, GA, and Tampa, FL, on the one hand, and on the other, points in AL, AR, FL, GA, IL, IN, IA, KA, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI. (Hearing site: Birmingham or Montgomery, AL.)

MC 121664 (Sub-87F), filed August 2, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35201. Transporting: (1) *iron and steel articles,* and *building and construction materials,* from the facilities of Penn Dixie Corp., at (a) Kokomo and Fort Wayne, IN, (b) Joliet and Blue Island, IL, (c) Lansing and Grand Rapids, MI, (d) Toledo and Columbus, OH, (e) Denver,

CO, (f) Jackson, MS, and (g) Albuquerque, NM, to those points in the United States in and east of ND, SD, NE, CO, NM, (2) *material, equipment, and supplies,* (except in bulk), in the reverse direction, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Birmingham, AL.)

MC 121664 (Sub-89F), filed August 2, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. Transporting (1) *coil steel,* from the facilities of Polymer Metals, at Selma, AL, to points in ND, SD, NE, KS, OK, MN, IA, MO, MI, IL, KY, VA, MD, DE, NY, VT, NH, CT, RI, MA, and ME, and (2) *materials and supplies* used in the manufacture and distribution of coil steel (except in bulk), in the reverse direction, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Birmingham or Montgomery, AL.)

MC 121664 (Sub-91F), filed July 26, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting (1) *sulfur and sulfur products,* (except in bulk), from Atmore, AL, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials and supplies* used with the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Birmingham, AL.)

MC 123294 (Sub-69F), filed July 26, 1979. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., (same address as applicant). Transporting: *asphalt filler, in bulk,* from Piqua, OH, to Brookville, IN, restricted to the transportation of traffic originating at and destined to the facilities of Owens-Corning Fiberglas. (Hearing site: Chicago, IL.)

MC 123885 (Sub-34F), filed July 23, 1979. Applicant: C & R TRANSFER CO., P.O. Box 1010, 1315 W. Blackhawk St., Sioux Falls, SD 57104. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. Transporting waste and scrap materials, from Sioux Falls, SD, to points in IA and NE.

Condition: The person or persons who appear to be engaged in common control of applicant and another regulator carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary. Affidavits are due 30 days from the date of publication.

(Hearing site: Sioux Falls or Rapid City, SD.)

Note.—Dual operations may be involved.

MC 124154 (Sub-82F), filed July 25, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Transporting *agricultural chemicals* and *materials, supplies and machinery used in the manufacture and distribution of agricultural chemicals* (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Riverside Chemical Company. (Hearing site: Atlanta or Albany, GA.)

MC 124154 (Sub-83F), filed July 25, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Transporting *malt beverages* and *materials, equipment and supplies used in the manufacture of malt beverages,* between the facilities of Miller Brewing Company, at or near Albany, GA, and within 100 miles of Albany, GA, on the one hand, and, on the other, points in AL, AR, FL, GA, MS, LA, TN, KY, TX, SC, NC, VA, OK, OH, MD, IL, MI, MO, PA, and WV. (Hearing site: Atlanta, GA.)

MC 125335 (Sub-72F), filed July 22, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *dairy products,* from the facilities of Meinerz Creamery, Division of Beatrice Foods, at or near New Berlin and Marshfield, WI, and Preston and Fredericksburg, IA, to points in MI, IL, IN, TN, AL, KY, OH, WV, VA, NC, SC, GA, FL, PA, NY, MA, RI, CT, NJ, MD, DE, and DC. (Hearing site: Milwaukee, WI, or Harrisburg, PA.)

MC 125335 (Sub-73F), filed July 23, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *Frozen foods,* from Rocky Mount, NC, to Quakertown, PA. (Hearing site: Raleigh, NC, or Harrisburg, PA.)

MC 125985 (Sub-28F), filed June 28, 1979. Applicant: AUTO DRIVEAWAY COMPANY, 310 S. Michigan Ave., Chicago, IL 60604. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Transporting *automobiles, campers, and trucks,* in secondary movements, in driveaway service, and *boats and trailers,* between points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 125985 (Sub-29F), filed June 28, 1979. Applicant: AUTO DRIVEAWAY COMPANY, 310 S. Michigan Ave., Chicago, IL 60604. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Transporting *automobiles* and *trucks,* in secondary movements, in driveaway service, and *boats, trailers, and contractors' equipment,* between points in AK, AL, AZ, CA, CO, FL, KY, LA, MS, NJ, NM, NV, NY, OH, TN, TX, and UT. (Hearing site: Houston, TX.)

MC 126555 (Sub-70F), filed August 6, 1979. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57701. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *lime and limestone products,* from Rapid City, SD, to points in Dawson, Powder River, Carter, Prairie, Rosebud, Big Horn and Custer Counties, MT. (Hearing site: Cheyenne, WY, or Billings, MT.)

MC 127185 (Sub-8F), filed August 7, 1979. Applicant: GATEWAY TRANSFER CO., INC., 1319 Santa Rita Avenue, P.O. Box 526, Laredo, TX 78040. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767. 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 Eagle Pass, TX, and Laredo, TX, restricted to the transportation of traffic having a prior or subsequent movement in foreign commerce. (Hearing site: Washington, DC.)

MC 128075 (Sub-37F), filed July 23, 1979. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: Leon Johnsrud, P.O. Box 447, Cresco, IA 52136. Transporting *iron and steel articles* from Chicago, IL, to Charles City, IA, restricted to the transportation of traffic destined to the facilities of White Farm Equipment. (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 128095 (Sub-33F), filed August 7, 1979. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting (1) *cellulose padding,* from Riverside, NJ, to points in MS and TN; and (2) *foam padding,* from Chicago, IL, and Hyannis, MA, to points in MS, and TN. (Hearing site: Memphis, TN, or Washington, DC.)

MC 128205 (Sub-87F), filed August 8, 1979. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 12000 South Doty Avenue, Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *lime and limestone products,* in bulk, between Branchton, PA, on the one hand, and, on the other, Carntown, KY, and points in OH. (Hearing site: Pittsburgh, PA.)

MC 128734 (Sub-6F), filed June 28, 1979. Applicant: W. B. PRODUCE HAULERS, INC. 525 Cottage Grove, S.W., Grand Rapid, MI 49507. Representative: David E. Jerome, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Company, at Rochelle, IL, to points in CT, MA, NJ, NY, and PA, under continuing contract(s) with Swift & Company, of Chicago, IL. (Hearing site: Chicago, IL, or Grand Rapids, MI.)

MC 129784 (Sub-15F), filed August 3, 1979. Applicant: DAVISON TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71270. Representative: Tom E. Moore (same address as applicant). Transporting (1) *petroleum and petroleum products* (except gasoline) in bulk, in tank vehicles, (a) between points in Caddo Parish, LA, on the one hand, and, on the other, points in AR, IL, IN, MS, MO, OK, TN, and TX, and (b) from points in Union County, AR, to points in AL, AR, CO, FL, GA, IL, IA, KS, KY, LA, MS, MO, NC, NE, NY, OH, OK, PA, TN, TX, VA, WI, and WV, and (2) *chemicals,* in bulk, in tank and hopper-type vehicles, between the facilities of ERCO Industries, Inc., at or near Rilla, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, MS, MO, NM, OK, SC, TN, TX, and VA. (Hearing site: Ruston or Monroe, LA.)

MC 129994 (Sub-38F), filed July 22, 1979. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, UT 84107. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. Transporting *sand* (except in bulk), from points in CO to points in CA. (Hearing site: Denver, CO, or Salt Lake City, UT.)

MC 129994 (Sub-39F), filed August 2, 1979. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Ave., Murray, UT 84107. Representative: Marilyn McNeil (same address as applicant). Transporting *iron and steel articles,* from points in CA, to points in UT. (Hearing site: Los Angeles, CA, or Salt Lake City, UT.)

MC 133095 (Sub-264F), filed July 23, 1979. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting *malt beverages* and *materials* and *supplies* used in and dealt with by breweries, (1) from points in Jefferson County, CO, to points in CA, OK, and TX; and (2) from points in CA, OK, and TX to points in Jefferson County, CO. (Hearing site: Dallas, TX.)

MC 133095 (Sub-265F), filed July 23, 1979. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Transporting *margarine, shortening, oils,* and *mayonnaise products* (except in bulk), from Portland, OR, and Garden Grove, CA, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 133095 (Sub-266F), filed August 1, 1979. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *plumbing equipment and supplies,* and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities in (1) above, from the facilities of American Standard, Inc. at New Orleans, LA, to those points in the United States in and west of MT, WY, CO, and NM (except AK and HI), restricted to the transportation of traffic originating at the named facilities. (Hearing site: New Orleans, LA.)

MC 133095 (Sub-267F), filed August 2, 1979. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kenneth R. Hoffman, 801 Vaughn Bldg., Austin, TX 78701. Transporting (1) *glassware,* and (2) *closures,* for glassware, from the facilities of Glass Containers Corporation, at or near Dallas, Houston, and Palestine, TX, to points in AZ, CA, CT, IN, KY, and MI. (Hearing site: Dallas, TX.)

MC 133405 (Sub-12F), filed August 3, 1979. Applicant: BOWIE HALL TRUCKING, INC., P.O.Box 353, Waldorf, MD 20601. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Transporting (1) *malt beverages* and (2) *materials and supplies,* used in the manufacture of malt beverages (except commodites in bulk), (a) between St. Louis, MO, Columbus, OH, Newark, NJ, Merrimack, NH, Williamsburg, VA, and Jacksonville, and Tampa, FL. (b) from Tampa, and Jacksonville, FL, to points in VA, DE, NJ, NY, PA, OH, and CT, (c) from Williamsburg, VA, to points in NC, SC, GA, FL, NY, NJ, OH, and PA, (d) from Columbus, OH, to points in DE, VA, NJ, NY, PA, FL, CT, NH, MA, RI, and GA, and (e) from Merrimack, NH, to points in PA, and NJ. (Hearing site: St. Louis, MO.)

MC 134105 (Sub-62F), filed August 1, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th Street, Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *lighting fixtures and lighting accessories* (except commodities in bulk), from the facilities of Gibson-Metalux Lighting, at (a) Americus, GA and (b) Eufaula, AL, to points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NM, NY, NC, OH, OK, PA, SC, TN, TX, UT, VA, WV, and WI, restricted to the transportation of traffic originating at the name origins and destined to the indicated destinations. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 134404 (Sub-51F), filed July 26, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. To operate as a *contract carrier,* by *motor vehicle,* over irregular routes, in interstate or foreign commerce, transporting: (1) *paper, paper products, dispenser boxes, liquid soaps, and equipment, materials and supplies* (except commodities in bulk), used in the manufacture and distribution of the foregoing commodities, between the facilities of Georgia Pacific Corp. at or near Crossett, AR, Burlington, IA, Lockport and Taylorville, IL, Gary, IN, Kalamazoo, MI, Woodland, ME, Lyons Falls, Plattsburgh, Voorheesville, Frankfort, Warwick and Utica, NY, Cincinnati, OH, and Gilman, VT, on the one hand, and, on the other, points in and east of MT, WY, CO, and NM, under continuing contracts with Georgia Pacific Corp., and (2) *paper and paper products,* and *equipment, materials and supplies* used in the manufacture of the foregoing commodities (except commodities in bulk), from the facilities of International Paper Co., at or near

Jay, ME, and Ticonderoga and Corinth, NY, to points in CT, DE, ME, MA, NH, NJ, NY, PA, RI, VT, and VA, under continuing contract(s) in (1) above with Georgia Pacific Corporation, of Stamford, CT, and in (2) above, with International Paper Company, of New York, NY. NOTE: Dual operations may be involved. (Hearing site: New York, NY.)

MC 135215 (Sub-9F), filed August 6, 1979. Applicant: BULK TRANSPORTATION, a corporation, 415 Lemon Ave., Walnut, CA 91789. Representative: Melvin G. Thurman (same address as applicant). Transporting *lime*, from City of Industry, CA, to El Paso, TX, and points in NV, AZ, and NM. (Hearing site: Los Angeles, CA.)

MC 135895 (Sub-46F), filed July 23, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *glass containers* and *fibreboard materials* (except commodities in bulk), from the facilities of Owens-Illinois, Inc., at or near Waco, TX., to points in AL, AR, LA, MO, MS, OK, TN and TX. (Hearing site: Dallas, TX, or Jackson, MS.)

MC 135895 (Sub-48F), filed August 8, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) (a) *paper, paper articles, fibreboard, plastic containers,* and *metal containers* and (b) *fittings* and *closures* for containers, and (2) *equipment, materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk and those requiring special equipment), between the facilities of Container Corporation of America, at (a) Fernandina Beach, FL, and (b) Chattanooga, TN, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MO, MS, OK, TN, and TX. (Hearing site: Fort Worth, TX, or Atlanta, GA.)

MC 136234 (Sub-3F), filed August 8, 1979. Applicant: BURKHART ENTERPRISES, INC., P.O. Box 6007, Knoxville, TN. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Transporting *ores and ore concentrates*, from points in Wythe County, VA, to points in Knox and Montgomery Counties, TN. (Hearing site: Knoxville, or Nashville, TN.)

MC 136325 (Sub-8F), filed August 8, 1979. Applicant: CUFURAY, LTD., Route 1, Box 333, Delavan, WI 53115. Representative: David V. Purcell, 111 East Wisconsin Avenue, Milwaukee, WI 53202. To operate as a *contract carrier* by motor vehicle, over *irregular* routes, transporting *scrap metal*, from the facilities of Del Monte Corporation, at or near Plover, WI, to Gary, IN, under continuing contract(s) with Del Monte Corporation, of Rochelle, IL. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 136464 (Sub-46F), filed July 24, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St. NW., Washington, DC 20005. To operate as *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular transporting *(1) textiles and textile products, and (2) materials, equipment, and supplies used in the manufacture and sale of commodities in (1) above (except commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with J. P. Stevens & Company, Inc., of Greensboro, NC. (Hearing site: Greensboro, NC.)

Note.—Dual operations may be involved.

MC 136635 (Sub-22F), filed July 22, 1979. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *iron and steel articles*, from the facilities of Enamel Products & Plating at Portage, IN, to points in MI. (Hearing site: Chicago, IL.)

MC 139495 (Sub-471F), filed July 24, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting: (1) *vinyl and plastic siding, clapboard siding, plastic articles, paper articles,* and *building materials;* and (2) *accessories and suppllies* used in connection with the commodities named in (1) above, (except commodities in bulk), from the facilities of Bird & Son, Inc. at Bardstown, KY, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 140104 (Sub-9F), filed June 28, 1979. Applicant: TOLEDO FRIGID LINES, INC., 4060 Fitch Road, Toledo, OH 43613. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by chain grocery and food business houses (except commodities in bulk), (1) between Indianapolis, IN, and points in AR, CA, GA, IL, KY, MI, MO, OH, PA on and west of U.S. Hwy 219, TN, TX, VA and WV; and (2) between Cincinnati, Cleveland and Columbus, OH, and points in AR, CA, GA, IL, IN, KY, MI, MO, PA on and west of U.S. Hwy 219, TN, TX, VA and WV, under continuing contract(s) with the Kroger Co. of Cincinnati, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 140484 (Sub-56F), filed August 2, 1979. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 East Edison Avenue, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packinghouses*, as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co., at or near (a) Amarillo, El Paso, and Lubbock, TX, and (b) Shreveport, LA, to points in AL, CA, FL, GA, IL, KY, LA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Washington, DC, or Chicago, IL.)

MC 140615 (Sub-46F), filed July 23, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis Brown (same address as applicant). Transporting *polystyrene products* and *materials and supplies used in the manufacture and distribution of polystyrene products*, from (1) Marne, MI, to points in IL, IN, OH, and WI, and (2) from points in NJ and PA to Marne, MI. (Hearing Site: Green Bay or Milwaukee, WI.)

MC 140615 (Sub-47F), filed July 23, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Terrence D. Jones, 2033 K Street NW., Washington, D.C. 20006. Transporting: *liquid soap, ammonia, bleach, fabric softeners,* and *detergents*, from the facilities of Manhattan Products, Inc., and Laundry Aids, Inc., at Carlstadt, NJ, to points in IL, IN, KY, MA, MI, NY, OH and PA. (Hearing site: Washington, DC.)

MC 140775 (Sub-72F), filed August 3, 1979. Applicant: BRAY TRANSPORTS, INC., P.O. Box 270, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). Transporting *liquid sugar and corn syrup*, in bulk, in tank vehicles, from Muncie, KS, to points in OK.

(Hearing site: Kansas City, MO, or Oklahoma City, OK.)

MC 141054 (Sub-7F), filed August 6, 1979. Applicant: B & B PACKING TRANSPORT, LTD., a corporation, 2608 South 24th St., Council Bluffs, IA 51501. Representative: J. Michael May, Suite 508, 1447 Peachtree St. NE., Atlanta, GA 30309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, 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 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near (a) Dakota City and West Point, NE, (b) Denison, and Ft. Dodge, IA and (c) Luverne, MN, to those points in the United States in and east of ND, SD, NE, CO, and NM, under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE. (Hearing site: Omaha, NE, or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 141804 (Sub-259F), filed July 26, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *bicycles, motorcycles, outboard motors, and parts and accessories* for the foregoing commodities, between the facilities of U. S. Suzuki Motor Corp., in Los Angeles and Orange Counties, CA, Elk Grove and Franklin Park, IL, River View and Detroit, MI, Atlanta, GA, Camden, Gloucester City, and Pennsuaken, NJ, Baltimore, MD, Dallas, TX, and Seattle, WA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles or San Francisco, CA.)

MC 142715 (Sub-64F), filed June 29, 1979. Applicant: Lenertz, Inc., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick, P.O. Box 479, South St. Paul, MN 55075. Transporting *paper and paper products* and *materials, equipment and supplies used in the manufacture or distribution of paper and paper products* (except commodities in bulk), between those points in the US in and east of ND, SD, NE, KS, CO, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Philadelphia, PA.)

MC 142715 (Sub-71F), filed July 25, 1979. Applicant: Lenertz, Inc., P. O. BOX 479 South St. Paul, MN 55075. Representative: K. O. Petrick, P. O. Box 479 South St. Paul, MN 55075. Transporting *foodstuffs* (except commodities in bulk) from Minneapolis, MN, to points in the United States in and east of ND, SD, NE, KS, OK and TX, restricted to the transportation of traffic originating at the facilities of Northern Star Company at the named origin and destined to points in the named States. (Hearing site: St. Paul, MN.)

MC 142954 (Sub-8F), filed August 7, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72209. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts* and *articles distributed by meatpacking houses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from points in AR, IL, IN, IA, KS, KY, MN, MS, MO, NE, NC, OK, SC, SD, TN, TX, and WI, to Los Angeles and Oakland, CA, Jacksonville and Miami, FL, New Orleans, LA, Baltimore, MD, Elizabeth, NJ, Charleston, SC, and Houston, TX, under a continuing contract(s) with Boston Sausage and Provision, Inc., of Boston, MA. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 143594 (Sub-15F), filed August 2, 1979. Applicant: NATIONAL BULK TRANSPORT, INC., Suite 13, 624 Holcomb Road, Roswell, GA 30077. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting: *liquid chemicals*, in bulk, from Deer Park, TX, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 143594 (Sub-16F), filed August 2, 1979. Applicant: NATIONAL BULK TRANSPORT, INC., Suite 13, 624 Holcomb Road, Roswell, GA 30077. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting: *chemicals*, in bulk, in tank vehicles, from the facilities of Monsanto Company, at or near Chocolate Bayou, Texas City, and Houston, TX, to those points in the United States in and east of LA, AR, MO, IA, and MN. (Hearing site: Chicago, IL.)

MC 145904 (Sub-15F), filed August 8, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *such commodities as are dealt in by grocery stores* (except commodities in bulk), from the facilities of A. E. Staley Manufacturing Company, at or near Chicago, IL, to points in IA. (Hearing site: Chicago, IL.)

MC 146184 (Sub-3F), filed June 28, 1979. Applicant: RUSS TAYLOR TRUCKING, INC., Route 6, Watertown, WI 53094. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *semitrailers* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, from Edgarton, WI, to Chicago, IL, under continuing contract(s) with Dorsey Trailers, Inc., of Edgarton, WI. (Hearing site: Madison, WI.)

MC 146605 (Sub-2F), filed July 22, 1979. Applicant: EVENSON BROS., INC., 835 1st Street SW., Pelican Rapids, MN 56572. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *lumber, lumbermill products, wood products, siding, rafters and trusses, gypsum board*, and *building materials*, from points in WA, OR, ID, IA, IL, MN and MT to the facilities of Dynamic Homes, Inc., at or near Mandan, ND, and Detroit Lakes and Pelican Rapids, MN. (Hearing site: Fargo, ND or St. Paul, MN.)

MC 146725 (Sub-6F), filed August 12, 1979. Applicant: FREEPORT TRANSPORT, INC., P.O. Box 1275, Freeport Center, Clearfield, UT 84016. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. Transporting (1) *pultruded fiberglass products*, from Bristol, VA, to Houston, TX, and (2) *electrical and instrumentation cable trays*, from Houston, TX, to points in AR, IN, LA, MS, and OK. (Hearing site: Salt Lake City, UT, or Houston, TX.)

Note.—Dual operations may be involved.

MC 147235 (Sub-2F), filed August 6, 1979. Applicant: CST, INC., 1 Scout Avenue, South Kearny, NJ. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by department stores, between New York, NY, on the one hand, and, on the other, points in DE, MD, NC, NJ, NY, OH, PA, VA, and WV, under continuing contract(s) with S. E.

Nichols, of New York, NY. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 147265 (Sub-2F), filed August 10, 1979. Applicant: SHO-LEN, INC., d.b.a. PACIFIC TRANSPORTATION, 10869 Drury Lane, Lynwood, CA 90262. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting *aluminum truck frame rails,* from the facilities of Martin Metal Finishing, at or near Lynwood, CA, to the facilities of Freightliner Corporation, at or near Portland, OR, under continuing contract(s) with Reynolds Metals Company, of Richmond, VA. (Hearing site: Los Angeles, CA.)

MC 147485 (Sub-1F), filed June 28, 1979. Applicant: TRUCK TRAIN TRANSFER, INC., Snapps Ferry Road, Box 3303, Davy Crockett Station, Greeneville, TN 37743. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave, NW., Washington, D.C. 20036. Transporting *General Commodities (*except those of unusual value, classes A and explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Anderson, Bledsoe, Blount, Bradley, Cannon, Carter, Cocke, Cumberland, Davidson, De Kalb, Grainger, Greene, Hamblen, Hamilton, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Putnam, Rhea, Roane, Rutherford, Sevier, Smith, Sullivan, Sumner, Unicoi, Van Buren, Warren, Washington, White, Williamson, and Wilson Counties, TN, Buncombe, Haywood, Madison, Swain, and Yancey Counties, NC, Catoosa, Dade, Murray, Walker, and Whitfield Counties, GA, and Scott and Washington Counties, VA restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Knoxville, TN.)

MC 147804F, filed July 23, 1979. Applicant: R. E. HUSMAN EXPRESS, INC., 3926 Hemphill Way Cincinnati, 45236. Representative Paul F. Beery, 275 East State Street, Columbus, OH 43215. Transporting: (1) *mattresses, furniture, batting, padding, frames, springs, and molds* and (2) equipment, materials and supplies used in the manufacture and distribution of items specified in (1) above, between the facilities of Stearns and Foster Co. at or near Lockland and Mason, OH on the one hand, and, on the other points in NY, PA, WV, KY IN, IL, MI, TN, MO, AR, MS, and WI. (Hearing Site: Columbus, OH.)

MC 147914F, filed July 25, 1979. Applicant: BRYAN'S TRUCKING, INC., 3829 Delaware, Flint, MI 48506. Representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *soaps, detergents* and *cleaning powders* from Wixom, MI, to points in the United States (except AK, HI, and MI, and (2) *Materials, equipment and supplies used in the packaging and distribution of soaps, detergents, and cleaning powders* from points in the United States (except AK, HI, and MI) to Wixom, MI, under continuing contract(s) with The Korex Company, of Wixom, MI. (Hearing site: Detroit or Lansing, MI.)

MC 148065F, filed August 2, 1979. Applicant: HOOSIER FOOD SERVICE, INC., R. R. No. 1, Berne, IN 46711. Representative: Donald W. Smith P.O. Box 40248, Indianapolis, IN 46240. *Transporting dairy products, toppings and non-dairy milk substitutes,* from Orrville, and Defiance, OH, to points in IN under continuing contract(s) with Dairy Farm Products Co., of Orrville, OH. (Hearing site: Columbus, OH.)

MC 148124 (Sub-1F), filed August 3, 1979. Applicant: A. L. CEDERGREN CO., INC., 18 Sheppard Ave., Brockton, MA 02401. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. To operater as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts,* as described in sections A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Bedford, NH, to point in RI, and those points in MA on and east of MA Hwys 13 and 12, under continuing contract(s) with M. M. Mades Co., Inc., of Bedford, NH. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 148254F, filed July 23, 1979. Applicant: EDWARD F. WONG, d.b.a. ED WONG TRUCKING CO., 717 E. 22nd St., Los Angeles Ca. 90011. Representative: Edward F. Wong (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 Los Angeles Harbor, CA, and the Los Angeles basin, CA: From Los Angeles Harbor over CA Hwy 7 to junction Interstate Hwy 10, then to junction US Hwy 5, then to junction CA Hwy 2, and return over the same route, serving all intermediate points. (Hearing site: Los Angeles, CA or San Francisco, CA.)

MC 148554F, filed August 2, 1979. Applicant: WALD TRANSFER & STORAGE CO., P.O. Box 344, Houston, TX 77001. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036. Transporting *household goods,* as defined by the Commission, between points in TX, NM, OK, AR, LA, and MS. (Hearing site: Houston, TX.)

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Decided: January 23, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 808 (Sub-60F), filed July 5, 1979. Applicant: ANCHOR MOTOR FREIGHT, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *motor vehicles,* from the facilities of G.M.C. Truck & Coach Division, General Motors Corporation, at Pontiac, MI, to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV, WI, and DC, under continuing contract(s) with General Motors Corporation of Warren, MI. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 2368 (Sub-94F), filed July 10, 1979. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Rd., P.O. Box 495, Richmond, VA 23204. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting *White Oil, in bulk,* from Martinsville, VA, to Camden, SC, Chattanooga, TN, and Seaford, DE. (Hearing site: Washington, DC.)

MC 2368 (Sub-95F), filed July 12, 1979. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Rd., P.O. Box 495, Richmond, VA 23204. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting (1) *ethylene glycol, in bulk,* in tank vehicles, from Plaquemine and Taft, LA, and Willimington, NC, to Moncure, NC, and (2) *spent glycol, in bulk,* in tank vehicles, from Moncure, NC, to Bayport and Houston, TX, and Institute, WV. (Hearing site: Raleigh, NC.)

MC 22179 (Sub-23F), filed July 9, 1979. Applicant: FREEMAN TRUCK LINE, INC., P.O. Drawer 925, Oxford, MS 38655. Representative: Harold H. Mitchell, Jr., Attorneys at Law, P.O. Box 1295, Greenville, MS 38701. Transporting

iron and steel articles between Oxford, MS, and Birmingham, AL. (Hearing site: Oxford, MS.)

MC 22509 (Sub-21F), filed July 6, 1979. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Avenue, St. Joseph, MO 64505. Representative: E. Wayne Farmer, City Center Square, 27th Floor, 12th and Baltimore, P.O. Box 26010, Kansas City, MO 64196. Transporting *paper, paper products, and commodities used in the manufacture and distribution of paper products,* between St. Joseph, MO, on the one hand, and, on the other, Miamisburg, Middletown, and Lockland, OH. (Hearing site: Kansas City, MO.)

Note.—Common control may be involved.

MC 29079 (Sub-118F), filed July 12, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, N.W., Washington, DC 20006. Transporting (1) *coal cutting machines, parts for coal cutting machines, furnaces, furnace parts, structural and fabricated steel, valves, valve parts and gear and pinio wheels, and (2) equipment, materials and supplies* used in the manufacture and distribution of commodities in (1) above, between Arden, North East and Washington, PA, on the one hand, and on the other, points in AL, GA, IL, IN, MI, MO, MS, NC, KY, OH, SC, TN, WI, and those in LA east of the Mississippi River, restricted to traffic originating at or destined to facilities of Millcraft Industries at Arden, North East and Washington, PA. (Hearing site: Washington, DC.)

MC 29079 (Sub-119F), filed July 12, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, N.W., Washington, DC 20006. Transporting (1) *iron and steel articles* from the facilities of Interlake Steel, Inc., at or near Newport, KY, to points in OH, IN, MI, IL, MO, and WI, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles in the reverse direction. (Hearing site: Washington, DC.)

MC 29079 (Sub-120F), filed July 11, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, N.W., Washington, DC 20006. Transporting (1) *metal containers and container ends and (2) materials and supplies* used in the manufacture of containers between Pervely and St. Louis, MO, on the one hand, and, on the other, points in IN, OH, MI, NY, and IL.

MC 29079 (Sub-121F), filed July 11, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, N.W., Washington, DC 20006. Transporting (1) *new and used machine tools and presses* from the facilities of Ohio Valley Machinery, Inc., at Cincinnati, OH, to points in AL, GA, IL, IN, KY, LA (east of the Mississippi River), MD, MO, MS, NJ, NY, NC, PA, SC, TN, VA, WV, and WI, and (2) *equipment, supplies and materials* used in the manufacture of (1) above in the reverse direction.

MC 31879 (Sub-38F), filed July 9, 1979. Applicant: EXHIBITORS FILM DELIVERY & SERVICE INC., 101 West 10th Avenue, North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Transporting *personal care products, nutritional supplements and foods,* and *cleaning compounds,* between the facilities of the Shaklee Corporation at or near Dallas, TX, on the one hand, and, on the other, points in KS, MO, and NE.

MC 35628 (Sub-416F), filed July 13, 1979. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, P.O. Box 175, 110 Ionia Avenue, N.W., Grand Rapids, MI 49501. Representative: Michael P. Zell (same address as applicant). Transporting *general commodities,* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Frankfort, IN, as an off-route point in connection with applicant's presently-authorized regular route service. (Hearing site: Indianapolis, IN, or Harrisburg, PA.)

MC 48948 (Sub-18F), filed July 5, 1979. Applicant: THE HOCKING CARTAGE COMPANY, Rural Route 2, Logan, OH 43138. Representative: Robert W. Gardier, Jr., 100 East Broad Street, Columbus, OH 43215. Transporting *soda ash,* in bulk, between points in Sweetwater County, WY, to the facilities of General Electric Company at or near Jackson, MS, Lexington and Somerset, KY, Logan, Bucyrus, Cleveland and Niles, OH, and Bridgeville, PA. (Hearing site: Columbus, OH.)

MC 48958 (Sub-188F), filed July 12, 1979. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). Transporting *general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles requiring the use of special equipment),* serving points within 30 miles of San Fidel, NM, as off-route points in connection with carrier's existing regular-route operations. Applicant intends to tack the authority sought. (Hearing site: Albuquerque, NM.)

MC 52979 (Sub-20F), filed July 6, 1979. Applicant: HUNT TRUCK LINES, INC., West High Street, Rockwell City, IA 50579. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *agricultural implements and parts,* and (2) *accessories and materials used in the manufacture and operation of agricultural implements,* between Sac City, IA, on the one hand, and, on the other, points in IL, IN, MI, MN, MO, OH, and WI. (Hearing site: Omaha, NE or Minneapolis, MN.)

MC 56679 (Sub-128F), filed July 10, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave, SW, Atlanta, GA 30310. Representative: David L. Capps (same as applicant). Transporting (1) *such merchandise as is dealt in or used by wholesale, retail and chain grocery and food business houses,* and (2) *equipment, materials, and supplies used in the conduct of such business,* from the facilities of the Kroger Co. at or near Columbus and Cincinnati, OH, to Dallas and Houston, TX, Memphis, TN, and Roanoke, VA.

MC 106398 (Sub-924F), filed July 9, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. Transporting *steel joists, steel bridging, channel iron, angles, flat bars, round rods, square bars and metal docking* from the facilities of Vulcraft Division Nucor Corporation at Florence, SC, to points in FL, GA, NC, VA, WV, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME, TN, and DC. (Hearing site: Atlanta, GA.)

MC 106398 (Sub-927F). filed July 13, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. Transporting *steel wire and steel rods* from the facilities of A. G. Whaley Company, Andrews, SC to points in the United States (except AK and HI). (Hearing site: Columbia, SC.)

MC 108119 (Sub-172F), filed July 11, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting (1)(a) *pumps and turbine*

parts, and (b) *parts and attachments* therefor from the facilities of Patterson Pump Company at Toccoa, GA, to points in the United States (except AK and HI), and (2) *materials and supplies* (except commodities in bulk) used in the manufacture of the commodities named in (1)(a) and (1)(b) above, in the reverse direction. (Hearing site: Atlanta, GA.)

Note.—Common control may be involved.

MC 108119 (Sub-173F), filed July 9, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting (1) *construction machinery,* (2) *parts, attachments and accessories* for construction machinery, and (3) *construction materials (except commodities in bulk), equipment and supplies,* between points in the United States (except AK and HI), Restricted to the transportation of traffic originating at or destined to the facilities of The Rust Engineering Company. (Hearing site: Birmingham, AL.)

Note.—Common control may be involved.

MC 108119 (Sub-174F), filed July 10, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting (1) *pulp and paper mill machinery* and (2) *parts, materials, and supplies* (except in bulk) from paper mill machinery, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities utilized by KMW-Johnson. (Hearing site: Charlotte, NC.)

Note.—Common control may be involved.

MC 109449 (Sub-42F), filed July 9, 1979. Applicant: KUJAK TRANSPORT, INC., 6366 W. 6th Street, Winona, MN 55987. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting *iron and steel articles and such articles as are used in the manufacture of heavy construction equipment,* from Chicago, IL, to Winona, MN. (Hearing site: Minneapolis, MN.)

MC 109689 (Sub-352F), filed July 13, 1979. Applicant: W. S. HATCH CO., P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, #400, Salt Lake City, UT 84101. Transporting *fish meal and fish oil and fish oil solubles,* from points in WA and OR to points in CO, ID, and UT. (Hearing site: Salt Lake City, UT.)

MC 109689 (Sub-357F), filed July 12, 1979. Applicant: W. S. HATCH CO., a corporation, P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, #400, Salt Lake City, UT 84101. Transporting *sand,* in bulk, from Longview, WA, to Little Mountain, UT. (Hearing site: Salt Lake City, UT.)

MC 112989 (Sub-108F), filed July 6, 1979. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr., 85647 Highway 99 South, Eugene, OR 97405. Transporting *plastic articles,* from the facilities of CPR Division, the Upjohn Company, at or near Torrance, CA, to points in AZ, NV, OR, WA, and ID. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 114408 (Sub-12F), filed July 11, 1979. Applicant: TRI-AREA TRUCKING CO., 320 West Edgerton Street, Bryan, OH 43506. Representative: Robert W. Gardier, Jr., 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap metals* between Bryan, Cleveland, and Defiance, OH, on the one hand, and, on the other, points in IL, IN, MI, OH, and PA, under a continuing contract(s) with The Isaac Corporation, of Bryan, OH.

MC 116949 (Sub-18F), filed July 9, 1979. Applicant: BURNS TRUCKING, INC., Rural Route 1, Box 304, South Sioux City, NE 68776. Representative: Edward A. O'Donnell, 1004, 29th Street, Sioux City, IA 51104. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and supplies utilized in the manufacture of trailers and earth moving equipment* (except commodities in bulk, in tank vehicles) from points in the United States (except AK and HI) to the facilities of CMI Load KIng at Elk Point, SD, and Oklahoma City, OK, under a continuing contract(s) with CMI Load King, of Elk Point, SD. (Hearing site: Sioux City, IA.)

MC 117119 (Sub-755F), filed July 10, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *animal feed* (except in bulk), from the facilities of Kal-Kan Foods, Inc., at or near Los Angeles, CA, to points in GA, IL, MD, MA, MI, MO, NJ, NY, and OH. (Hearing site: Los Angeles, CA.)

MC 118989 (Sub-226F), filed July 12, 1979. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Transporting *such commodities as are manufactured, processed or dealt in by manufacturers of glass and glass products* (except commodities in bulk), between the facilities of The Anchor Hocking Corporation in CA, FL, IL, IN, MD, MN, NJ, OH, PA, TX and WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 119118 (Sub-64F), filed July 13, 1979. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, PA 15650. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *malt beverages* from the facilities of Miller Brewing Company in Onondaga and Oswego Counties, NY, to points in DE, MD, MI, NJ, NY, NC, OH, PA, and DC; and (2) *materials and supplies used in the manufacture and sale of malt beverages* (except commodities in bulk) in the reverse direction. (Hearing site: Chicago, IL.)

MC 119399 (Sub-102F), filed July 12, 1979. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64801. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *prepared animal feed,* from Rolla, MO, to points in AR, AZ, CA, IN, KS, MT, NE, NM, OH, OK, TN, TX, and WI. (Hearing site: Kansas City, MO.)

MC 119639 (Sub-20F), filed July 13, 1979. Applicant: INCO EXPRESS, INC., 3600 South 124th Street, Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Transporting (1) *such commodities* as are dealt in by wholesale and retail grocery and food business houses, and (2) *equipment, materials and supplies* used in the conduct of such businesses (1) between points in WA, on the one hand, and, on the other, points in CA and OR and (2) between points in CA, on the one hand, and, on the other, points in OR. (Hearing site: Seattle, WA or Portland, OR.)

MC 119789 (Sub-615F), filed July 13, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *dental, medical,* or *surgical instruments, cleaning compounds,* and *bags, envelopes and pouches* used for hospital supplies from Durham, NC, to Vernon, CA. (Hearing site: Newark, NJ.)

MC 123048 (Sub-459F), filed July 9, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC.,

5021 21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods, and commodities in bulk), between the facilities of New Terminal Warehouse at Houston, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Houston, or Dallas, TX.)

MC 123048 (Sub-463F), filed July 12, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *commodities used in the manufacture, sale, and distribution of motor vehicles* (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of A. M. General Corporation. (Hearing site: Dallas, TX or Washington, DC.)

MC 123048 (Sub-464F), filed July 12, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *such commodities* as are dealt in, or used by, agricultural equipment and industrial equipment deal and manufacturers (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic moving from or to the facilities of Same and Lamborghini Tractors of North America, Inc. (Hearing site: New York, NY, or Washington, DC.)

MC 123048 (Sub-465F), filed July 13, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021—21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting such commodities as are used in the manufacture, sale and distribution of agricultural and industrial equipment, (except commodities in bulk), between the facilities of Parker Industries, Inc. at Silver Lake, IN and Jefferson, IA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Parker Industries, Inc. (Hearing site: Chicago, IL or Washington, DC.)

MC 124328 (Sub-133F), filed July 5, 1979. Applicant: BRINK'S INCORPORATED, Thorndal Circle, P.O. Box 1225, Darien, CT 06820. Representative: Richard H. Streeter, 1729 H Street, NW, Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *currency, coin, securities, savings bonds, stock, and non-cash collection items*, between Apple Valley, Barstow, Boron, Hesperia, Los Angeles, Lucerne Valley, Victorville, and Wrightwood, CA, and Boulder City, Henderson, Las Vegas, Mesquite, Overton, and Pahrump, NV, under continuing contract(s) with the Federal Reserve Bank of San Francisco, CA. (Hearing site: Los Angeles, CA.)

MC 124939 (Sub-20F), filed July 9, 1979. Applicant: FOOD HAUL, INC., 1215 West Mound Street, Rear, P.O. Box 1309, Columbus, OH 43223. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses* (except commodities in bulk), between points in OH, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MN, MO, WI, TX, ND, SD, OK, and NE, under continuing contract(s) with Borden, Inc., of Columbus, OH. (Hearing site: Columbus, OH.)

MC 129328 (Sub-14F), filed July 11, 1979. Applicant: PALTEX TRANSPORT CO., P.O. Box 296, Palestine, TX 75801. Representative: Kenneth R. Hoffman, 801 Vaughn Building, Austin, TX 78701. To operate as a contract carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except frozen) and (2) *non-alcoholic beverages* (except in bulk) from Muskogee, OK, to points in AR, LA, and TX, and (3) *materials, equipment and supplies* used in the manufacture, sale, and distribution of foodstuffs (except frozen) and *non-alcoholic beverages* (except in bulk) from points in AR, LA, and TX to Muskogee, OK, under continuing contract(s) with Griffin Manufacturing Company. (Hearing site: Dallas, TX.)

MC 129908 (Sub-6F), filed July 13, 1979. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Post Office Box 75410, Oklahoma City, OK 73107. Representative: Wm. L. Peterson, Jr., Century Center, Suite 250, 100 West Main Street, Oklahoma City, OK 73102. Transporting *fiberglass reinforcements* and *equipment, materials and supplies* used in the manufacturing of fiberglass reinforcements between points in TX, on the one hand, and, on the other, points in the United States (except AK, HI and TX). Hearing site: Washington, DC. or Oklahoma City, OK.

MC 129908 (Sub-7F), filed July 13, 1979. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Post Office Box 75410, Oklahoma City, OK 73107. Representative: Wm. L. Peterson, Jr., Century Center, Suite 250, 100 West Main Street, Oklahoma City, OK 73102. Transporting cleaning, scouring, and polishing compounds, cosmetics, dried foods, food supplements, powdered milk, processed agricultural commodities, and exercise apparatus, (a) From points in CA, Las Vegas and Sparks, NV, and Salt Lake City, UT to Omaha, NE and Nashville, TN, and (b) from Salt Lake City, UT to Sparks, NV. Hearing site: San Francisco, CA, or Oklahoma City, OK.

MC 133189 (Sub-No. 26F), filed July 13, 1979. Applicant: VANT TRANSFER, INC., 1229 Osborne Road, Minneapolis, MN 55432. Represenative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. Transporting (1) *roofing and insulating materials* (a) from the facilities of G.A.F. Corporation at Minneapolis, MN, to points in MT, ND, SD, NE, and IA; and (b) from the facilities of G.A.F. Corporation located at Mount Vernon, IN, and Joliet, IL, to points in MN, WS, IA, MI, and OH, and (2) *sound deadening materials, felt, and paper*, from Joliet, IL to points in MN, WS, IA, MI and OH. (Hearing site: Minneapolis, MN; St. Paul, MN.)

MC 133189 (Sub-27F), Filed July 10, 1979. Applicant: VANT TRANSFER, INC., 4075 Northeast Mulcare Drive, Minneapolis, MN 55421. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. Transporting *iron and steel articles*, from Martins Ferry, OH, and Beechbottom, WV, to points in MN. (Hearing site: Minneapolis, MN or Pittsburgh, PA.)

MC 133689 (Sub-288F), filed July 13, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *such merchandise* as is dealt in by wholesale and retail grocery and food business houses, and (2) *equipment, materials, and supplies* used in the conduct of such businesses (except commodities in bulk), between the facilities of Holsum Foods at or near Waukesha, WI, Albany, GA, Navosta, TX, Albert Lea, MN and points in Johnson County, KS, on the one hand, and, on the other, points in the United States in and east of

ND, SD, NE, OK, and TX. (Hearing site: ST. Paul, MN.)

MC 133689 (Sub-289F), filed July 6, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *electric ranges and microwave ovens* and (2) *such commodities as are used in the manufacture* of electric ranges and microwave ovens and accessories related thereto (except commodities in bulk) between those points in the United States in and east of ND, SD, NE, KS, OK and TX, on the one hand, and, on the other, the facilities of Litton Microwave Cooking Products, Litton Systems, Inc., at Sioux Falls, SD, restricted to traffic originating at or destined to the named facilities. Hearing site: St. Paul, MN.

MC 135078 (Sub-55F), filed July 11, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Transporting (1) *felt base carpet*, (2) *vinyl samples, and* (3) *adhesives (except in bulk)* from the facilities of G. A. F. Corporation at Whitehall (Lehigh County), PA, to points in AR, AZ, CO, IA, KS, LA, MS, NE, NM, OK, TX, UT, and WY. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 135419 (Sub-1F), filed July 12, 1979. Applicant: CONTAINER CARRIER CORPORATION, 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Transporting (A) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, motor vehicles, and commodities which because of size and weight require the use of special equipment), in containers, between the ports of entry in the United States, on the one hand, and, on the other points in the United States (except AK and HI), restricted to traffic having a prior or subsequent movement by water or rail; and (B) *empty containers*, between ports of entry in the United States, on the one hand, and, on the other points in the United States (except AK and HI). (Hearing sites: Houston, TX, and Washington, DC.)

MC 136818 (Sub-76F), filed July 5, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting (1) *paper and paper products (except in bulk) and* (2) *commodities produced or distributed by manufacturers and converters of paper and paper products (except in bulk)*, from points in WI to points in CO, ID, UT, AZ, CA, OR, and WA. (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 138469 (Sub-155F), filed July 9, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack Blanshan, 205 W. Touhy Avenue, Suite 200, Park Ridge, IL 60068. Transporting *foodstuffs* (except in bulk) from the facilities of American Home Foods, Division of American Home Products Corporation, at or near Vacaville, CA to point in AZ, CO, NV, NM, OK, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: San Francisco or Los Angeles, CA.)

MC 140389 (Sub-70F), filed July 13, 1979. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Transporting *(1) bakery products* and *(2) general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring the use of special equipment) when moving in mixed shipments with bakery products, from Bogart, GA, to points in the United States in and west of MI, OH, KY, TN, NC, SD, GA, and FL (except AK and HI). (Hearing site: Atlanta, GA.)

MC 140829 (Sub-299F), filed July 11, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *general commodities* from the facilities of Federal Warehouse Co. at Peoria, IL, to points in IA, MN, MO, ND, SD, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved. Any certificate issued herein, to the extent it authorizes the transportation of dangerous articles, shall be limited to a period of 5 years from its date of issue.

MC 140829 (Sub-300F), filed July 13, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *edible nuts and candy*, from Boston, MA to points in CO, IL, IN, MI, OH, TN, and TX, restricted to the transportation of traffic originating at the named origin and destined to points in the above named destination states. (Hearing site: Washington, DC.)

MC 142508 (Sub-91F), filed July 9, 1979. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37096, Omaha, NE 68137. Transporting *(1) paper and paper products, and (2) materials, equipment, and supplies used in the manufacture or distribution of paper and paper products* (except commodities in bulk), between Fond du Lac, Green Bay, Marinette, and Oconto Falls, WI, and Chicago, IL, on the one hand, and, on the other, points in CO, IA, KS, MN, MO, ND, NE, OK, and SD, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Philadelphia, PA or Washington, DC.)

MC 142819 (Sub-2F), filed July 11, 1979. Applicant: PRYDE CARRIERS, INC., 12212 Oak Park Ave., Palos Heights, IL 60603. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting *chemicals*, from the facilities of Armak Industrial Chemicals, A Division of Armak Co., at or near McCook and Morris, IL, to St. Louis, MO. (Hearing site: Chicago, IL.)

MC 143179 (Sub-17F), filed July 13, 1979. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent, P.O. Box 1017, Omaha, NE 68101. To operate as a *contract carrier*, by motor vehicle, in interstate or foriegn commerce, over irregular routes transporting *rebonded polyurethane carpet padding* from Dallas, TX, to points in AR, IA, KS, MO, NE, and OK, under continuing contract(s) with General Felt Industries, of Saddlebrook, NJ. (Hearing site: Omaha, NE.)

MC 143218 (Sub-5F), filed July 10, 1979. Applicant: DONALD SANTISI TRUCKING COMPANY, 1024 North Main Street, Niles, OH 44446. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electric transformers and transformer parts and* (2) *materials, equipment and supplies* used in the production, distribution, or sale of electric transformers (except commodities in bulk), (a) between White City, OR, on the one hand, and, on the other, points in the United States (except AK and HI), and (b) between Youngstown, OH, on the one hand, and,

on the other, those points in the United States in and east of WI, IL, KY, TN, and MS, under continuing contract(s) with Balteau Standard, Inc., of White City, OR. (Hearing site: Columbus, OH.)

MC 143389 (Sub-9F), filed July 9, 1979. Applicant: MERCHANTS DUTCH EXPRESS, INC., Post Office Box 2525, Monroe, LA 72107. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *Such commodities as are dealt in by retail stores* (except commodities in bulk), from points in IA to points in OK, TX, AR, LA, MS, AL, TN, KY, GA, and FL, under continuing contract(s) with Howard Bros. Discount Stores, Inc., of Monroe, LA. (Hearing Site: Monroe, LA.)

MC 143619 (Sub-9F), filed July 5, 1979. Applicant: PALS BROS. TRUCKING, INC., RFD, Alexander, IA 50420. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wheat middlings* from Hastings and Lake City, MN, to Reinbeck, Rowan, and Cresco, IA, under continuing contract(s) with Cargill, Inc., of Minneapolis, MN. (Hearing Site: St. Paul, MN.)

MC 143939 (Sub-5F), filed July 9, 1979. Applicant: GERALD N. EVENSON, INC., P.O. Box Drawer I, Pelican Rapids, MN 56572. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Transporting (1) *rock paneling* from the facilities of Picture Rock Company in Becker County, MN, to points in the United States (except AK and HI), and (2) *rock* from points in ID and MT to the facilities of Picture Rock Company in Becker County, MN. (Hearing Site: Fargo, ND.)

Note.—Dual operations may be involved.

MC 144188 (Sub-9F), filed July 13, 1979. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Transporting *fiberboard, paper, paperboard, plastic containers, and plastic wax*, from the facilities of Bercon Packaging, Inc., at Berwick, PA, to EL Paso, IL. (Hearing Site: Harrisburg, PA or Washington, DC.)

MC 144259 (Sub-6F), filed July 2, 1979. Applicant: JENNARO LINES, INC., 2332 South Peck Road, Whittier, CA 90601. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. to operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *candy*, in vehicles equipped with mechanical refrigeration, from the facilities of Tootsie Roll Industries, Inc., at Chicago, IL, to points in AZ, CA, NV, OR and UT, under continuing contracts with Tootsie Roll Industries, of Chicago, IL. (Hearing Site: Los Angeles, CA.)

MC 144578 (Sub-2F), filed July 10, 1979. Applicant: LIME, INC., 3969 Wyoming Avenue, Dearborn, MI 48126. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, MI 48226. Transporting *quicklime*, in bulk, from Marble City, OK, to points in WI, those in IN and IL within the Chicago, IL, commercial zone, and those in Marion and Butler Counties, OH. (Hearing site: Detroit, MI or Chicago, IL.)

MC 144609 (Sub-6F), filed July 11, 1979. Applicant: ADAN J. DOMINGUEZ, d.b.a. DOMINGUEZ BROS. PRODUCE CO., 1500 South Zarzamora Street, San Antonio, TX 78207. Representative: Kenneth R. Hoffman, 801 Vaughn Building, Austin, TX 78701. Transporting *cement*, in bags, from points in TX to points in CA. (Hearing site: Los Angeles, CA.)

MC 144969 (Sub-10F), filed July 9, 1979. Applicant: WHEATON CARTAGE CO., Wheaton Avenue, Millville, NJ 08332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *chemicals*, in packages, and *materials, equipment and supplies* used in their application (except in bulk), from Waterloo, NY, to points in the United States (except AK and HI), (2)(a) *chemicals* and *plastics*, in packages, (b) *plastic* and *rubber articles* and (c) *materials, equipment and supplies* used in the application of the commodities in (a) and (b) above (except in bulk), from Canton, MA, to points in the United States (except AK and HI), and (3) *materials, equipment and supplies* (except in bulk), used in the manufacture, production and distribution of the commodities in (1) and (2) above, from points in the United States (except AK and HI) to the origins in (1) and (2) above. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 145108 (Sub-4F), filed July 9, 1979. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bayridge Station, Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals*, in vehicles equipped with mechanical refrigeration, and (2) *materials, equipment and supplies used in the manufacture and sale of chemicals* (except commodities in bulk), between Williamsport, PA, and Painesville, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Glyco Chemicals, Inc., of Greenwich, CT. (Hearing site: New York, NY, or Washington, DC.)

MC 145359 (Sub-8F), filed July 9, 1979. Applicant: THERMO TRANSPORT, INC., 156 East Market Street, Indianapolis, IN 46204. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *iron, steel, and aluminum pipe fittings*, from Martins Ferry, OH, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction.

Note.—Dual operations may be involved.

MC 145359 (Sub-9F), filed July 11, 1979. Applicant: THERMO TRANSPORT, INC., 156 East Market Street, Indianapolis, IN 46204. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *plastic materials, magnesite, varnish, and liquid resin*, from Pittsfield and Dalton, MA, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction.

Note.—Dual operations may be involved.

MC 145639 (Sub-1F), filed July 2, 1979. Applicant: TRANSTECH LTD., 5500 Bradley, Sioux City, IA 51102. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers* (except those designed to be drawn by passenger automobiles and recreational vehicles), (a) from Sheldon, IA, to points in the United States (except AK and HI) and (b) in secondary movements, between points in the United States (except AK and HI); and (2) *materials, equipment and supplies used in the manufacture, repair, sale and distribution of trailers* (except commodities in bulk, in tank vehicles), from points in the United States (except AK and HI) to Sheldon, IA, under continuing contract(s) in (1) and (2) above with Muv-all Trailers Division of Multech Corporation, of Sioux City, IA, and Heavy Haul Trailers, Inc., of Canton, SD. (Hearing site: Omaha, NE.)

MC 145748 (Sub-2F), filed July 5, 1979. Applicant: MEYERS TRANSFERS, INC., Route 64 East, Mt. Morris, IL 61054. Representative: Robert H. Levy, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *machinery, machine parts, and trailers* from Oregon, IL, to points in the United States (except AK and HI), and (2) *used machinery and trailers and supplies used in the manufacture of machinery, machine parts, and trailers* in the reverse direction, under continuing contract(s) with E. D. Etnyre & Co., of Oregon, IL.

MC 145999 (Sub-3F), filed July 6, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: R. D. Davis, 2001 Broadway, Vallejo, CA 94590. Transporting (1) *gypsum wallboard* and (2) *materials and supplies* used in the installation of gypsum wallboard from Sigurd, UT, to points in CA and NV.

MC 146128 (Sub-5F), filed July 11, 1979. Applicant: MERRITT FOODS COMPANY, a corporation, d.b.a. MERRITT REFRIGERATED SERVICE, 2840 Guinotte, Kansas city, MO 64120. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *confectionery*, in mechanically refrigerated equipment, from the facilities of M & M Mars, Division of Mars, Inc., at Waco, TX, to Kansas City, MO. (Hearing site: Kansas City, MO.)

MC 146558 (Sub-2F), filed July 11, 1979. Applicant: READY-TOUR CORPORATION, 1017 Borette Lane, Napa, CA 94558. Representative: E. J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104. Transporting *passengers and their baggage*, in round-trip charter operations beginning and ending at points in Napa, Sonoma, Solano, Contra Costa, and Lake Counties, CA and extending to points in CA and Washoe, Storey, Douglas, and Ormsby Counties, NV. (Hearing site: Napa or San Francisco, CA.)

MC 146559 (Sub-2F), filed July 11, 1979. Applicant: LARAMEE LEASING & TRUCKING LIMITED, 107 Manitou Drive, Kitchener, Ontario, CD N2C1L4. Representative: Edwin M. Snyder, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Transporting *glass* from the facilities of LOF Glass, Inc. and LOF Co. at or near Laurinburg, NC, and Toledo, OH, to ports of entry on the international boundary line between the United States and Canada. (Hearing site: Chicago, IL, or Washington, DC.)

MC 146779 (Sub-1F), filed July 9, 1979. Applicant: REGAL TRUCKING CO., a corporation, 3741 South Pulaski, Chicago, IL 60623. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. Transporting *sand*, in bulk, from Troy Grove, IL, and points in Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI, restricted to the transportation of traffic originating at the facilities of Manley Bros. and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 146858 (Sub-2F), filed July 13, 1979. Applicant: AMHERST ENTERPRISES, INC., 9 East Pleasant Street, Amherst, MA 01002. Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA 01104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages* from points in Oswego County, NY, to points in ME, NH, VT, MA, CT, RI, and NY, under continuing contract(s) with Luey & Abercrombie, Inc., of Deerfield, MA. (Hearing site: Hartford, CT, or Boston, MA.)

MC 146879 (Sub-2F), filed July 2, 1979. Applicant: L. E. CAWOOD, d.b.a. L. E. CAWOOD PRODUCE, P.O. Box 83, Springdale, AR 72764. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such merchandise as is dealt in by* wholesale, retail, and chain grocery and food business houses, and (2) *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), from Cincinnati and Columbus, OH, to points in AR, AZ, CA, LA, MN, MO, TN, and TX, under continuing contract(s) with the Kroger Co. of Cincinnati, OH. (Hearing site: Columbus, OH.)

MC 147069 (Sub-2F), filed July 10, 1979. Applicant: CAL-THERMO EXPRESS, INC., 17327 Ventura Blvd., Suite 301, Encino, CA 91316. Representative: Milton R. Snelson (same address as applicant). Transporting (1)(a) *plastic articles* and (b) *such commodities* as are used in the manufacture of plastic articles (except in bulk) and (2) *chemicals* (except in bulk) (a) between points in CA, on the one hand, and, on the other, points in the United States (except AK, HI, CA, OR, WA, ID, NV, UT, AZ, MT, WY, CO, NM, ND, SD, NE, and IA), and (b) between points in the United States (except AK, HI, CA, OR, WA, ID, NV, UT, AZ, MT, WY, CO, NM, ND, SD, NE, and IA.)

MC 147258 (Sub-1F), filed July 10, 1979. Applicant: F. T. SILFIERS, INC., R.D. 2, Box 236, Bath, PA 18014. Representative: Forrest T. Silfies (same address as applicant). Transporting (1) *crushed stone aggregate*, in dump vehicles, from the facilities of Keystone Portland Cement Co., at Bath, PA, to Bayway, NJ, Staten Island and New Rochelle, NY, and (2) *Crude Rock (Gypsum)*, in dump vehicles from Perth Amboy, NJ, and Stoney Point, NY, to the facilities of Keystone Portland Cement Co., at Bath, PA.

MC 147358 (Sub-2F), filed July 9, 1979. Applicant: BEND BUILDING SUPPLY, INC., P.O. Box 206, Bend, OR 97701. Representative: Thomas Y. Higashi, Attorney at Law, 2075 S.W. First Ave., Suite 2N, Portland, OR 97201. Transporting *lumber, lumber mill products*, and *wood products* from points in OR to points in CA and NV. (Hearing site: Portland, OR.)

MC 147479 (Sub-1F), filed July 12, 1979. Applicant: MELODY HOME TRANSPORTATION CO., Hicks Field, North of Saginaw, Texas 76179, (P.O. Box 1227, Fort Worth, TX 76101). Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Mobile homes, house trailers, buildings in sections and modular structures* moving on wheeled undercarriages, and (2) *equipment, materials*, and *supplies* incidental thereto between the plantsite of Melody Home Manufacturing Co. at or near Saginaw, TX and points in AL, AZ, AR, CO, KS, LA, MS, MO, MT, NE, NV, NM, OK, TN, UT & WY, under continuing contract(s) with Melody Home Manufacturing Co., of Ft. Worth, TX. (Hearing site: Dallas or Fort Worth, TX.)

MC 147719F, filed July 10, 1979. Applicant: JOE SPAIN d.b.a. AIR/FRATE TRANSPORTATION, CO., 3085 Jetero Blvd., Houston, TX 77205. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. Transporting *general commodities* (except classes A and B explosives, those of unusual value, commodities in bulk, household goods as defined by the Commission, and commodities requiring the use of special equipment) between points in Harris County, TX, on the one hand, and, on the other, points in Cameron and Hidalgo Counties, TX, restricted to the transportation of traffic having a prior or

subsequent movement by air. (Hearing site: Houston, TX.)

MC 147728F, filed July 2, 1979. Applicant: C. & N. EVANS TRUCKING COMPANY, INC., RFD 2, Box 39–E, Stoneville, NC 27048. Representative: George T. Fulp, 108 North Franklin Street, Madison, NC 27025. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *cotton finished goods* and *textile materials* from the facilities of (1) Pannill Knitting, at Martinsville, VA; (2) Signal Knitting at Griffin, GA; (3) Stedman Corporation, at Asheboro, NC; and (4) Washington Mills, at Mayodan, NC, to the facilities of Downers, Inc., at Dallas, TX, and at Appleton, WI, under continuing contract(s) with Downer's, Inc., of Appleton, WI.

MC 147738F, filed July 2, 1979. Applicant: FALCON EXPRESS FORWARDERS, INC., 8 Lawrence Street, Belleville, NJ 07109. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *copper tubing and fittings*, and *materials* and *supplies* used in the manufacture of copper tubing and fittings, between points in CT, DE, MD, MA, NJ, NY, OH, PA, RI, VI, under continuing contract(s) with Reading Industries, of Reading, PA.

MC 147878F, filed July 13, 1979. Applicant: STATEN SHUTTLE SERVICE, P.O. Box 264, Staten Island, NY 10308. Representative: George A. Olsen, P.O. Box 357, Galdstone, NJ 07934. Transporting *passengers and their baggage*, in the same vehicle with passengers, between points in Kings, Nassau, and Suffolk Counties, NY, on the one hand, and, on the other, the facilities of the US Lines, at Cranford, NJ. (Hearing site: New York, NY or Newark, NJ.)

MC 147879F, filed July 12, 1979. Applicant: MURRAY & SONS TRANSPORTATION, INC., 212 North Jefferson Street, Cuba City, WI 53807. Representative: Robert C. Block, 215 West Main Street, Platteville, WI 53818. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rough iron and steel castings* from Browntown, WI, to points in WI, IL, IA, MI, MO, IN, and OH, and (2) *materials, supplies and equipment* used in the manufacture of such castings, in the reverse direction, under continuing contract(s) with Iroquois Foundry Company, of Browntown, WI. (Hearing site: Madison or Platteville, WI.)

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Decided: January 23, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 1628 (Sub-1F), filed July 22, 1979. Applicant: STEVEN C. REUTER d.b.a. CARL REUTER FREIGHTLINE, 712 West 3rd Street, Summer, IA 50674. Representative: Cecil L. Goethsch, 1100 Des Moines Building, Des Moines, IA 50309. Transporting *General Commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Alpha, Artesian, Denver, Eldorado, Festina, Fort Atkinson, Fredericksburg, Frederika, Hawkeye, Jackson Junction, Lawler, Protivin, St. Lucus, Spillville, Sumner, Tripoli, Waterloo, and Waucoma, IA. (Hearing site: Des Moines, IA.)

MC 18088 (Sub-62F), filed July 20, 1979. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, AL 35149. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW, Washington, DC 20036. Transporting (1) *textiles* and *textile products*, and (2) *machinery, machinery parts, equipment, materials, and supplies* used in or in connection with the operation of textile mills and warehouses, (except commodities the transportation of which because of size or weight requires the use of special equipment) between Fountain Inn, SC, on the one hand, and, on the other, points in LA, MS, NC, and SC, restricted to traffic moving from or to the facilities of Schott International, Inc. (Hearing site: Washington, DC.)

Note.—Common control is involved.

MC 25869 (Sub-159F), filing date July 20, 1979. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting *confectioneries*, (a) from Hackettstown, NJ, to points in IA, IL, NE, and CO, and (b) from Chicago, IL, to points in IA, NE, and CO. (Hearing site: Chicago, IL.)

MC 25869 (Sub-160F), filing date July 23, 1979. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610 Xerox Bldg., 7171 Mercy Road, Omaha, NE 68106. Transporting *meats, meat products*, and *meat by-products*, and *articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (a) from the facilities of Sterling Colorado Beef Company, at or near Sterling, CO, to points in IN, KY, MI, and NE, and (b) between Lincoln, NE, and points in IL. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 52979 (Sub-21F), filed July 23. Applicant: HUNT TRUCK LINES, INC., West High Street, Rockwell City, IA 50579. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *cylinders, manifolds and cranes, and parts therefor*, and (2) *materials used in the manufacture of cylinders, manifolds and cranes*, between Pocahontas, IA, on the one hand, and, on the other, points in IN, KS, KY, OH, PA, SD, and TN. (Hearing site: Omaha, NE, or Minneapolis, MN.)

MC 55709 (Sub-14F), filed July 22, 1979. Applicant: ANDING TRANSIT, INC., P.O. Box 112, Arena, WI 53503. Representative: James A. Spiegel, Attorney, Older Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting *cheese, cheese products, and artificial cheese products* between Sioux Center, IA, and that part of IA north and east of Interstate Highways 80 and 35, on the one hand, and, on the other, Rochester, MN.

MC 78228 (Sub-133F), filed July 22, 1979. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Transporting *materials, equipment, machinery, and supplies used in the manufacture of iron and steel articles, in dump vehicles*, between the facilities of United States Steel Corporation in Allegheny, Westmoreland, Bucks and Cambria Counties, PA; Cook and Will Counties, IL; Lake County, IN; and Cuyahoga, Lorain, Mahoning, Stark and Trumbull Counties, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC or Pittsburgh, PA.)

MC 81908 (Sub-10F), filed July 19, 1979. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Transporting (1) *foodstuffs*, and (2) *materials, equipment and supplies used in the manufacturing and packaging of foodstuffs*, except commodities in bulk, between the facilities of Heinz USA at or near (a) Holland, MI, (b) Fremont and Toledo,

OH, and (c) Pittsburgh, PA, on the one hand, and, on the other, points in IN, KY, MI, OH, WV, and those in PA on and west of U.S. Highway 219, restricted to traffic originating at or destined to the named facilities.

MC 88619 (Sub-2F), filed July 16, 1979. Applicant: MARVIN JAY HUTCHINSON, d.b.a. HUTCHINSON TRANSFER, 309 East Third Street, Thief River Falls, MN 56701. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. Transporting *lumber, wood products, and fence posts,* (1) from ports of entry on the International Boundary line between the United States and Canada in ND and MN to points in IL, IA, MN, NE, ND, SD, and WI, and (2) from points in SD and MT to ports of entry on the International Boundary line between the United States and Canada in ND and MN. (Hearing site: Grand Forks, ND.)

MC 99919 (Sub-4F), filed July 19, 1979. Applicant: FREMONT EXPRESS, INC., 620 E. Factory, P.O. Box Q, Fremont, NE 68025. Representative: Scott T. Robertson, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *vermiculite, vermiculite products, perlite, perlite products, and insulation materials,* from the facilities of W. R. Grace & Co., at or near Omaha, NE, to points in IA, KS, MN, MO, and SD. (Hearing site: Omaha, NE.)

MC 100449 (Sub-111F), filed July 16, 1979. Applicant: MALLINGER TRUCK LINE, INC., R.R. #4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *foodstuffs,* except in bulk, from the facilities of Interstate Foods Corp. at Chicago, IL, to points in TX, TN, and KS. (Hearing site: Chicago, IL.)

MC 107478 (Sub-50F), filed July 18, 1979. Applicant: OLD DOMINION FREIGHT LINE, INC., 1791 Westchester Drive, Post Office Box 2006, High Point, North Carolina 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *iron and steel articles* from Atlanta and Marietta, GA to points in AL, AR, CO, DE, DC, FL, IA, IL, IN, KA, KY, LA, MD, MI, MO, MS, NC, NE, NY, OH, OK, PA, SC, TN, TX, VA, and WV. (Hearing site: Atlanta, GA; Washington, DC.)

MC 108119 (Sub-175F), filed July 19, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *(1) presses, punches and shears, and (2) parts for the commodities named in (1) above,* from the facilities of Harris Press & Shear Company at Cordele, GA, to points in the United States (except AK and HI), *(3) equipment, materials and supplies* (except commodities in bulk) used in the manufacture of the commodities named in (1) and (2) above, from points in the United States (except AK and HI) to the facilities of Harris Press & Shear Company at Cordele, GA. (Hearing site: Atlanta, GA.)

Note.—Common control may be involved.

MC 109238 (Sub-14F), filed July 17, 1979. Applicant: DE HART MOTOR LINES, INC., Highway 67–70 West, Conover, NC 28613. Representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *plastic materials and plastic articles* (except in bulk, in tank vehicles), from New York, NY, to Spartansburg, Rosebuck, Anderson, Smoaks, and Greenville, SC. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 109238 (Sub-15F), filed July 17, 1979. Applicant: DE HART MOTOR LINES, INC., 64–70 West, Conover, NC 28613. Representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *cleaning, scouring, washing and textile softening compounds, drugs, chemicals, toilet preparations, dental or hospital supplies, logs, fireplace compressed, insecticides, plastic articles, and prepared foods,* from Jersey City, NJ, to points in NC. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 109238 (Sub-16F), filed July 17, 1979. Applicant: DE HART MOTOR LINES, INC., Highway 64–70 West, Conover, NC 28613. Representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *floor coverings and articles used in the insulation and maintenance thereof* (except in bulk), between Vails Gate, NY and Raleigh, NC. (Hearing site: Charlotte, NC or Washington, DC.)

MC 109238 (Sub-17F), filed July 17, 1979. Applicant: DE HART MOTOR LINES, INC., Highway 64–70 West, Conover, NC 28613. Representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *foodstuffs* (except in bulk, in tank vehicles), from Jersey City, NJ, to points in NC and SC. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 109238 (Sub-18F), filed July 17, 1979. Applicant: DE HART MOTOR LINES, INC., Highway 64–70 West, Conover, NC 28613. Representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, NY 10048. Transporting *such merchandise* as is dealt in by wholesale and retail department stores from New York, NY to Raleigh and Fuguay Varina, NC. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 109449 (Sub-43F), filed July 19, 1979. Applicant: KUJAK TRANSPORT, INC., 6366 W. 6th Street, Winona, MN 55987. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Transporting building stone from Winona, MN, to points in WI. (Hearing site: St. Paul, MN.)

MC 110098 (Sub-177F), filed July 20, 1979. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren (same address as applicant). Transporting *animal feed, feed ingredients, additives, supplements, materials and supplies used in the manufacture and promotion of animal feed* (except in bulk), between Los Angeles, CA, Ogden, UT, Hutchinson, KS, Columbus, OH, Mattoon, IL, and Birmingham, AL, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of shipments originating at or destined to the facilities of Kal Kan Foods, Inc., (Hearing Site: San Antonio, TX, or Los Angeles, CA.)

MC 111729 (Sub-758F), filed July 20, 1979. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Texas, restricted (1) against the transportation of packages weighing more than 50 pounds and (2) against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location, to one consignee at one location, in any one day. (Hearing Site: Dallas TX.)

Note.—Dual operations may be involved. Common control may be involved.

MC 112989 (Sub-104F),filed July 16, 1979. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). Transporting *(1) fiberglass reinforced plywood, and (2) equipment, materials and supplies used in the manufacture and distribution of the commodities in (1) above, (except 'commodities in bulk),* between the

facilities of Cor Tec, Inc., at or near Washington Court House, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Columbus, OH.)

MC 113528 (Sub-43F), filed July 16, 1979. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36601. Representative: Joy Stephenson (same address as applicant). Transporting (1) doors, door hardware, hardwood, and accessories, therefor (a) from Century, FL, and Terrell, TX, to points in AL, AR, GA,LA, MS, NM, NM, NC, SC, TN, TX, and VA, and (b) from Leeds, AL, to points in AR, GA, LA, MS, NM, TN, TX, and VA, and (2) materials, equipment, and supplies utilized in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), (a) from points in AL, AR, GA, LA, MS, NC, SC, TN, TX, and VA to Century, FL, and Terrell, TX, and (b) from AR GA, LA, MS, NM, TN, TX, and VA to Leeds, AL., restricted to traffic moving from or to the facilities of Jim Walter Door Corporation. (Hearing Site: Mobile, AL, or Tampa, FL.)

MC 113678 (Sub-825F), filed July 16, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Transporting *foodstuffs* (except in bulk) from Phoenix, AZ, to points in CA. (Hearing site: Phoenix, AZ.)

MC 113678 (Sub-826F), filed July 19, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Transporting *frozen culture concentrates* (except in bulk) from Des Moines, IA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. (Hearing site: Des Moines, IA.)

MC 114028 (Sub-35F), filed July 17, 1979. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Boulevard, Dubuque, Iowa 52001. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Illinois 60603. Transporting *ferro silicon and ferro manganese*, (except in bulk), from Pittsburgh, PA to points in IL, IN, IA and OH. (Hearing site: Chicago, IL.)

MC 117699 (Sub-3F), filed July 16, 1979. Applicant: MILLER BROS. CO., INC., Box EA, Hyrum, UT 84319. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting (1) *meats, meat products* and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (a) between the facilities of E.A. Miller & Sons Packing Co., Inc., at Hyrum, UT, on the one hand, and, on the other, points in CA, NV, MT, ID, OR, WA, CO, WY, and AZ, (b) from the facilities of E. A. Miller & Sons Packing Co., Inc., at Hyrum, UT to IA, IL, MN, NM, NE, ND, SD, TX, and WI, (c) from the facilities of American Commodities Corporation and American Commodities International, Inc., at or near Hyrum, UT, to CA, OR, WA and NV (d) between the facilities of Parke Meat Co., Inc., at or near Ogden, UT, on the one hand, and, on the other, points in CO, NE, and CA, (e) from Boise and Roberts, ID to UT, CA, OR, and WA; (2) *cheese, cheese products and synthetic cheese* from Cache County, UT to AZ, ID, NV, OR, WA, CO, and CA. (Hearing site: Salt Lake City, UT.)

Note.—By this application applicant seeks to convert all contract carrier permits in No. MC133671, MC133671 Sub 2, MC133671 Sub 3, MC133671 Sub 4 and MC133671 Sub 6F and 8F to Certificates of Public Convenience and Necessity and to expand its operations as hereinabove set forth.

MC 118038 (Sub-16F), filed July 16, 1979. Applicant: EASLEY HAULING SERVICE, INC., Yakima, WA 98807. Representative: Charles C. Flower, P.S., Suite 2, 303 East "D" Street, Yakima, WA 98901. Transporting *frozen food* from points in ID, OR, and WA to points in ID, OR, and WA.

MC 118159 (Sub-343F), filed July 23, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366-Dawson Station, Tulsa, OK 74151. Representative: Warren Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *foodstuffs* (except in bulk) from Tampa and Miami, FL, to points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Pittsburgh, PA.)

MC 119349 (Sub-20f), filed July 18, 1979. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, Florida 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Transporting *foodstuffs*, from Long Island City, NY, to points in the United States (except AK and HI). (Hearing site; Washington, DC.)

MC 119349 (Sub-21F), filed July 18, 1979. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Transporting *motor oil*, in containers, from Kenner, LA to Miami, FL. (Hearing site; Washington, DC.)

MC 119789 (Sub-616F), filed July 16, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Transporting *liquid plastic*, in containers, in mechanically refrigerated equipment from Metairie, LA to Sacramento, CA; Denver, and Colorado Springs, CO; Ft. Lauderdale, and Orlando, FL; Atlanta, GA; Chicago, IL; Albuquerque and Gallup, NM; Buffalo, NY; Niles, MI; Minneapolis, and Rogers, MN; Kansas City, and St. Louis, MO; Portland, OR; Philadelphia, PA; and Seattle, WA. (Hearing site: Los Angeles, CA.)

MC 120618 (Sub-19F), filed July 17, 1979. Applicant: SCHALLER TRUCKING CORPORATION, 5700 West Minnesota Street, Indianapolis, IN 46241. Representative: John R. Bagileo, 918, 16th Street NW., Washington, D.C. 20006. Transporting: *aluminum and aluminum articles* from the facilities of Anaconda Company Aluminum Division at or near Seebree, KY to points in AK, AL, IL, IN, TN, and TX. (Hearing site: Indianapolis, IN or Louisville, KY.)

MC 120618 (Sub-20F), filed July 17, 1979. Applicant: SCHALLER TRUCKING CORPORATION, 5700 West Minnesota St., Indianapolis, IN 46241. Representative: John R. Bagilieo, 700 World Center Bldg., Washington, DC 20006. Transporting *iron and steel articles* from the facilities of United States Steel Corporation at or near Fairless, Dravosburg, Homestead, Duquesne, Clairton, McKees Rocks, Johnstown, McKeesport, and Vandergrift, PA, Lorain, Cleveland and Youngstown, OH, to points in IN, those in IL, on or east of US Hwy. 51, and those in OH, on or south of US Hwy. 70. (Hearing site: Indianapolis, IN, or Cleveland, OH.)

MC 124078 (Sub-979F), filed July 16, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Transporting *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc., at or near (1) Amarillo, TX, Dakota City and West Point, NE, Denison and Ft. Dodge, IA, Emporia, KS, and Luverne, MN, to points in IL, IN, MA, NJ, OH, TN, and WI, and (2) Dakota City and West Point, NE, Denison and Ft. Dodge, IA, Emporia, KS, and Luverne, MN, to points in LA, MN, and MO. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 125299 (Sub-7F), filed July 20, 1979. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 E. Cherry Street, Troy, MO 63379.

Representative: Herman W. Huber, Attorney, 101 East High Street, Jefferson City, MO 65101. Transporting (1) *foodstuffs* (except in bulk) from St. Louis, MO, and Atlanta, GA, to points in the United States (except Alaska and Hawaii) and (2) *foodstuffs, and materials, equipment and supplies* used in the manufacture of foodstuffs in the reverse direction.

MC 125368 (Sub-74F), filed July 19, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., Post Office Box 26, Holly Ridge, NC 28445. Representative: Roland Lowell, Sixth Floor, United American Bank Building, Nashville, TN 37219. Transporting *glass and glass products* from the facilities of Libbey-Owens Ford Glass, Inc., at or near Laurinburg and Clinton, NC, to points in Iowa and Minnesota.

MC 126113 (Sub-166F), filed July 16, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebraska 68501. Representative: David R. Parker (same address as applicant). Transporting *limestone, in bags,* from Sylacauga, AL to points in IL, IA, KS, MN, MO, NE, NJ, OK, TX, and WI. (Hearing site: Wichita, KS or Omaha, NE).

Note.—Common control may be involved.

MC 126118 (Sub-168F), filed July 20, 1979. Applicant: CRETE CARRIER CORPORATION, P.O Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. Transporting *unfinished piece goods,* from points in AL, GA, LA, NC, SC, and TN to Hutchinson, KS. (Hearing site: Wichita, KS, or Omaha, NE.)

Note.—Dual operations and common control may be involved.

MC 128819 (Sub-2F), filed July 19, 1980. Applicant: R. J. HALPIN, INC., Birchwood Lane, Lenox, MA 01240. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *petroleum products,* in bulk, in tank vehicles, from Albany and Rensselaer, NY, to points in Berkshire County, MA. (Hearing site: (1) Springfield, MA, (2) Boston, MA.)

MC 133119 (Sub-164F), filed July 16, 1979. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206 200 Norka Drive, Akron, Iowa 51001. Representative A.J. Swanson, P.O. Box 1103, 300 S. Thompson Avenue, Sioux Falls, SD 57103. Transporting *meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses,* as described in Sections A, B, C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 *(except hides and commodities in bulk),* from Omaha and Madison, NE, Huron, SD, and Worthington, MN, to points in TX, OK, LA, AR, MS, TN, AL, GA, FL, SC, and NC, restricted to the transportation of traffic originating at the facilities of Armour Fresh Meats Company at or near the named origins and destined to the named destination states. (Hearing site: Phoenix, AZ or Omaha, NE.)

MC 133689 (Sub-290F), filed, July 20, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, SW., New Brighton, MT 55112. Representative: Robert P. Sack, P.O. Box 6010 West St. Paul, MI 55118. Transporting (1) *such merchandise as is dealt in by manufacturers and distributers* of health and beauty aids, cosmetics, personal care items and advertising materials and displays, (except commodities in bulk), and (2) equipment, materials and supplies used in the manufacture, sale and distribution of commodities named in (1) above (except commodities in bulk), between Edison, Metuchen, East Brunswick, South Plainfield and South Brunswick, NJ, on the one hand, and, on the other, points in OH, IN, MI, IL, WI, and MN, restricted to traffic originating at or destined to the facilities of the Revlon Company. (Hearing site: St. Paul. MN.)

MC 134349 (Sub-30F), filed July 20, 1979. Applicant: B. L. T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048 To operate as a *contract carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, Transporting (1) *such commodities as are dealt in or used by discount department stores, and (2) equipment, materials, and supplies used in the conduct of such business* (except commodities in bulk and foodstuffs), between New York, NY, and Secaucus, NJ, on the one hand, and, on the other, points in MI, IL, WI, and MN, under continuing contract(s) with Jubilee Shops, Inc., of Secaucus, NJ. (Hearing site: New York, NY.)

MC 135809 (Sub-7F), filed July 19, 1979. Applicant: B-H TRANSFER CO., P.O. Box 151, Sandersville, GA. Representative: J. Raymond Clark, Suite 1150, 600 New Hampshire Avenue, N.W., Washington, D.C. 20037. Transporting (1) insulators, electrical wiring, pottery and pottery parts; and (2) materials, equipment and supplies (except commodities in bulk in tank vehicles) used in the manufacture and distribution of the commodities in (1) above, between Sandersville, GA, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV (Hearing site: Atlanta, GA, or Washington, DC.)

MC 135809 (Sub-8F), filed July 19, 1979. Applicant: B-H TRANSFER CO., Box 151, Sandersville, GA. Representative: J. Raymond Clark, Suite 1150, 600 New Hampshire Avenue, N.W., Washington, D.C. 20037. Transporting (1) *prepared potting soil* and (2) *materials, equipment and supplies* (except commodities in bulk in tank vehicles) used in the manufacture and distribution of the commodity in (1) above, between Sandersville, GA, on the one hand, and on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV (Hearing site: Atlanta, GA or Washington DC.)

MC 138469 (Sub-161F), filed July 18, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green, P.O. Box 75354, Oklahoma City, OK 73107. Transporting *office and household fixtures and furnishings, and component parts thereof, and materials, equipment and supplies used in the production of office and household fixtures and furnishings,* from the facilities of Triangle Pacific Corporation at or near (1) Union City, IN, to points in GA, KS, NE, ND, OK, SD, and TX and (2) from Auburn, NE to points in IA, KS, and MO.

MC 139349 (Sub-15F), filed July 19, 1979. Applicant: E Z FREIGHT LINES, Gould and E. 46th Streets, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lighting fixtures and lamps,* and (2) *equipment, materials, and supplies* used in the manufacture and sale thereof (except commodities in bulk), between East Brunswick and Finderne, NJ, and Jessup, MD, on the one hand, and, on the other, points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International boundary line between the United States and Canada (except AK, HI, LA, MN, and TX), under continuing contract(s) with Action Tungsram, of East Brunswick, NJ. (Hearing site: Newark, NJ.)

MC 139349 (Sub-16F), filed July 23, 1979. Applicant: E Z FREIGHT LINES, a corporation, Gould and E. 46th Streets,

Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *plastic plates, plastic film, plastic sheeting* and *plastic rods*, from Newcomerstown, OH, to points in CT, DE, KY, MA, MI, NJ, NY, PA and RI under a continuing contract(s) with The General Tire & Rubber Company of Akron, OH. (Hearing site Newark, NJ.)

MC 140379 (Sub-9F), filed July 17, 1979. Applicant: TRANSPORT SERVICE, INC., 216 Amaral Street, P.O. Box 4167, East Providence, RI 02914. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *iron, steel, zinc, lead, and articles or products thereof* (except in bulk), and (b) *construction materials, supplies and equipment (except in bulk)*, from the facilities of or used by Penn-Dixie Steel Corporation at or near Blue Island and Joliet, IL, Fort Wayne and Kokomo, IN, Grand Rapids and Lansing, MI, and Columbus and Toledo, OH, to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, and WV, and (2) *materials, supplies, and equipment (except in bulk)* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction, under continuing contract(s) with Penn-Dixie Steel Corporation, of Kokomo, IN. (Hearing site: Washington, DC.)

MC 140549 (Sub-18F), filed July 17, 1979. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting *meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell and Co. at or near Sioux Falls, SD; Estherville and Sioux City, IA; and Worthington, MN, to points in AZ, CA, FL, GA, MD, MA, NJ, NM, NY, NC, PA, OK, SC, and TX, restricted to the transportation of traffic originating at the facilities of John Morrell & Co. (Hearing site: Minneapolis or St. Paul, MN.)

MC 140829 (Sub-291F), filed July 16, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *fresh and frozen meat*, from the facilities of Vernon Calhoun Packing Company and Boneless Beef Packing Company at Palestine, TX, to points in the United States in and east of CO, MT, NM, and WY, restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-292F), filed July 16, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *metals* between points in AR, KS, LA, OK, and TX, on the one hand, and, on the other, points in CT, DC, IL, IN, MD, MI, NJ, NY, OH, PA, VA, and WV, restricted to traffic originating at named origins and destined to the named destination states. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-293F), filed July 16, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *meat and meat by products* used in the manufacturing of pet food from Amarillo, TX to all points in the United States in and east of MT, WY, CO and NM. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-294F), filed July 16, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *paper and paper products* from Dallas, TX, to points in IL, MA, MI, NJ, NY, OH, and PA, restricted to traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-295F), filed July 16, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *sodium bicarbonate, washing, cleaning and scouring compounds* (except in bulk), from Syracuse, NY to points in AR, CO, IA, KS, LA, MO, NE, OK, and TX, restricted to traffic originating at the named origins and destined to the named destination states. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-296F), filed July 20, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *metal shelving, tables, check-out counters, and display cases*, from the facilities of Maytex Manufacturing Company at or near Terrell, TX, to points in the United States in and east of CO, MT, NM, and WY, restricted to traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-297F), filed July 22, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *meat and meat by products*, from Fort Worth, TX, to points in the United States in and east of CO, MT, NM, and WY, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-298F), filed July 23, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *oxy-acetylene cutting and welding apparatus and medical gas pressure regulators*, from Denton, TX, to points in the United States in and east of CO, MT, NM, and WY, restricted to traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 142059 (Sub-87F), filed July 16, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, (same address as applicant). Transporting storage racks and storage rack parts from Pontiac, IL to points in the United States (except AK and HI) (Hearing site: Chicago, IL or Washington, DC.)

MC 142059 (Sub-88F), filed July 17, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, Illinois 60436. Transporting iron and steel articles (except commodities in bulk) from Gerald, MO, to points in the United States (except AK and HI) (Hearing site: St. Louis, MO or Washington, DC.)

MC 142508 (Sub-103F), filed July 20, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. Transporting *meats, meat*

products, meat by-products, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Denison, IA, to points in the United States (except AK and HI). (Hearing site: Des Moines, IA or Omaha, NE.)

MC 142519 (Sub-5F), filed July 20, 1979. Applicant: DELIVERY SERVICE CORPORATION, 5000 Wyoming Avenue, Suite 218, Dearborn, MI 48126. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products* from the facilities of International Paper Company at or near Howell, MI, to points in the United States (except AK, Mi, and HI), and (2) *materials, equipment, and supplies utilized in the manufacture thereof*, in the reverse direction, under a continuing contract(s) with International Paper Company of New York, NY. (Hearing site: Detroit, MI.)

MC 142698 (Sub-6F), filed July 17, 1979. Applicant: B. A. STRICKLAND, 620 Old Highway 99 North, Burlington, WA 98233. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum products, in containers*, from Coffeyville, KS, and Kansas City, MO, to points in OR and WA, and (2) *detergents and dairy sanitizers* from Stockton, CA, to Tacoma, WA, under continuing contract(s) with Western Farmers Association, of Seattle, WA. (Hearing site: Seattle, WA.)

MC 142999 (Sub-19F), filed July 23, 1979. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, P.O. Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, N.W., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products* from Miquon, PA, to points in AK, IL, IN and MO, under continuing contract(s) with Weyerhaeuser Company, of Plymouth Meeting, PA. (Hearing site: Washington, DC.)

MC 142999 (Sub-20F), filed July 23, 1979. Applicant: TRANSPORT MANAGEMENT SERVICE CORP., Post Office Box 39, Burlington, NJ 08016. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, N.W., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes transporting *starch and chemicals* from the facilities of National Starch and Chemical Corporation at or near Chicago and Meredosia, IL, and Indianapolis, IN, to points in CT, DE, MD, MA, NJ, NY, PA, RI, and VA, under continuing contract(s) with National Starch and Chemical Corporation, of Bridgewater, NJ. (Hearing site: Washington, DC.)

MC 143289 (Sub-8F), filed July 16, 1979. Applicant: FEDERATED TRANSPORT SYSTEMS, 800 South McGarry Street, Los Angeles, CA 90021. Representative: Lucy Kennard Bell, 9701 Wilshire Blvd., Suite 829, Beverly Hills, CA 90212. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *piece goods, lace fabrics, synthetic lace, finished synthetic knit fabrics, finished synthetic piece goods, hooks and eyes on cloth tape* and *elastic webbing*, from Bulrington, Charlotte, and Greensboro, NC, Newark and Secaucus, NJ, New York, NY, Philadelphia, PA, and Providence, RI, to Van Nuys, CA, and (2) *clothing* from Sylmar, CA, to Charlotte, NC, Newark and Secaucus, NJ, and New York, NY, under continuing contract(s) with The Olga Company, of Van Nuys, CA. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involed.

MC 143739 (Sub-24F), filed July 16, 1979. Applicant: SHURSON TRUCKING CO., INC., Box 147, New Richland, MN 56072. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting meat, meat products, meat byproducts and artices distributed by meat packinghouses, (except hides and commodities in bulk) from the facilities of Jason Foods, Inc., (1) at Chicago, IL, to points in MN, WI, IN and MI, (2) at Sioux City, IA, and OMaha, NE, to points in IN, IL, MN, MI, OH and WI, and (3) at Minneapolis, MN to points in IL, WI, IN, and MI, restricted to traffic originating at the facilities of Jason Foods, Inc. at the named origins and destined to points in the named destination states. (Hearing site: Chicago, IL or Washington, DC.)

MC 144208 (Sub-4F), filed July 17, 1979. Applicant: ART NORDANG TRUCKING, INC., P.O. Box 507, Methow, WA 98534. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting *general commodities* (except household goods and commodities in bulk, in tank vehicles) between points in WA, on the one hand, and, on the other, points in Chelan, Douglas, Yakima, Grant, and Okanagan Counties, WA, restricted to the transportation shipments having a prior or subsequent movement by water.

MC 144209 (Sub-7F), filed July 16, 1979. Applicant: ERWIN TRUCKING, INC., 9100 "F" Street, Omaha, NE 68127. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *carpets, floor coverings, and rugs*, from points in GA and NC, and Chicago, IL to Council Bluffs, IA. (Hearing site: Omaha, NE.)

MC 144688 (Sub-31F), filed July 19, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *sugar*, from the facilities of Godehaux Hendersen Sugar Co. at or near Kenner and Reserve, LA, to points in AL, AR, FL, GA, MS, NC, SC, and TN, restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Atlanta, GA.)

MC 144858 (Sub-14F), filed July 19, 1979. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. Transporting (1) *photographic equipment, materials and supplies and (2) materials and supplies used in the manufacture and sale thereof*, between points in MA, on the one hand, and, on the other, points in CA, FL, GA, IL, IN, KS, MI, NC, OH, TX, and WI, restricted to traffic originating at or destined to the facilities utilized by Polaroid Corporation. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144909 (Sub-3F), filed July 19, 1979. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine Street, Boston, MA 02109. Representative: Jeremy Kahn, Kahn and Kahn, Suite 733 Investment Building, Washington, DC 20005. Transporting *printed matter* and *microfilm*, used in and useful for the preparation of telephone directories, between Boston, MA, on the one hand, and, on the other, points in CT, ME, NH, RI, and VT, restricted to shipments between the facilities of Datacomp Corporation, at Boston, MA, on the one hand, and, on the other, the facilities of New England Telephone and Telegraph Company and the facilities of Southern New England Telephone and Telegraph Company in CT, ME, NH, RI, and VT, the facilities of Datacomp Corporation at or near New Haven, CT, and the facilities of

Microform Data Systems at or near Hamden, CT. (Hearing site: Boston, MA.)

Note.—Dual operations may be involved.

MC 145359 (Sub-6F), filed July 16, 1979. Applicant: THERMO TRANSPORT, INC., 156 East Market Street, Indianapolis, IN 46204. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46204. Transporting (1) laminated plastic sheets, from Coshocton, OH to points in the U.S. (except AK and HI), and (2) materials and supplies used in the manufacture and distribution of the commodities named in (1), above, in the reverse direction. (Hearing site: Dayton, OH, Indianapolis, IN, or Washington, DC.)

MC 145428 (Sub-3F), filed July 22, 1979. Applicant: CLIFF REED, Rt. 1, Box 510, Corvallis, MT 59828. Representative: John D. Greef, P.O. Box 149, 716 South First Street, Hamilton, MT 59840. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber,* from points in MT, ID, WA, and OR, to points in ND, and SD, under continuing contract(s) with Fox Lumber Sales, Inc., of Hamilton, MT.

MC 145648 (Sub-3F), filed July 23, 1979. Applicant: DUDLEY TRUCKING, INC., 1819 Olympic, P.O. Box 1651, Tacoma, WA 98401. Representative: Michael B. Crutcher, 2000 IBM Building, Seattle, WA 98101. Transporting *iron and steel articles* and *pipe* between points in WA or OR, on the one hand, and, on the other, points in ID and MT.

MC 146438 (Sub-4F), filed July 20, 1979. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Transporting (1) *frozen bakery goods* from the facilities of Mrs. Smith's Pie Company at or near Zeeland, MI, to points in OR, WA, ID, CA, NV, UT and AZ; and (2) *materials and supplies* used in the manufacture of frozen bakery goods from points in the Lower Peninsula of MI to the facilities of Mrs. Smith's Pie Company at or near Pottstown and Lake Winola, PA, and McMinnville, Portland and Salem, OR; (3) *frozen bakery goods* from the facilities of Mrs. Smith's Pie Company at or near Pottstown, Lake Winola, Fogelsville and Philadelphia, PA, to points in MI, IN, IL, OH, SC, NC, GA, FL, TX, CA and OR, and (4) *frozen bakery goods* from the facilities of Mrs. Smith's Pie Company at or near McMinnville and Portland, OR, to points CA, AZ and NV. (Hearing site: Detroit, MI or Washington, DC.)

MC 146578 (Sub-8F), filed July 18, 1979. Applicant: PALMETTO MOTOR LINES, INC., Post Office Box 6445, Spartanburg, SC 29304. Representative: Donald E. Cross, 918 16th Street NW., Washington, DC 20006. Transporting (1) *metal containers and parts thereof and* (2) *materials, equipment, and supplies used in the manufacture of metal containers,* between points in LA, MS, AL and FL, on the one hand, and, on the other, points in Chesterfield and Spartanburg Counties, SC, restricted to the transportation of traffic originating at or destined to the facilities of Crown Cork & Seal Co., Inc. (Hearing site: Spartanburg or Greenville, SC.)

MC 146678 (Sub-2F), filed July 20, 1979. Applicant: SOUTHLAND TRANSPORTATION, INC., P.O. Box 7760, Ben Franklin Sta., Washington, DC 20044. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *materials used in the manufacture of carpeting,* from points in Dochester County, SC, to those points in Georgia on and north of U.S. Highway 78. (Hearing site: Charleston, SC.)

Note.—Dual operations may be involved.

MC 146678 (Sub-3F), file date July 20, 1979. Applicant: SOUTHLAND TRANSPORTATION, INC., P.O. Box 7760, Ben Franklin St., Washington, DC 20044. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *canned and preserved foodstuffs,* from the facilities of Heinz USA, Division of H. J. Heinz Co., at or near Greenville, SC, to points in TN, restricted to traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Pittsburgh, PA.)

Note.—Dual operations may be involved.

MC 146719 (Sub-3F), filed July 23, 1979. Applicant: MATERIAL DELIVERY SERVICE, INC., P.O. Drawer F, County Road 26, Alabaster, AL 35007. Representative: Edward J. Kiley, 1730 M Street NW., Suite 501, Washington, DC 20036. Transporting (1) *cement* and (2) *lime,* in bags, from the plantsite of National Cement Co., at Ragland, AL, to points in GA, TN, MS, and FL. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 147109 (Sub-2F), filed July 16, 1979. Applicant: MIRRO MARINE DIVISION, MIRRO ALUMINUM COMPANY, 804 Pecor Street, Oconto, WI 54153. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *boats* from Anaheim, CA, to Alexandria, MN, under continuing contract(s) with A B W, Inc., of Alexandria, MN. (Hearing site: Appleton or Green Bay, WI.)

MC 147388 (Sub-2F), filed July 19, 1979. Applicant: EARLY BIRD FREIGHT LINES, INC., Route 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting *Plastic articles, and materials, equipment and supplies used in the manufacture, sale and distribution of plastic articles* (except in bulk), (1) from Chicago, IL, to Grand Island, NE, and (2) between Traverse City, MI, Grand Island, NE, and Big Spring and Dallas, TX, restricted to the transportation of shipments originating at or destined to the facilities of GIA. (Hearing site: Grand Island, NE.)

MC 147498 (Sub-2F), filed July 16, 1979. Applicant: BLUE GOOSE, INC., 6401 Centennial Blvd., Nashville, Tennessee 37209. Representative: John G. Hardeman, 618 United American Bank Building, Nashville, Tennessee 37219. Transporting fibreglass bathtubs and shower stalls and accessories and materials and supplies used in the manufacture of fibreglass bathtubs and shower stalls between Nashville, TN, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Nashville or Memphis, TN.)

MC 147908F, filed July 17, 1979. Applicant: PORT CITIES DRAYAGE, INC., P.O. Box 2051, 2901 N. 23rd St., Fort Smith, AR 72902. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles* and *paper products,* from Fort Smith, AR, to New Orleans, LA, and (2) *sugar, in bags* and *packages,* from Mathews, LA, to points in AR, under continuing contract(s) in part (1) with American Can Company-Dixie Products, of Fort Smith, AR, and in part (2) with The South Coast Corporation, of Houma, LA. (Hearing sites: Little Rock, AR; New Orleans, LA, or Washington, DC.)

MC 147909F, filed July 20, 1979. Applicant: CENTURY LINES, INC., 3725 Lakeside Avenue, Cleveland, OH 44114. Representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, automobiles, and those requiring special equipment because of size or weight), in containers or trailers having a prior or subsequent

movement by water or rail, between points in Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, and Trumbull Counties, OH, on the one hand, and, on the the other, Cleveland, OH, Baltimore, MD, and points in NY, and NJ, and (2) *empty containers or trailers* between the points in (1) above. (Hearing site: Cleveland, OH.)

MC 147919F, filed July 16, 1979. Applicant: SEA LANE EXPRESS, INC., Suite 1832, 2 World Trade Center, New York, NY 10048. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York 10048. Transporting *general commodities* (except those of unusual value, class A and class B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), in containers or trailers, between Boston and New Bedford, MA, New Haven, CT, and Providence, RI, on the one hand, and, on the other, Baltimore, MD, Philadelphia, PA, and New York, NY, restricted to traffic having a prior or subsequent movement by water. (Hearing site: New York, NY.)

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Decided: January 23, 1980.
By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

W 179 (Sub-1F), filed June 12, 1979. Applicant: ZELLER MARINE SERVICE, INC., 660 Emerson Street, Woodmere, NY 11598. Representative: Gordon P. MacDougall, 1100 17th Street, NW., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting non-self-propelled hopper barges, under charter, lease, or other agreements, to persons other than carriers subject to the Interstate Commerce Act to be used by such persons in the transportation of their own property, from Bridgeport, CT, to Port Newark, NJ, and New York, NY, from Stamford, CT, to Port Newark, NJ, and New York, NY, and from Brooklyn, NY, to New York, NY, under contracts with International Terminal Operating Co., Inc., Newark, NY, Philbro Export Sales Corporation, New York, NY, Schiavone-Bonomo Corporation, Jersey City, NJ, and Steelmet Export Company, New York, NY.

MC 409 (Sub-76F), filed June 27, 1979. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, NE 68979. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc. at or near Dakota City and West Point, NE; Denison and Fort Dodge, IA; Luverne, MN; and Emporia, KS to points in AR, CO, IL, IN, IA, MN, OK, TX, TN and WI, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 13569 (Sub-53F), filed June 28, 1979. Applicant: THE LAKE SHORE MOTOR FREIGHT CO., INC., 1200 South State Street, Girard, OH 44420. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting *such commodities* as are dealt in by grocery and food business houses from the facilities of the General Foods Corporation at Blue Ash, OH to points in WV. (Hearing site: Columbus, OH.)

MC 22179 (Sub-24F), filed July 2, 1979. Applicant: FREEMAN TRUCK LINE, INC., 419 Jackson Avenue, Oxford, MS 38655. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *agricultural chemicals, pesticides, and fertilizers* (except commodities in bulk and those requiring special equipment), between Vicksburg, MS, on the one hand, and, on the other, points in AR, on, north, and east of the following line: along U.S. Hwy 167 from the AR–MO State line to its intersection with U.S. Hwy 67, then along U.S. Hwy 67 to Little Rock, then down the Arkansas River to its confluence with the Mississippi River, and (2) *agricultural chemicals, pesticides, and fertilizer*, and *equipment, materials, and supplies* used in the manufacture and distribution of the above-named commodities (except commodities in bulk and those requiring special equipment), between points in Phillips County, AR, on the one hand, and, on the other, New Orleans, LA, and Memphis, TN, and points in MS.

Note.—Applicant proposes to tack and join requested authority with its present authority at Vicksburg, MS, so as to render through service between the delineated area in AR and points in MS and TN now served by Applicant.

MC 25798 (Sub-384F), filed July 2, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Transporting *plumbing fixtures and fittings and accessory parts and supplies* from New Orleans, LA to points in FL, restricted to the transportation of traffic originating at the facilities of American Standard, Inc., at the above-named origin. (Hearing site: Tampa, FL.)

MC 55898 (Sub-59F), filed July 2, 1979. Applicant: DECATO BROS., INC., Heater Road, Lebanon, NH 03766. Representative: David M. Marshall, 101 State Street-Suite 304, Springfield, MA 01103. Transporting *lumber, lumber products and finished forest products*, between the facilities of Weyerhaeuser Company at or near Askin, Lewiston, Plymouth and Jacksonville, NC, on the one hand, and, on the other, points in VA, WV, OH, PA, MD, DE, NJ, NY, CT, RI, MA, VT, NH, ME, and DC. (Hearing site: Raleigh, NC, or Washington, DC.)

MC 56679 (Sub-127F), filed July 2, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same 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 the facilities of Boise Cascade at Itasca, Addison, Elk Grove Village, and Chicago, IL, and Nashville, TN, and (2) between Nashville, TN, on the one hand, and, on the other, Atlanta, GA and Charlotte, NC.

MC 69938 (Sub-1F), filed July 2, 1979. Applicant: B.V. & G. TRANSPORT COMPANY, a corporation, 1557 State Street, Granite City, IL 62040. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *railway car and locomotive wheels*, from Keokuk, IA to Bensenville, IL and St. Louis, MO. (Hearing site: Chicago, IL.)

MC 73688 (Sub-99F), filed July 5, 1979. Applicant: SOUTHERN TRUCKING CORPORATION, P.O. Box 7195, 1500 Orenda Avenue, Memphis, TN 38107. Representative: Diane Price, Route 6, Box 15, North Little Rock, AR 72118. Transporting: (1) *Lumber and lumber products and wood and wood products* from points in AL, KS, LA, MS; MO, OK and TX to Cotton Plant, AR; (2) *Poles and pilings* from points in AR to points in AL, MS, LA, TN, and GA; and (3) *Lumber and lumber mill products* from points in AR to points in AZ, WY, CO, NM, TX, OK, KS, NE, MN, IA, MO, LA, WI, IL, MI, IN, KY, TN, MS, AL, GA and OH. (Hearing site: Little Rock, AR, or Washington, DC.)

MC 84428 (Sub-22F), filed July 15, 1979. Applicant: CHESTER JACKSON CO., 475 Schuyler Avenue, Kearny, NJ 07032. Representative: Charles J. Irwin, 744 Broad Street, Newark, NJ 07102. Transporting *commodities in bulk*, in tank and hopper vehicles, between points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, and

WV. (Hearing site: Newark, NJ, or New York, NY.)

MC 106398 (Sub-923F), filed July 2, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, Jr., 525 South Main, Tulas, OK 74103. Transporting (1) *Construction equipment, materials and supplies and iron and steel articles,* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities listed in (1) above between points in the United States (except AK and HI), restricted in (1) above to the transportation of traffic originating at the facilities of the Mississippi Valley Equipment Co., Inc., and in (2) above to the transportation of traffic destined to the facilities of the Mississippi Valley Equipment Company, Inc. (Hearing site: Atlanta, GA.)

MC 106398 (Sub-926F), filed July 2, 1979. Applicant: NATIONAL TRAILER CONVOY, INC. 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, Jr., 525 South Main, Tulsa, OK 74103. Transporting *iron and steel articles* between the facilities of Star Mfg. Co., at Cedartown, GA and points in AL, IN, IL, OH, PA, TX and OK. (Hearing site: Atlanta, GA.)

MC 109448 (Sub-25F), filed July 5, 1979. Applicant: PARKER TRANSFER COMPANY, a corporation, P.O. Box 256, Elyria, OH 44035. Representative: Robert W. Gardier, Jr., 100 East Broad Street, Columbus, OH 43215.Transporting: *Central heating and air conditioning units and component parts* from Nashville, TN, to points in KY, IL, IN, OH, MI, WV, PA, NY, VA, and MD. (Hearing site: Columbus, OH, or Washington, D.C.)

MC 110288 (Sub-3F), filed June 25, 1979. Applicant: HARRY HENERY, INC., 3517 W. Washington, Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *plastic pipe and materials and supplies* used in the manufacture and distribution of plastic pipe, between the facilities of Robintech, Inc. at Danville, IL on the one hand, and on the other, points in IL, MO, IA, WI, MI, IN, OH, KY, TN, KS, NY, NJ, CT, MD, MA, AZ, FL, NC, SC, GA, and TX.

MC 110988 (Sub-394F), filed July 5, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Gay, WI 54306. Transporting: *Tallow* (1) from Green Bay, WI to points in IL and IN; and (2) from the facilities of Iowa Beef Processors, Inc. at or near (a) Amarillo, TX; Dakota City and West Point, NE; Denison and Ft. Dodge, IA; Luverne, MN; and Emporia, KS to points in IL, IN, MA, NJ, OH, and WI; (b) Dakota City and West Point, NE; Denison and Ft. Dodge, IA; and Luverne, MN to points in LA and TX; and (c) Amarillo, TX to points in IA, MN, MO, and TN, restricted in Part (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 111548 (Sub-21F), filed July 2, 1979. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, NC 28637. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., NW., Washington, DC 20004. Transporting (1) *Canned goods* (except frozen), (a) from the facilities of Joan of Arc Company at or near Hoopeston and Princeville, IL, to points in NC and SC; and (b) from the facilities of Foell Packing Company at Chicago, IL, to points in NC and SC; (2) *Foodstuffs* (except in bulk and frozen) from the facilities of A. E. Staley Mfg. Co at or near Chicago, IL to points in NC and SC; and (3) Foodstuffs (except in bulk and frozen), textile softener, liquid starch and cleaning compounds (except in bulk), from the facilities of A. E. Staley Mfg. Co. at or near Chicago, IL, to Forest Park, GA. (Hearing site: Chicago, IL.)

MC 113459 (Sub-133F), filed June 18, 1979. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. Transporting: (1) *Metal buildings,* complete, knocked down or in sections, and *parts and accessories* for metal buildings; (2) *off-highway vehicles,* and *parts and accessories* for off-highway vehicles; (3) *power plant components and accessories;* (4) *fabricated steel structures;* and (5) *materials, equipment and supplies* used in connection with the manufacture, distribution, installation or maintenance of the commodities described in (1), (2), (3), and (4) above (except commodities in bulk); between the facilities of Braden Steel Corporation at or near Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or designed to the facilities of Braden Steel Corporation at or near Tulsa, OK. (Hearing site: Tulsa, OK; or Dallas, TX.)

MC 113499 (Sub-7F), filed July 2, 1979. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, WV 25419. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605 Washington, DC 20014. Transporting: Glass, from Clarksburg and Jerry Run (Taylor County), WV to points in NJ (except points within 25 miles of Philadelphia, PA, and points within the commercial zone of New York, NY), and New York (except points within the commercial zone of New York, NY). (Hearing site: Washington, DC.)

MC 114569 (Sub-328F), filed June 27, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *canned or preserved foodstuffs* from the facilities of the Gorton Group at Millville, NJ to points in CA; Portland, OR, and Seattle and Spokane, WA. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 114569 (Sub-329F), filed June 27, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *commodities* dealt in by manufacturers of gift packages between points in WI, on the one hand, and, on the other hand, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Swiss Colony, Inc. and/or Swiss Colony Stores, Inc. (Hearing site: Madison, WI, or Washington, DC.)

MC 116519 (Sub-67F), filed July 5, 1979. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, N.W., Washington, D. C. 20005. Transporting *snowmobiles,* from ports of entry on the international boundary lines between the United States and Canada in MI and NY, to Toledo, OH and Duluth, MN, restricted to the transportation of traffic moving in foreign commerce. (Hearing site: Washington, DC.)

MC 119349 (Sub-19F), filed June 18, 1979. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, Florida 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Transporting *foodstuffs* between the facilities of Foodways National, Inc., at or near Wethersfield, CT and New Paltz, NY on the on hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Foodways National, Inc. (Hearing site: Washington, DC.)

Note.—This application seeks to convert the permits held in MC-133867 Sub-No. 6 and 12 into a certificate of public convenience and necessity.

MC 123048 (Sub-462F), filed July 3, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting: (1) *Commodities* which, because of size, weight or shape, require the use of special equipment or special handling; (2) *Self-Propelled Articles*, each weighing 15,000 pounds or more, (3) *Commodities*, which because of size, weight or shape, do not require the use of special equipment or special handling when transported with part of the same shipment with either (1) or (2) above; and (4) *Materials, Equipment and Supplies* (except commodities in bulk) used in the manufacture or distribution of the commodities named in (1), (2) or (3) above, between Birmingham, AL, Mt. Vernon and Richwood, KY, and Chattanooga and Nashville, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Memphis or Nashville, TN.)

MC 127478 (Sub-18F), filed July 5, 1979. Applicant: WILLIAM M. HAYES, d.b.a. HAYES TRUCKING COMPANY, P.O. Box 31, Winterville, GA 30683. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. Transporting (1) *frozen and canned foodstuffs*, and (2) *materials, supplies and equipment* used in the manufacture and distribution of foodstuffs, between the facilities of Douglas Foods, Inc., at Douglas, GA, on the one hand, and, on the other, points in the United States (except AK & HI) restricted to the transportation of traffic originating at or destined to the facilities of Douglas Foods, Inc. (Hearing site: Atlanta, GA.)

MC 133219 (Sub-29F), filed July 2, 1979. Applicant: NEBRASKA BULK TRANSPORTS, INC., P.O. Box 215, Bennet, NE 68317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc. at or near Dakota City and West Point, NE; Denison and Fort Dodge, IA; Emporia, KS; and Luverne, MN to points in AR, CO, IL, IN, IA, MN, MO, OK, TX and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 134598 (Sub-2F), filed June 1, 1979. Applicant: GREATER MIAMI AIR FREIGHT, INC., 7795 N.W. 32nd Street, Miami, FL. Representative: Bernard C. Pestcoe, 511 Biscayne Building, 19 West Flagler Street, Miami, FL 33130. Transporting: general commodities, (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between Atlanta, GA., on the one hand, and on the other, points in FL, between Houston, TX and New Orleans, LA, between Houston, TX and New Orleans, LA, on the one hand, and on the other, points in FL and between points in FL restricted to the transportation of shipments having a prior or subsequent movement in interstate or foreign commerce or to the transportation of shipments which constitute the substitution of motor service for air service. (Hearing site: Miami, FL, or Washington, DC.)

MC 135598 (Sub-31F), filed July 3, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Transporting *chemicals, cleaning compounds*, and *buffing and polishing compounds*, in containers from Pearl, MS, to points in IL, IN, IA, MI, MO, OH, and WI; restricted to the transportation of traffic originating at the facilities of American Cyanamid Company. (Hearing site: Chicago, IL .)

MC 136818 (Sub-75F), filed July 5, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting: *Charcoal, charcoal briquets, fire place logs, wood chips and lighter fluid*, from Meta, MO to points in AZ, CA, CO, FL, GA, KS, MS, NE, NM, OK, OH, SD, TX, UT, and WA. (Hearing site: Phoenix, AZ or Kansas City, MO.)

Note.—Dual operations may be involved.

MC 136818 (Sub-77F), filed July 5, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902, Phoenix, AZ 85030. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting: *Salt* (except in bulk) from points in Salt Lake County, UT To points in AZ, CO, and NM. (Hearing site: Phoenix, AZ, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 136818 (Sub-81F), filed July 5, 1979. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, P.O. Box 3902. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *meats, meat products, and meat byproducts* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Thies Packing Company, Inc., at Great Bend, Wichita, and Topeka, KS to points in AZ, CA, OR, and WA. (Hearing site: Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 136899 (Sub-40F), filed June 27, 1979. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting: *Paper and paper products, and materials, equipment, and supplies used in the manufacture or distribution of paper and paper products (except commodities in bulk)* between Marinette, Green Bay, Oconto Falls, and Fond du Lac, WI, on the one hand, and, on the other points in MI, OH, IL, IN, ND, SD, NE, KS, MO, IA, and MN, restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Madison, WI or Philadelphia, PA.)

MC 138018 (Sub-53F), filed July 2, 1979. Applicant: REFRIGERATED FOODS, INC., P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey, P.O. Box 1018, Denver CO 80201. Transporting (1) *Chemicals*, (2) *Cleaning and polishing compounds*, (3) *Solvents, paints, gum resins, plastics, rubber and adhesives*, (4) *Paints and reducing compounds*, (5) *Liquid plastics*, (6) *Defoaming compounds*, (7) *Brush and stencil marking ink*, (8) *Plastic sheets*, (9) *Machinery and parts*, and (10) *Empty containers*, (except commodities in bulk, in tank vehicles and those requiring special equipment because of size or weight), (A) from points in Gray County, TX, to points in Orange County, CA, and (B) from points in Orange County, CA, to points in CO, IL, IN, IA, MN, NE, NW, and WI, restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations. (Hearing site: Los Angeles, CA.)

MC 138438 (Sub-61F), filed July 3, 1979. Applicant: D.M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, MD 21740. Transporting *Plastic pipe, fittings, valves and hydrants*, from the facilities of Clow Corporation at or near Buckhannon, WV, to points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS,

NC, OH, SC, TN, MO, and WI. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 140389 (Sub-68F), filed June 27, 1979. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. 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 AL, FL, GA, LA, MS, NC, SC, and TN, on the one hand, and, on the other, points in CA, CO, ID, MT, NV, OR, UT, WA, and WY. (Hearing site: Atlanta, GA, and Salt Lake City, UT.)

MC 140829 (Sub-276F), filed June 27, 1979. Applicant: CARGO, INC., A NEW JERSEY CORPORATION, P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *petroleum and petroleum products, oil filters, and vehicle body sealers* (except commodities in bulk, in tank vehicles), from the facilities used by the Quaker State Oil Refining Corp. at Vicksburg, MS, Buffalo and North Tonowanda, NY; Emlenton, Farmer's Valley, New Kennsington, and North Warren, PA; Congo, and St. Mary's, WV, to points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NM, ND, OH, OK, SD, TN, TX, and WI, restricted to the transportation of traffic originating at the named origins and destined to the above named destination states. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-279F), filed July 2, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *fuel supplements, anti-freeze, and containers* (except commodities in bulk, in tank vehicles), (1) From the facilities used by Power Service Products, Inc., at or near Weatherford, TX to points in IA, KS, MN, MO, NY, OH, PA, and WI, and; (2) from the facilities used by Power Service Products, Inc., at or near Oil City, PA to Weatherford, TX, restricted to the transportation of traffic in (1) and (2) above originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 142508 (Sub-90F), filed July 2, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. Transporting (1) *articles* distributed by automotive parts and supply houses, and (2) *commodities* used in the manufacture of automotive parts, supplies, and accessories, between the facilities of Standard Motor Products, Inc., at Montgomery, AL, Edwardsville, KS, Reno, NV, New York, NY, Dallas, TX, on the one hand, and, on the other points in the United States (except AK and HO), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: New York, NY, or Washington, DC.)

MC 143178 (Sub-3F), filed July 5, 1979. Applicant: GOLDEN STATE COACHES, INC., 1923 North Carson Street, Suite 105, Carson City, NV 89701. Representative: Mike Soumbeniotis, 402 North Division Street, Post Office Box 646, Carson City, NV 89701. Transporting: (a) *Passengers and their baggage* in one-way and round-trip special and charter operations between points in Sutter, Yuba, Colusa, Glenn, Butte, Tehama, Plumas, Lassen, and Sacramento Counties, CA, on the one hand, and, on the other, points in the United States (including AK but excluding HI); (b) *Passengers and their baggage* in one-way and round-trip special operations between points in Yolo, Placer (except points on and east of CA State Hwy. 89), Nevada, Sierra, and Shasta Counties, CA, on the one hand, and, on the other, points in the United States (including AK but excluding HI), the one-way operations to be conducted are to be restricted to the transportation of passengers and their baggage having a prior or subsequent movement by air, rail, or water. Operations to and from points in Sacramento County, CA, are to be restricted to movements to and from Sacramento International Airport.

MC 143739 (Sub-20F), filed July 5, 1979. Applicant: SHURSON TRUCKING CO., P.O. Box 147, New Richland, MN 56072. Representative: Michael L. Carter, P.O. Box 147, New Richland, MN 56072. Transporting: *Meats, meat products, meat by products, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the facilities of Lauridsen Foods, Inc. at or near Britt, IA and the facilities of Armour and Co. at or near Mason City, IA, to points in AL, AR, AZ, CA, CO, FL, GA, ID, IL, IN, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, WA, WI, and WY, restricted to the transportation of traffic originating at the named origins and destined to the named destinations.

MC 145869 (Sub-2F), filed July 2, 1979. Applicant: WILLIS TRUCKING CO., INC., Route 2, Willis, VA 24380. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting: (1) *New furniture*, from the facilities of Pulaski Furniture Corp. at Dublin, Martinsville, and Pulaski, VA to points in AZ, CA, CO, NV, OR, UT, and WA, (2) *New furniture and pictures*, from the facilities of Bassett Mirror Company, Inc. at Bassett and Philpott, VA to points in AZ and NV, (3) *Glass*, from the facilities of PPG Industries at or near Cumberland, MD, Mt. Holly Springs, PA, and Wichita Falls, TX to the facilities of Bassett Mirror Company, Inc. at Bassett and Philpott, VA, (4) *Materials and supplies used in the manufacture of new furniture*, from Los Angeles, CA, to points in NC and VA. (Hearing site: Washington, DC or Roanoke, VA.)

MC 145979 (Sub-3F), filed July 2, 1979. Applicant: CALIFORNIA EXPRESS LTD., 100 Beta Drive, P.O. Box 756, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *electric motors and electric motor parts*, from Lexington and McMinnville, and points in Davidson County, TN to points in AZ, CA, NV, OR, UT, and WA. (Hearing site: St. Louis, MO.)

MC 145999 (Sub-2F), filed July 2, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway Vallejo, CA 94590. Representative: R. D. Davis (same address as applicant). Transporting *Gypsum Wallboard and materials* used in the installation of gypsum wallboard, between points in CA and points in Carson City, Douglas, Storey and Washoe counties, NV.

MC 146329 (Sub-5F), filed July 2, 1979. Applicant: W–H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Transporting *animal and poultry feeding equipment* and *materials, equipment and supplies* used in the manufacture and distribution of animal and poultry feeding equipment, between the facilities of Klein Manufacturing Corporation, Burlington, IA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Madison, WI, or Milwaukee, WI.)

MC 146719 (Sub-2F), filed July 3, 1979. Applicant: MATERIAL DELIVERY SERVICE, INC., P.O. Drawer F, County

Road 26, Alabaster, AL 35007. Representative: Edward J. Kiley, 1730 M Street, N.W., Suite 501, Washington, DC Transporting *lime dust,* in bulk, from points in Shelby County, AL to points in Fulton County, GA. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 146869 (Sub-2F), filed June 28, 1979. Applicant: CARRIER FREIGHT LINES, INC., P.O. Box 813, Hickory, NC 28601. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. Transporting (1) *new furniture* from the facilities of Bassett Furniture Industries of North Carolina, Inc. at Newton and Hiddenite, NC, to points in OH, MI, IL, and IN; (2) *damaged and rejected shipments of new furniture* from points in OH, MI, IL and IN to the facilities of Bassett Furniture Industries of North Carolina, Inc. at Newton and Hiddenite, NC; (3) *supplies and equipment* used in the manufacture and distribution of new furniture from points in OH, MI, IL and IN to the facilities of Bassett Furniture Industries of North Carolina, Inc. at Newton and Hiddenite, NC. (Hearing site: Charlotte or Newton, NC.)

MC 147548 (Sub-1F), filed July 5, 1979. Applicant: ATLANTIC COAST BUS LINES, INC., P.O. Box 184, Lanham, MD 20801. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. Transporting *passengers and their baggage* in special operations between points in Washington, DC, and its commercial zone, on the one hand, and, on the other points in Arundel and Baltimore Counties, MD. (Hearing site: Washington, DC.)

MC 147598F, filed June 28, 1979. Applicant: SOCKETT, INC., 26 Remer Ave., Springfield, NJ 07081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *resins, and materials, equipment, and supplies* used in the manufacture and sale of resins, in shipper owned trailers, between the facilities of Synres Chemical Corp., at or near Kenilworth, NJ, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, OK, and TX, restricted to the transportation of shipments originating at or destined to the above-named facilities. (Hearing site: New York, NY, or Washington, DC.)

MC 148098F, filed July 5, 1979. Applicant: CITIES TRANSIT, INC. OF FLORIDA, 415 South Ingraham Ave., (P.O. Box 1553), Lakeland, FL 33802. Representative: M. Craig Massey, 202 East Walnut Street P.O. Drawer J, Lakeland, FL 33802. Transporting *passengers and their baggage* in charter operations, between points in Charlotte, DeSoto, Glades, Hardee, Hernando, Hillsborough, Lake, Lee, Leon, Manatee, Osceola, Pasco, Pinellas, Polk, Sarasota, and Sumter Counties, FL, on the one hand, and on the other points in the United States (except AK and HI).

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Decided: January 15, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 5603 (Sub-3F), filed July 6, 1979. Applicant: CHALMERS MOTOR FREIGHT, INC., 275 Langhorne-Yardley Road, Langhorne, PA 19047. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road and Cottman Street, Jenkintown, PA 19046. Transporting: *non-carbonated beverages,* in vehicles equipped with mechanical refrigeration, and *powders and crystals,* from Highstown, Vincetown and Florence, NJ, to Milton, York and Mechanicsburg, PA and Central Islip, NY, under a continuing contract(s) with Coca Cola Company Foods Division of Houston, TX. (Hearing site: Philadelphia, PA.)

MC 8973 (Sub-61F), filed July 17, 1979. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Avenue, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting (1) *plastic articles and materials, supplies and equipment* used in the manufacture, sale and distribution of plastic articles (except in bulk) (a) between points in the United States in and east of ND, SD, NE, KS, OK and TX, restricted in (1) above to traffic moving either from or to the facilities of the Continental Group, Inc., Plastics Division, (b) between the facilities of the Continental Group, Inc., Plastics Division in CA, on the one hand, and, on the other, points in the United States (except AK and HI), and (2) *paper and paper products, plastic and plastic products, and products manufactured and distributed* by manufacturers and converters of paper and paper products, plastic and plastic products, and materials, equipment, and supplies used in the manufacture and distribution of the above named commodities (except in bulk) between points in the United States in and east of WI, IA, MO, KS, OK, and TX, restricted to traffic moving either from or to the facilities utilized by the Continental Group, Inc., Bondwear Division. (Hearing site: New York, NY.)

MC 125952 (Sub-41F), filed July 23, 1979. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. Transporting *bakery products, bakery supplies, and materials and ingredients* used in and distributed by the baking industry between Oakland, CA, and points in AZ, OR and WA under continuing contract(s) with Sunshine Biscuits Incorporated. (Hearing site: San Francisco, CA.)

MC 126102 (Sub-27F), filed July 17, 1979. Applicant: ANDERSON MOTOR LINES, INC., 116 Washington Street, Plainville, MA 02762. Applicant's representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Transporting (1) *rubber and canvas footwear,* and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above* (except commodities in bulk) between the facilities of Gold Seal Rubber Company at Jasper and Atlanta, GA, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, under a continuing contract(s) with Gold Seal Rubber of Boston, MA. (Hearing site: Boston, MA.)

MC 126542 (Sub-12F), filed July 23, 1979. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, 200 Woodward Bldg., 1927, First Avenue, North, Birmingham, AL 35203. Transporting (1) *plastic and rubber articles and accessories for plastic and rubber articles* from the facilities of Wheel Products Division of Amerace Corporation in Lineville, AL to points in the United States except HI and AK; (2) *materials supplies and equipment* used in the manufacturing and distribution of the commodities, described in (1) (except commodities in bulk in tank vehicles) in the reverse direction under continuing contract(s) with Wheel Products Division of Amerace Corporation of Lineville, AL. (Hearing site: Washington, DC or Birmingham, AL.)

MC 129973 (Sub-17F), filed July 10, 1979. Applicant: FIELD MARKETING SERVICES, INC., 241 Fifth Street, Cambridge, MA 02142. Representative: William J. Lippman, 1819 H Street, NW, Suite 550, Washington, DC 20006. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, classes A and B explosives, articles of unusual value, and those requiring special equipment) between points in ME, VT, and NH, on the one hand, and, on the other, points in MA, restricted to the transportation of articles not exceeding 50 pounds from one consignor to one consignee in a single day moving in shipments not exceeding 500 pounds under a continuing contract(s) with

Avon Products, Inc., of Rye, NY. (Hearing site: Boston, MA.)

MC 133852 (Sub-4F), filed July 11, 1979. Applicant: DUNLOP TRANSPORT LIMITED, 21 Highway, Box 359, Petrolia, Ontario. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *contract carrier* by motor vehicles, in foreign commerce only, over irregular routes, transporting: *roofing and waterproofing products, in rolls or sheets,* from ports of entry on the International Boundary Line between the United States and Canada in NY and MI, to those points in the United States in and east of ND, SD, NE, KS, OK and TX, under a continuing contract with Weathercoating, Inc. of Petrolia, Ontario, Canada. (Hearing site: Lansing and Detroit, MI.)

MC 133852 (Sub-5F), filed July 9, 1979. Applicant: DUNLOP TRANSPORT LIMITED, 21 Highway, Box 359, Petrolia, Ontario. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a *contract carrier* by motor vehicle, in foreign commerce only over irregular routes, transporting: *soybean meal,* in bulk, in dump vehicles, from points in Ohio to ports of entry on the international boundary line between the United States and Canada in MI and NY, under a continuing contract(s) with Pillsbury Canada Ltd. of London, Ontario, Canada. (Hearing site: Lansing or Detroit, MI.)

MC 135762 (Sub-3F), filed July 16, 1979. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Transporting (1) (a) *aluminum* and *wood folding furniture* and (b) *aluminum institution furniture* (except aluminum and wood folding furniture) from the facilities of Tucker Duck and Rubber Company at Fort Smith, AR to points in the United States (except AK and HI); and (2) *materials, supplies* and *equipment* (except in bulk) used in the fabrication and manufacture of the articles names in (1) above, under a continuing contract(s) with Tucker Duck and Rubber Company of Fort Smith, AR. (Hearing site: Washington, DC.)

MC 138543 (Sub-1F), filed July 16, 1979. Applicant: GARY A. SCANNAVINO, d.b.a. CHEROKEE FREIGHT LINES, 5463 Cherokee Road, Stockton, CA 95205. Representative: Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, CA 94104. Transporting *such commodities as are dealt in by wholesale and retail grocers* (except frozen foodstuffs) from the facilities of Amstar Corporation, Spreckels Sugar Division, at Manteca, Mendota, Spreckels and Woodland, CA to points in NV, Or and WA, under a continuing contract or contract(s) with Amstar Corporation, Spreckels Sugar Division, of San Francisco, CA. (Hearing site: San Francisco, CA.)

MC 141312 (Sub-7F), filed July 27, 1979. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting: (1) *limestone and limestone products,* from Weeping Water, NE to points in ID, MT, WY, UT, AZ, NM, CO, ND, SD, KS, OK, TX, LA, AR, MO, IA, MN, WI, IL and IN, under a continuing contract(s) with Kerford Limestone Company of Weeping Water, NE; and (2) *Fly ash,* from Council Bluffs, IA, and points in NE to points in ND, SD, MN, IA, MO, CO, KS, OK, TX, WY and NE, under a continuing contract(s) with Nebraska Ash Company of Weeping Water, NE. (Hearing site: Lincoln, NE.)

MC 142082 (Sub-6F), filed July 12, 1979. Applicant: OLIVER BROWN TRUCKING CO., INC., 700 South Avenue, Middlesex, NJ 08846. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting: *automotive parts and supplies* from (a) the facilities of Walker Manufacturing Company at or near (1) Arden, NC and (2) Harrisonburg, VA to points in NJ, GA, OH, MD, DE, PA, NY, MA, CT, RI, and DC, and from Elizabeth, NJ to points in CT, RI, MA, NY, PA, DE, MD, ME, VT, and NH, under continuing contract(s) with Walker Manufacturing Company of Racine, WI. (Hearing site: New York, NY.)

Note.—Dual operations are involved in this proceeding.

MC 142382 (Sub-4F), filed July 12, 1979. Applicant: SCHIERDING TRUCKING CO., a corporation, 3690 West Clay, St. Charles, MO 63301. Representative: James Schierding (same address as applicant). Transporting *Malt beverages* in containers, from the facilities of Heileman Brewing Co. in IN and MI, to the facilities of R. C. Fischer & Son Distributing Co. at or near St. Charles, MO, under a continuing contract(s) with R. C. Fischer & Son Distributing Co. of St. Charles, MO. (Hearing site: St. Louis or Jefferson City, MO.)

MC 143053 (Sub-8F), filed July 26, 1979. Applicant: B & B TRANSPORT, INC., P.O. Box 5310, Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. Transporting (1) *such commodities as are dealt in by retail hardware stores, and (2) building materials, sporting goods, floor coverings, automobile parts and accessories, and wood cabinets and parts* (except those commodities described in (1) above, between points in CA, CO, ID, KS, MT, NE, ND, NV, OK, OR, SD, UT, WA, and WV, restricted to a transportation service to be a continuing contract(s) with Pay 'N Pak Stores, Inc., of Kent, WA. (Hearing site: Seattle, WA.)

MC 143223 (Sub-5F), filed July 27, 1979. Applicant: CARL CRAWFORD d.b.a. CRAWFORD MOBILE HOMES, North Road, Houlton, ME 04730. Representative: Verrill & Dana, Two Canal Plaza, P.O. Box 586, Portland, ME 04112. Transporting *buildings,* complete or in sections, in initial movements in truck-away service from Pine Grove, PA to points in NY, CT, VT, NH, MA and RI under a continuing contract(s) with APECO Corporation, Newport Homes Division of Pine Grove, PA. (Hearing site: Portland, ME or Boston, MA.)

MC 143452 (Sub-2F), filed July 2, 1979. Applicant: SUPREME EXPRESS & TRANSFER CO., 3311 Chouteau Avenue, St. Louis, MO 63103. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting (1) *non-alcoholic beverages,* in containers, from Warrenton, MO, to points in NE, KY, IL, IN, TN, AR, OK, IA and KS; and (2) *materials and supplies* used in the production and distribution of non-alcoholic beverages, in reverse direction, under a continuing contracts with Warrenton Products, Inc., of Warrenton, MO. (Hearing site: St. Louis, MO, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144022 (Sub-2F), filed July 11, 1979. Applicant: BLACK ARROW TRANSPORT, INC., 107 Abbott Street, Springfield, MA 01118. Representative: James M. Burns, Johnson's Bookstore Building, 1383 Main Street, Suite 413, Springfield, MA 01103. Transporting (1) *boats and parts and accessories for boats* and (2) *materials, equipment and supplies,* used in the manufacture of boats from the facilities of AMF-Alcort/Paceship Division at Waterbury, CT, to points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI and DC, under a continuing contract(s) with AMF-Alcort/Paceship Division of Waterbury, CT. (Hearing site: Hartford, CT, Springfield, MA, or Washington, DC.)

MC 144082 (Sub-9F), filed July 10, 1979. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 28217. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Post Office Box 1240, Arlington, VA 22210. *Such commodities* as are dealt in and used by electrical equipment and supply manufacturers, from (1) Anoka, MN to Elizabeth, NJ, and (2) Milwaukee, WI to Anoka, MN, under a continuing contract(s) with Hoffman Engineering Company, of Anoka, MN. (Hearing site: Washington, DC.)

MC 144082 (Sub-10F), filed July 10, 1979. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 23217. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Post Office Box 1240, Arlington, VA 22210. Transporting *such commodities* as are dealt in by department stores or mail order houses, (1) from points in Chattooga, Gordon, Walker, Dade, Murray, Fannin, Pickens, Cherokee, Floyd, Catoosa, Whitfield, Bartow, Polk and Gilmer Counties, GA, to Dalton, GA; and (2) from points in Chattooga, Gordon, Walker, Dade, Murray, Fannin, Pickens, Cherokee, Floyd, Catoosa, Whitfield, Bartow, Polk and Gilmer Counties, GA to those facilities of Montgomery Ward and Company in the US in and east of WI, IL, MO, KS, KY, TN and MS, under a continuing contract or contracts with Montgomery Ward and Company, of Chicago, IL. (Hearing site: Washington, DC.)

MC 144082 (Sub-11F), filed July 10, 1979. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 28217. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Post Office Box 1240, Arlington, VA 22210. Transporting: *such commodities* as are dealt in by automobile supply and household appliance stores, from Kansas City, KS, to Gastonia, NC., under a continuing contract(s) with Western Auto Supply Company, of Kansas City, MO. (Hearing site: Washington, DC.)

MC 144592 (Sub-5F), filed July 9, 1979. Applicant: WAYDENS HEAVY HAULERS, INC., 251 Fifth Avenue, Hiawatha, IA 52233. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *printing machinery and parts* for printing machinery and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) between Cedar Rapids, IA; Rockford and Chicago, IL; Reading, PA; and Nashua, NH, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX, under continuing contract(s) with Graphic Systems, Division of Rockwell International of Chicago, IL. (Hearing site: Chicago, IL.)

MC 145492 (Sub-1F), filed July 22, 1979. Applicant: RICCIONI CORPORATION, 130 Cedar Grove Road, Somerville, NJ 08876. Representative: Martin M. Geffon, 155 Canterbury Road, Mt. Laurel, NJ 08054. Transporting (1) *pharmaceuticals, animal feed supplements, chemicals, and laminated plastic sheets* and (2) *materials, equipment and supplies* used in the manufacture and distribution of these commodities, (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in NJ, NY, MA, OH, PA, CT, and WV, under continuing contract(s) with American Cyanamid Company of Wayne, NJ and Formica Corp. of Cincinnati, OH, a subsidiary of American Cyanamid Company.

MC 145822 (Sub-1F), filed July 27, 1979. Applicant: EWING G. McDOWELL & DONALD HASTIE, R.R. #1, Box 34A, Cave-in-Rock, IL 62919. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *fluorspar, barite, zinc and lead*, from points in Hardin County, IL to those points in the United States east of MN, IA, MO, AR and LA, under a continuing contract(s) with: Ozark-Mahoning Company, of Tulsa, OK. (Hearing site: St. Louis, MO, Chicago, IL.)

MC 145872 (Sub-4F), filed July 30, 1979. Applicant: TREVIS BERRY TRANSPORTATION, a corporation, P.O. Box 1802, Gilroy, CA 95020. Representative: Trevis L. Berry (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fibreboard, paper, and pulpboard products*, and (a) *materials and supplies* used in the manufacture and distribution thereof between the facilities of Container Corporation of America at or near Oakland, Milpitas, San Jose, and Santa Clara, CA, on the one hand, and on the other, points in NV, under continuing contract(s) with Container Corporation of America, of Carol Stream, IL. (Hearing site: San Francisco, CA.)

MC 146473 (Sub-1F), filed July 23, 1979. Applicant: C.L.D. TRANSPORTATION CO., INC., 751 Broadway, Bayonne, NJ 07002. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in NJ (except Bayonne, NJ), and extending to points in the United States (excluding AK and HI), under a continuing contract(s) with Domenico Tours, Inc., of Bayonne, NJ. (Hearing site: Washington, DC.)

MC 146473 (Sub-2F), filed July 6, 1979. Applicant: C.L.D. TRANSPORTATION CO., INC., 751 Broadway, Bayonne, NJ 07002. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Transporting *passengers and their baggage*, in charter operations, beginning and ending at New York, NY and extending to points in the United States (excluding AK and HI), under a continuing contract(s) with Domenico Tours, Inc., of Bayonne, NJ. (Hearing site: Washington, DC.)

MC 146603 (Sub-1F), filed July 20, 1979. Applicant: A & S, INC., Belgrade Road, Oakland, ME 04963. Representative: Wayne Chaffee, Pond Road, Oakland, ME 04963. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood shavings and sawdust*, from points in ME to points in New Brunswick, Canada, under continuing contract(s) with A. W. Chaffee, of Oakland, ME. (Hearing site: Portland or Augusta, ME.)

MC 146643 (Sub-2F), filed July 10, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 3202 South State Street, South Chicago Heights, IL 60411. Representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. Transporting (1) *electric storage batteries* from Chicago Heights, IL to points in PA, MD, OH, MI, KY, IN, IL, MN, IA, MO, TN, MS, LA, FL, GA, TX, AL, VA, WI, NY and DC; (2) *rubber and plastic battery containers and covers* from Milwaukee, WI, Owensboro, KY, and Indianapolis, IN, to Chicago Heights, IL, and (3) *scrap batteries* from points in PA, MD, OH, MI, KY, IN, IL, MN, IA, MO, TN, MS, LA, FL, GA, TX, AL, VA, WI, NY and DC to Leeds, AL and Chicago Heights, IL under a continuing contract(s) with Pace Battery Company of Chicago Heights, IL. (Hearing site: Chicago, IL.)

MC 146643 (Sub-3F), filed July 13, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INCORPORATED, 3202 State Street, South Chicago Heights, IL 60411. Representative: Marc J. Blumenthal, 39 South LaSalle Street, Chicago, IL 60603.

Transporting *glass containers and closures therefor and iron and steel articles,* from the facilities used by the Ball Corporation in Cook and Lake Counties, IL to points in IN, MI, MO and OH, under continuing contract(s) with Ball Corporation of Muncie, IN. (Hearing site: Chicago, IL.)

MC 146643 (Sub-9F), filed July 12, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INCORPORATED, 3202 State Street, South Chicago Heights, IL 60411. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting *plastic articles and materials (except commodities in bulk) and equipment and supplies used in the manufacture and distribution of plastic articles,* from Frankfort, IL to IN, KS, OH, MI, MN, MO, ND, NE, and SD, under a continuing contract(s) with Mobil Chemical Co., Plastics Div., of Macedon, NY. (Hearing site: Chicago, IL.)

MC 146643 (Sub-10F), filed July 9, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEMS, INC., 3202 South State Street, South Chicago Heights, IL 60411. Representative: Marc J. Blumenthal, 39 South LaSalle Street, Chicago, IL 60603. Transporting (1) *iron, steel, and plastic containers,* and (2) *closures and handles for iron, steel, and plastic containers,* from the facilities of Bennett Industries, a Division of Growth International Industries Corporation at or near Peotone, IL to points in IN, IA, OH, KY, WI, MO, MI, and MN under a continuing contract(s) with Bennett Industries, a Division of Growth International Corporation, of Peotone, IL. (Hearing site: Chicago, IL.)

MC 147302 (Sub-2F), filed July 6, 1979. Applicant: J G EXEC, INC., P.O. Box 593, Dover, DE 19901. Representative: Marshall Kragen, 1835 K Street, N.W., Washington, DC 20006. Transporting *train crews and their baggage, limited to the transportation of not more than 12 passengers in any one vehicle* (1) between Edgemoor, DE, on the one hand, and on the other, Baltimore, and Perryville, MD, Alexandria, VA, Harrisburg and Philadelphia, PA, (2) between Perryville, MD, and Harrisburg, PA, (3) between Harrington, DE, and Snow Hill, MD; under continuing contract(s) with Consolidated Rail Corporation of Philadelphia, PA. (Hearing site: Dover, DE or Philadelphia, PA.)

MC 147572 (Sub-1F), filed July 5, 1979. Applicant: COUNTRY LEASING, INC., 8206 Park Avenue, Allen Park, MI 48101. Representative: Alex J. Miller, 1520 N. Woodward Avenue, Suite 106, Bloomfield Hills, MI 48013. Transporting *prepared food mixes and prepared food mix ingredients* between (1) Monroe, MI and Battle Creek, MI; (2) Battle Creek, MI and Burlington, IA; (3) Burlington, IA and Chicago, IL; (4) Chicago, IL and Joliet, IL; (5) Decatur, IL and Monroe, MI; and (6) Between Burlington, IA and Decatur, IL under continuing contract(s) with Amendt Milling Company, of Monroe, MI. (Hearing site: Detroit, MI, Chicago, IL, and Washington, DC.)

MC 147612 (Sub-2F), filed July 12, 1979. Applicant: WILLARD D. VAN ZUIDEN, and individual, Box 333, Albany, IL 61230. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Transporting: *Steel articles,* between Clinton, IA, on the one hand, and, on the other, points in AL, AR, CO, CT, GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, NY, NC, ND, OH, OK, PA, TN, TX, and WI, under continuing contract(s) with Central Steel Tube Company, of Clinton, IA. (Hearing site: Chicago, IL.)

MC 147873F, filed July 10, 1979. Applicant: G. BAKER EXPRESS, INC., One The Court of Harborside, #102, Northbrook, IL 60062. Representative: Joel H. Steiner, 39 South LaSalle Street, Chicago, IL 60603 Transporting such commodities as are dealt in by grocery stores between West Chicago and Batavia, IL on the one hand, and, on the other, points in IL, and IN, under a continuing contract(s) with ALDI, Inc., Burlington, IA. Hearing site: Chicago, IL.

MC 147903F, filed July 26, 1979. Applicant: PORTER LINES, INCORPORATED, 609 West Rillito St., Tucson, AZ. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting *drugs and toilet preparations,* in vehicles equipped with mechanical refrigeration, from the facilities of Invenex Laboratories located at Orlando, FL, and the Sonwil warehouse at Buffalo, NY, to Los Angeles and Santa Clara, CA, Atlanta, GA, Itsasca, IL, Vincentown, NY and Dallas, TX, under a continuing contract with Invenex Laboratories of Grand Island, NY. (Hearing site: Los Angeles, CA.)

MC 148073, filed July 27, 1979. Applicant: AMOCO OIL COMPANY, a corporation, 200 East Randolph Drive, Chicago, IL 60601. Representative: Nicholas J. DiMichael, 914 Washington Building, Washington, DC 20005. Transporting *automobile parts and accessories* from the facilities of the Ford Motor Company in Brownstown Township, (Wayne County) MI, to the facility of the Ford Motor Company at or near Melrose Park, IL, under a continuing contract(s) with Ford Motor Company, of Dearborn, MI. (Hearing site: Washington, DC, Chicago, IL, or Detroit, MI.)

MC 148602F, filed July 26, 1979. Applicant: ECKDAHL WAREHOUSE CO., 501 South Anderson Street, Los Angeles, CA 90033. Representative: Michael J. Stecher, 256 Montgomery Street, San Francisco, CA 94104. Transporting *such merchandise as is dealt in by wholesale and retail chain department and food stores,* and *equipment, materials and supplies used in conducting such business,* from San Francisco, Oakland, San Jose and Roseville, CA, and the facilities of Freight Distributor at Los Angeles, CA, to points in CA, AZ, and NV, under continuing contract(s) with KMart. (Hearing site: Los Angeles or San Francisco, CA.)

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Decided: January 28, 1980
By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones. Member Joyce not participating.

MC 1824 (Sub-101F), filed July 5, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Mr. Thomas M. Auchincloss, Jr., 700 World Center Building, 918 Sixteenth St., N.W., Washington, DC 20006. 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 Rockford, IL, on the one hand, and, on the other, Freeport, Rock Falls, and Sterling, IL. (Hearing site: Washington, DC.)

Note.—Applicant seeks to tack the above authority with present certificate authorizing transportation of general commodities, except classes A and B explosives, household goods and commodities in bulk, between points in IL within a 50 mile radius of St. Charles, IL.

MC 8515 (Sub-24F), filed July 5, 1979. Applicant: TOBLER TRANSFER, INC., Jct. Int. 80 and IL 89, Spring Valley, IL 61312. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), (1) between Davenport, IA, and Princeton, IL, over Interstate Hwy 80, serving no intermediate points, (2) between Davenport, IA, and Rockford, IL, over IL Hwy 2, serving the intermediate point of Sterling, IL, (3) between Davenport, IA,

and Peoria, IL, from Davenport over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Peoria, IL, and return over the same route serving the intermediate point of Galesburg, IL, (4) between Rockford, IL, and Mendota, IL, over U.S. Hwy 51 and serving Mendota, IL for the purpose of joinder only, (5) between Davenport, IA, and Galva, IL, from Davenport, IA, over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction IL 17, then over IL 17 to junction U.S. Hwy 34, then over U.S. 34 to Galva, IL, and return over the same route, serving no intermediate points. (Hearing site: Davenport, IA, or Chicago, IL.)

MC 52704 (Sub-238F), filed July 5, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Box Drawer H, LaFayette, AL 36862. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Transporting (1) *corrugated paper cartons,* from the facilities of St. Joe Paper Company, at or near Lake Wales, FL, to points in AL, GA, LA, MS, NC, SC, and TN, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of corrugated paper cartons (except commodities in bulk, in the reverse direction. (Hearing site: Atlanta, GA.)

MC 60014 (Sub-137F), filed July 3, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting (1) *aluminum and aluminum products,* from the facilities of Martin Marietta Aluminum, Inc., at or near Lewisport, KY, to points in IL, IN, IA, and WI, and (2) *equipment, materials, and supplies* used in the manufacture and processing of the commodities (1), above (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 85255 (Sub-68F), filed September 4, 1979. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, Seattle, WA. Representative: Clyde H. MacIver, 1415 Fifth Ave., Suite 1900, Seattle, WA 98171. Transporting *acids and chemicals,* (except commodities in bulk), between Kalama, Seattle, Tacoma, Everett, Longview, and Vancouver, WA, and Portland, OR. (Hearing site: Seattle, WA.)

MC 85374 (Sub-10F), filed July 12, 1979. Applicant: FERRO TRUCKING, INC., 134 Washington Avenue, Belleville, NJ 07109. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *food products, animal feeds* and *materials,* used in the manufacture, sale and distribution of such commodities (except commodities in bulk) in vehicles equipped with mechanical refreigeration (1) between Hillside, NJ, on the one hand, and, on the other, points in Sullivan and Ulster Counties, NY; and (2) between the facilities of Kraft, Inc. at or near Allentown, PA, on the one hand, and, on the other, points in Camden, Mercer, Burlington and Ocean Counties, NJ, under a continuing contract(s) with Kraft, Inc., Chicago, IL. (Hearing site: New York, NY.)

MC 94265 (Sub-310F), filed July 2, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460 West, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *meats, packing-house products, and commodities used by packing houses* (except dairy products, hides, and commodities in bulk), between the facilities of (1) Lauridsen Foods, Inc., at or near Britt, IA, and (2) Armour & Co., at or near Mason City, IA, on the one hand, and, on the other, points in AL, DE, FL, GA, NC, NJ, NY, PA, SC, VA, and WV. (Hearing site: Phoenix, AZ, or Washington, DC.)

MC 105865 (Sub-4F), filed July 2, 1979. Applicant: SMART TRUCK LINE, INC., P.O. Box 73, Beattie, KS 66406. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66603. Transporting (a) *Feed and Feed Ingredients,* from Kansas City and St. Joseph, MO to points in Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Osborne, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Russell, Lincoln, Ottawa, Ellsworth, Saline, Dickinson, Geary, Wabaunsee, Shawnee, Jefferson, Leavenworth, Douglas and Wyandotte Counties, KS; and Franklin, Webster, Nuckolls, Thayer, Jefferson, Gage, Pawnee and Richardson Counties, NE; (b) *Fertilizer,* from St. Joseph, MO, to the destinations listed in part (a) above; (c) *Feed and Feed Ingredients,* From Weeping Water, NE, to the KS Counties listed in part (a) above. (Hearing site: Kansas City, MO.)

MC 106644 (Sub-283F), filed July 3, 1979. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker (same address as applicant). Transporting *boiler tubes and boiler components,* between the facilities of Riley Southwest Corporation, at or near Supulpa, OK, on the one hand, and, on the other, points in the (except AK and HI). (Hearing site: Tulsa, OK or Washington, DC.)

MC 106674 (Sub-426F), filed September 4, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson, P.O. Box 123, Remington, IN 47977. Transporting *iron and steel articles,* from the facilites of LaBarge, Inc., at (a) Memphis, TN, (b) St. Louis, MO, (c) Bellevue, OH, (d) Wagoner, OK, (e) New Orleans, LA, and (f) Houston, TX, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107295 (Sub-931F), filed July 2, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. Transporting *Materials, equipment, and supplies* used in the manufacture, and distribution of metal buildings and metal building parts (except commodities in bulk), from points in OH, IL and IN, to the facilities of Butler Manufacturing Co. at or near (a) Annville, PA, (b) Birmingham, AL, (c) Galesburg, IL, and (d) Laurinburg, NC. (Hearing site: Chicago, IL.)

MC 107515 (Sub-1285F), filed September 4, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *confectionery products,* in vehicles equipped with mechanical refrigeration, from the facilities of Luden's, Inc., at or near Reading, PA, to points in AZ, CA, IL, and NM. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 109064 (Sub-40F), filed July 2, 1979. Applicant: TEX-O-KAN TRANSPORTATION CO., INC., 3301 E. Loop 820 South, Box 8367, Fort Worth, TX 76112. Representative: George C. Jackson (same address as applicant.) Transporting (1)(a) *iron and steel articles* (except pipe), and (b) *pipe,* from the facilities of Ft. Worth Pipe and Supply Co., at or near Conroe, TX, to points in the United States (including AK but excluding HI, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles and pipe, in the reverse direction. (Hearing site: Dallas or Houston, TX.)

MC 109584 (Sub-199F), filed July 3, 1979. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker

(address same as Applicant). Transporting *tallow*, in bulk, in tank vehicles, from the facilities of Iowa Beef Processors, Inc., at or near (a) Amarillo, TX, (b) Dakota City and West Point, NE, (c) Denison and Ft. Dodge, IA, (d) Luverne, MN, and (e) Emporia, KS, to points in AZ, CA, CO, NV, OR, UT, and WA, restricted to the transportation of traffic originating at the named origins. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 111274 (Sub-54F), filed July 16, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall, P.O. Box 356, Morton, IL 61550. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fiberglass laminated plywood or particle board, and (2) materials used or useful in the manufacture of same*, between Springfield, IL on the one hand, and, on the other, points in WI, IA, MN, SD, TN, and MT. under continuing contract with Economy Awning, Mfg. Co., of Springfield, IL. (Hearing site: Springfield, IL or Chicago, IL.)

MC 114334 (Sub-61F), filed July 11, 1979. Applicant: BUILDERS TRANSPORTATION, a corporation, 3710 Tulane, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Transporting *iron and steel articles*, from Hennepin, IL, to Kansas City, KS, and points in MO, AR, TN, and MS. (Hearing site: Memphis, TN.)

MC 115654 (Sub-159F), filed July 2, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 Thirteenth St. NW., Washington, DC 20004. Transporting *such commodities* as are dealt in by wholesale and retail grocery houses (except commodities in bulk), from Cincinnati, OH, to points in TN and those in AR that are in the Memphis, TN commercial zone. (Hearing site: Cincinnati, OH.)

MC 116254 (Sub-278F), filed July 2, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Mr. Hampton M. Mills (same address as above). Transporting *ferro-phosphorus*, in bulk, in dump vehicles, from the facilities of Monsanto Company, at or near Columbia, TN, to Marshall, TX. (Hearing site: Nashville, TN, or Washington, DC.)

MC 116254 (Sub-279F), filed July 9, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Mr. Hampton M. Mills (same address as above). Transporting *clay, foundry molding, sand additives*, and *wood flour*, from points in Monroe County, MS, and Lowndes County, AL, to points in KS, OK, and TX. (Hearing site: Nashville, TN, or Washington, DC.)

MC 116254 (Sub-280F), filed July 9, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Mr. Hampton M. Mills, (same address as above). Transporting *chemicals*, in bulk, in tank vehicles, from Shreveport, LA, and Cotton Valley, LA, to points in AL, MS, GA, FL, OH, TN, KY, IN, MI, IL, NC, SC, AR, MO, KS, OK, TX, PA, WI, WV, VA, NJ, NY, MD, MN, and IA. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 116254 (Sub-284F), filed July 9, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Mr. Hampton M. Mills, (same address as above). Transporting *Phosphorus pentasulfide* and *bins*, between Mt. Pleasant, TN, and Lemoyne, AL. (Hearing site: Nashville, TN, or Washington, DC.)

MC 116254 (Sub-288F), filed July 9, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Mr. Hampton M. Mills, (same address as above). Transporting *Chemicals*, in bulk, in tank vehicles, from the facilities of Monsanto Company, at or near Chocolate Bayou, Texas City, and Houston, TX, to those points in the U.S. in and east of LA, AR, MO, IA, and MN. (Hearing site: St. Louis, MO or Washington, DC.)

MC 116254 (Sub-289F), filed July 9, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Mr. Hampton M. Mills, (same address as above). Transporting *iron and steel articles*, from Madison River Terminal, in Madison, IN, to points in IL, IN, MI, and OH. (Hearing site: Cincinnati, OH or Washington, DC.)

MC 116915 (Sub-94F), filed July 2, 1979. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, P.O. Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. 773, Frankfort, KY 40602. Transporting *metal buildings, complete, knocked down, or in sections, and parts and accessories for metal buildings*, between the facilities of Kirby Building Systems, Inc., at Portland, TN, on the one hand, and on the other, points in AL, GA, SC, AR, and MS, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Nashville, TN.)

MC 117034 (Sub-5F), filed July 2, 1979. Applicant: ARTHUR E. OLSEN d.b.a. DAWN TRAIL AWAY, P.O. Box 386, Sparks, NV. 89431. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Transporting trailers (except commercial freight trailers and those designed to be drawn by passenger vehicles), between points in CA, ID, UT, and AZ, on the one hand, and on the other, points in NV. (Hearing site: Reno, NV.)

MC 117324 (Sub-9F), filed July 2, 1979. Applicant: FORT DODGE TRANSPORTATION CO., a corporation, East Highway 20, Fort Dodge, IA 50501. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *passengers and their baggage*, in round-trip charter operations beginning and ending at points in Polk County, IA, and extending to points in the United States (including AK but excluding HI). (Hearing site: Chicago, IL.)

MC 117415 (Sub-6F), filed September 4, 1979. Applicant: JENSEN TRUCKING CO., INC., P.O. Box 402, American Fork, UT 84003. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting (1) *iron and steel articles*, from Pueblo, CO, and points in CA, to Preston, ID, and points in UT; (2) *baler and binder twine*, from Portland, OR, Dallas and El Paso, TX, and Los Angeles, CA, to Preston, ID, and points in UT; and (3) *tires*, from Buena Park, CA, Bowling Green, KY, and Akron, OH, to Preston, ID, and points in UT. Condition: Issuance of a certificate is subject to prior or coincidental cancellation of Permit No. MC 129991 Sub 1, served November 14, 1974, at applicant's written request. (Hearing site: Salt Lake City, UT, or Washington, DC.)

MC 119894 (Sub-15F), filed July 3, 1979. Applicant: BOWARD TRUCK LINE, INC., 104 Azar Bldg., Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same address as applicant). Transporting *paper products*, from Lumberton, NC to the facilities of Morton's Foods, at or near Crozet, VA. (Hearing site: Charlottesville, VA.)

MC 121654 (Sub-32F), filed September 4, 1979. Applicant: COASTAL TRANSPORT & TRADING CO., a corporation, P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. Transporting *dry concrete mix*, from the facilities of W. R. Bonsal Company, at or near Conley, Ga, to points in TN, AL, and SC. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 123255 (Sub-210F), filed July 5, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Rd., Newark, OH 43055. Transporting (1) *mineral wool, fiberglass materials* and *fiberglass products, fibrous glass textile materials, fibrous glass textile products,* and (2) *materials, equipment, and supplies* used in the manufacture and packing of the commodities in (1) above, between Albion, MI, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Columbus, OH.)

MC 123405 (Sub-71F), filed July 2, 1979. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting *canned and preserved foodstuffs,* from Cade and Lozes, LA, to points in FL, GA, and AL, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 123885 (Sub-33F), filed July 5, 1979. Applicant: C & R TRANSFER CO., a corporation, P.O. Box 1010, 1315 W. Blackhawk St., Sioux Falls, SD 57104. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. Transporting *conveyors and conveyor parts,* from Sioux Falls, SD, to points in CO, ID, IL, IN, IA, KS, MI, MN, MO, NY, OH, UT, WI, those in that part of MT west of Yellowstone, Phillips, Petroleum, Musselshell and Big Horn Counties, and those in NE on and east of U.S. Hwy 83. (Hearing site: Sioux Falls or Rapid City, SD.)

MC 124835 (Sub-13F), filed July 2, 1979. Applicant: PRODUCERS TRANSPORT CO., a corporation, P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). Transporting *cement,* from the facilities of Marquette Company, at Nashville, TN, to points in AL, GA, IL, IN, KY, MS, MO, NC, SC, TN, and VA. (Hearing site: Nashville, TN, or Washington, DC.)

MC 124835 (Sub-14F), filed July 5, 1979. Applicant: PRODUCERS TRANSPORT CO., a corporation, P.O. Box 4022, Chattanooga, TN 37405. Representative: Sam Speer (same address as applicant). Transporting *limestone* and *limestone products,* from Luttrell, TN, to points in AL, FL, GA, IL, IN, KY, NC, OH, PA, SC, TN, MS, VA, and WV. (Hearing site: Chattanooga, TN, or Atlanta, GA.)

MC 124962 (Sub-48F), filed July 5, 1979. Applicant: JOSEPH M. BOOTH, d.b.a. J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods,* from Lake Winola, Fogelsville, Philadelphia, and Pottstown, PA, to points in AL, FL, GA, NC, and SC. Under a continuing contract(s) with Mrs. Smith's Pie Company of Pottstown, PA. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 124964 (Sub-49F), filed July 5, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *sugar* (except in bulk), from Gramercy, LA, to points in AL, FL, GA, NC, and SC under a continuing of contract(s) with Borden, Inc., of Columbus, OH. (Hearing site: Columbus, OH or Washington, DC.)

MC 125335 (Sub-81F), filed September 4, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *confectionery,* in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, Division of Mars, Inc., at or near Chicago, IL, to points in PA, DE, MD, NJ, NY, MA, CT, RI, VA, TN, NC, SC, GA, AL, FL, MS, WI, MN, ND, SD, IA, NE, and DC. (Hearing site: Philadelphia, PA or Harrisburg, PA.)

MC 125335 (Sub-82F), filed September 4, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *confectionery,* in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, Division of Mars, Inc., at or near (a) Elizabeth and hackettstown, NJ, and (b) Elizabethtown, PA, to points in AL, IA, MN, MS, ND, and SD. Hearing site: Philadelphia, PA, or Harrisburg, PA.)

MC 125375 (Sub-20F), filed July 9, 1979. Applicant: F.B.G. Transport, Inc., Route 5, Box 298, Covington, GA 30209. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fruit juices, fruit sections, fruit salads,* and *frozen fruit juice concentrates,* in containers, from Dade City, FL, to Ports of Entry on the International Boundary Line between the United States and Canada, located in MI along the Detroit and St. Clair River, under a continuing contract(s) with Lykes Pasco Packing Co., of Dade City, FL. (Hearing site: Orlando, FL or Detroit, MI.)

MC 125894 (Sub-15F), filed July 5, 1979. Applicant: J & R SCHUGEL TRUCKING, INC., 301 North Water St., New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting (1) *feed and feed ingredients,* (2) *grain products and grain byproducts,* (3) *soybean products and soybean byproducts,* and (4) *seed products and seed byproducts* (except commodities in bulk, in tank vehicles), from the facilities of Archer Daniels Midland Company, at or near Red Wing, MN, to points in CO, IA, IL, KS, MO, NE, ND, SD, and WI. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 126904 (Sub-33F), filed July 9, 1979. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route 2, P.O. Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Transporting *malt beverages* from Evansville, IN, to points in AL, IL, LA, MS, and MO. (Hearing site: Chicago, IL.)

MC 134035 (Sub-38F), filed July 2, 1979. Applicant: DOUGLAS TRUCKING COMPANY, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting: (1) *welders, welder parts and systems and welding compounds,* and (2) *materials and supplies used in the manufacture and distribution of the commodities named in (1) above,* except commodities in bulk, in tank vehicles, and those which because of their size and weight require special equipment between the facilities of the Stoody Company and Stoody International Company, at or near Pittsburgh, PA, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Los Angeles, CA.)

MC 134105 (Sub-55F), filed July 2, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *frozen foodstuffs,* from the facilities of Chattanooga Warehouse and Cold Storage, at Chattanooga, TN, to Falmouth, VA, Orlando, FL, and Tyler, TX, restricted to the transportation of traffic originating at the named origin and destined to the

indicated destinations. (Hearing site: Atlanta, GA.)

MC 134105 (Sub-56F), filed July 2, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. hands, Suite 200, 205 West Touhy Ave., Park Ridge IL 60068. Transporting *paper, paper products, newsprint, and wood pulp, (except in bulk),* from the facilities of Bowater Southern Paper Corporation, at Calhoun, TN, to points in TX on and west of TX Hwy 281, and points in CO, DE, IA, IL, IN, KS, KY, MI, MN, MO, NE, NJ, OK, PA, SD, VA, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 134105 (Sub-65F), filed September 5, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. hands, Suite 200, 205 West Touhy Ave., Park Ridge IL 60068. Transporting *(1) bananas* and *(2) commodities which are otherwise exempt from economic regulation under 49 USC § 10526(a)(6),* when moving in mixed loads with bananas, from Charleston, SC, to points in AL, GA, IL, IN, IA, KY, MI, MN, MS, OH, PA, TN, VA, WV and WI, restricted to traffic having a prior movement by water. (Hearing site: Miami, FL, or Washington, DC.)

MC 134405 (Sub-80F), filed July 2, 1979. Applicant: BACON TRANSPORT COMPANY, a corporation, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK, 73112. Transporting *asphalt,* in bulk, in tank vehicles, from North Kansas City, MO, to Sioux City, IA. (Hearing site: Kansas City, MO.)

MC 134405 (Sub-81F), filed July 2, 1979. Applicant: BACON TRANSPORT COMPANY, a corporation, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK, 73112. Transporting *limestone,* from points in Johnston County, OK, to points in AR, CO, KS, NM, and TX. (Hearing site: Oklahoma City, OK.)

MC 134755 (Sub-204F), filed September 4, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Raymond P. Keigher, 1400 Gerard Street, Rockville, MD 20650. Transporting (1) *foodstuffs* (except commodities in bulk), and (2) *agricultural commodities* which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6), when moving in mixed loads with foodstuffs, from Portsmouth, VA, to those points in the United States in or east of ND, SD, NE, CO, OK, and TX (except VA). (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 134775 (Sub-12F), filed July 13, 1979. Applicant: GUNTER BROS., INC., 19060 Frager Rd., Kent, WA 98031. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing materials and supplies* (1) from Bakersfield, Fontana, Fremont, Hollister, Los Angeles, Perris, Pittsburg, and Santa Clara, CA, and Corvallis and Portland, OR, to points in WA, under continuing contract(s) with Berkheimers, Inc., of Seattle, WA, and Hugh McNiven Co., of Seattle, WA; and (2) from points in OR and WA to points in AZ, CA, NV, and OR, under continuing contract(s) with Rosy's Sales Corp., of Lakewood, WA, Robinson Sales Co., of Everett, WA, and Asphalt Products Industries, Inc., of Auburn, WA. (Hearing site: Seattle, WA.)

MC 135684 (Sub-96F), filed July 5, 1979. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Rd., Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *such commodities* as are dealt in by wholesale and retail chain grocery, hardware and drug stores, in containers, from the facilities of S. C. Johnson & Son, Inc., of Racine and Waxdale, WI, to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Newark, NJ, or Washington, DC.)

MC 135895 (Sub-44F), filed July 2, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *metal, plastic, and composition containers* and *closures,* between Longview, TX, and Memphis, TN. (Hearing site: Longview, TX, or Memphis, TN.)

MC 136464 (Sub-47F), filed July 6, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *textiles and textile products,* and (2) *materials and supplies used in the manufacture and sale of the commodities named in (1) above,* between the facilities of Adams-Millis Corporation at or near Mt. Airy, NC, on the one hand, and, on the other, Edmond, OK and points in CA, under a continuing contract(s) with Adams-Millis Corporation, of High Point, NC. (Hearing site: Charlotte, NC.)

Note.—Dual operations may be involved.

MC 136464 (Sub-48F), filed July 11, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between points in the U.S. (except AK and HI) restricted to traffic originating at or destined to the facilities of Bigelow-Sanford, Inc. under a continuing contract(s) with Bigelow-Sanford, Inc., of Greenville, SC. (Hearing site: Greenville, SC.)

Note.—Dual operations may be involved.

MC 136545 (Sub-27F), filed July 2, 1979. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *steel tubing,* from the facilities of Ohio Steel Tube Company, at or near Shelby, OH, to points in MN, WI, and the upper peninsula of MI. (Hearing site: Chicago, IL, or Cleveland, OH.)

Note.—Dual operations may be involved.

MC 136644 (Sub-12F), filed July 16, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC., 2001 Broadway Vallejo, CA 94590. Representative: R. D. Davis (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *gypsum wallboard* and (2) *materials and supplies* used in the installation and application of gypsum wallboard, from the plant site of Gold Bond Building Products, division of

National Gypsum Company at or near Phoenix, AZ, to points in CA, under a continuing contract(s) with Gold Bond Building Products, Division of National Gypsum of Long Beach, CA. (Hearing site: Los Angeles, CA, or Phoenix, AZ.)

MC 139495 (Sub-473F), filed July 5, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *such commodities as are dealt in by drug, sporting goods, shoe, department and discount stores,* (except commodities in bulk), between points in the US (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Zale Corporation. (Hearing site: Washington, DC.)

MC 140665 (Sub-60F), filed July 5, 1979. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting (1) *plastics, and plastic materials* (except chemicals), (2) *chemicals,* and (3) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above, (except commodities in bulk), between points in Calhoun, Harris, and Galveston Counties, TX, on the one hand, and, on the other, points in AZ, CA, CO, MT, NM, OR, NV, ID, UT, WA, and WY. (Hearing site: Washington, DC.)

MC 140995 (Sub-2F), filed July 5, 1979. Applicant: PARSONS TRUCKING CO., INC., P.O. Box 16, Iuka, MS 38852. Representative: Thomas D. Keenum, P.O. Box 422, Booneville, MS 38829. Transporting *sand, gravel, and limestone,* in dump vehicles, between points in MS, AL, and TN. (Hearing site: Memphis, TN, or Jackson, MS.)

MC 141084 (Sub-15F), filed July 3, 1979. Applicant: NATIONAL FREIGHT LINES, INC., 13023 Arroyo, P.O. Box 1031, San Fernando, CA 91341. Representative: Bill D. Gardner (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes. Transporting *cameras, photographic materials,* and *supplies* from Teterboro, NJ, to points in CA, IL, NV, TX, and UT, under continuing contract(s) with Agfa-Gevaert, Inc., of Teterboro, NJ. (Hearing site: New York, NY or Los Angeles, CA.)

MC 141094 (Sub-2F), filed July 5, 1979. Applicant: ACME TRUCKING, INC., 1298 Thurston Drive, Columbus, OH, 43227. Representative: Paul F. Beery, Beery & Spurlock Co., L.P.A., 275 East State St. Columbus, OH 43215. Transporting (1) *fiberglass materials and products, fibrous glass mineral wood products, fiberglass textile material, fiberglass textile products, and plastic material and products,* (2) *equipment, materials, and supplies* used in the installation and manufacture and of the commodities described in (1) above between Obetz and Newark, OH on the one hand, and, on the other those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Columbus, OH.)

MC 141124 (Sub-49F), filed July 5, 1979. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 15000, Wilmington, DE 19850. Representative: Boyd B. Ferris, 50 West Broad St. Columbus, OH 43215. Transporting *such commodities as are dealt in or used by manufacturers and convertors* of *paper and paper products and plastic products,* (except in bulk), between the facilities of Brown Company, in (1) Kalamazoo and Parchment, MI, on the one hand, and, on the other those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) Berlin and Gorham, NH, on the one hand, and, on the other, points in the US (except AK, ME, HI, NH, VT, MA, CT, RI), and those in NY east of Interstate 87. (Hearing sites: Columbus and Toledo, OH.)

MC 141205 (Sub-30F), filed September 4, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, a corporation, Denver, CO 80222. Representative: James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. To operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting *crude oil, scubber oil and condensate,* from the facilities of Roughrider near Dickinson, ND, to the facilities of Portal Pipeline at or near Poplar, MT, and the facilties of Kenco at or near Wolf Point, MT, under a continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 141205 (Sub-31F), filed September 4, 1979. 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. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *crude oil, scrubber oil, and condensate,* from points in Lane County, KS, to the facilities of Arapahoe Pipeline at or near Anton, CO, under a continuing contract(s) with Husky Oil Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 141804 (Sub-267F), filed July 9, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *beverages,* from Detroit, MI, to Nashville, TN.

MC 142715 (Sub-69F), filed July 5, 1979. Applicant: LENERTZ, INC., P.O. Box 479, So. St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *meats, meat products and meat byproducts and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Postville, Cherokee, Strom Lake, and Sioux City, IA, and Omaha, NE, to those points in the United States in and east of WI, IL, KY, TN, and AL, restricted to the transportation of traffic originating at the facilities of Hygrade Foods Products Corp., at the named origins and destined to the indicated destinations, except shipments, moving in foreign commerce. (Hearing site: Detroit, MI, or St. Paul, MN.)

MC 143775 (Sub-104F), filed July 5, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting (1) *carpet strips, molding, staples, tools, nails, adhesives, sealants, solvents, strains, wood preservatives and* (2) *materials, equipment, and supplies* used in the manufacture, and distribution of the commodities in (1) above, (a) from Calexico, CA to points in the United States (except AK and HI), (b) from points in Los Angeles County, CA, to Calexico, CA, restricted to the transportation of traffic originating at or destined to the facilities of Roberts Consolidated Industries. (Hearing site: Los Angeles, CA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 143995 (Sub-21F), filed July 2, 1979. Applicant: SLOAN TRANSPORTATION, INC., 6522 West River Drive, Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages* (1) from the facilities of Anhueser-Busch, Inc. at Kansas City and St. Louis, MO, and Columbus, OH, and (2) from Ft. Wayne, Belleville and Evansville, IN to Galesburg, IL, under continuing contract(s) with G & M Distributors, Inc.,

of Galesburg, IL. (Hearing site: Davenport, IA, or Chicago, IL.)

MC 144675 (Sub-3F), filed July 5, 1979. Applicant: LINCOLN FREIGHT FORWARDING CORP., 537 North Long Beach Road, Rockville Centre, NY 11570. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities,* (except commodities in bulk, Class A an B explosives, household goods as defined by the Commission, and commodites requiring special equipment), (1) from points in TX, to points in AZ, CA, CO, NM, OK, ME, VT, NH, MA, RI, CT, NY, NJ, PA, DE, MD, VA, LA, WV, OH, MI, IN, IL, KY, TN and DC; (2) from points in MA, RI, CT, NY, NJ, PA, DE, MD, VA, WV, OH, MI, IN, IL and CA to points in TX; and (3) Between points in TX, AL, FL, GA, NC, SC, LA, OK, CO, and AZ, restricted to the transportation of traffic moving on freight forwarder bills of lading. (Hearing site: New York, NY.)

MC 144935 (Sub-1F), filed July 13, 1979. Applicant: C & C TRUCKING, INC., Route 9, Box 222A, Statesville, NC 28677. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer* and *fertilizer material,* from Fayetteville, Maxton and Tunis, NC, to points in SC, under continuing contract(s) with FCX, Inc., of Lumberton, NC. (Hearing site: Charlotte, NC.)

MC 145094 (Sub-5F), filed July 2, 1979. Applicant: BOBBY KITCHENS, INC., P.O. Box 6161, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood products* (except in bulk) from the facilities of National Wood Industries, Inc., at or near Aumsville, OR, to points in AR, LA, MS, MO, NC, OH, PA, TN, WI, and VA, under a continuing contract(s) with National Wood Industries, Inc., of Aumsville, OR. (Hearing site: Salem, OR or Washington, DC.)

MC 145204 (Sub-2F), filed July 12, 1979. Applicant: TVF SECURITY CO., INC., P.O. Box 815, Warsaw, IN 46580. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Paper and Plastic disposable cups, plates, bowls, containers without lids and ice cream cones,* from the facilities of Sweetheart Cup Corp., and Northwest Cone at Chicago, IL, on the one hand, and on the other, points in IN, on and north of U.S. Hwy. 40, under a contract(s) with Sweetheart Cup Corp., Northwest Cone, of Chicago, IL (Hearing site: Indianapolis, IN.)

MC 145384 (Sub-39F), filed July 5, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid Avenue, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting: (1) *self propelled street sweepers, self propelled industrial plant sweepers, brush chippers; jet runway cleaners; sewer cleaners and catch basin cleaners and flushers,* and (2) brushes and parts for the commodities described in (1) above between the facilities of FMC Corporation Sweeper Division, at or near Pomona, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Los Angeles, CA.)

Note.— Dual operations may be involved.

MC 145384 (Sub-40F), filed July 5, 1979. Applicant: ROSE-WAY, INC. 1914 E. Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting printed matter from the facilities of Meredith Corporation, at Des Moines, IA, to points in AZ, CA, ID, IL, IN, MN, MO, NE, NM, NV, OH, OR, UT, WA, and WI. (Hearing site: Des Moines, IA, or Chicago, IL.)

Note.—Dual operation may be involved.

MC 145795 (Sub-1F), filed September 4, 1979. Applicant: HERBERT E. CRAVEN, d.b.a. HERBERT E. CRAVEN & SONS, P.O. Box 124, Ladson, SC 29456. Representative: Lucas C. Pagett, Jr., 141 East Bay Street, Charleston, SC 29401. Transporting *dry fertilizer and fertilizer material,* from Clyo, GA, to the facilities of Gold Kist, Inc. in Greenville, Clarendon, Calhoun, Anderson, Edgefield, Laurens, Lee, Newberry, Orangeburg, Bamberg, Allendale, Williamsburg, and Charleston Counties, SC. (Hearing site: Columbia, SC, or Charlotte, NC).

MC 146164 (Sub-2F), filed July 12, 1979. Applicant: HI-WAY MOTOR EXPRESS, INC., 5350 W. 38th Street, Cicero, IL 60650. Representative: Daniel C. Sullivan, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter,* from Chicago, IL, and Pewaukee, WI, to Jonesboro, AR, Lancaster, PA and Bristol and Old Saybrook, CT, under continuing contract(s) with Newsweek Incorporated, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 146184 (Sub-4F), filed July 1, 1979. Applicant: RUSS TAYLOR TRUCKING, INC., Route 6, Watertown, WI 53094. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel castings,* and (2) *materials, equipment and supplies* used in foundries, (1) from Watertown, WI, to points in AR, IL, IN, OH, MI, NY, NC, PA, and TX; and (2) on return moves from AR, IL, IN, OH, MI, NY, NC, PA, and TX to Watertown, WI, restricted to service to be performed under a continuing contracts(s) with Spuncast, Inc., of Watertown, WI. (Hearing site: Madison, WI.)

MC 146855 (Sub-2F), filed July 2, 1979. Applicant: JOEL WEHRMAN, Route 2, Box 2011, Selah, WA 98924. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic packaging articles and materials and supplies used in the production of plastic packaging articles,* between points in AR, CA, IA, ID, MT, OR, UT and WA, under continuing contract(s) with Western Foam Pak, Inc., of Yakima, WA. (Hearing site: Yakima, WA.)

MC 146875 (Sub-2F), filed July 10, 1979. Applicant: K & L GRAIN, INC., R.R. #2, Box 32A, Franklin, IN 46131. Representative: Richard E. Aikman, Jr., 300 Merchants Bank Bldg., Indianapolis, IN 46204. Transporting *feed ingredients* and *wheat milling products,* from the facilities of Acme-Evans, Division of General Grain, Inc., at or near Indianapolis, IN, to points in KY, under continuing contract(s) with Acme-Evans Division of General Grain, Inc., of Indianapolis, IN. (Hearing site: Indianapolis, IN.)

MC 147034 (Sub-No. 21), filed July 8, 1979. Applicant: ALBANESE TRANSPORT, INC., 3537 Apulia Road, Jamesville, NY 13078. Representative: Frank Pompo, 820 University Bldg., Syracuse, NY 13202. Transporting *wood chips, sawdust,* and *bark, in bulk, rough sawn lumber, lumber pallets,* from Cazenovia and Syracuse, NY; to points in PA, VA, NJ, NC, and MD. (Hearing site: Syracuse, NY.)

MC 147065 (Sub-2F), filed July 9, 1979. Applicant: LEONARD EXPRESS, INC., P.O. Box 23, Charleroi, PA 15022. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. To operate as a *contract carrier,* by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pharmaceuticals, animal feed supplements, chemicals and laminated plastic sheets and materials, equipment and supplies used in the manufacture and distribution of said commodities* (except commodities in bulk in tank vehicles), between Pearl River, NY, Cincinnati, OH, Piscataway, NJ, Wingate, NY, Patterson, NJ, York, PA and South Lee, MA, under a continuing contract(s) with American Cyanamid Co., and its subsidiary, Formica Corp., of Wayne, NJ; (2) *laminated plastic sheets and supplies used in the manufacture and distribution of laminated plastic sheets* (except commodities in bulk, in tank vehicles), between Cincinnati, OH, on the one hand, and, on the other, points in NJ and PA, under a continuing contract(s) with American Cyanamid Co., and its subsidiary, Formica Corp., of Wayne, NJ. (Hearing site: Pittsburgh, PA or Washington, DC.)

MC 147305 (Sub-2F), filed July 9, 1979. Applicant: CAPITAL CITY COACH COMPANY, INC., 1341 G Street NW., Washington, D.C. 20000. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, in the transportation of *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in the Washington, DC, commercial zone and extending to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, WV, and WI. (Hearing site: Washington, DC.)

MC 147475 (Sub-1F), filed July 6, 1979. Applicant: WHITE TOP TRANSPORT, INC., P.O. Box 675, 355 2nd Street, Lafayette, Oregon 97127. Representative: Don A. Allen, 2550 M Street NW., Washington, D.C. 20037. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel products* from McMinnville, OR, to points in the United States west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United Sates and Canada, and (2) *materials and supplies* used in the manufacture of steel products, in the reverse direction, under a continuing contract(s) with Cascade Steel Rolling Mills, Inc., of McMinnville, OR. (Hearing site: Portland, OR.)

MC 147654F, filed July 2, 1979. Applicant: TORNETTA'S MOTOR TRUCK, INC., P.O. Box 349, Conshohocken, PA 19428. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a contract carrier, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Lukens Steel Company in Plymouth Township, PA, to points in CT, DE, MA, MD, NJ, NY and OH. (2) *Materials and supplies* used in the manufacture and distribution of iron and steel articles (except commodities in bulk), from points in MD, NY and OH to the facilities of Lukens Steel Company in Plymouth Township, PA, under continuing contract(s) with Lukens Steel Company, of Coatesville, PA. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 147744F, filed July 13, 1979. Applicant: BULK CARRIERS, INC., 8409 58th Avenue, Berwyn Heights, MD 20740. Representative: Marshall Kragen, 1835 K Street NW., Suite 600, Washington, DC. 20006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, in bulk, between Baltimore, Security, and Union Bridge, MD, and York, PA, on the one hand, and, on the other, Washington, DC, under continuing contract(s) with Super Concrete Corporation, of Washington, DC. (Hearing site: Washington, DC.)

MC 147875F, filed July 9, 1979. Applicant: TRANSPORTATION SYSTEM, INC., 15 South Main St., Springboro, OH 45066. Representative: Michael Spurlock, 275 East State St., Columbus, OH 43215. Transporting: *pipe, pipe fittings, and materials and supplies* used in the installation of pipe (except commodities in bulk), between points in FL, restricted to the transportation of traffic having an immediately prior or subsequent movement by rail or water. (Hearing site: Columbus, OH.)

MC 147894F, filed July 12, 1979. Applicant: ALBERT L. BYRD, 8922 Sorrento, Detroit, MI 48210. Representative: Dennis J. Phenev, 412 Fisher Building, Detroit, MI 48202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, in between Metalworking Lubricants Co. facilities in Detroit, MI, Indianapolis, IN, and South Windsor, CT, on the one hand, and, on the other, points in AL, CT, GA, IL, IN, KY, MA, MI, MS, NJ, NY, OH, PA, TN, WV, and WI under continuing contract(s) with Metalworking Lubricants Co., of Birmingham, MI. (Hearing site: Detroit, MI, or Indianapolis, IN.)

MC 147924F, filed July 13, 1979. Applicant: G. F. ENTERPRISES, INC., P.O. Box 658, Mt. Pleasant, SC 29464. Representative: Lawrence M. Gressette, Jr., P.O. Box 346, St. Matthews, SC 29135. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer* and *fertilizer materials*, between points in NC and SC, under a continuing contract(s) with W. R. Grace & Co., Inc., of New York, NY. (Hearing site: Charleston, SC or Columbia, SC.)

MC 147934F, filed July 6, 1979. Applicant: HOMER DARRELLE MEEKS, Route 1, Binger, OK 73009. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry fertilizer*, from Military, KS, and Atlas, MO, to points in Caddo and Washita Counties, OK, under a continuing contract(s) with Eakly Farmer's Union Cooperative, of Eakly, OK. (Hearing site: Oklahoma City, or Tulsa, OK.)

Agatha L. Mergenovich,
Secretary.

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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 7th day of February 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications received during the week ending February 9, 1980: Name of applicant and location of enterprise—Wesco Valve and Manufacturing Company, Marshall, Texas; principal product or activity—Manufacture valves and cartridges and Hydrolic-valve lifters.

[FR Doc. 80-4531 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-79-35-M]

Kerr-McGee Chemical Corp.; Petition for Modification of Application of Mandatory Safety Standard

Kerr-McGee Chemical Corporation, P.O. Box 610, Hobbs, New Mexico 88240 has submitted a petition to modify the application of 30 CFR 57.12-13(c) (electric cable splices) to its mine located in Eddy and Lea Counties, New Mexico. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. Petitioner states that failures in stationary cable splices have occurred due to a variety of probable causes.

2. Conditions in the areas of petitioner's mine to which this petition is addressed are extremely dry and cables are suspended from the back or rib. Subject cables are high voltage (5,000 to 13,000 v.).

3. As an alternative method to application of the standard, which petitioner alleges would afford the same measure of protection for the miners, petitioner proposes:

(a) To not replace the protective outer jacket of the cable after a splice is made to allow visual inspection of each splice to ensure safety; when troubleshooting a main or branch line, each splice can quickly be inspected for evidence of arcing.

(b) To continue program initiated one and one-half years ago using an infrared thermometer to take remote temperature readings of each phase in each splice. A program of periodically checking splices has been set up. Results have been encouraging with several potential failures being detected and corrected as necessary.

4. For these reasons, petitioner requests a modification of the standard to its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before March 13, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: February 4, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-4429 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-79-37-M]

Morton Salt Division of Morton-Norwich Products, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Morton Salt Division of Morton-Norwich Products, Inc., 110 North Wacker Drive, Chicago, Illinois 60606, filed a petition to modify the application of 30 CFR 57.21-20 (ventilation) to its Weeks Island Mine, Markel Level, located in Iberia Parish, Louisiana, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition is as follows:

1. The Markel Level at the petitioner's Weeks Island Mine is a temporary operation within an older mine. Use of this temporary operation will terminate in 1981.

2. Markel Level, Weeks Island Mine was classified gassy by MSHA in 1979. The petitioner states that on very infrequent occasions there are sudden outbursts of gas from pockets in the salt. Liberation of significant quantities of gas (mostly carbon dioxide but sometimes methane) occurs only during face advance blasting. Drilling and cutting operations sometimes liberate small quantities of the gases which are thinly dispersed throughout the salt deposit. These gases generally are not released until the salt has been disturbed.

3. The Department of Energy required the petitioner to relinquish use of its old No. 1 shaft for ventilation by December 8, 1979, although the shaft still could be used, if needed, as an emergency accessway for personnel (through air-lock doors).

4. The petitioner alleges that it was not able to complete a surface main fan installation such as the one required by 30 CFR 57.21-20 before December 8, 1979. To build such a main fan installation would necessitate closing of the Markel Level for a protracted period of time.

5. Because of the short useful life of the installation, the petitioner proposes the following alternative to the requirement of 30 CFR 57.21-20:

a. The petitioner will continue to utilize the presently installed underground main fan until the level is closed in mid-1981. A dividing curtain

will separate the intake and return air in the same shaft. In an emergency situation a neutral shaft on Federal property would be available for use as a fresh air base.

b. Face advance blasting would be initiated from the surface only after all workers are out of the mine. After blasting, the main return air will be monitored for flammable gases before reentry of personnel. Persons shall not reenter if the methane concentration is one percent or more. Approved devices for monitoring will be used, and records will be kept of the monitoring.

6. Petitioner states the alternative method will guarantee miners no less than the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before March 13, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: January 28, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-4430 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Full Committee Meeting and Subgroup Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on February 28 and 29, 1980 at the New Department of Labor Building, Room N-5437, Third Street and Constitution Avenue, Northwest, Washington, D.C. The meetings will begin at 9:00 a.m. The public is invited to attend.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health, Education and Welfare on matters relating to the administration of the Act.

The meeting agenda will include a report on OSHA/NIOSH planning, a report from the OSHA Special Assistant for Small Business Affairs, and reports and discussions pertaining to other matters of interest to OSHA and NIOSH. The Committee will break up into subgroups to discuss safety and energy related issues.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairman of the Committee to the extent which time permits.

For additional information contact: Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3635, Third Street and Constitution Avenue NW., Washington, D.C. 20210, Telephone 202-523-8024.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C. this 5th day of February 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-4932 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

[TA-W-6624]

Alnan Frocks, Inc.; Notice of Negative Determination 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.

The investigation was initiated on December 13, 1979 in response to a worker petition received on November 26, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' dresses at Alnan Frocks, Incorporated, Elizabeth, New Jersey. The investigation revealed that the correct name of the firm is Alnan Frocks, Incorporated T/A Linden Dress Company and that it is the successor to a firm called Linden Dress Company. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Alnan Frocks, Incorporated T/A Linden Dress Company is a contractor producing dresses. Alnan Frocks is a successor firm to Linden Dress Company, which produced dresses and sportswear. The Office of Trade Adjustment Assistance conducted a survey of manufacturers from whom Alnan Frocks and Linden Dress received contract work. None of the manufacturers purchased imported dresses or sportswear or used foreign contractors in 1978 or 1979. Those manufacturers who reduced contract work with Alnan in 1979 compared to 1978 reported that their own sales increased in that time period. In addition, these manufacturers increased their use of other domestic sources from 1978 to 1979.

U.S. imports of women's and misses' dresses declined absolutely in the first nine months of 1979 compared to the same period in 1978.

Conclusion

After careful review, I determine that all workers of Alnan Frocks, Incorporated T/A Linden Dress Company, formerly known as Linden Dress Company, Elizabeth, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-4491 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6389]

Andmore Sportswear Corp.; 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.

The investigation was initiated on November 19, 1979, in response to a worker petition received on November 5, 1979, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' and men's swimwear and ladies' sportswear at Andmore Sportswear Corporation, Port Jervis, New York. It is concluded that all of the requirements have been met.

U.S. imports of women's and misses' dresses increased absolutely and relative to domestic production in 1978 compared to 1977.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in each year from 1975 through 1978 compared to the preceding year and increased relative to domestic production in 1978 compared to 1977.

U.S. imports of women's, misses' and children's coats and jackets increased absolutely and relative to domestic production in 1978 compared to 1977.

U.S. imports of women's, misses' and children's slacks and shorts increased absolutely and relative to domestic production in each year from 1975 through 1978 compared to the preceding year.

The investigation revealed that production of ladies' sportswear ceased in August, 1979. Ladies' sportswear represented a major portion of Andmore's production until that time.

A Departmental survey was conducted with customers who reduced their purchases of sportswear from Andmore Sportswear Corporation. The survey revealed that several of these customers increased their purchases of imported ladies' sportswear in 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' sportswear produced at Andmore Sportswear Corporation, Port Jervis, New York, 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 Andmore Sportswear Corporation of Port Jervis, New York, who became totally or partially separated from employment on or after December 10, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of February 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-4492 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6391, 6392, and 6393]

Babcock & Wilcox; Negative Determination 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.

The investigation was initiated on November 19, 1979 in response to a worker petition received on November 2, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel tubing and fittings at the Beaver Falls, Ambridge, and Koppel, Pennsylvania plants of Babcock and Wilcox. The investigation revealed that those three plants operate as an integrated production facility and comprise the Beaver Falls Works of the Tubular Products Division of Babcock and Wilcox. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of both seamless carbon and seamless stainless steel pipe and tubing decreased absolutely and relative to domestic shipments in the first nine months of 1979 compared with the same period of 1978.

Sales and production of seamless steel tubing and fittings at the Beaver Falls Works increased in 1978 compared to 1977, and in 1979 compared to 1978.

A Department survey of customers of the Beaver Falls Works revealed that most respondents purchased no imported steel tubing or fittings in 1978 or 1979. Firms which reported decreased purchases from the Beaver Falls Works and increased purchases of imports in 1979 compared with 1978 represented an insignificant proportion of total sales at the Beaver Falls Works.

Conclusion

After careful review, I determine that all workers of the Beaver Falls Works of the Tubular Products Division of Babcock and Wilcox, Beaver Falls, Ambridge, and Koppel, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of February 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-4493 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6613]

Cara Casuals, Inc.; Negative Determination 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.

The investigation was initiated on December 13, 1979 in response to a worker petition received on December 10, 1979 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workes producing ladies' skirts and slacks at Cara Casuals, Incorporated, Brooklyn, New York. The investigation revealed that the plant produces primarily ladies' skirts. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that

imported skirts by retail outlets who responded to a survey represented an insignificant proportion of total skirt purchases by the retail outlets.

U.S. imports of women's skirts decreased absolutely during the first three quarters of 1979 compared to the same period in 1978.

Cara Casuals produces primarily women's skirts on a contract basis for one manufacturer who does not use the services of foreign contractors or purchase imported women's skirts. Sales of skirts by the manufacturer, however, declined. The Department then conducted a survey of retail outlets which purchase skirts from the manufacturer. Results of the survey indicated that imported skirts represented an insignificant proportion of total skirt purchases by the respondents.

Conclusion

After careful review, I determine that all workers of Cara Casuals, Incorporated, Brooklyn, New York are denied eligibility 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 February 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-4494 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W- 6543, 6544, and 6550]

Chrysler Corp.; Certifications 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 investigations 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.

The investigations were initiated on December 6, 1979 in response to a worker petition received on November 26, 1979 which was filed by the International Union, United Automobile, Aerospace & Agricultural Workers of America of behalf of workers and former workers producing universal joints at the Detroit Universal Plant, Detroit, Michigan (TA-W-6543), transporting parts at the Interplant Transportation Facility, Detroit, Michigan (TA-W-6544), and engaged in engineering testing at the Chelsea Proving Ground, Chelsea, Michigan (TA-W-6540), of Chrysler Corporation, Highland Park, Michigan. The investigations revealed that Interplant Transportation is officially known as the Lynch Road Terminal of Chrysler Transport, Incorporated, a subsidiary of the Chrysler Corporation. It is concluded that all of the requirements have been met.

In order to determine if increased imports contributed importantly to production and employment declines at the petitioning auxiliary plants of Chrysler Corporation, the Department sought to determine the degree to which each auxiliary plant was integrated into the production of Chrysler car and/or truck lines which have been subject to import injury. Where it was established that an auxiliary plant was substantially integrated into the production of trade-impacted Chrysler car or truck lines, the Department considered imports of like or directly competitive cars and trucks in determining import injury to workers at the auxiliary plant.

During the course of the investigations, it was determined that a significant proportion of the output of the Detroit Universal Plant was ultimately used in the production of one or more of the Chrysler car and truck lines which have been subject to import injury. It was further established that a major share of the support services provided by the Lynch Road Terminal of Chrysler Transport, Incorporated and the Chelsea Proving Ground was related directly to the production of trade-impacted Chrysler vehicles. Therefore, these three facilities were substantially integrated into the production of Chrysler vehicles which have been subject to import injury.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with Aspen, Volare, Diplomat, LeBaron, Newport, New Yorker and St. Regis automobiles, pickup trucks, general utility light trucks, and utility vans produced by Chrysler Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers at the Detroit Universal Plant of Chrysler Corporation, Detroit, Michigan, the Lynch Road Terminal of Chrysler Transport, Incorporated, Detroit, Michigan, and the Chelsea Proving Ground of Chrysler Corporation, Chelsea, Michigan. In accordance with the provisions of the Act, I make the following certifications:

All workers of the Detroit Universal Plant of Chrysler Corporation, Detroit, Michigan, and of the Lynch Road Terminal of Chrysler Transport, Incorporated, Detroit, Michigan, who became totally or partially separated from employment on or after November 14, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; and

All workers of the Chelsea Proving Ground of Chrysler Corporation, Chelsea, Michigan, who became totally or partially separated from employment on or after August 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-4495 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W- 6545, 6547, and 6548]

Chrysler Corp.; Negative Determinations 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 investigations 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.

The investigations were initiated on December 6, 1979 in response to a worker petition received on November 26, 1979 which was filed by the International Union, United Automobile, Aerospace and Agricultural Workers of America on behalf of workers and former workers producing dies, jigs, and fixtures at the Vernor Tool and Die Plant, Detroit, Michigan (TA-W-6545), producing engines at the Trenton Engine Plant, Trenton, Michigan (TA-W-6547), and engaged in engineering testing at the California Emission Test Facility, Los Angeles, California (TA-W-6548), of Chrysler Corporation, Highland Park, Michigan. In the following determinations, without regard to whether any of the other criteria have been met for workers of the Vernor Tool and Die Plant and the California Emission Test Facility of Chrysler Corporation, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become

totally or partially separated, or are threatened to become totally or partially separated.

Average employment of production workers at Vernor Tool and Die remained approximately stable from MY 1978 to MY 1979 and increased significantly in the period August–November 1979 compared to the same period of 1978. No significant separations occurred at this facility during 1979 and none are anticipated in the first quarter of 1980.

Average employment at the California Emission Test Facility of Chrysler Corporation remained stable during the 1978–1979 period. There were no significant layoffs at this facility in 1979 and none are planned during the first quarter of 1980.

In the following determination, without regard to whether any of the other criteria have been met for workers at the Trenton Engine Plant of Chrysler Corporation, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that in order to meet fuel economy standards established by the U.S. Government, Chrysler downsized its automobile fleet, discontinued production of large V–8 engines at its Trenton Engine Plant, and increased its reliance on small V–8 and 6-cylinder engines during MY 1979. In conjunction with these efforts, Chrysler decided to retool the Trenton Engine Plant for full production of a company-designed 4-cylinder engine. As a result of these decisions, all production of large V–8 engines was eliminated at Trenton Engine in the second half of 1978, causing a series of major layoffs at the plant. Prior to that time, Trenton Engine was the only Chrysler facility which produced the large V–8 engine.

Chrysler began to produce 4-cylinder engines at Trenton in September 1977, when it first introduced the Dodge Omni and Plymouth Horizon car lines. Previously, the company had not manufactured these engines at any of its domestic or foreign plants. In order to meet its immediate 4-cylinder engine requirements, Chrysler has been purchasing semi-finished 4-cylinder engine blocks from a foreign source for completion at Trenton Engine. Production of these engines increased from MY 1978 to MY 1979 and in the period August–December 1979 compared to the period August–December 1978. By mid or late-1980, Chrysler expects to begin full production of its own 4-cylinder engine at the Trenton Plant. Chrysler does not currently import, or expect to import, any finished 4-cylinder engines for use in automotive assembly in the United States.

Production of 6-cylinder engines at Trenton Engine increased from MY 1978 to MY 1979 as well as in the period August–December 1979 compared to the same period of 1978. Company imports of the same engine from Canada and Mexico declined from MY 1977 to MY 1978, and then ceased entirely at the end of MY 1979. At that time, Chrysler consolidated all production of 6-cylinder engines at the Trenton Engine Plant.

The phaseout of large V–8 engine production at Trenton was planned to coincide with the conversion to 4-cylinder production and the consolidation of 6-cylinder engine production at this plant. Following the series of layoffs associated with these changes in plant organization, production and employment stabilized; average monthly employment of production workers at Trenton Engine remained approximately constant between January and November 1979. No cutbacks in production or employment are anticipated at Trenton Engine during the first quarter of 1980.

Conclusion

After careful review, I determine that all workers of the Vernor Tool and Die Plant, Detroit, Michigan, the Trenton Engine Plant, Trenton, Michigan, and the California Emission Test Facility, Los Angeles, California, of Chrysler Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80–4496 Filed 2–11–80; 8:45 am]
BILLING CODE 4510–28–M

[TA–W–6549]

Chrysler Corp.; Determinations 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.

The investigation was initiated on December 6, 1979, in response to a worker petition received on November 26, 1979, which was filed by the International Union, United Automobile, Aerospace, & Agricultural Workers of America on behalf of workers and former workers engaged in office functions at the General Offices of Chrysler Corporation, Highland Park, Michigan (TA–W–6549). The investigation revealed that the Highland Park General Offices are officially known as the General Headquarters of Chrysler Corporation. In the following determination, without regard to whether any of the other criteria have been met for workers assigned to Purchasing Office and the U.S. Automotive Sales section of the General Headquarters of Chrysler Corporation, the following criterion has not been met on:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average employment of workers in the Purchasing Office at the General Headquarters increased from MY 1978 to MY 1979 and in the period August–November 1979 compared to the period August–November 1978. Average employment of workers assigned to the U.S. Automotive Sales section of the General Headquarters increased from MY 1978 to MY 1979. Employment declines in this section of the General Headquarters since August 1979 are attributable to resignations and transfers rather than to layoffs. Significant layoffs are not anticipated in the Purchasing Office nor the U.S. Automotive Sales section of the General Headquarters during the first quarter of 1980.

With respect to workers assigned to the General Offices, the Engineering and Product Planning section, and the U.S. Automotive Manufacturing Group of the General Headquarters of Chrysler Corporation, all of the criteria have been met.

In order to determine if increased imports contributed importantly to production and employment declines at the petitioning auxiliary plants of Chrysler Corporation, the Department sought to determine the degree to which each auxiliary plant was integrated into the production of Chrysler car and/or truck lines which have been subject to import injury. Where it was established

that an auxiliary plant was substantially integrated into the production of trade-impacted Chrysler car or truck lines, the Department considered imports of like or directly competitive cars and trucks in determining import injury to workers at the auxiliary plant.

During the course of the investigation, it was established that a major share of the support services provided by the General Offices, the Engineering and Product Planning section, and the U.S. Automotive Manufacturing Group of the General Headquarters were related directly to the production of Chrysler car and truck lines which have been subject to import injury. Therefore, these three sections of the General Headquarters were substantially integrated into the production of trade-impacted Chrysler vehicles.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with Aspen, Volare, Diplomat, LeBaron, Newport, New Yorker and St Regis automobiles, pickup trucks, general utility light trucks, and utility vans produced by Chrylser Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers assigned to the General Offices, the Engineering and Product Planning section, and the U.S. Automotive Manufacturing Group of the General Headquarters of Chrysler Corporation, Highland Park, Michigan. In accordance with the provisions of the Act, I make the following certification:

All workers assigned to the General Offices, the Engineering and Product Planning section, and the U.S. Automotive Manufacturing Group of the General Headquarters of Chrylser Corporation, Highland Park, Michigan, who became totally or partially separated from employment on or after July 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

After careful review, I further determine that all workers assigned to the Purchasing Office and the U.S. Automotive Sales section of the General Headquarters of Chrysler Corporation, Highland Park, Michigan, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 4th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-4497 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6558]

Coka Fashions, Inc.; Negative Determination 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.

The investigation was initiated on December 10, 1979 in response to a worker petition received on December 5, 1979 which was filed on behalf of workers and former workers producing ladies' coats and raincoats at Coka Fashions, Incorporated, New York, New York. The investigation revealed that the company produces primarily ladies' full length coats. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's, misses' and children's coats and jackets and women's girls' and infants' raincoats decreased absolutely in the January–September period of 1979 compared to the same period of 1978.

The Office of Trade Adjustment Assistance conducted a survey of Coka's major customers and of a random sample of all of Coka's customers. Most of the customers responding to the survey did not purchase imported women's coats or raincoats during the relevant time period. Most of those customers who did purchase imported coats or raincoats, increased their purchases from Coka Fashions in 1979 compared to 1978. The survey revealed that only one of the surveyed customers reduced purchases of coats/raincoats from Coka and increased purchases of imported coats/raincoats in 1979 compared to 1978. That customer represented an insignificant proportion of Coka's sales in that time period.

Conclusion

After careful review, I determine that all workers at Coka Fashions, Incorporated, New York, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of February 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-4998 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6714]

Corso Dress Co., Inc.; Notice of Negative Determination 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.

The investigation was initiated on January 8, 1980 in response to a worker petition received on January 2, 1980 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' dresses at Corso Dress, Incorporated, St. John, New York. The investigation revealed that the correct name of the company is Corso Dress Company, Incorporated and it is located in St. Johnsville, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's and misses' dresses declined absolutely in the January through September period of 1979 compared to the same period in 1978. The ratio of imports to domestic production of women's and misses' dresses was less than 5 percent in 1977 and 1978.

The Department of Labor investigation revealed that Corso Dress Company, Incorporated contracts for the production of ladies' dresses. The Department conducted a survey of dress manufacturers from whom Corso Dress Company, Incorporated receives

contract work. This survey revealed that the manufacturers did not utilize foreign contractors for the production of dresses nor did they purchase imported ladies' dresses in 1977, 1978 or 1979. In addition, the sales of the manufacturers increased in 1979 compared to 1978 and the manufacturers increased their contracts with other domestic firms during this time period.

Conclusion

After careful review, I determine that all workers of Corso Dress Company, Incorporated, St. Johnsville, New York are denied eligibility 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 February 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-4499 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6560]

Dee Tee Soldering Co.; 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.

The investigation was initiated on December 10, 1979 in response to a worker petition received on December 3, 1979 which was filed on behalf of workers and former workers soldering jewelry at Dee Tee Soldering Company, Providence, Rhode Island. It is concluded that all of the requirements have been met.

U.S. imports of costume jewelry increased in 1978 compared with 1977 and in the first three quarters of 1979 compared with the same period of 1978.

The Department surveyed the jewelry manufacturers for whom Dee Tee Soldering performs contract work, and the customers of the manufacturers. Customers of those manufacturers who accounted for a significant proportion of the decline in contract work at Dee Tee Soldering from 1978 to 1979 indicated that they increased purchases of imported costume jewelry and decreased purchases from the manufacturers in 1979 compared with 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with jewelry produced at Dee Tee Soldering Company, Providence, Rhode Island 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 Dee Tee Soldering Company, Providence, Rhode Island who became totally or partially separated from employment on or after November 28, 1978 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 February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-4500 Filed 2-11-80; 8:45 am]

BILLIING CODE 4510-28-M

[TA-W-6551]

Firestone Tire & Rubber Co.; Notice of Determinations 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 adjust 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.

The investigation was initiated on December 6, 1979 in response to a worker petition received on November 29, 1979 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing passegner car and truck tires at the Salinas, California plant of Firestone Tire and Rubber Company. In the following determination, without regard to whether any of the other criteria have been met for workers producing truck tires at the Salinas plant, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department surveyed major customers and a random sample of the smaller customers of Firestone. Most customers from both groups indicated that they either did not import or decreased imports of truck tires in 1979 compared with 1978. Customers who decreased purchases of truck tires from Firestone and increased imports represented an insignificant proportion of truck tire sales for Firestone.

For workers producing passenger car tires at the Salinas plant, all of the criteria have been met.

U.S. imports of passenger car tires increased absolutely and relative to domestic production in the first three quarters of 1979 compared with the same period of 1978. Imports increased absolutely from 1977 to 1978.

Firestone's imports of passenger car tires increased in the first eleven months of 1979 compared with the same period of 1978.

The Department surveyed major customers and a random sample of the smaller customers of Firestone. Customers from both groups indicated that they either increased imports or increased their reliance on imports of passenger car tires while decreasing purchases from Firestone in the first eleven months of 1979 compared with the same period of 1978. Customers also reported increased imports and decreased purchases of passenger car tires from Firestone from 1977 to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the passenger car tires produced at the Salinas, California plant of Firestone Tire and Rubber Company 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 engaged in employment related to the production of passenger car tires at the Salinas, California plant of Firestone Tire and Rubber Company who became totally or partially separated from employment on or after November 16, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that workers building truck tires at the Salinas, California plant of Firestone Tire and Rubber Company be denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 4th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-4501 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6532]

Guterl Special Steel Corp.; Notice of Negative Determination 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.

The investigation was initiated on December 4, 1979 in response to a worker petition received on November 20, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing high alloy specialty steel at the Guterl Special Steel Corporation, Simonds Steel Division, Lockport, New York. The investigation revealed that the correct name of the company is Guterl Special Steel Corporation. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Sales and production of high alloy specialty steel at the Guterl Special Steel Corporation increased in both quantity and value in 1978 compared to 1977, and in 1979 compared to 1978.

Employment at the plant increased in 1978 compared to 1977, and in the first eleven months of 1979 compared to the same period in 1978.

A Department of Labor survey of Guterl's customers revealed that the customers contacted decreased reliance on imported specialty steel, while increasing reliance on domestically produced specialty steel in 1979 compared to 1978.

Conclusion

After careful review, I determine that all workers of Guterl Special Steel Corporation, Lockport, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of February 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-4502 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6763]

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 80-2452 appearing on page 6202 in the **Federal Register** of January 25, 1980, the date of petition in the appendix under petitioner Kris Marc, North Bergen, New Jersey should be corrected to read "December 19, 1979."

Signed at Washington, D.C. this 1st day of February 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-4490 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6491 and TA-W-6491A]

Irwin & Us, Inc.; 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.

The investigation was initiated on November 30, 1979 in response to a worker petition received on November 27, 1979 which was filed by the Amalgamated Ladies' Garment Cutters' Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' sportswear at Irwin and Us, Hauppauge, New York. The investigation revealed that the name of the subject firm is Irwin and Us, Incorporated. The plant produces misses' and juniors' slacks and skirts. The investigation was expanded to include the firm's sales office in New York, New York. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's slacks and shorts increased absolutely and relative to domestic production from 1976 to 1977 and from 1977 to 1978.

U.S. imports of women's, misses' and children's skirts increased absolutely and relative to production from 1977 to 1978.

The Office of Trade Adjustment Assistance conducted a survey of customers of Irwin and Us, Incorporated. Customers, representing a substantial proportion of Irwin's sales decline, reduced purchases of skirts and slacks from Irwin and increased purchases of imported skirts and slacks in 1978 compared to 1977 and in the first eleven months of 1979 compared to the like period in 1978. Customers responding to the survey reported, in aggregate, a reduced reliance on all domestic sources and an increased reliance on foreign sources to meet their demand for slacks and skirts in the January–November 1979 period compared to the January–November 1978 period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with misses' and juniors' slacks and skirts produced at Irwin and Us, Incorporated, Hauppauge, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant and at the New York, New York sales office. In accordance with the provisions of the Act, I make the following certification:

All workers of the Hauppauge, New York plant and the New York, New York sales office of Irwin and Us, Incorporated, who became totally or partially separated from employment on or after November 21, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-4503 Filed 2-11-80; 8:45 am]

BILLIING CODE 4510-28-M

[TA-W-6534]

Knitone Mills, Inc.; 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.

The investigation was initiated on December 4, 1979 in response to a worker petition received on November 26, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing sweaters at Knitone Mills, Incorporated, West New York, New Jersey. The investigation revealed that the plant primarily produces women's sweaters. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses', and children's sweaters increased relative to domestic production in 1978 compared with 1977. The ratio of imports to domestic production has exceeded 100 percent in every year from 1974 through 1978.

The Department conducted a survey of the manufacturers who contracted sweater production with Knitone in 1977, 1978, and 1979 and surveyed the customers of the manufacturers with declining sales for their purchases of imported women's sweaters. The survey revealed some of the manufacturers' customers had decreased purchases from the domestic manufacturers and increased purchases of imported sweaters during the period January 1977 through November 1979.

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 sweaters produced at Knitone Mills, Incorporated, West New York, New Jersey 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 Knitone Mills, Incorporated, West New York, New Jersey who became totally or partially separated from employment on or after November 20, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-4504 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6523 and TA-W-6524]

Lafayette Casuals, Inc. and Lafayette Sportswear, Inc., 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.

The investigation was initiated on December 3, 1979 in response to worker petitions received on November 26, 1979 which were filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' blouses at Lafayette Casuals, Incorporated, Elizabeth, New Jersey and producing ladies' sportswear at Lafayette Sportswear, Incorporated, Elizabeth, New Jersey. The investigation revealed that both companies produce primarily ladies' blouses. It is concluded that all the requirements have been met.

U.S. imports of blouses increased both absolutely and relative to domestic production and consumption from 1977 to 1978.

Lafayette Casuals and Lafayette Sportswear produce blouses on a contract basis for one manufacturer. Although the manufacturer does not use the services of foreign contractors nor purchase imported blouses, sales of the manufacturer declined. A survey of customers (retail outlets) of the manufacturer revealed that many of the retail outlets who responded to the survey decreased purchases of blouses from the manufacturer while increasing purchases of blouses from foreign sources.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with blouses produced at Lafayette Casuals and Lafayette Sportswear 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 Lafayette Casuals, Incorporated and Lafayette Sportswear, Incorporated, Elizabeth, New Jersey who became totally or partially separated from employment on or after November 20, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-4505 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6351]

Lebow Bros., Inc.; Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on January 25, 1980, applicable to all workers engaged in the production of men's slacks at Lebow Brothers, Inc., Baltimore, Maryland. The Notice of Certification was published in the **Federal Register** on February 1, 1980, (45 FR 7332).

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certification. The review of the case revealed that ten layoffs occurred between March 23 and April 26, 1979. These layoffs were not covered by the impact date of June 1, 1979.

The intent of the certification is to cover all workers who were affected by the termination of production of men's slacks at Lebow Brothers, Inc., Baltimore, Maryland, related to import competition. The certification, therefore, is revised providing a new impact date of March 19, 1979.

The revised certification applicable to TA-W-6351 is hereby issued as follows:

All workers of Lebow Brothers, Inc., Baltimore, Maryland engaged in employment related to the production of men's slacks who became totally or partially separated from employment on or after March 19, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 6th day of February 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-4506 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6618]

Maidrite Novelty Corp.; Notice of Negative Determination 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.

The investigation was initiated on December 13, 1979 in response to a worker petition received on December 3, 1979 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing shoulder straps for brassieres at Maidrite Novelty Corporation, Long Island City, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Maidrite Novelty Corporation produces shoulder straps for brassieres.

Imports of shoulders straps for brassieres, and not imports of brassieres, must be considered in determining import injury to workers producing shoulder straps for brassieres at the Long Island City, New York plant of Maidrite Novelty Corporation.

U.S. imports of shoulder straps for brassieres are negligible.

Conclusion

After careful review, I determine that all workers of Maidrite Novelty Corporation, Long Island City, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of February 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-4507 Filed 2-11-80; 8:45 am]

BILLIING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Application No. D-1480]

Notice of Proposed Exemption for Certain Transactions Involving the International Union of Operating Engineers Local #37 Pension Fund and the International Union of Operating Engineers Local #37 Health and Welfare Fund Located in Baltimore, Md.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) 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 taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the cash sale of personal property by the International Union of Operating Engineers Local #37 Pension Fund and the International Union of Operating Engineers Local #37 Health and Welfare Fund (the Plans) to Decision-Science, Inc., a party in interest. The proposed exemption, if granted, would affect participants and beneficiaries of the Plans and Decision-Science, Inc.

DATES: Written comments must be received by the Department of Labor on or before March 24, 1980.

ADDRESS: All written comments (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-1480. 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: Hazel Witte, of the Department of Labor, telephone (202) 523-8881. (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 section 406(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed on behalf of the Plans, 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 applicants.

(1) From May 1972 until March 31, 1979, the Plans were administered by Mr. Richard M. Woodfin, an employee of the Plans. In March 1976, Mr. Woodfin formed a corporation known as Decision-Science, Inc. The primary purpose of the corporation is to administer and provide consulting service for various pension and welfare plans, including the above Plans.

(2) The Plans jointly own office furniture and fixtures and a Varian V77-420 computer system (the Property). The Property is used by Mr. Woodfin in connection with the Plans' operation and administration.

(3) On April 1, 1979, Mr. Woodfin ceased employment with the Plans. At that time an agreement was entered into between the Plans and Decision-Science, Inc. for the provision of all administrative services for the Plans. Under the terms of the agreement, the Plans compensate Decision-Science, Inc. and allow it to use the Plans' computer system in connection with their operation and administration.

(4) Since Mr. Woodfin is no longer an employee, the Plans no longer require use of the Property. The Plans propose to sell to Decision-Science, Inc. the computer system for $74,592.98, its book value as of March 31, 1979, and the office furniture and fixtures for $12,366, its appraised value. The computer system was valued at $34,520 and the office furniture and fixtures at $12,366 by independent appraisers.

(5) By selling the Property, the Plans will be able to dispose of non-liquid, non-income producing assets, for which it has no further use, and eliminate the financial burden of carrying costs. In addition, Decision-Science, Inc. has offered to pay the Plans $74,592.98 for the computer system, which is more than twice its appraised value. Decision-Science, Inc. is willing to pay the Plans

this amount for the computer system because purchasing the same equipment elsewhere would require Decision-Science, Inc. to spend an amount substantially in excess of the original cost to the Plans and would also require Decision-Science, Inc. to wait 90 days or more for delivery.

(6) As of March 31, 1979, the Plans had combined assets valued at $19,254,325 and the proposed transaction represents approximately .4% of the Plans' assets.

(7) In summary, the applicants represent that the proposed sale of the Property meets the statutory criteria for an exemption under section 408(a) of the Act because (1) it is a one time transaction for cash; (2) the selling price for the Property is greater than its appraised value; (3) the Plans will be able to dispose of non-income producing assets, and (4) the trustees have determined that the transaction is appropriate for the Plans and is in the best interests of the Plans' participants and beneficiaries.

Notice to Interested Persons

Notice will be given to all interested persons within 10 days of the publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform interested persons of their right to comment on the pending exemption. The notice will be given to current participants of the Plans by posting it in customery places used to post notices to union members. Notice will be mailed to former participants and beneficiaries of the Plans within 10 days of publication of the proposed exemption in the **Federal Register**.

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 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 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) of the Act and section 4975(c)(1) (E) and (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 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

All interested persons are invited to submit written comments 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 should state the reasons for the writer's interest in the pending exemption. Comments received will be available for pubic 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 18741, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the taxes, imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the cash sale by the Plans of the Property to Decision-Science, Inc. for $86,958.98, provided that this amount is not less than the fair market value at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and respresentations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 5th day of February 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80–4522 Filed 2–11–80; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–1511]

Notice of Proposed Exemption for Certain Transactions Involving the Quabaug Rubber Co. Retirement Plan Located in North Brookfield, Mass.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) 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 taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt a proposed loan of money by the Quabaug Rubber Company Retirement Plan (the Plan) to the Quabaug Rubber Company (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Employer, and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before March 24, 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 Ave., NW., Washington, D.C. 20216, Attention: Application No. D–1511. 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: Richard Small of the Department of Labor, telephone (202) 523–7222. (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 section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) 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 and the Plan, 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 applicants.

(1) The Plan is a pension plan with approximately 250 participants. As of December 31, 1979 the Plan had net assets of approximately $2,828,000. State Street Bank and Trust Company (the Trustee) is the trustee of the Plan and has the sole responsibility for the investment decisions of the Plan. In addition Mr. Hugh Mackay (Mackay), who is independent of the Employer and the Plan will serve as a trustee with the responsibility for protecting the interests of the Plan in the proposed transaction. Mackay is a former vice president of State Mutual Life Assurance Co. of America and is presently a member of the bar in Massachusetts and Connecticut.

(2) The Employer is requesting an exemption to borrow $750,000 from the Plan to cover 50% of the financing for the Employer's new office building on Ward Street in N. Brookfield, Massachusetts (the Loan). The Loan will be for a period of five years and will be repaid in ten semiannual installments. The Loan will bear interest at 1% over the existing prime rate of interest but in no event will the rate of interest be less than 12% per annum. As collateral for the Loan the Plan will receive a 1st mortgage in the amount of the Loan in the Employer's new office building. The office building was appraised at a value of $2,360,000 on December 12, 1979 by Mr. George Harrison SRA & SRPA of Worcester, Massachusetts. Mackay will verify on an annual basis that the building has a fair market value of at least two times the principal amount due the Plan. In the event Mackay determines that the fair market value of the building does not exceed two times the principal balance due the Plan, an amount necessary to meet such ratio will become due and payable within 30 days of receipt of a demand for payment from Mackay. As additional security for the Plan, the Employer will grant the Plan a perfected security interest in the Employer's inventories which are presently represented by the Employer to be in excess of $1,000,000. The Employer has a net worth of $6,692,337 as of April 30, 1979.

(3) At the time of the Loan, the Worcester County National Bank, a bank independent of the Plan and the Employer, will also loan the Employer $750,000 to cover the remaining 50% of the financing of the Employers new office building. This loan will also be for five years, however, the bank will receive an interest rate of only 11% per annum and will receive a second mortgage on the new office building.

(4) In summary, the applicant represents that the Loan will satisfy the criteria of section 408(a) as follows: (1) the Trustee represents that the Loan is in the best interests of the Plan; (2) an independent trustee will be appointed to implement, supervise and monitor the loan; (3) the Loan will be for a relatively short period of time and will provide a high rate of return to the Plan; (4) the Loan will be collateralized by an asset which will remain at least two times the principal amount due the Plan and the Plan will have a perfected security interest in the Employer's inventory which is presently represented to be in excess of $1,000,000; and (5) an independent bank at the time of the Loan will be providing the Employer with a loan equal in amount to the Loan but with terms inferior to those which the Plan will be receiving on its loan to the Employer.

Notice to Interested Persons

Within ten days of its publication in the Federal Register a copy of the notice of pendency along with a statement as to the right of an interested person to comment thereon or request a hearing within the time specified in the notice of pendency will be mailed to all current participants and to all beneficiaries of deceased participants of the Plan.

Tax Consequences of Transaction

The Internal Revenue Service has previously held that the borrowing of money by an employer from its plan at a rate greater than the fair market rate will constitute a conribution to the plan to the extent of the difference between the rate at which the money is loaned and the fair market rate. The deductibility and other effects of such a contribution must be determined in accordance with generally applicable Federal income tax rules.

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 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 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 section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by 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 the loan of $500,000 by the Plan to the Employer for a period of five years with an interest rate of the greater of 1% over the prime rate or 12% provided that at the time of the Loan the Employer's office building on Ward St. in N. Brookfield which is to be used for collateral for the Loan is completed and ready for occupancy.

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 transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of February, 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80–4523 Filed 2–11–80; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–1555]

Notice of Proposed Exemption for Certain Transactions Involving the Rainwater Construction Co., Inc., Profit Sharing Plan and Trust Located in Atlanta, Ga.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) 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 taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of land and a building thereon by the Rainwater Construction Co., Inc., Profit Sharing Plan and Trust (the Plan) to Cecil B. Rainwater, Jr. and Steven L. Rainwater (the Buyers), who are officer-stockholders of Rainwater Construction Co., Inc. (Rainwater), the sponsor and administrator of the Plan. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before March 24, 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–1555. 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: Dan O'Neil, of the Department of Labor, telephone (202) 523–8881. (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 section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) 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 October 2, 1979, 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). The application was filed with both the Department and the Internal Revenue Service. However, 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 applicants.

1. The property in question is located at 2555 Chantilly Drive, NE., Atlanta, Georgia. The building on the property was erected by Rainwater for an independent third party and has been occupied by Rainwater since 1960, initially under a lease between Rainwater and the independent third party.

2. In November, 1974, the property was purchased by the Plan from the third party for $71,000. The terms were $20,000 cash and a first mortgage note of $51,000. The Plan then leased the property to Rainwater for a gross rent of $850 per month after Rainwater was assured by its accountant that the transaction was legal. No written lease was executed between Rainwater and the Plan at that time. Subsequently, Rainwater was advised by another accountant that the lease between the Plan and Rainwater constituted a transaction prohibited under sections 406 and 407(a) of the Act. On March 15, 1978, Rainwater and the Plan executed a formal lease of the property calling for a net rent of $700 a month for a five year term.

3. This application was filed by Rainwater and the three trustees of the Plan (Cecil B. Rainwater, Cecil B. Rainwater, Jr. and Steven L. Rainwater) requesting an exemption to allow the Plan to sell the property at 2555 Chantilly Drive, N.E., Atlanta, Georgia to the Buyers who are officer-stockholders of Rainwater and two of the three trustees of the Plan. The selling price would be $76,000, the terms to be cash plus the assumption of the first mortgage note executed by the Plan and the independent third party. The property has been appraised at $70,600 as of January 11, 1979 by N. Reg Hines, Realtor Associate, Northside Realty Associates, Inc., Atlanta, Georgia. As of November 1979, the Plan's remaining obligation under the mortgage note was approximately $37,800. Rainwater and the trustees of the Plan have stipulated that, after the sale of the property by the Plan to the Buyers, the Plan will be relieved of all liability on the first mortgage note payable to the estate of Mrs. Irene C. Miller, the above-referred-to independent third party.

4. Within five days after the proposed sale, Rainwater will file Form 5330, Return to Initial Excise Taxes Related to Pension and Profit-Sharing Plans with the Internal Revenue Service, Southeast Region, Atlanta, Georgia 31101 in connection with the leasing of the

property at 2555 Chantilly Drive, N.E., Atlanta, Georgia by the Plan to Rainwater that was effective beginning on April 1, 1975.

5. The applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because (1) it is a one-time transaction, (2) it will avoid the likelihood of financial loss to the Plan which would result from a sale to third parties at a price net of a sales commission, or from seeking new lessees to occupy the premises which would be vacated by Rainwater, and (3) it will provide a return on the Plan's original investment of $71,000 in the property.

Notice to Interested Persons

Notice of the pending exemption will be given to all interested persons including participants and beneficiaries of the Plan within 10 days after publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and/or request a hearing regarding the proposed exemption. Delivery of the notice will be accomplished by hand delivery to those participants currently employed by Rainwater and by a mailing to all retired or otherwise terminated participants and beneficiaries.

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 on 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 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 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 nt 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 request 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 section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by 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 the sale of the land and building located at 2555 Chantilly Drive, N.E., Atlanta, Georgia by the Plan to Cecil B. Rainwater, Jr. and Steven L. Rainwater for $76,000, the terms to be the assumption of the existing first mortgage note on the property between the Plan and the estate of Mrs. Irene C. Miller and the balance in cash, provided that this amount is at least the fair market value of the property at the time of sale.

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 transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 6th day of February 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80–4524 Filed 2–11–80; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 80–5; Exemption Application No. L–1595]

Exemption From the Prohibitions for Certain Transactions Involving the Iowa Operating Engineers Apprentice and Training Program

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale by the Iowa Operating Engineers Apprenticeship and Training Program (the Plan) of an unimproved parcel of real property (the Property) to the Operating Engineers Local 234 Building Corporation (the Corporation), a wholly owned subsidiary of the Local 234 Iowa Operating Engineers, a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Stander 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) 523–8195. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: On December 18, 1979, notice was published in the **Federal Register** (44 FR 74934) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) for the sale of the Property by the Plan to the Corporation. 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 he 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.

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 does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. 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.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, 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 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 section 406(a), 406(b)(1), and 406(b)(2) of the Act shall not apply to the sale by the Plan to the Corporation of the Property located at the northeast corner of SW. 60th Street and Army Post Road, in the southwest quadrant of Des Moines, Iowa, for a total sales price of $50,388.00 cash, provided that this sum is not less than the fair market value of the property as of the date of sale.

The availability of ths exemption is 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 transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 5th day of February, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-4518 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M

[Prohibited Transaction Exemption 80-6; Exemption Application No. L-894]

Exemption From the Prohibitions for Certain Transactions Involving Utah Laborer's Vacation Trust Fund

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the transfer of uncommitted reserves from the Utah Laborer's Vacation Trust Fund (the Plan) to the Utah Laborer's Health & Welfare Trust Fund (the Fund) due to termination of the Plan.

FOR FURTHER INFORMATION CONTACT: Ronald D. Allen 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) 523-7901. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 18, 1979 notice was published in the **Federal Register** (44 FR 74939) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act), for a transaction described in an application filed by the Board of Trustees of the Plan. 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 he has complied with the notice requirements contained in the proposed exemption. No public comments and no requests for a hearing were received by the Department.

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 does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. 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.

(2) This exemption does not extend to transactions prohibited under section 406(a), 406(b) (1) and (3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, 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 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, the Fund and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan and the Fund.

The restrictions of section 406(b)(2) of the Act shall not apply to the transfer, by the Plan, of uncommitted reserves of approximately $85,000 together with any additional forfeitures, to the Fund due to the termination of the Plan.

The availability of this exemption is 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 transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C. this 4th day of February, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare and Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-4519 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 80-7; Exemption Application No. L-1008]

Exemption From the Prohibitions for Certain Transactions Involving the United Hatters, Cap & Millinery Workers International Union Health and Welfare Fund of Local 45 and United Hatters, Cap & Millinery Workers International Union Retirement Plan of Local 45

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the transfer of assets from the United Hatters, Cap & Millinery Workers International Union Health and Welfare Fund of Local 45 (the Fund) to the United Hatters, Cap & Millinery Workers International Union Retirement Plan of Local 45 (the Plan).

FOR FURTHER INFORMATION CONTACT: Ronald D. Allen 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) 523-7901. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 18, 1979 notice was published in the **Federal Register** (44 FR 74937) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act), for a transaction described in an application filed by the United Hatters, Cap and Millinery Workers International Union on behalf of the Plan. 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 facts and representations. The application has been made 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 he has complied with the notice requirements contained in the proposed exemption. No public comments and no requests for a hearing were received by the Department.

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 does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. 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.

(2) This exemption does not extend to transactions prohibited under section 406(a), 406(b)(1) and 406(b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, 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 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 the Fund and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan and the Fund.

The restrictions of section 406(b)(2) of the Act shall not apply to the cash transfer of $110,000 from the Fund to the Plan.

The availability of this exemption is 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 transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 4th day of February, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80-4520 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1688]

Notice of Proposed Exemption for Certain Transactions Involving the Equitable Life Assurance Society of the United States and RREEF USA Fund I

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) 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 taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a building (the Building) and adjacent property by the Equitable Life Assurance Society of the United States (Equitable) to RREEF USA Fund I (the Fund) and subsequent to the sale, the lease of space in the Building by the Fund to Equitable. The relationship of Equitable and the Fund is that Equitable is a fiduciary or otherwise a party in interest with respect to several employee benefit plans (the Plans) that have invested in the Fund. However, Equitable has no fiduciary authority with regard to Plan assets that are invested in the Fund. The proposed exemption, if granted, would affect Equitable, the Fund, the Plans and other plans that have invested in the Fund.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before March 24, 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-1688. 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. Robert Sandler, of the Department of Labor, telephone (202) 523–8883. (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 section 406(a), 406 (b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) 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 on behalf of Equitable, 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 applicants.

1. Equitable is a mutual life insurance company subject to the insurance laws of the State of New York. It provides funding, asset management and other services for hundreds of pension and profit-sharing plans subject to the provisions of Title I of ERISA. As of the end of 1978, the value of Equitable's assets allocated to its general account was approximately $23 billion, consisting primarily of investments in mortgages, debt securities and real property. The Building and adjacent property constitute two of the real property investments held in Equitable's general account. Equitable also maintains several pooled separate accounts in which pension and profit-sharing plans invest, and has direct investment advisory arrangements with respect to all or a portion of the assets of a number of large plans.

2. The Fund is a group trust created on September 7, 1979, that meets the requirements of Rev. Rul. 56–267, 1956–1 C.B. 206. It is designed to afford plans qualified under Section 401(a) of the Code and thereby exempt from Federal taxation under Section 501(a) of the Code, the opportunity to diversify their portfolios by making, through the Fund, equity investments in real properties. The Fund is engaged primarily in the business of acquiring, improving, operating and holding for investment income-producing real property (as well as personal or mixed property connected therewith), including commercial, office and industrial property in various geographical locations throughout the United States. The principal objectives of the Fund in making investments are to obtain for its beneficiaries cash distributions and capital appreciation.

3. The Fund is designed for large plan investors. The minimum investment in the Fund is $25 million. At the present time, seven pension or profit-sharing trusts have subscribed to invest in the Fund, and the total assets of the Fund are $215 million. It is possible that other plans or trusts will later subscribe to invest in the Fund. Plans investing in the Fund may not assign or otherwise transfer, or pledge or otherwise encumber, their interests in the Fund. Beginning in 1984, plans will be permitted to redeem their interests in the Fund.

4. The Trustees of the Fund are Messrs. Claude N. Rosenberg, Jr., Paul Sack, Alexander F. Hogland, Johnson S. Bogart and Wayne R. Harkins. Sole discretion over the investments of the Fund, within the limits of the investment objectives and criteria of the Fund, has been delegated to RREEF USA Partners (Partners), a general partnership organized in September 1979, under the laws of the State of California. Partners has filed an application to become a registered investment adviser under the Investment Advisers Act of 1940. Its address is 650 California Street, San Francisco, California 94108. Partners was formed primarily for the purpose of managing and operating real estate investment programs such as the Fund.

5. The general partners of Partners are Messrs. Sack, Bogart, Hogland, Harkins, Richard J. Bertero, Orra C. Hyde III, Donald A. King, Jr., Dean M. Greenwood, Donald K. Holcher, and RREEF Partners, a limited partnership, the general partners of which are Messrs. Rosenberg, John D. Leland, Jr., and Joseph A. Mark. All such partners will participate in varying degrees in the mangement of the Fund. Partners is also affiliated with the RREEF Corporation and RREEF MidAmerica Partners, which are registered investment advisers that provide investment management services to real estate funds owned by tax-exempt entities, which funds invest in income-producing properties having a purchase price of less than $15 million. Messrs. Rosenberg, Leland and Mark also are principals of Rosenberg Capital Management, a registered investment adviser which provides investment management services with respect to debt and equity securities.

6. None of the individuals mentioned above is an officer, director or employee of Equitable, and neither Equitable nor any Equitable officer, director or employee has any ownership interest in, or employment capacity with, Partners or any entity affiliated with Partners.

7. Equitable sold The Equitable Plaza Building, 3435 Wilshire Boulevard, Los Angeles, California 90010, to the Fund on January 3, 1980. The sale included the Building (including the parcel of land on which it is located) and an adjacent surface-level parking lot which comprises the remainder of the city block on which the Building is situated. The block is bounded by Wilshire Boulevard, Mariposa Avenue, Sixth Street and Alexandria Avenue in the Wilshire Center district of Los Angeles.

8. The Building is a 35-story multi-tenant office building completed in 1969. Prior to its sale to the Fund, the Building was owned in fee simple by Equitable in its general account. It is the largest and tallest high-rise development in the Wilshire Center district. The Building is situated on 109,182 square feet of land and has 623,394 square feet of rentable space. The Building contains a five-level underground parking garage that contains 1,262 parking spaces for automobiles.

9. Adjacent to the Building is a parcel of land containing 67,294 square feet of land, which, prior to its sale to the Fund, was also owned in fee simple by Equitable in its general account. This parcel was utilized as a surface-level parking lot by Hollywood Parking Services, Inc. The lot contains parking spaces for approximately 300 automobiles. Hollywood Parking Services, Inc. is not affiliated, directly or indirectly, with Equitable, Partners or any employer maintaining any of the plans which has subscribed to invest in the Fund. The parking lot parcel was acquired by Equitable along with the property on which the Building is situated. In order to obtain the necessary permits from the city of Los Angeles to construct the Building, Equitable was required to file a covenant agreement requiring it to sell both parcels to the same purchaser in the event that it desired to sell any property on the city block in question.

10. Equitable currently occupies 56,509 square feet in the Building, which

represents approximately 9 percent of the rentable area in the building. Other principal tenants include Hartford Insurance Company, Federal National Mortgage Association, Grey Advertising Company, McCutchen & Black, and Young & Rubicam.

11. The purchase price for the Building and adjacent surface-level parking lot was $46,550,000 in cash. The parties originally agreed to close the sale on December 21, 1979, then delayed the closing until January 3, 1980. Prior to the sale, equitable had the option to delay the closing until after December 31, 1979, but not later than March 31, 1980. If closing of the sale did not take place on or before December 31, 1979, due to delays caused by the Fund, the purchase price would have been increased to $47,550,000. In that event, the Fund would have been required to close the sale by March 31, 1980.

12. The purchase price was arrived at by the parties through arm's-length negotiation. Because of its expertise in, and long familiarity with, the commercial real estate market in Los Angeles, Partners, consistent with its normal practice, did not seek an appraisal of the property by a third party. No sales commissions were paid to any person in connection with the sale.

13. As described above, Equitable currently occupies approximately 9 percent of the rentable space in the Building. This space is occupied by various departments of Equitable under a number of "lease" arrangements that are scheduled to expire at different times between May 31, 1980 and November 30, 1984. Because Equitable owned the Building, formal leases were not entered into. Instead of leases, written memoranda were used to set forth the terms of the occupancy by each Equitable department. In accordance with standard Equitable policy governing the occupancy by Equitable departments of buildings owned by Equitable, the space in the Building occupied by Equitable was on substantially the same terms and conditions being offered to other tenants and potential tenants at the time the "lease" was entered into. Each "lease" arrangement was for a five-year period and rent was being paid by each department at the rate being paid by other tenants who leased space in the Building at comparable times. At the end of the five-year term of any "lease," the occupancy of the Equitable department involved was normally extended automatically for another five years on substantially the same terms being offered to other tenants at the time of the extension.

14. In connection with the sale of the Building to the Fund, Equitable and the Fund entered into formal lease arrangements that permit each Equitable department to continue its present occupancy of space in the Building until the scheduled expiration date of such occupancy under the terms, conditions and rental rates in effect on January 3, 1980 with respect to each such occupancy. Annual rental rates that were paid by Equitable for space in the Building ranged from $5.76 per square foot to $14 per square foot. As indicated above, these rates reflected the rates that were being offered to other tenants and potential tenants for comparable space in the Building at the time at which the particular occupancy arrangement was entered into. The leases for 52,989 square feet (of the total of 56,509 square feet occupied by Equitable) will also provide for an automatic extension of each lease for an additional five-year period from the date of expiration of such lease at the rental rate projected to be in effect during the year in which the extension begins. The projected annual rental rates that have been agreed to by Equitable and Partners for the first five-year extension of these leases are $16 per square foot for five-year extension periods begining in 1982 and $17 per square foot for five-year extension periods beginning in 1983.

15. The new leases for the 52,989 square feet of space will also give Equitable an option to extend the leases for five additional five-year periods (after the first five-year extension period has expired) at annual rental rates to be agreed to by Partners and Equitable based on market rental rates existing at the time each extension is entered into.

16. With respect to the remaining 3,520 square feet (or 0.5 percent of the rentable area in the Building) occupied by Equitable that would not be subject to the above extension arrangements, the following lease arrangements have been agreed to by Equitable and Partners:

(a) A 990 square foot occupancy, scheduled to expire on November 30, 1984, will continue until expiration at the rental rate currently being paid ($14 per square foot). No extensions have been agreed to.

(b) A 1,681 square foot occupancy, scheduled to expire on December 31, 1981, will continue until expiration at the rental rate currently being paid ($14 per square foot). This lease will contain a cancellation clause giving Equitable the right to cancel the lease any time prior to expiration on 60 days written notice. No extensions of this lease have been agreed to.

(c) An 849 square foot occupancy, scheduled to expire on May 31, 1980, will continue until expiration at the rental rate currently being paid ($14 per square foot). After May 31, 1980, this lease may be extended on a month-to-month basis at a rental rate of $14 per square foot. This lease will contain a cancellation clause permitting Equitable to cancel the lease on 30 days prior written notice.

17. The requested exemption is not intended to cover the lease of any additional space in the Building by Equitable or any person related to Equitable.

18. No commissions will be paid to any person in connection with these lease arrangements. Also, no employer with respect to any plan that will be investing in the Fund, and no affiliate of any such employer (within the meaning of section 407(d)(7) of the Act), is currently a tenant in the Building.

19. The applicants represent that the transactions meet that statutory criteria of section 408(a) of the Act for several reasons. Partners believes that the property is an excellent investment opportunity for the Fund, particularly at a time when such opportunities are difficult to locate. Equitable and Partners have agreed to the sale and lease arrangements as a result of arm's-length negotiations. In this regard, Equitable and Partners have no direct or indirect affiliation with each other.

Also, Equitable has no authority, responsibility or control over the management or disposition of Fund assets or over the investment of any plan's assets in the Fund. Therefore, there was no potential for Equitable to improperly influence Partners' decision to enter into these transactions on behalf of the Fund.

Notice to Interested Persons

Notice of the proposed exemption will be mailed within ten days after publication in the **Federal Register**, to the fiduciaries of each plan or trust that has subscribed to invest in the Fund. The notice will include a copy of the proposed exemption as published in the **Federal Register** and will include a statement advising the recipient of his right to comment on or request a hearing with respect to the proposed exemption.

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

of 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) and (b)(2) of the Act and the taxes imposed by 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 the sale of the Building by Equitable to the Fund on January 3, 1980, and the lease of a portion of the Building by the Fund to Equitable, which commenced on January 3, 1980.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 5th day of February, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 80–4521 Filed 2–11–80; 8:45 am]

BILLING CODE 4510–29–M

Investigations Regarding Certifications of Eligibility To Apply for Workers Adjustment Assistance

Petitions have been filed with the Secretary of Labor uder section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 22, 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 February 22, 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 5th day of February 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Allied Products Corp., South Bend Stamping Division (workers).	South Bend, Ind.	1/28/80	1/23/80	TA-W-6,911	Automotive stampings (hood, panels).
Berman's, The Leather Experts (workers)	Minneapolis, Minn	1/25/80	1/17/80	TA-W-6,912	Men's and women's leather goods.
Boss Manufacturing Company (workers)	Oneida, Tenn	12/27/79	12/22/79	TA-W-6,913	Leather gloves.
Buckbee Mears (workers)	St. Paul, Minn.	1/24/80	1/21/80	TA-W-6,914	Electronic components for televisions, computers, radar scanners.
Dunn & Mavis (workers)	Warren, Mich.	1/25/80	1/19/80	TA-W-6,915	Transport sections strip (frame and motor) and finished vehicles by rail and truck.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Ford Motor Co. (workers)	Livonia, Mich	1/30/80	1/23/80	TA-W-6,916	Transmissions for cars and trucks.
General Motors Corp., General Motors Assembly Div., Lakewood Plant (workers).	Atlanta, Ga	1/29/80	1/25/80	TA-W-6,917	1980 Chevette, ½ ton and ¾ ton trucks and Grand Prix.
Press Products Company (UAW)	Troy, Mich	1/25/80	1/18/80	TA-W-6,918	Door hinges and hood hinges.
Ship'n Shore, Aston (company)	Aston, Pa	1/28/80	1/22/80	TA-W-6,919	Executive office and distribution center.
Ship'n Shore, Tryens Road (company)	Aston, Pa	1/28/80	1/22/80	TA-W-6,920	Ladies' tops and sportswear.
Ship'n Shore, I-95 (company)	Chester, Pa	1/28/80	1/22/80	TA-W-6,921	Ladies' tops and sportswear.
Ship'n Shore, New York (company)	New York, N.Y. (1441 Broadway).	1/28/80	1/22/80	TA-W-6,922	Merchandise sample making.
Ship'n Shore, New York (company)	New York, N.Y. (1411 Broadway).	1/28/80	1/22/80	TA-W-6,923	Showroom.
Ship'n Shore, Ladies' Factory Outlet No. 2 (company).	Montgomeryville, Pa	1/28/80	1/22/80	TA-W-6,924	Retail store.
Ship'n Shore, Ladies' Factory Outlet No. 10 (company).	Charleston, S.C	1/28/80	1/22/80	TA-W-6,925	Retail store.
Ship'n Shore, Ladies' Factory Outlet No. 16 (company).	Burlington, N.J	1/28/80	1/22/80	TA-W-6,926	Retail store.
Ship'n Shore, Atlanta (company)	Atlanta, Ga	1/28/80	1/22/80	TA-W-6,927	Sales office.
Ship'n Shore Sales, Boston (company)	Boston, Mass	1/28/80	1/22/80	TA-W-6,928	Sales office.
Ship'n Shore Sales, Chicago (company)	Chicago, Ill	1/28/80	1/22/80	Ta-W-6,929	Sales office.
Ship'n Shore Sales, Dallas (company)	Dallas, Tex	1/28/80	1/22/80	TA-W-6,930	Sales office.
Ship'n Shore Sales, Los Angeles (company)	Los Angeles, Calif	1/28/80	1/22/80	TA-W-6,931	Sales office.
Ship'n Shore Sales, Philadelphia (company)	Philadelphia, Pa	1/28/80	1/22/80	TA-W-6,932	Sales office.
Ship'n Shore Sales, New York (company)	New York, N.Y	1/28/80	1/22/80	TA-W-6,933	Sales office.
Ship'n Shore Baxley Ind. (company)	Baxley, Ga	1/28/80	1/22/80	TA-W-6,934	Finished goods warehouse.
Ship'n Shore Baxley Mfg. (company)	Baxley, Ga	1/28/80	1/22/80	TA-W-6,935	Pants, blazers, and skirts.
Ship'n Shore Bishop (company)	Weisport, Pa	1/28/80	1/22/80	TA-W-6,936	Blouses and shirts.
Ship'n Shore Richland (company)	Richland, S.C	1/28/80	1/22/80	TA-W-6,937	Blouses and shirts.
Ship'n Shore Travelers Rest (company)	Travelers Rest, S.C	1/28/80	1/22/80	TA-W-6,938	Blouses and shirts.
Ship'n Shore Oley (company)	Oley, Pa	1/28/80	1/22/80	TA-W-6,939	Blouses and shirts.
Ship'n Shore Ephrata I (company)	Ephrata, Pa	1/28/80	1/22/80	TA-W-6,940	Blouses and shirts.
Ship'n Shore Ephrata II (company)	Ephrata, Pa	1/28/80	1/22/80	TA-W-6,941	Blouses and shirts.
Ship'n Shore Forest City (company)	Forest City, Pa	1/28/80	1/22/80	TA-W-6,942	Blouses and shirts.
Ship'n Shore Hazelton Company (company)	West Hazleton, Pa	1/28/80	1/22/80	TA-W-6,943	Blouses and shirts.
Ship'n Shore West Hazleton (company)	West Hazleton, Pa	1/28/80	1/22/80	TA-W-6,944	Blouses and shirts.
Young Reflections, Inc. (company)	New York N.Y	1/28/80	1/22/80	TA-W-6,945	Women's dresses and pant suits.

[FR Doc. 80-4532 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-28-M.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DEPARTMENT OF TRANSPORTATION

Coast Guard

Memorandum of Understanding Concerning Occupational Safety and Health on Artificial Islands, Installations and Other Devices on the Outer Continental Shelf of the United States

Cross Reference

For a document issued jointly by the Department of Labor/Occupational Safety and Health Administration and the Department of Transportation/Coast Guard on the above captioned matter, see FR Doc. 80-4365 published in the Notices section of the **Federal Register** for February 11, 1980.

(See table of contents for exact page number.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 80-10]

NASA Advisory Council (NAC) Space and Terrestrial Applications Advisory Committee (STAAC); Meeting

The *Ad Hoc* Informal Advisory Subcommittee on Weather, Climate and Oceans Applications of the NAC-STAAC will meet on February 28 and 29, 1980 at NASA Headquarters, Room 226A, Federal Office Building 10B, 600 Independence Avenue, SW., Washington, D.C. 20546. The meeting is open to the public. Members of the public will be admitted at 8:30 a.m., February 28th, and at 9:00 a.m., February 29th, on a first-come, first-served basis and will be required to sign a visitors' register. The seating capacity of the meeting room is for 35 persons.

Ths Subcommittee, chaired by Dr. Richard Goody, is comprised of sixteen members of the NAC-STAAC and will review various aspects of NASA's Environmental Observations Programs with emphasis on physical oceanography.

The approved agenda for the meeting is as follows:

February 28, 1980

Time and Topic

8:30 a.m., Chairperson's Remarks.
8:45 a.m., Program Overview.
9:15 a.m., Utilization of Gravitational Satellite (GRAVSAT) and Topography Experiment (TOPEX) for Studying the General Circulation of the Oceans.
11:00 a.m., Report on the Air-Sea Interaction Workshop.
11:30 a.m., National Oceanic Satellite System (NOSS).
12:00 p.m., Utilization of NOSS Data by the Academic Oceanographic Community.
1:30 p.m., Status and Future Potential of Color Observations of the Ocean.
4:30 p.m., Adjourn.

February 29, 1980

Time and Topic

9:00 a.m., Status of the Cloud Physics Program.
9:30 a.m., Report on Planning for the Tropospheric Program.
10:30 a.m., Ice and Climate Experiment (ICEX).
11:00 a.m., Strengths and Weaknesses of the Program.
11:30 a.m., Conclusions and Recommendations.
12:00 p.m., Subjects for and Date of Next Meeting.
12:15 p.m., Adjourn.

For further information regarding the meeting, please contact Louis B. C. Fong, Executive Secretary of the Subcommittee, NASA Headquarters, Washington, D.C. 20546 (202) 755-7450.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

February 4, 1980.

[FR Doc. 80-4440 Filed 2-11-80; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-412]

Cleveland Electric Illuminating Co., et al.; Beaver Valley Power Station, Unit No. 2, Order Extending Construction Completion Date

The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and the Toledo Edison Company are holders of Construction Permit No. CPPR-105 issued by the Atomic Energy Commission [1] on May 3, 1974, for construction of Beaver Valley Power Station, Unit No. 2 presently under construction in Beaver County, Pennsylvania, at a site jointly owned by the companies listed above as tenants in common without right of partition. The Construction Permit was amended on April 19, 1977 by the Nuclear Regulatory Commission to delete Pennsylvania Power Company as one of the holders of the Permit.

On May 9, 1979 the companies listed above filed a request for an extension of the completion date because construction has been delayed due to (1) increase in construction costs and the attending difficulties in obtaining capital funds, (2) a downward revision in the demand forecast for power, (3) construction difficulties with soil densification and containment liner welding, and (4) additional requirements for safety related matters which affected the schedule for construction more severely than the companies anticipated. While all of these matters contribute to the delay requested, the pacing matters controlling the overall delay are items (1) and (2) stated above.

This action by the Nuclear Regulatory Commission to extend the construction completion date involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation.

Copies of the above documents and related material are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

It is hereby ordered that the latest completion date for CPPR-105 is extended from February 1, 1980 to December 31, 1984.

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

Date of Issuance: January 30, 1980.

For the Nuclear Regulatory Commission.

D. F. Ross, Jr.,

Acting Director, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 80-4474 Filed 2-11-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-412]

Cleveland Electric Illuminating Co., et al.; Negative Declaration Supporting Extension of Construction Permit No. CPPR-105 for Beaver Valley Power Station Unit No. 2

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed a request from The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and The Toledo Edison Company for 59 month extension of the construction permit for Beaver Valley Power Station, Unit No. 2, located in Beaver County, Pennsylvania. The extension would permit revision of the construction completion to December 31, 1984.

The Commission's Division of Site Safety and Environmental Analysis has prepared an environmental impact appraisal relative to the proposed extension. Based on the appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact other than those which have been described in the Commission's Final Environmental Statement for Beaver Valley Power Station, Unit No. 2 published in July 1973, or evaluated in the present environmental impact appraisal.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and in the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 26th day of December 1979.

For the Nuclear Regulatory Commission.

Donald E. Sells,

Acting Chief, Environmental Projects Branch No. 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 80-4487 Filed 2-11-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-1308]

General Electric Co. (GE Morris Operation Spent Fuel Storage Facility); Order Setting Location of Prehearing Conference

February 6, 1980.

According to our *"Order Setting Prehearing Conference,"* dated January 17, 1980, the time and place for this hearing is 9 a.m., February 29, 1980 at the Holiday Inn, Interstate 80 and Illinois Route 47, Morris, Illinois 60450.

It is so ordered.

Dated at Bethesda, Maryland this 6th day of February, 1980.

For the Atomic Safety and Licensing Board.

Andrew C. Goodhope,

Chairman.

[FR Doc. 80-4475 Filed 2-11-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co. (Monticello Nuclear Generating Plant, Unit 1); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Thomas S. Moore

Dated: February 4, 1980.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80-4476 Filed 2-11-80; 8:45 am]

BILLING CODE 7590-01-M

Nuclear Facilities or Materials; Applications for Licenses To Export

Pursuant to 10 CFR 110.41 "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses for the period January 1 through January 31, 1980. A copy of each appliation is on file in the Nuclear Regulatory Commission's Public

Document Room located at 1717 H Street, NW., Washington, D.C.

Dated this day February 5, 1980, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Joseph D. LaFleur, Jr.,

Acting Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Mitsubishi Intern'l, 01/03/80, 01/08/80, XSNM01643	3.45% enriched uranium	6,155	213	Reload fuel for Genkai 2, Region 4.	Japan.
General Electric, 01/11/80, 01/14/80, XSNM01644	3.9% enriched uranium	239,500	4,505	Initial cores for Valdecaballeros Units 1 and 2.	Spain.
General Electric, 01/11/80, 01/14/80, XSNM01645	3.8% enriched uranium	95,000	2,520	Nuclenor Reloads (6)	Spain.
Westinghouse Electric, 01/10/80, 01/14/80, XR069 (08)	To extend the expiration date from 03/31/80 to 03/31/81 and to increase the dollar value to $30,000,000.				Sweden.
George Uhe, Co., 01/02/80, 01/08/80, XMAT0088	1,030 kgs deuterium			For nuclear resonance spectroscopy.	West Germany.

[FR Doc. 80-4477 Filed 2-11-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Amendment of Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Manual on Fund-Raising is the official medium of the Director, U.S. Office of Personnel Management, for issuing policy, procedures and informational material on the fund-raising program in the Federal service. The manual provides guidance to Federal officials and representatives of recognized voluntary Health and Welfare Agencies on fund-raising practices in the Federal service. OPM is considering amendments to the manual to permit greater flexibility in eligibility requirements for National Voluntary Agencies and to provide a new formula for fund distribution.

COMMENT DATE: Comments must be received on or before March 3, 1980.

APPLICATION DATE FOR FALL 1980 CFC PARTICIPATION: In view of the proposed changes in Manual provisions on eligibility, the deadline for receipt of applications for the Fall 1980 campaign is being extended to April 30, 1980.

ADDRESS: Please address written comments to Joseph Patti, Assistant to the Director, U.S. Office of Personnel Management, Room 5532, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Walter Townsend, (202) 632-6898.

SUPPLEMENTARY INFORMATION: In March, 1979, OPM asked the views of interested parties on two issues relating to the Manual on Fund-Raising Within the Federal Service. The interested parties included: (1) current participants in the Combined Federal Campaign (CFC); (2) all applicants for participation in the CFC during the past three years; (3) the major groups participating in CFC (United Way, the National Health Agencies, the International Service Agencies and the American Red Cross); the CFC Policy Committee (Federal agency and employee union representatives) and field coordinating groups.

The two issues, Eligibility Criteria and Additional National Agency groupings, were being reviewed in response to a number of expressions of concern. We reviewed Eligibility Criteria from two standpoints: (1) The extent to which they provide needed assurance to contributors regarding the agencies that are approved for participation, and

(2) Their effectiveness in permitting useful and viable new agencies to expand their resources and potential through participation in the Federal program.

The increasing number and types of voluntary organizations interested in participating in the Federal fund-raising program suggest a need to look into the question of establishing an additional grouping of national voluntary organizations, not in the Health or International Service field and not part of the United Way local fund-raising system, to permit access of these organizations to the Combined Federal Campaign solicitation arrangements.

As OPM completed its review of the changes recommended in the responses, the Subcommittee on Civil Service of the House Post Office and Civil Service Committee announced its intention to hold hearings on Federal fund-raising policy. The Subcommittee held its hearing in October, 1979 and submitted its findings to OPM on December 20, 1979. The Subcommittee's findings were summed up in six Principles which included recommendations on:

Responsibilities for CFC Administration,

Informing employees about Voluntary Agencies and their programs and finances,

Regulating against coercion in Federal fund-raising,

National and local entry for Voluntary Agencies,

New approaches to fund distribution, and

Use of independent, disinterested parties as local fiduciaries.

OPM has combined the issues from its 1979 review and those coming from the Subcommittee's recommendations. From this combined list of issues OPM is proposing a number of changes in Federal fund-raising policy. OPM is proposing to amend the Manual on Federal Fund-Raising the following changes (New material in italics):

Section 1.6 Preventing Coercive Activity. True voluntary giving is the basic concept underlying Federal fund-raising activities. Actions which provide or create the perception that employees do not have the free choice to give or not give or to publicize their gifts or keep them confidential, is contrary to the intent of Federal fund-raising policy. The following activities are not in accord with the intent of Federal fund-raising policy and, in the interest of preventing coercive activities in Federal fund-raising, are not permitted in Federal fund-raising campaigns:

1. Supervisory solicitation of employees supervised.

2. Setting 100% participation goals.

3. Providing contributor lists for purposes other than the routine collection and forwarding of contributions and installment pledges.

4. Establishing personal dollar goals or quotas.

Section 2.21 Federal Agency Heads.

d. Assuring that the policy of voluntary giving and clear employee choice is upheld during the fund-raising campaign.

e. *Providing a mechanism to look into employee complaints of undue pressure and coercion in Federal fund-raising. Agencies shall provide procedures and assign responsibility for investigation of such complaints. Personnel offices should be responsible for informing employees of the proper organizational channels for pursuit of such complaints.*

Section 2.61 Authorized Local Federal Coordinating Groups.

d. Employee Union Representation. In order to insure employee participation in the planning and conduct of the CFC, employee representatives from the principal employee unions of local Federal installations should be invited to serve on whatever organization exercises local coordinating responsibilities.

Section 3.1 Types of Voluntary Agencies.

d. *National agencies having a domestic welfare service function and* national agencies having an international service function which involves health, welfare or freedom building programs in foreign countries, such as CARE, and Project HOPE.

Section 4.2d Authorized Voluntary Groups.

c. The *National and* International Service Agencies.

1. National Service Agencies. National Service Agencies may solicit a CFC only in those areas where the national agency provides direct and meaningful service in the local area. The extent of services in the campaign area could, of course, vary from area to area and among individual Service Agencies. As a general rule, an employee in the solicitation area, or his family, should be able to receive service from a particular Service Agency, if needed, within a reasonable distance of his employment station. The determination whether a particular Service Agency is providing such service in the area is made by the local Federal coordinating group. Any determination that a Service Agency is not providing service that qualifies it to participate in the local campaign should be submitted to the Office of Personnel Management for review.

2. International Service Agencies. Program operations of International Service Agencies are generally conducted overseas, so that fund-raising eligibility is not limited to the places where they have local chapters or committees. However, if a local chapter participates in a United Way Campaign, it cannot participate as a member of the NISA group.

4.2A *Participation in Federated Campaigns by Local Agencies Not Members of the Local Federated Group. Arrangements will be established by each local Federal Coordinating Committee to permit employees to designate a contribution to approved local health or welfare agencies that are not members of the local federated group. These procedures will require eligible local voluntary agencies to pre-register through the local united fund agency and to participate in the Combined Federal Campaign for designated contributions only through the federated group.*

4.21A *Eligibility Criteria. To be eligible to participate for designated contributors through these arrangements local voluntary agencies must meet the minimum requirements listed below:*

a. *A non-profit, tax exempt charitable organization supported by direct contributions from the general public.*

b. *The agency is providing a bona-fide program of health or welfare services in the area covered by the local CFC.*

c. *The agency must operate without discrimination and must carry out affirmative action programs to assure equal employment opportunity. This policy applies to persons served by the agency to the staff of the agency and to membership on its governing board and committees.*

d. *The agency's financial records are audited annually by an independent public accountant whose examination conforms to generally accepted auditing standards. Financial reports to the public must provide full disclosure of all support, revenue, and expenditures and must comply with Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations.*

e. *The agency's administrative and fund-raising costs must conform to the requirements of Section 5.34.*

4.22A *Application Procedures. In order to be eligible for participation in the Federal campaign for employee designation of contributions, local agencies not members of the federated group must submit an application for registration in the CFC to the local federated group. The local United Way group will review the agency application to determine that eligibility requirements in Section 4.21A are met. Agencies that meet the eligibility requirements are listed and participate in the CFC for designations only through the United Way group. If the United Way determines that eligibility requirements are not met, reasons for this determination will be provided to the agency within sixty days of the receipt of the application. The agency may request a review of that determination by the local Federal Coordinating Group. The local coordinating group will make an independent review of the action by the United Way on the agency's application. The Coordinating Group may either confirm or reverse a negative determination by the United Way on the agency's application. If the coordinating group determines that prescribed eligibility requirements are met, the agency will be listed and participate in the CFC for designations only through the United Way group. Decisions by the Federal Coordinating Group are final.*

Section 4.51 CFC Committee. Where necessary, the local Federal coordinating group will designate a committee from among its principal members, called the CFC Committee, to give top leadership and direction to the planning, conduct, and evaluation of the local combined campaign. The Federal coordinating group may redelegate any of the authority for the campaign to the CFC Committee. In order to insure employee participation in the planning and conduct of the CFC, employee representatives from the principal employee unions of local Federal installations should be *invited to serve* on the CFC Committee *or whatever organization exercises local* coordinating *responsibilities.*

Section 4.7 Division of Receipts. Dollars designated or pledged in a Combined Federal Campaign are either designated by the contributor for a specific voluntary organization, or undesignated. Undesignated funds are those contributions not designated to any particular beneficiary organization. Designated receipts are always credited to the designated organization.

The following method will be used for distribution of undesignated receipt for all CFCs which have been in existence for five years, unless the representatives of the participating voluntary groups unanimously agree on another method: A total dollar base will be established each year equal to a minimum of 90% of the contributions raised in the previous

year's campaign. The local Federal coordinating group, after consultation with the voluntary groups, may decide to use a higher percentage of the previous year's receipts in setting the dollar base up to 110% of the previous year's receipts. The total dollar base so established will be distributed among the groups in the same percentage *ratio as each group's average receipts from all past CFCs, bear to the total receipts reported at the close of those campaigns.* These percentages represent a recognition that the pattern of giving experience demonstrated over the past years of CFC operation can and does adequately identify a pattern sufficient to provide a continuing foundation for principal decisions relating to the distribution of undesignated funds. *The resulting percentages, therefore, will be updated annually to include the most recent past CFC receipts.*

Section 4.12a Contributor's Leaflet. This will be the only informational material distributed to individual contributors. It will describe the CFC arrangement, name the participating voluntary groups, and explain the provision for designations, division of undesignated funds, the payroll deduction privilege, etc. It will list each member organization of the voluntary group with a brief statement of about 25 words on its program. *It will provide instructions as to how an employee may obtain more specific information about agencies participating in the campaign, their programs and their finances. The contributor's leaflet will also inform employees of their right to pursue complaints of undue pressure or coercion in Federal fund-raising activities. The leaflet will also refer employees to consult with their personnel office to identify the organization handling such complaints in the agency.*

Section 4.14 Orientation, Training and Publicity Arrangements. A formal plan should be developed to cover the orientation of management and employee organization officials, the training of keymen, and publicity to employees and service members.

Federal officials should assist campaign leaders by *making an enthusiastic and purposeful statement of support* in their installations in order to insure maximum group interest and response. Orientation sessions however, should stress adherence to manual policies and procedures on prohibitions against individual employee quotas, assessments, or any other form of coercive action, and on the employee's right of confidentiality as to the amount of his gift. Contributions must be voluntary.

It is essential that keymen be trained effectively on CFC procedures and be equipped to answer any questions or problems the contributors may have as well as questions of a substantive nature regarding the programs of the voluntary agencies.

Employees and service members should be told the background and purpose of the combined campaign arrangements, including the use of installment payment through payroll withholding. Special stress should be placed on pledging generously on a once-a-year basis in order to provide a fair amount of support for all authorized voluntary groups.

Care should be taken that the Combined Federal Campaign kick-off ceremony emphasizes the joint appeal aspect and the combined effort of the voluntary agencies involved. In addition, there should be no publicity within Federal establishments given to specific voluntary agency needs that acts to detract from the consolidated effort represented by CFC.

Section 5.23 Avoidance of Competition. *Entire Section Deleted.*

Section 5.24 National Scope.

b. At least 50% of the voluntary agency's income must come from donations from the general public.

c. It has earned good will and acceptability throughout the United States, particularly in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.

Good will and acceptability can be demonstrated:

(1) when a voluntary agency provide service in all or most of the States;

(2) when contributor support comes from all or most parts of the Nation;

(3) by the extent of public support and the number and location of contributors;

(4) by the national character of any public campaign;

(5) by the reputation of the organization nationally; and

(6) by the proportionate effect of the organization's participation in CFC on total income.

d. It has sufficient fund-raising representatives at decentralized locations to be able to enter into full participation with a group of voluntary agencies in conducting local campaigns throughout the United States.

e. If it is a national health agency, it has a well-defined national program involving research, education, and community services with sufficiently developed local coverage to implement its national program and local service programs in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.

f. If it is a national or international service agency, it has a well-defined program which meets basic human needs in the United States or in an overseas area.

Section 5.34 Administrative and Fund-Raising Expenses. Administrative and fund-raising expenses must be reasonable. Expenditures for administration and fund-raising not exceeding 25% of total support and revenue will be considered reasonable. Where administrative and fund-raising expenses exceed this percentage, the burden is on the voluntary organization to demonstrate the reasonableness of its fund-raising and administrative expenses under all the circumstances of its case. The circumstances may include:

Newly established agencies that have not been in existence for more than 3-years and which can demonstrate the likelihood of reducing their administrative and fund-raising expenses to the 25% level within a 3-year period. Such agencies must show a reduction in administrative and fund-raising expenses for each year until it attains the 25% level.

Older agencies which can demonstrate that the impact of CFC contributions on their administrative and fund-raising costs is likely to bring those expenses to within 25%.

Section 5.35 Fund-Raising Practice. The voluntary agency's publicity and promotional activities must be based upon the actual program and operations of the agency, must be truthful and nondeceptive, and must include all materials facts. The agency's fund-raising practices must assure protection against unauthorized use of agency contributors' lists; no payment of commissions, kickbacks, finder fees, percentages, bonuses, or overrides for fund-raising; and no general telephone solicitation of the public.

Section 5.38 Financial Reports. Preparation of *a combined* annual financial report to the general public in accordance with the Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations is required. *The consolidated report shall include all income and expenditure for the national operations and all chapters, committees, affiliates, or satellites.*

Section 6.2 True voluntary giving. True voluntary giving is the free response of an individual to an appeal which provides full knowledge of the human needs at stake and encourages a generous contribution in relation to the individual's financial ability and

responsibility as a good citizen. *Employees must have the clear choice to give or not give and no action may be taken which creates the appearance that the employee has no choice.*

Section 6.3 Campaign Objectives.

c. To seek *maximum voluntary participation* while preserving the individual's right to give or not to give.

Section 6.41 Management and Employee Organization Support.

c. Enlisting the participation and support of employee organization leaders.

d. Personal endorsement and follow-up through messages to all employees and contacts with management and supervisory staff. *However, special care should be taken that messages of endorsements are not perceived as orders or requests.*

Section 6.43 Keyman Responsibilities. A keyman is selected for the personal solicitation of about 25 employees, depending upon the unit organization. *The keyman should not be the supervisor of the employees solicited.* He or she should be chosen for leadership qualifications, compatibility with coworkers and motivation toward successful performance. Since a keyman is acting, in effect, as an agent of the recognized voluntary agencies in contacting potential contributors, it is important that each keyman be given a thorough briefing on the program and purpose of the participating voluntary agencies, preferably by representatives of the fund-raising agencies themselves. The keyman's responsibilities are to:

a. Personally contact each prospective contributor in the assigned group and provide the educational literature and contributor's card or envelopes appropriate to the campaign;

b. Explain the services performed by the voluntary agencies and answer any questions about them and the Federal fund-raising program;

c. Urge a generous gift, with the goal of *maximum* voluntary participation in mind; where appropriate call attention to local suggested giving guides;

d. Collect employee contributions, forward them and make reports in accordance with local arrangements for the particular campaign.

Section 6.621 Solicitation. Each potential giver must be given full opportunity to exercise his/her option *to contribute or not to contribute and* to disclose the amount of his/*her* gift or keep it confidential. *No* action which might be coercive or contrary to the principles of true voluntary giving is permitted.

Attachment: Campaign Guidelines for Voluntary Giving.

Suggestions For:

I. Agency or Installation Heads, Campaign Chairmen, and Division Campaign Chairmen

M. Discourage contacts with individual givers by other than designated keymen. Mangement officials and supervisors should *not be solicitors* and should always talk to givers in a group, never putting an individual "on the spot".

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

[FR Doc. 80-4551 Filed 2-11-80; 8:45 am]

BILLING CODE 6325-01-M

PRESIDENT'S ADVISORY COMMITTEE FOR WOMEN

Meeting, Personnel Issues

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the President's Advisory Committee for Women.

Date, Time and Place: February 20, 1980.

Closed Business Session: 1:30 p.m. to 3:00 p.m., Room S-3002, Department of Labor, 200 Constitution Avenue NW., Washington, D.C.

Purpose: To discuss personnel issues and possible contractors.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. During its closed session, the Administation Subcommittee will discuss personnel and possible contractors.

Sarita G. Schotta,

Executive Director.

February 6, 1980.

[FR Doc. 80-4416 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-23-M

Meeting, Yearly Work Plan for the PACFW Education Subcommittee

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the President's Advisory Committee for Women.

Date, Time and Place: February 27, 1980.

Open Business Session: 3:00 p.m. to 5:00 p.m., Conference Room, Sheraton-Tampa Hotel, Tampa, Florida.

Purpose: To discuss yearly work plan for the PACFW Education Subcommittee.

Sarita G. Schotta,

Executive Director.

February 6, 1980.

[FR Doc. 80-4417 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-23-M

Meeting, Yearly Work Plan for the PACFW Employment Subcommittee

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the President's Advisory Committee for Women.

Date, Time and Place: February 27, 1980.

Open Business Session: 3:00 p.m. to 5:00 p.m., Conference Room, Sheraton Hotel, Tampa, Florida.

Purpose: To discuss yearly work plan for the PACFW Employment Subcommittee.

Sarita G. Schotta,

Executive Director.

February 6, 1980.

[FR Doc. 80-4418 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-23-M

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), Notice is hereby given of a meeting of the President's Advisory Committee for Women.

Date, time and place: February 28, 1980.

Open business session: 1:00 p.m. to 3:00 p.m., 7:00 p.m. to 9:30 p.m., School Board Room, Tampa, Florida.

Purpose: To hold public hearings and receive testimony for use in the Committee's final report to the President.

Date, time and place: February 29, 1980.

Open business session: 10:00 a.m. to 12:00 p.m., 1:00 p.m. to 3:00 p.m., School Board Room, Tampa, Florida.

Purpose: To hold public hearings and receive testimony.

Sarita G. Schotta,

Executive Director.

February 6, 1980.

[FR Doc. 80-4419 Filed 2-11-80; 8:45 am]

BILLING CODE 4510-23-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21423; 70-6410]

Allegheny Power System, Inc.; Proposed Amendment of Charter

February 6, 1980.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York 10002, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12(e) of the Act and Rules 61 and 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Allegheny proposes to amend its charter to increase the number of shares of its common stock, par value $2.50, which Allegheny is authorized to issue from 40,000,000 to 55,000,000 shares. As of January 4, 1980, Allegheny has outstanding 39,828,556 shares of common stock. It is stated that, over the next three years, current projections indicate that Allegheny's subsidiaries will require common equity investments by Allegheny of $55 to $75 million per year for a total of about $200,000,000 in order to operate their electric utility business, including carrying on their construction programs. Most of such equity investments must be obtained through the issuance and sale by Allegheny of its common stock. Estimates of construction expenditures by Allegheny's subsidiaries for the years 1980 and 1981 are now projected to aggregate over $540 million.

The proposed amendment to the charter is to be submitted to Allegheny stockholders at their annual meeting to be held on May 8, 1980. Approval of the charter amendment requires the affirmative vote of the holders of a majority of the shares of common stock outstanding. Allegheny proposes to solicit proxies from its common stockholders to obtain the requisite approval of the proposed charter amendment.

A complete statement of the fees and expenses to be incurred in connection with the proposed transactions is to be filed by amendment. It is stated that no state commission 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 March 5, 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 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 addresssed: 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 at 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 other 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. 80-4536 Filed 2-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Filed No. 1-7201]

AVX Corp.; Application To Withdraw From Listing and Registration

February 1, 1980.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. AVX Corporation's ("AVX") common stock became listed and registered on the Amex on July 19, 1973, and, as of May 7, 1979, also became listed and registered on the New York Stock Exchange, Inc. ("NYSE"). Trading in AVX's common stock on the NYSE commenced June 12, 1979. Simultaneously, Amex suspended trading in the issue pursuant to Rule 12d2-1 of the Act.

2. AVX has determined that the direct and indirect costs and the possibility of market fragmentation do not justify maintaining listings of the shares on both the Amex and NYSE.

This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before February 19, 1980 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-4537 Filed 2-11-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7284]

Baldor Electric Co.; Application To Withdraw From Listing and Registration

February 1, 1980.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. Baldor Electric Company's (the "Company's") common stock became listed and registered on the Amex on February 26, 1976, and, as of January 10, 1980, also became listed and registered on the New York Stock Exchange, Inc. ("NYSE"). Trading in the Company's common stock on the NYSE commenced January 15, 1980 and concurrently Amex suspended trading in the issue pursuant to Rule 12d2-1 of the Act.

2. The Company determined that the direct and indirect costs and the possibility of market fragmentation do not justify maintaining listings of the shares on both the Amex and NYSE.

This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before February 19, 1980 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C.20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The

Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-4539 Filed 2-11-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7213]

Carnation Co.; Application To Withdraw From Listing and Registration

February 1, 1980.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. Carnation Company's (the "Company") common stock became listed and registered on the Amex on July 17, 1973, and, as of January 9, 1980, also became listed and registered on the New York Stock Exchange, Inc. ("NYSE"). Trading in the Company's common stock on the NYSE commenced January 14, 1980. Amex simultaneously suspended trading in the issue pursuant to Rule 12d2-1 of the Act.

2. The Company determined that the direct and indirect costs and the possibility of market fragmentation do not justify maintaining listings of the shares on both the Amex and NYSE.

This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before February 19, 1980, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-4540 Filed 2-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21422; 70-6411]

Mississippi Power Co.; Proposed Issuance and Sale of first Mortgage Bonds at Competitive Bidding

February 6, 1980.

Notice is hereby given that Mississippi Power Company ("Mississippi"), P.O. Box 4079, Gulfport, Mississippi 39501, an electric utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration with this Commission purusant to the Public Utility Holding Company Act of 1935 ("Act), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Mississippi proposes to issue up to $25,000,000 aggregate principal amount of its first mortgage bonds ("Bonds"). The new Bonds will have a term of not less than five years nor more than 30 years and will be sold at competitive bidding for a price to Mississippi of not less than 98% nor more than 101¾% of the principal amount thereof, plus accrued interest. The new Bonds will be issued under the Indenture dated as of September 1, 1941, between Mississippi and Morgan Guaranty Trust Company of New York, as Trustee, as heretofore supplemented by various indentures supplemental thereto and as to be further supplemented by a Supplemental Indenture to be dated as of April 1, 1980.

It is stated that it is difficult to determine, under present bond market conditions, whether it would be more advantageous to Mississippi to sell new Bonds having a 30-year or some shorter maturity, and that it is in the public interest for Mississippi to be afforded the necessary flexibility to adjust its financing program to developments in the markets for long-term debt securities when and as they occur in order to obtain the best possible price, interest rate and maturity for the new Bonds. Mississippi intends, therefore, to decide on the maturity of the new bonds after the date of public invitation for proposals and then notify prospective bidders by telephone, confirmed in writing, of its decision, not less than 72 hours prior to the time of the bidding.

Mississippi proposes to use the proceeds from the sale of the new Bonds, along with other funds, to finance its business as an electric utility company, including the payment of costs incurred in its on-going construction program, estimated in 1980 to total $67,748,000, and the discharge of other general corporate obligations. Statement of the fees, commission and expenses to be incurred in connection with the proposed transactions will be filed by amendment. No state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 5, 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 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 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 filed or as it may be 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 1(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 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. 80-4538 Filed 2-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16553; File No. SR-PHLX 79-11]

Philadelphia Stock Exchange, Inc.; Proposed Rule Change; Self-Regulatory Organizations

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 January 24, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX"), pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), hereby proposes to amend By-Law Section 18-14 and rescind By-Law Sections 18-15 and 18-21 as follows:

(Brackets indicate deletions; italics indicate new language)

Sec. 18-14

An accusation, charging a member before the Board of Governors with having committed an offense, shall be in writing; it shall specify the charge or charges against such member with reasonable detail and shall be signed by the person or persons making the charge or charges. A copy of such charge or charges shall be served upon the accused member either personally, or by leaving the same at his office address during business hours, or by mailing it to him at his place of residence. He shall have ten days from the date of such service to answer the same, or such further time as the Board may deem proper. The answer shall be in writing, signed by the accused member and filed with the Secretary of the Corporation. Upon the answer being filed, or if the accused shall refuse or neglect to make answer as hereinbefore required, the Board shall, at a regular or special meeting thereafter, proceed to consider the charge or charges; if such meeting be a special meeting, notice of the object thereof shall be sent to all Governors. Notice of such meeting shall be sent to the accused; he shall be entitled to be personally present thereat, *with or without counsel,* and shall be permitted in person to examine and cross-examine all the witnesses produced before the Board and also to present such testimony, defense or explanation as he may deem proper.

* * * * *

Sec. 18-15

[If the Board of Governors shall determine that the maximum penalty to be inflicted upon a member shall be limited to a fine not exceeding two hundred fifty dollars or to suspension for a period not exceeding thirty days, the Board may proceed summarily and the method of procedure required by the preceding Section shall not apply. In such cases the accused shall be summoned before the Board, informed of the nature of the accusation against him and afforded an opportunity for explanation by personal or other testimony. In any such proceeding the Board may determine the guilt and fix the fine or period of suspension to be imposed as a penalty, but no such fine shall exceed two hundred fifty dollars and no such suspension shall exceed thirty days.]

Sec. 18-21

[No person shall have the right to be represented by professional counsel in any investigation or hearing before the Board of Governors or any standing or Special Committee.]

Basis and Purpose Under the Act for Proposed Rule Change

The basis and purpose of the foregoing proposed rule change is as follows: to amend Section 18-14 to provide that a member who is responding to disciplinary charges may appear at the meeting called to consider such charges with or without counsel; and to rescind By-Law Sections 18-15 and 18-21 which deny the right to counsel and permit summary disciplinary proceedings. The proposed rule change is designed to bring PHLX's disciplinary procedures for members or persons associated with members into compliance with the notions of fair process embodied in Sections 6(b)(7) and 6(d) of the Act. By-Law Sections 18-15 and 18-21 have not been enforced since December 1975.

Comments were neither solicited nor received.

The PHLX has determined that the proposed rule changes will not impose any burden on competition.

On or before March 18, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 4, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

February 4, 1980.

[FR Doc. 80-4535 Filed 2-11-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 2-6237; 22-9696]

Shearson Loeb Rhoades, Inc.; Application and Opportunity for Hearing

February 5, 1980.

Notice is hereby given that Shearson Loeb Rhoades Inc., formerly Shearson Hayden Stone Inc. (the "Applicant"), 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 trusteeships of Marine Midland Bank ("Marine") under two indentures, one of which is qualified under the Act, are 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 Marine from acting as trustee under one of such indentures.

The Applicant alleges that:

1. Marine has entered into an Indenture dated as of September 1, 1978, (the "Old Indenture") with the Applicant, pursuant to which there have been issued $35,000,000 principal amount of the Applicant's 10¾% Senior Subordinated Debentures due September 1, 2003, (the "Old Debentures") and under which Marine is acting as Trustee. The Old Indenture was qualified under the Act.

2. On November 30, 1979, the Applicant issued $15,275,000 principal amount of its 10¾% Senior Subordinated Debentures (Second Series) due September 1, 2003, (the "New Debentures"), under an indenture (the "New Indenture") dated as of November 15, 1979, and between the Applicant and Marine, Trustee. The New Indenture, pursuant to section 304(b)(1) of the Act, was not qualified under such Act.

3. No default has at any time existed under either the Old Indenture or the New Indenture. The Applicant's obligations in respect of the Old Debentures and the New Debentures are wholly unsecured and rank on a parity with each other. There are no material differences between the provisions of the Old Indenture and the New Indenture relating to the convenants of the Applicant which apply to the future.

4. Such differences as exist between the New Indenture and the Old Indenture are 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 Marine from acting as Trustee under one of the said Indentures.

5. The New Indenture contains the provision permitted by the proviso of Section 310(b)(1) of the Act and specifically permits Marine to act as Trustee under the Old Indenture, as well as under the New Indenture. Accordingly, pursuant to the terms of the New Indenture, no conflict is deemed to exist under the New Indenture as a result of Marine's acting as Trustee thereunder and under the Old Indenture. No such provision is contained in the Old Indenture.

6. As stated above, under the provisions of the New Indenture no conflict is deemed to exist by reason of Marine's also acting as Trustee under the Old Indenture. However, under the provisions of the Old Indenture, Marine is deemed to have a conflicting interest because it is acting as Trustee under the New Indenture and the Old Indenture.

The Applicant has waived (a) notice of hearing, (b) hearing on the issues raised by said application and (c) all rights to specify procedures under Rule 8(b) of the Commission's rules of Practice.

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, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than February 25, 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 law or fact raised by such application 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. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-4541 Filed 2-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-16557; File No. SR-MSE-79-21]

Midwest Stock Exchange, Inc.; Proposed Rule Change; 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 November 16, 1979 the Midwest Stock Exchange, Incorporated ("MSE" or "Exchange") filed with the Securities and Exchange Commission a proposed rule change. As amended by Amendment No. 1 to File No. SR-MSE-79-21, filed with the Commission on January 24, 1980, the proposed rule change provides as follows:

Text of the Proposed Rule Change [1]

Article XX

* * * * *

Guaranteed Execution System

Rule 34 [Delete present version in its entirety.] *The Midwest Stock Exchange Guaranteed Execution System (the BEST System) shall be available to Exchange member firms in all dually traded issues in the specialist system. System orders from 100 up to and including 399 shares shall be executed pursuant to the following requirements:*

. . . Interpretations and Policies:

.01 Specialists must accept and guarantee execution on all agency orders from 100 up to and including 399 shares in accordance with these interpretations and policies.

.02 Subject to the requirements of the short sale rule, all agency market orders must be filled on the basis of the best consolidated quote system bid on a sell order or the best consolidated quote system offer on a buy order.

.03 All agency limit orders will be filled if one of the following conditions occur: a) the bid or offering at the limit price has been exhausted in the primary market (as defined in the CTA plan) b) there has been a price penetration of the limit in the primary market c) the issue is trading at the limit price on the primary market unless it can be demonstrated that such order would not have been executed if it had been transmitted to the primary market or the broker and specialist agree to a specific volume related or other criteria for requiring a fill.

.04 Preopening orders must be accepted and filled at the primary market opening. In trading halt situations occurring in the primary market, orders will be executed based upon the reopening price.

.05 Simultaneous orders must be executed pursuant to the guidelines set out in .01 and .02 above.

.06 Since executions are guaranteed on the basis of the best bid or offering in the consolidated quote system, the order may be executed out of the primary market range for the day but a stop must be granted if requested.

.07 In unusual trading situations, a Specialist or Floor Broker may seek relief from the requirements of .01 through .06 above from two (2) Committee on Floor Procedure Members or a designated member of the Exchange staff who would have authority to set execution prices.

Rules and Practices for Trading on the Midwest Stock Exchange, Inc.

* * * * *

Dual Issues

Except by Specific Agreement between Brokers, the following interpretations of the rules shall prevail:

1. [Specialists are expected to match at least one side of the primary market quotation.

Example: The primary market quotation for XYZ is 15¼ to 15½. The Midwest Specialist is expected to quote a market equal to or better than the 15¼ bid on the 15½ offering.]

To be added.

NSE's Statement of the Purpose of the Proposed Rule Change

For many years the MSE has had a requirement in its Floor Practice Manual

[1] In the text of the proposed rule change italics indicate material to be added and "[ ]" indicate material to be deleted.

(Blue Book) that an MSE specialist at least match one side of the primary market in his quotes. The MSE's Floor Procedure Committee and Board of Governors have now determined that that requirement is not longer necessary for the reasons cited below and that, in fact, the requirement tends to act as a damper upon competition by, in effect, forcing a specialist to use auto-quote for 100 shares rather than permitting a quote in size away from the primary market.

First, we believe that where possible we should disassociate ourselves from "automatically" tying ourselves into New York Stock Exchange quotes. For whatever reason, firms do not send commitments over ITS to auto-quote markets. Consequently, to the extent that specialists can show an interest in size away from the current market, there is a much greater likelihood of receiving ITS commitments or inquiries.

Another factor which indicates that there is no longer a need for the requirement is the existence of other rules and responsibilities which require specialists to make continuous two-sided quotations in the securities in which they are registered and to buy and sell those securities in a manner that enhances the depth and liquidity of the MSE's market and the competitiveness of the MSE. For example, the Co-specialists Job Description on Page 2143 of the MSE Rules provides:

> A co-specialists' continuing registration in the securities in which he is registered is dependent upon his satisfactory performance of his responsibilities as a co-specialist as defined in Federal and Exchange rules, interpretations, releases and notices, this job description, the Code of Acceptable Businesss Practice for Co-Specialists, and the rules and practices for trading on the Midwest. A co-specialists' registration, in one or more of the securities in which he is registered, may be suspended or terminated by the Committee on Specialist Assignment and Evaluation upon a determination that he has not satisfactorily performed his responsibilities as a co-specialist.

The Committee on Specialist Assignment and Evaluation working with the aid of the Floor Procedure Committee has carefully monitored the performance of specialists and will, of course, continue to do so in the future.

In addition, the MSE has other monitoring programs in place to adequately ensure adherence to the requirements of our rules. Thus, there is no longer the need to have a requirement tied into the so-called primary market at the current time.

Finally, although there is no specific relationship between the adoption of the BEST System and doing away with the requirement to match one side of the primary market, the result of the formal adoption of BEST rules and policies, as set out in this submission, further assures that doing away with the requirement will not result in less competitive markets being made nor reduce the obligation of specialists to contribute to competitive markets.

The BEST System is being adopted to make available an execution system to member firms and their customers which is competitive with execution systems currently in existence on other Exchanges. Our judgment is that adoption of the BEST System in place of our current MAX system is necessary to more effectively compete for small order business.

MSE's Statement of the Basis Under the Act for the Proposed Rule Change

The basis under the act for the proposed rule change is Section 6(b)(5) and 11(b) since such rule change will work towards a more competitive national market system in the public interest by removing impediments to a national market system that now exist and by increasing the ability of MSE specialists to make in depth markets in securities in which they are registered.

MSE's Statement on Comments From Members, Participants or Others on the Proposed Rule Change

The Midwest Stock Exchange, Incorporated, has neither solicited nor received any comments.

MSE's Statement on Burden on Competition of the Proposed Rule Change

The Midwest Stock Exchange, Incorporated does not believe that the proposed rule change will impose any burden on competition.

On or before March 18, 1980, or within such longer period (i) as the Commission may designate up to 90 day of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of all such filings with respect to the foregoing and of all written submissions, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filings 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 March 4, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

February 5, 1980.

[FR Doc. 80-4542 Filed 2-11-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/270]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Notice of Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on February 28, 1980 at 10:00 a.m. in Room A-110 of the Federal Communications Commission, 1229 20th Street, NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at international CCITT meetings.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Richard H. Howarth, State Department, Washington, D.C. 20520, telephone (202) 632-1007.

Dated: February 4, 1980.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 80-4552 Filed 2-11-80; 8:45 am]

BILLING CODE 4710-07-M

TENNESSEE VALLEY AUTHORITY

Privacy Act of 1974; Systems of Records; Annual Publication

AGENCY: Tennessee Valley Authority.

ACTION: Annual notice of systems of records.

SUMMARY: TVA is republishing its systems of records in compliance with 5 U.S.C. 552a(e)(4).

EFFECTIVE DATE: Effective February 12, 1980.

ADDRESS: Send comments to Privacy Act Coordinator, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Sue E. Wallace, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

SUPPLEMENTARY INFORMATION: This document republishes TVA's system notices in their entirety combining the 1978 annual publication (43 FR 51159) with two subsequent revisions dated May 14, 1979 (44 FR 28124) and July 9, 1979 (44 FR 40172). Additionally, certain housekeeping changes are made involving organization names, position titles, and addresses.

Dated: January 28, 1980.

W. F. Willis,

General Manager.

This document gives notice that the following TVA system notices are in effect:

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TVA—1 Apprentice Training Record System.
TVA—2 Personnel Files.
TVA—3 Cooperative Training Program for Construction Craftsmen.
TVA—4 Demonstration Farm Records.
TVA—5 Discrimination Complaint File.
TVA—6 Employee Accident Information System.
TVA—7 Employee Accounts Receivable.
TVA—8 Employee Alleged Misconduct Investigatory Files.
TVA—9 Medical Record System.
TVA—10 Employee Statements of Employment and Financial Interests.
TVA—11 Payroll Records.
TVA—12 Employee Travel Advance Records.
TVA—13 Employment Applicant Files.
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TVA—17 Management Appraisal Records.
TVA—18 Employee Supplementary Vacancy Announcement Records.
TVA—19 Consultant and Personal Service Contractor Records.
TVA—20 Prospective Condemnation Witness File.
TVA—21 OEDC Quality Assurance Personnel Records.
TVA—22 Questionnaire-Farms in Vicinity of Proposed Nuclear Power Plant.
TVA—23 Radiation Dosimetry Personnel Monitoring Records.
TVA—24 Reforestation, Erosion Control, and Plantation Case History Record.
TVA—25 Rehabilitation and Career Planning Records.
TVA—26 Retirement System Records.
TVA—27 Test Demonstration Farm Records.
TVA—28 Wildland Owner Survey Records.
TVA—29 Electricity Use, Rate and Service Study Records.

TVA-1

SYSTEM NAME:

Apprentice Training Record System—TVA.

SYSTEM LOCATION:

Personnel Correspondence File, MIB, Tennessee Valley Authority, Knoxville, Tenn. 37902; Personnel Management Information System, MIB, Tennessee Valley Authority, Knoxville, Tenn. 37902.

Computing Operations Branch, Tennessee Valley Authority, Chattanooga, Tenn. 37401.

All TVA locations where apprentices are employed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former TVA apprentices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment, qualifications, and evaluation information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Apprenticeship Act of 1937, 50 Stat. 664 (1937).

TVA Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Bureau of Apprenticeship and Training, the Veterans Administration, Tennessee Valley Trades and Labor Council, and the State and local government agencies for reporting and evaluation purposes.

To respond to a request from a Member of Congress regarding the status of an apprentice.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information to a prospective employer of a TVA or former TVA employee:

Job description, dates of employment, reason for separation.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape, disc, microfiche, and file folder.

RETRIEVABILITY:

Records are indexed by name, craft, job code, union code, and social security number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

Records are maintained from two to five years in accordance with established TVA record retention schedules and are then transferred to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tenn. 37902.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, craft, and location of employment.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them in this system of records should contact the system manager named above. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualification for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains.

General Aptitude Test Battery scores from state employment security office.

References from employers, military and educational institutions.

Evaluations from joint committee on apprenticeship.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d), (e)(4)(H), (f)(2), (3), and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testimony and examination material would compromise the objectivity of the testing or examination process. This exemption is pursuant to section 3(k) (5) and (6) of the Privacy Act of 1974 (5 USC 552a(k) (5) and (6)) and TVA regulations at 18 CFR 301.24.

TVA-2

SYSTEM NAME:

Personnel Files—TVA.

SYSTEM LOCATION:

Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902; Division of Personnel, Personnel Management Information Services, Tennessee Valley Authority, Knoxville, Tennessee 37902; area employment offices in Knoxville, Chattanooga, Muscle Shoals, and Nashville; construction project employment offices; Computing Operations Branch, Tennessee Valley Authority, Chattanooga, Tennessee 37401; Federal Personnel Records Center, St. Louis, Missouri 63118. Security—suitability investigatory files are located separately from other records in this system.

Duplicate copies of certain documents may also be located in the files of division personnel officers, supervisors, and administrative officers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former TVA employees and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information related to education; qualifications; work history; interests and skills; test results; performance evaluation; personnel actions; job description; salary and benefit information; service dates, including other Federal and military service; replies to congressional inquiries; medical data; and security investigation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Executive Order 10561; Executive Order 10577; Executive Order 10450; Executive Order 11478; Executive Order 11222; Security Act of August 27, 1950, 64 Stat. 476; Veterans Preference Act of 1944, 58 Stat. 387, as amended; Equal Employment Opportunity Act of 1972, Pub. L. 92–261, 86 Stat. 103; various sections of Title 5, USC, related to employment by TVA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose test results to state employment services.

To a state employment security office in response to a request relating to a former employee's claim for unemployment compensation.

To respond to a request from a Member of Congress regarding the status of an employee, former employee, or applicant.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information, as requested, to a prospective employer of a TVA or former TVA employee: job descriptions, dates of employment, and reasons for separation.

To provide information as requested to the Office of Personnel Management pursuant to Executive Orders 10450, 10577, and other laws.

To any agency of the Federal Government having oversight or review authority with regard to TVA activities.

In litigation including presentation of evidence and disclosure to opposing counsel in course of discovery.

To transfer information necessary to support a claim for life insurance benefits under Federal Employees Group Life Insurance to Office of Federal Employees Group Life Insurance.

To transfer information necessary to support a claim for health insurance benefits to health insurance carrier.

To union representatives in exercising their responsibilities under TVA collective bargaining agreements.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To TVA contractors and subcontractors engaged in studies and evaluation of TVA personnel management.

To provide pertinent information to local school districts and other government agencies in order to study TVA project impacts and to aid school districts in qualifying for assistance under Pub. L. 81–874 and other laws.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on magnetic tape, disc, and microfiche.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Personal history records are transferred to Federal Personnel Records Center 1 year after termination of employment; congressional inquiries are retained indefinitely; test records are retained 10 years; occupational register cards are retained 1 year, with the exception of apprentices which are retained for 5 years; some information maintained on magnetic tape is erased after 1 year; records are disposed of in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. Requests should include the individual's full name, employing division, job title, and date of birth. A social security number is not required but may expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals seeking to gain access to information about them in this system of records should contact Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. In addition, current employees may present requests for access to the personnel officer of the employing division. Requests should include the individual's full name, employing division, job title, and date of birth. A social security number is not required but may expedite TVA's response. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; educational institutions, former employers, and other reference sources; state emloyment services; supervisors and other TVA personnel or personnel records; medical officers; other Federal agencies.

In addition to the above sources, security suitability investigatory files contain information from law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d), (e)(4)(H), (f) (2) and (3) and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to section 3(k) (5) and (6) of the Privacy Act of 1974 (5 USC 552a(k) (5) and (6)) and TVA regulations at 18 CFR 301.24.

TVA–3

SYSTEM NAME:

Cooperative Training Program for Construction Craftsmen—TVA.

SYSTEM LOCATION:

Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902; construction project offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants in the Cooperative Training Program for Construction Craftsmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information; testing information; evaluations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To state employment services and prospective employers for use in placement of the student.

To request information from a Federal, state, or local agency or from private individuals if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

In litigation including presentation of evidence and disclosures to opposing counsel in the course of discovery.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name and social security number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records will be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel
Tennessee Valley Authority
Knoxville, Tennessee 37902

NOTIFICATION PROCEDURE:

Individuals wishing to determine if information on them is maintained in this system of records should address inquiries to the Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD ACCESS PROCEDURES:

Requests for access should be addressed to the, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend information about them in this system of records should direct their request to the, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains; instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d); (e)(4)(H); (f) (2), (3), and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the leasing or examination process. This exemption is pursuant to section 3(k) (5) and (6) of the Privacy Act of 1974 (5 USC 552a(k) (5) and (6)) and TVA regulations at 18 CFR 301.24.

TVA–4

SYSTEM NAME:

Demonstration Farm Records—TVA.

SYSTEM LOCATION:

Agricultural Resource Development Branch, Division of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Tennessee Valley farmers participating in:

Rapid adjustment farm program; resource management farm program; unit test—demonstration farm program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Agricultural, investment, income, and labor information. The information in this system is not used in any determination about the rights, benefits, or privileges of an individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records may be disclosed to state extension services and the U.S. Department of Agriculture for use in program evaluation and in assistance to program participants.

To request information from a government agency or private individual where such information may be relevant to providing additional assistance under this program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in files, magnetic tape, disc, punched cards, microfilm and microfiche.

RETRIEVABILITY:

Records are indexed by an assigned code.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. All records are kept in secured facilities and locked when unattended.

RETENTION AND DISOSAL:

Records are retained for an indefinite period.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

NOTIFICATION PROCEDURE:

Individuals upon whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager named above. Requests should include the individual's full name and state and county of the farm.

RECORD ACCESS PROCEDURES:

All information maintained in this system of records has been supplied by the subject individual. However, requests for access may be directed to the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individual to whom

the record pertains by state extention services and universities.

TVA-5

SYSTEM NAME:

Discrimination Complaint File—TVA

SYSTEM LOCATION:

The following locations of the TVA Equal Employment Opportunity Staff:

Tennessee Valley Authority, Knoxville, Tennessee 37902.

Chattanooga, Tennessee 37401.

Muscle Shoals, Alabama 35660.

Duplicate copies may be maintained in the files of the TVA division where the complaint originated.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or applicants who have received counseling or filed complaints of discrimination based on race, color, religion, sex, national origin, age, or handicap.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to a decision or determination made by TVA or the Equal Employment Opportunity Commission affecting an individual. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, and related correspondence, opinions, and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

Executive Order 11478.

42 USC 2000–16.

29 USC 633a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A report of each complaint is made to the Civil Service Commission. If an administrative appeal is filed, the entire file is disclosed to the Civil Service Commission.

To the employee's representative and union.

To respond to a request from a Member of Congress regarding the status of a complaint.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedure.

To TVA consultants, contractors, and subcontractors who are engaged in studies and evaluation of TVA's administration of its equal employment opportunity program or who are providing support services to the program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are kept in file folders.

RETRIEVABILITY:

Records in this system are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those personnel whose official duties require such access.

RETENTION AND DISPOSAL:

These records are retained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Equal Employment Opportunity.

Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals who have filed discrimination complaints are aware of that fact. However, inquiries may be addressed to the system manager named above. Individuals should provide their full name, the approximate date of their complaint, and their employing organization, if employed.

RECORD ACCESS PROCEDURES:

Individuals who have filed a discrimination complaint have been provided a copy of the record. However, an individual may gain access to the official copy of the complaint record by writing the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals who have filed a discrimination complaint have had an opportunity during the complaint procedure to amend their record. However, requests for amendment or correction of items not involving the complaint procedure may be addressed to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

TVA personnel and other records.

Witnesses.

TVA-6

SYSTEM NAME:

Employee Accident Information System—TVA.

SYSTEM LOCATION:

Office of Health and Safety, Muscle Shoals, Alabama 35660.

Accident reports may also be maintained in the file of the employing organization.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employes who have sustained a work-related injury or illness or have been involved, as the operator of a TVA vehicle, in a vehicular accident.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information related to the accident, injury, or illness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Occupational Safety and Health Act of 1970, Pub. L. 93–237, 87 Stat. 1024; Executive Order 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Department of Labor as required by the Occupational Safety and Health Act.

To the Office of Workers Compensation Programs in relation to an individual's claim for compensation.

To respond to a request from a Member of Congress regarding the status of an employee.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant

and necessary to the requesting agency's decision on that matter.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

For use in litigation, including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on magnetic tape, cards, and file folders.

RETRIEVABILITY:

Records are indexed by name, date of birth, and social security number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Records are retained for 5 years, and after that period are retained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Tennessee Valley Authority, Manager of the Office of Health Safety, Muscle Shoals, Alabama 35660.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, date of birth, and approximate date of injury.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; TVA medical records; witnesses of accidents and injuries, including appraisers of property damage.

TVA-7

SYSTEM NAME:

Employee Accounts Receivable—TVA.

SYSTEM LOCATION:

Division of Finance, Tennessee Valley Authority, Knoxville, Tennessee 37902; Office of the General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees who: Authorize a payment for specified purposes in their behalf; receive overpayment of earnings; receive duplicate payments; are otherwise indebted to TVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information concerning indebtedness and repayment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.SC, chapter 55; Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on punch cards, printouts, and posting documents.

RETRIEVABILITY:

Records are indexed by employing organization and social security number, or badge number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

Punch cards disposed of in three months, printouts in three years, and posting documents in six years.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Finance, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name and employing organization. Provision of the social security number is not required, but may expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals who seek access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; TVA payroll records; TVA disbursement voucher records.

TVA-8

SYSTEM NAME:

Employee Alleged Misconduct Investigatory Files—TVA.

SYSTEM LOCATION:

Office of the General Counsel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees about whom a complaint of misconduct during employment has been made.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information regarding conduct during employment with TVA which may be in violation of law or regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

TVA Act, 16 U.S.C. 831b (1970); Executive Order 10450; Executive Order 11222; Hatch Political Activities Act, 5 USC 732 et seq. (1970); 28 USC 535 (1970).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA Equal Employment Opportunity procedures.

In litigation including presentation of evidence and disclosures to opposing counsel in the course of discovery.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information as requested to the Office of Personnel Management pursuant to Executive Orders 10450 and 10577 and other laws.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by individual name.

SAFEGUARDS:

These records are stored in a locked GSA-approved security container. Access to the records is limited to TVA attorneys and their administrative assistants who have a need for them in the course of TVA business and to other TVA employees whose need is approved by Office of the General Counsel management.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel
Tennessee Valley Authority
Knoxville, Tennessee 37902

NOTIFICATION PROCEDURES:

This system of records is exempt from the requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 301.24.

RECORD ACCESS PROCEDURES:

This system of records is exempt from this requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 301.24.

CONTESTING RECORD PROCEDURES:

This system of records is exempt from this requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 301.24.

RECORD SOURCE CATEGORIES:

This system of records is exempt from this requirement pursuant to section 3(k)(2) of the Privacy Act of 1974 (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 301.24.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f) of section 3 of the Privacy Act of 1974 pursuant to section 3(k)(2) of the Privacy Act (5 USC 552a(k)(2)) and TVA regulations at 18 CFR 301.24.

TVA-9

SYSTEM NAME:

Medical Record System—TVA

SYSTEM LOCATION:

Division of Medical Services, Tennessee Valley Authority, Chattanooga, Tennessee 37401; all TVA medical facilities; Chattanooga Records Staging Area, Old Post Office, Chattanooga, Tennessee 37401; Computing Operations Branch, Chattanooga, Tennessee 37401; Federal Records Center, St. Louis, Missouri 63118; District Offices, Office of Workers Compensation Programs.

CATEGORIES OF INDIVIDUALS CONVERED BY THE SYSTEM:

Applicants for TVA employment, employees, former employees, official visitors, contractual assignees to TVA, interns, externs, employees of TVA contractors and other Federal agencies who are examined under contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical information pertinent to an individual's employment, official visit, or contractual work with TVA or other Federal agencies, including medical examination results, medical history treatment, and related information; workers compensation claim records; rehabilitation records; and information related to employee participation in the alcohol-drug abuse program.

Medical information relative to nuclear plant security.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; 5 USC 7902; Federal Employees Compensation Act, 5 USC Chapter 81; 5 USC Chapter 87 (Medical information relating to life insurance program); 5 USC 3301; Occupational Safety and Health Act of 1970, Pub. L. 93–237, 87 Stat. 1024 Pub. L. 91–616, Federal Civilian Employee Alcoholism Program and Pub. L. 92–255, Drug Abuse Among Federal Civilian Employees, which are amended in regard to confidentiality of records by Pub. L. 93–282; Public health laws (state and Federal) related to the reporting of health hazards, communicable diseases or other epidemiological information;

Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compensation claim records are used for adjudicating claims and providing therapy. Appropriate information is exchanged with physicians, hospitals, and rehabilitation agencies approved by the Office of Workers Compensation Programs for service to injured employees.

Medical records are used for employee population health monitoring, which includes routine clinical and epidemiological investigations. Such studies may require the transfer of selected items of medical data to health-related agencies, organizations, or professionals for the purpose of obtaining specialized clinical consultation, compiling vital and health statistics, or conducting biomedical investigations.

Alcohol-drug program records may be exchanged with a physician or treatment center working with an employee, or in accordance with the provisions of Pub. L. 93–282.

Information in these records may be provided to officials of other Federal agencies responsible for other Federal benefit programs administered by Office of Workers Compensation Programs. Retired Military Pay Centers, Veterans Administration, Social Security Administration, and private contractors engaged in providing benefits under Federal contracts.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, the issuance of a security clearance, the reporting of an investigation of an employee, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To respond to a request from a Member of Congress regarding an employee.

In litigation including the presentation of evidence and disclosures to opposing counsel in the course of discovery.

To transfer information necessary to support a claim for health insurance benefits to the health insurance carrier or plan participant.

To request information from a Government agency or private individual if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

To the parties, their representatives, and Board or Office representatives in Merit System Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To TVA consultants, contractors, and subcontractors who are engaged in studies and evaluation of TVA's administration of its medical program or who are providing support sources to the program.

POLICES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes, discs, and in folders.

RETRIEVABILITY:

Records are indexed by name, social security number, date of birth, and employee compensation case number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards. Special instructions issued to medical staff employees assure the confidentiality of medical records.

RETENTION AND DISPOSAL:

Records are maintained in accordance with TVA rules and regulations approved by the National Archivist. Retention schedules specify the length of time various records are kept. Active medical records are kept indefinitely. Inactive files are kept in TVA records staging areas. Medical records of employees who have filed compensation claim records are maintained by TVA for 10 years, then forwarded to the Federal Records Center for permanent retention. Medical records of former employees are retained for 10 years (20 years if required by the Occupational Safety and Health Act) following the date of the last medical record entry; they are then destroyed by burying. Records of applicants and other nonemployees are retained for 10 years and destroyed by burying.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Director, Tennessee Valley Authority, Chattanooga, Tennessee 37–401.

NOTIFICATION PROCEDURE:

Individuals should address inquiries to the system manager named above or to the medical office at the TVA facility where employed, if a current employee.

Individuals should provide their full name, date of birth, employing organization, and date of last employment, and employee compensation case number, if any. Provision of social security number is not required but may expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact or address their inquiries to the system manager named above or the medical office at the TVA facility where currently employed.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains, TVA medical staff; private physicians and medical institutions; Office of Workers' Compensation Programs; TVA personnel records, other health agencies and departments.

TVA–10

SYSTEM NAME:

Employee Statements of Employment and Financial Interests—TVA

SYSTEM LOCATION:

Employment Branch, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Duplicate copies may be kept in division directors' offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TVA employees at TVA grade M–8 and above who submitted a report prior to the enactment of the Ethics in Government Act of 1978; employees at TVA grades M–5, M–6, and M–7 in positions designated by the General Manager or a division director as requiring submission of a statement; every TVA consultant who is a "special Government employee;" every TVA personal service contractor who is a "special Government employee" and who is determined to be an "expert" or who is otherwise required to submit a statement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statement of employment and financial interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222; 18 U.S.C. 208; Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To report as requested to the Office of Personnel Management pursuant to Executive Order 10577 and other laws.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons designated by the General Manager to review statements of financial interest and no other disclosure is permitted without the consent of the General Manager. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are retained in accordance with established records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

General Manager, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals upon whom records are maintained in this system of records are aware of that fact by having filed a statement. However, inquiries may be addressed to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. Requests should include the individual's full name and employing division.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to information about them in this system of records should contact the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

TVA–11

SYSTEM NAME:

Payroll Records—TVA

SYSTEM LOCATION:

TVA Division of Finance, Knoxville, Tennessee 37902. Garnishment files are located at the Office of General Counsel, Knoxville, Tennessee 37902. Duplicate copies of some records may also be maintained in the files of the employing division: National Personnel Records Center, St. Louis, Missouri 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees and personal service contractors selected for certain training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information, pay, leave and debt claim information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Internal Revenue Code: Fair Labor Standards Act, 29 USC, chapter 8; 5 USC, chapter 63.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To report earnings and other required information to Federal, state, and local taxing authorities as required by law.

To report earnings to the Civil Service Retirement System for members of that system.

To transmit payroll deduction information to financial institutions and employee organizations.

To report earnings to courts when garnishments are served or in bankruptcy or wage earner proceedings.

To report earnings to unions for those crafts on which TVA contributions to union welfare or pension funds are based on earnings. Reports of hours worked are made to unions for those crafts on which such TVA contributions are based on hours worked.

To report earnings to the Department of Housing and Urban Development, state welfare agencies, and state employment security offices where an individual has made a claim for benefit with such agency.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedure.

To provide information as requested to the Office of Personnel Management pursuant to Executive Order 10577 and other laws.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To disclose any agency of the Federal Government having oversight or review authority with regard to TVA activities.

For use in litigation, including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To transfer information necessary to support a claim for life insurance benefits under Federal Employees Group Life Insurance to Office of

Federal Employees Group Life Insurance.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To transfer information necessary to support a claim for health insurance benefits to health insurance carriers.

To TVA contractors and subcontractors engaged in studies and evaluations to TVA payroll and personnel management.

To union representatives exercising their responsibilities under TVA collective bargaining agreements.

To report earnings to the Department of Housing and Urban Development, and state welfare agencies where an individual makes a claim for benefits and to report earnings to state employment security offices in both manual and automated form for use by these offices in determining unemployment benefits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape, disc, hard-copy printouts and in file folders.

RETRIEVABILITY:

Records are primarily indexed by name. They may also be retrieved by reference to employing organization, date of end of pay period, social security or badge number, date of birth, sex, job title.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Filing systems are locked when unattended. Remote access facilities are secured through physical and system based safeguards.

RETENTION AND DISPOSAL:

File folders are retained for three years after termination. Time sheets are retained for seven years. Payroll registers are retained in active status for one year, transferred to TVA record storage for five years, and to Federal Records Center for an additional 50 years. Magnetic tapes are retained for one year after termination.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, employing organization, and date of last employment. The social security number is not required but may expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information on them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals seeking to amend or correct information on them in this system of records should contact the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; TVA personnel records; employee's supervisor, for report of hours worked.

TVA-12

SYSTEM NAME:

Employee Travel Advance Records–TVA

SYSTEM LOCATION:

Division of Finance, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Duplicate copies of these records may also be maintained in the files of the employee's division.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TVA employees requesting travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, employing organization, date and amount of travel advance, and repayment information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 5701–5709, and related Federal travel regulations; Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system or records may be used:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

In an administrative or regulatory proceeding or in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on index cards.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are supervised and locked when unattended.

RETENTION AND DISPOSAL:

These records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURES:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name and employing organization.

RECORD ACCESS PROCEDURES:

Individuals who seek access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system mamager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; TVA disbursement voucher records.

TVA-13

SYSTEM NAME:

Employment Applicant File–TVA

SYSTEM LOCATION:

Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902; area and project employment offices; Computing Operations Branch, TVA, Chattanooga, Tennessee 37401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment including former employees seeking reemployment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; 5 USC 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding the status of an individual's application.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request information from a Federal, state, or local agency, or private individual if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

To disclose test results to state employment services.

To provide information as requested to Office of Personnel Management pursuant to Executive Orders 10450 and 10577, and other law.

To provide information to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, disc, printouts.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Applications are kept for one year from last indication of interest, with the exception of apprenticeship applications, which are kept for five years.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902, or to the area or project employment office to which application was sent. Requests should include the individual's full name, date of birth, and approximate date of application.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to information on them in this system of records should contact the Chief, Employment Branch, Tennessee Valley Authority Knoxville, Tennessee 37902, or the area or project employment office to which the application was sent. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained; educational institutions, employers, and other references; state employment services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d), (e)(4)(H), (f)(2) and (3) and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to section 3(k)(5) and (6) of the Privacy Act of 1974 (5 USC 552a(k)(5) and (6)) and TVA regulations at 18 CFR 301.24

TVA–14

SYSTEM NAME:

Grievance Records—TVA.

SYSTEM LOCATION:

(Labor Relations Staff, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Duplicate copies are also maintained in the files of the division concerned with the grievance.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TVA employees and former employees who have formally appealed

to TVA for adjustment of their grievances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Evidence and arguments relevant to the matter giving rise to the grievance and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding the status of an employee's grievance.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

To request information from a Federal, state, or local agency or private individual if necessary to obtain information relevant to a TVA decision within the purposes of this system of records.

To refer, where there is an indication of a violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Labor Relations Staff, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals who have filed grievances are aware of that fact. Inquiries may however be addressed to the system manager named above. Requests should include the individual's full name and employing division.

RECORD ACCESS PROCEDURES:

Individuals who have filed a grievance have been provided a copy of the record. However, an individual may gain access to the official copy of the record by contacting the system manager named above.

CONTESTING RECORD PROCEDURES:

The contest, amendment, or correction of a grievance record is permitted during the prosecution of that grievance. However, an individual may address requests for amendment or correction of items not involved in prosecution of the grievance to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; TVA personnel records; statements and testimony of witnesses and related correspondence.

TVA–15

SYSTEM NAME:

Land Between The Lakes Register of Hunter Applications—TVA

SYSTEM LOCATION:

Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231; Computing Operations Branch, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for participation in managed hunts at Land Between The Lakes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information related to the hunt.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Executive Order 6161.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding the status of an applicant.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as licenses, or to request information from a private individual to the extent necessary to obtain information relevant to a TVA decision concerning the issuance of a license to hunt or any other privilege.

To provide hunt information to state agencies concerned with wildlife management practices.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape, card files, and computer printouts.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

Cards are maintained for one year before disposal. Other information may be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Manager of the Office of Natural Resources, Tennessee Valley Authority, Norris, Tennessee.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address their inquiries to the Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231. Requests should include the

individual's full name and the year of the application.

RECORD ACCESS PROCEDURES:

All information maintained in this system of records has normally been supplied by the subject individual. However, requests for access may be directed to the Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; TVA employees.

TVA-16

SYSTEM NAME:

Land Between The Lakes Register of Law Violations—TVA

SYSTEM LOCATION:

Land Between The Lakes, Tennessee Valley Authority, Patrol Office, Golden Pond, Kentucky 42231.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons cited or arrested for violation of state or Federal law at Land Between The Lakes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information related to the investigation and disposition of the violation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; 18 USC 7, 13; Kentucky Revised Statutes 150, Chapter 43, Kentucky Act, 1974; Tennessee Public Acts 1972, Chapter 552.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To provide criminal history information to criminal justice agencies and to Federal agencies conducting authorized security investigations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on cards.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose offical duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Land Between The Lakes, Tennessee Valley Authority, Golden Pond, Kentucky 42231.

NOTIFICATION PROCEDURE:

This system of records has been exempted from this provision pursuant to section 3(j)(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 301.23.

RECORD ACCESS PROCEDURES:

This system of records has been exempted from this provision pursuant to section 3(j)(2)) of the Privacy Act of 1974 (5 USC 552a(j)(2) and TVA regulations at 18 CFR 301.23.

CONTESTING RECORD PROCEDURES:

This system of records has been exempted from this provision pursuant to section 3(j)(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 301.23.

RECORD SOURCE CATEGORIES:

This system of records has been exempted from this provision pursuant to section 3(j)(2) of the Privacy Act of 1974 (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 301.23.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4) (G) and (H) and (I), (e)(5), (f), (g), and (h) of section 3 of the Privacy Act of 1974 pursuant to section 3(j)(2) of the Privacy Act (5 USC 552a(j)(2)) and TVA regulations at 18 CFR 301.23.

TVA-17

SYSTEM NAME:

Management Appraisal Records—TVA

SYSTEM LOCATION:

Records in this system are located in the files of the division where the individual is employed; Division of Personnel, Knoxville, Tennessee 37902.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TVA Management Schedule employees and those showing potential managerial talent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance evaluations and other job-related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PUROSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to deterine if information on them is maintained in this system of records should address inquiries to the director of the division where employed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information on them in this system of records should contact their division director.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to their division director.

RECORD SOURCE CATEGORIES:

Individual on whom the records is maintained; the invidivuals's supervisor; TVA personnel records.

TVA-18

SYSTEM NAME:

Employee Supplementary Vacancy Announcement Records—TVA

SYSTEM LOCATION:

Employment Branch, Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902; area employment offices in Knoxville, Chattanooga, and Nashville, Tennessee, and Muscle Shoals, Alabama; division personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees applying for placement in announced vacant positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and supporting material submitted by employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Excutive Order 11478; Equal Employment Opportunity Act of 1972, Pub. L. 92–261, 86 Stat. 103; 5 USC 3101; Tennessee Valley Authority Act of 1933, 6 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Records are maintained in secured facilities.

RETENTION AND DISPOSAL:

Records are disposed of in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals upon whom records are maintained in this system are aware of that fact through filing an application. However, inquiries may be addressed to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902. Requests should include the individual's full name position applied for, and location of job.

RECORD ACCESS PROCEDURES:

Individuals upon whom records are maintained in this system have supplied all information in this system. However, requests for access may be addressed to the Chief. Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Chief, Employment Branch, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

The individual upon whom the record is maintained.

TVA-19

SYSTEM NAME:

Consultant and Personal Service Contractor Records—TVA

SYSTEM LOCATION:

Personnel Files, Tennessee Valley Authority, Knoxville, Tennessee 37902.

Payment records are located at these TVA Division of Finance offices: Knoxville, Tennessee 37902; Chattanooga, Tennessee 37401; Muscle Shoals, Alabama 35660.

Records related to personal service contractors employed under the Comprehensive Employment and Training Act of 1973, Pub. L. 93–203, are located at TVA (Office of Natural Resources offices in Norris, Tennessee, and Land Between The Lakes, Golden Pond, Kentucky 42231.

Duplicate copies of some records may be kept in the files of the employing division.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who provide services to TVA; participants in TVA-state employment programs; and participants in other special employment programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Division of Personnel maintains contracts, records of the qualifications of the contractor, and related correspondence. For public service employment program participants the Division of Personnel maintains information related to job placement such as test scores, interest inventories, and supervisor's evaluations. Payment information is maintained by the Division of Finance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831-831dd; Comprehensive Employment and Training Act. Pub. L. 93–203, 87 Stat. 839; Executive Order 11222; Executive Order 10450; Exectuve order 10577; provisions of 5 USC, applicable to employment with TVA; Internal Revenue Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To transmit reports as requested to the Office of Personnel Management, pursuant to 5 USC 3323, Executive Orders 10577 and 10450, and other laws.

To report earnings information to the Internal Revenue Service and the Social Security Administration.

To respond to a request from a Member of Congress regarding the status of a contractor or consultant.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision

within the purposes of this system of records.

To transmit to the appropriate state contracting agency reports of hours worked by participants in the public service employment program, and to request reimbursement.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information to a prospective employer of a TVA or former TVA consultant or personal service contractor: job descriptions, dates of employment, and reason for separation.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and magnetic tape.

RETRIEVABILITY:

Records are indexed by name or voucher number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are disposed of periodically as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to know if records on them are maintained in the system should address inquiries to the system manager named above. Requests shall include the individual's full name, employing or contracting division, and whether the individual was a participant in the public service employment program. Social security numbers are not required but may expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to information on them in this system of records should contact the system manager named above. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; educational institutions, former employers, and other reference sources; state employment services; supervisors and other TVA personnel or personnel records; medical officers; other Federal agencies.

In addition to the above sources, security suitability investigatory files contain information from law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d), (e)(4)(H), (f)(2) and (3) and (4) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to section 3(k)(5) and (6) of the Privacy Act of 1974 (5 USC 552a(k)(5) and (6)) and TVA regulations at 18 CFR 301.24.

TVA-20

SYSTEM NAME:

Prospective Condemnation Witness File—TVA.

SYSTEM LOCATION:

Division of Property and Services, Tennessee Valley Authority, at Chattanooga, Tennessee 37401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals employed on contractual basis by TVA who are knowledgeable in real estate appraisal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information; qualifications and experience in appraisal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on index cards and magnetic tape.

RETRIEVABILITY:

Records in this system are indexed by name, social security number, county and state of work.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. System files are kept locked when unattended.

RETENTION AND DISPOSAL:

Records are kept for the period of time the individual is available to serve as a witness.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Property and Services, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals on whom records in this system are maintained are aware of that fact through their work for TVA. However, inquiries may be addressed to

the Supervisor of Appraisals, Land Branch, Tennessee Valley Authority, Chattanooga, Tennessee 37401. Individuals should provide their full name and the county and state in which they have done appraisal work.

RECORD ACCESS PROCEDURES:

Requests for access should be directed to the Supervisor of Appraisals, Land Branch, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Supervisor of Appraisals, Land Branch, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained; TVA employees who have worked with the individual.

TVA-21

SYSTEM NAME:

OEDC Quality Assurance Personnel Records—TVA

SYSTEM LOCATION:

Office of Engineering Design and Construction, Tennessee Valley Authority, Knoxville, Tennessee 37902, and Alcoa, Tennessee 37701.

Records for employees at a TVA nuclear power plant are maintained in the office of Supervisor, Quality Assurance, of Quality Control Units at that TVA nuclear power plant.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees involved in quality assurance or quality control work.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information related to the qualifications of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233 as implemented at Nuclear Regulatory Commission Regulatory Guide 1.58.

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Nuclear Regulatory Commission or its authorized representatives for inspection or evaluation of TVA Quality Assurance procedures.

To respond to a request from a Member of Congress regarding the status of an employee.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and Merit Systems Protection Board or Office of Personnel Management representatives in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

These records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Engineering Design and Construction
Tennessee Valley Authority
Knoxville, Tennessee 37902

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the Quality Assurance Managers, Office of Engineering Design and Construction, Tennessee Valley Authority, Knoxville, Tennessee 37902. Inquiries should include the individual's full name and employing organization.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the Quality Assurance Managers, Office of Engineering Design and Construction, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Quality Assurance Managers, Office of Engineering Design and Construction, Tennessee Valley Authority, Knoxville, Tennessee 37902.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained.

TVA personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempt from subsection (d); (e)(4)(H); (f)(2), (3), and (4), to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. The exemption is pursuant to section 3(k)(5) of the Privacy Act of 1974 (5 USC 552a(k)(5)) and TVA regulations at 18 CFR 301.24.

TVA-22

SYSTEM NAME:

Questionnaire—Farms in Vicinity of Proposed Nuclear Power Plant—TVA

SYSTEM LOCATION:

Agricultural Resource Development Branch, Division of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals from whom TVA purchases land for proposed nuclear plant, individuals having vegetable gardens, irrigated land, dairy cows, and milk goats within 2-mile radius of proposed plant site.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information related to agriculture, milk consumption, water resources, and farm product value.

This information is not used for making determinations about the rights, benefits, or privileges of any individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; National Environmental Policy Act, Pub. L. 91–190, 83 Stat. 852; Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records is used in developing environmental evaluations and impact statements. Certain relevant but nonsensitive information may be disclosed in these statements. Information may also be used:

In administrative and licensing proceedings including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To disclose to any agency of the Federal Government having oversight or review authority with regard to TVA activities.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by assigned number and aerial photo number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

Records are maintained indefinitely or for the life of the plant.

SYSTEM MANAGER(S) AND ADDRESS: DIRECTOR OF AGRICULTURAL DEVELOPMENT, TENNESSEE VALLEY AUTHORITY, MUSCLE SHOALS, ALABAMA 35660.

NOTIFICATION PROCEDURE:

Individuals on whom information is maintained in this system are aware of that fact through response to the questionnaire. However, inquiries may be addressed to the system manager named above. Requests should include the individual's full name, farm address, and approximate date of survey.

RECORD ACCESS PROCEDURES:

Individuals on whom information is maintained in this system have supplied all such information. However, requests for access may be directed to the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual about whom the record is maintained.

TVA-23

SYSTEM NAME:

Radiation Dosimetry Personnel Monitoring Records—TVA

SYSTEM LOCATION:

Office of Health and Safety, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees, and visitors who might be exposed or are exposed to radiation while in TVA installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on the magnitude of exposure at TVA installations, exposure prior to employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233.

10 CFR 19, 20.

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Nuclear Regulatory Commission for its use in evaluating TVA hazard control measures.

In litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name, film badge number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

These records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Manager of the Office of Health and Safety, Tennessee Valley Authority, Chattanooga, Tennessee 37401.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individuals full name and whether or not a TVA employee.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them

maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains; TVA personnel conducting radiation monitoring programs.

TVA-24

SYSTEM NAME:

Reforestation, Erosion Control, and Plantation Case History Record—TVA

SYSTEM LOCATION:

Office of Natural Resources, Tennessee Valley Authority, Norris, Tennessee 37828.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private landowners involved in early TVA-Civilian Conservation Corps tree planting programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forest acreage, performance, and yield information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Executive Order 6161.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on file cards.

RETRIEVABILITY:

Records are indexed by state, county, and name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Building is locked when unattended.

RETENTION AND DISPOSAL:

This information is kept permanently for archival purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Manager of the Office of Natural Resources, Tennessee Valley Authority, Norris, Tennessee 37828.

NOTIFICATION PROCEDURE:

Individuals on whom records are maintained are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager. Individuals should provide their full name, state, and county of residence.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should address their inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; state forestry personnel; TVA surveys.

TVA-25

SYSTEM NAME: REHABILITATION AND CAREER PLANNING RECORDS—TVA.

SYSTEM LOCATION:

Division of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902, and division personnel offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees, applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical, counseling, and employment-related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Rehabilitation Act of 1973, Pub. L. 93–112; Vietnam Era Veterans' Readjustment Assistance Act of 1974, Pub. L. 93–508.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To vocational rehabilitation agencies and private physicians to aid in treatment, rehabilitation, and placement assistance.

To respond to a request from a Member of Congress regarding the status of an employee, former employee, or applicant.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To the parties, their representatives, and Board or Office representatives in Merit Systems Protection Board or Office of Personnel Management proceedings to support administrative action by TVA.

To the parties, their representatives, and impartial referees in proceedings under TVA grievance adjustment procedures.

In litigation including presentation of evidence and disclosure to opposing counsel in course of discovery.

To complainants, their representatives, and complaints examiners in the course of TVA investigation and decision of discrimination complaints under TVA equal employment opportunity procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Tennessee Valley Authority, Knoxville, Tennessee 37902.

NOTIFICATION PROCEDURE:

Individuals wishing to determine if information on them is maintained in this system of records should address inquiries to the system manager named above.

RECORD ACCESS PROCEDURES:

Individuals who seek access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct

their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; vocational rehabilitation agencies; educational institutions, former employers, and other reference sources; physicians; veterans. Veterans Administration; Office of Workers Compensation Program.

TVA-26

SYSTEM NAME:

Retirement System Records—TVA

SYSTEM LOCATION:

TVA Retirement System, Tennessee Valley Authority, Knoxville, Tennessee 37902.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active members of the TVA Retirement System; TVA employees who are members of the Civil Service Retirement System; relatives and beneficiaries receiving payment from TVA Retirement System; former TVA employees, terminated for six years or less.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information; retirement, benefit, and investment information; related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Internal Revenue Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To report earnings to the Internal Revenue Service.

To supply information on coverage to Blue Cross-Blue Shield of Tennessee, Provident Life Insurance Company, and other insurance carriers.

To disclose information to actuarial firms for valuation and projecting benefits.

To disclose information to the Medical Board of the TVA Retirement System for determinations related to disability retirement.

To certify insurance status to the Office of Personnel Management, the Office of Federal Employees Group Life Insurance.

To respond to a request from a Member of Congress regarding the status of a system member.

To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary to obtain information relevant to a TVA decision within the purpose of this system of records.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the issuance of any benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

For use in litigation including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tape and in file folders.

RETRIEVABILITY:

Records are indexed by name, sex, date of birth, address, social security number, active member number, retirement number, or salary.

SAFEGUARDS:

Records in this system are maintained in locked files or safes, in secure facilities. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retention periods vary from three years to permanent depending on the nature of the information and the medium in which they are stored.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Retirement Services Branch
Division of Finance
Tennessee Valley Authority
Knoxville, Tennessee 37902

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about is maintained in this system of records should address inquiries to the system manager named above. Inquiries should include the individual's full name and date of birth. The social security number is not required but will expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals wishing to correct or amend information maintained on them in this system should address inquiries to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained; TVA personnel and payroll records.

TVA-27

SYSTEM NAME:

Test Demonstration Farm Records—TVA.

SYSTEM LOCATION:

Division of Agricultural Development, Tennessee Valley Authority, Test and Demonstration Branch, Muscle Shoals, Alabama 35660.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Farmers located outside the Tennessee Valley participating in:

Rapid adjustment demonstration farm program.

Unit test-demonstration farm program.

Fertilizer technology farm program.

Enterprise farm program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Agricultural, income, investment, labor, and food data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To request information from a government agency or private individual where such information may be relevant to providing additional assistance under this program.

To disclose to state extension services and the U.S. Department of Agriculture for use in program evaluation and in assistance to program participants.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in files, magnetic tapes, cards, and printouts.

RETRIEVABILITY:

Records are indexed by an assigned number.

SAFEGUARDS:

Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities and locked when unattended.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

NOTIFICATION PROCEDURE:

Individuals seeking access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Information in this system is solicited from the individual to whom the record pertains by state extension services and universities.

TVA-28

SYSTEM NAME:

Wildland Owner Survey Records—TVA.

SYSTEM LOCATION:

Office of Natural Resources, Tennessee Valley Authority, Norris, Tennessee 37828.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private landowners, agencies, and corporations owning wildlands in Valley region and participating in TVA wildland resource management demonstration program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal, financial, and land resource information pertinent to wildland resource planning. The information in this system is not used by TVA in the determination about the rights, benefits, or privileges of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 USC 831–831dd; Executive Order 6161.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evaluated information is supplied to state forestry personnel for use in assisting the landowner.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on punched cards, magnetic tape, hard copy printouts, and file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Manager of the Office of Natural Resources, Tennessee Valley Authority, Norris, Tennessee 37828.

NOTIFICATION PROCEDURE:

Individuals on whom information is maintained are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager. Individual should provide their full name and state of residence.

RECORD ACCESS PROCEDURES:

Individuals on whom records are maintained have been provided copies of all information in that record. However, requests for access may be directed to the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains provides the information to state forestry personnel. The information is evaluated by TVA and returned to the state forestry personnel who utilize the information in evaluated form to assist the landowner.

TVA-29

SYSTEM NAME:

Electricity Use, Rate, and Service Study Records—TVA.

SYSTEM LOCATION:

Division of Power Utilization and the Division of Energy Conservation and Rates, Tennessee Valley Authority, Chattanooga, Tenn. 37401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals residing in households which are participating in electricity use, rate and service studies including those receiving electricity conservation assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about an individual's income, employment, family size, characteristics of his dwelling including type of heating and cooling systems and number and kind of appliances, and other characteristics of study participants relevant to patterns of residential electrical use.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831dd.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To distributors and contractors assisting TVA in the study.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, and discs.

RETRIEVABILITY:

Records are indexed by an identification number assigned to each household.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Survey information will be retained until completion of the program and for two years thereafter.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Power Utilization, Tennessee Valley Authority, Chattanooga, Tenn. 37401.

NOTIFICATION PROCEDURE:

Individuals about whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager named above. Requests

should include the individual's full name and address.

RECORD ACCESS PROCEDURES:

Requests for access may be directed to the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individual to whom the record pertains.

[FR Doc. 80-4471 Filed 2-11-80; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF THE TREASURY

Initiation of Motor Vehicle and Related Products Study To Update Asset Depreciation Range Guidelines

The Office of Industrial Economics (OIE) of the Office of the Secretary of the Treasury, has initiated a study of guideline depreciation periods and repair allowance percentages for assets used in the manufacture of automobiles, trucks, buses, motor homes, trailers, motorcycles, bicycles and related products. The goal is to update classes 37.11 and 37.12 of Revenue Procedure 77-10, Internal Revenue Cumulative Bulletin 1977-1, p. 548, under the Class Life Asset Depreciation Range System, sec. 167(m) and 263(f), Internal Revenue Code of 1954. Assets used in the manufacture of motor vehicle parts will also be evaluated to determine their proper classification in the system.

All persons interested in this study may submit comments in writing to OIE. Persons who are interested in submitting relevant information are invited to attend a meeting, in which information needs and procedures will be discussed, in Washington, D.C, on March 4, 1980. Agenda for the meeting and exact time and place may be obtained by writing to OIE.

All communications concerning this study should be addressed to: Office of Industrial Economics, Motor Vehicle Study, P.O. Box 28018, Washington, D.C. 20005.

Dated: February 7, 1980.

Approved by:

Karl Ruhe,

Director, Office of Industrial Economics.

[FR Doc. 4489 Filed 2-11-80; 8:45 am]

BILLING CODE 4810-25-M

[Supplement to Department Circular—Public Debt Series—No. 6-80]

Treasury Notes Series C-1987; Interest Rate

February 7, 1980.

The Secretary announced on February 6, 1980, that the interest rate on the notes designated Series C-1987, described in Department Circular—Public Debt Series—No. 6-80, dated January 31, 1980, will be 12 percent. Interest on the notes will be payable at the rate of 12 percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-4514 Filed 2-11-80; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Rehabilitative Engineering Research and Development Merit Review Board; Meeting

In accordance with Pub. L. 92-463, the Veterans Administration gives notice of a meeting of the Rehabilitative Engineering Research and Development Merit Review Board, chartered on September 5, 1978. This meeting will convene in Room A-35 of the Veterans Administration Central Office Building, 810 Vermont Avenue, NW, Washington, DC, February 28029, 1980, beginning at 8:30 a.m. The purpose of the meeting is to review rehabilitative engineering research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitative Engineering Research and Development Service (RER&DS) regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the February 28th session in order to cover administrative matters and to discuss the general status of the program. The open session will last one hour. During the closed session, the Board will be reviewing research and development applications relating to improving the quality of life of the physically handicapped veterans. This review involves the reference to and discussion, examination, and oral review of site visits, staff and consultant critiques of reseach protocols, and similar documents that necessitate the consideration of personnel qualifications and performance and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Proprietary data from contractors and private firms will also be presented and this information should not be disclosed in a public session. Further, decisions recommended by the Board are strictly advisory in nature; other factors are considered in final funding decisions. Premature disclosure of Board recommendations would be likely to significantly frustrate implementation of final proposed actions. Thus, the closing is in accordance with provisions set forth in section 552b, subsections (c) (4), (c) (6), and (c) (9) (B), Title 5, United States Code and the determination of the Administrator of Veterans Affairs pursuant to section 10(d) of Pub. L. 92-463.

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Miss Linda Hudock, Staff Assistant for Merit Review (153E), Rehabilitative Engineering Research and Development Service, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420 (phone: (202) 389-5365) at least 5 days prior to the meeting.

Dated: February 5, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 80-4464 Filed 2-11-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 30
Tuesday, February 12, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-268, Amdt. 1; Feb. 7, 1980]

CIVIL AERONAUTICS BOARD.

Notice of change of date and time of the Board Meeting scheduled for February 11, 1980.

TIME AND DATE: 1:00 p.m., February 15, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 1. Docket 35752, Wild Card Case (carrier selection) instructions to staff.

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-277-80 Filed 2-8-80; 3:18 pm]

BILLING CODE 6320-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION.

Revised Agenda*

TIME AND DATE: Commission Meeting, Wednesday, January 30, 1980, 9:30 a.m.

LOCATION: Floor Hearing Room, 1111 18th Street, N.W., Washington, D.C.

STATUS: Open to the public:

1. *Briefing on the effects of thermal insulation on home wiring.*—The staff will present updated information on the effects of thermal insulation on home wiring so that the Commission can consider whether to advise consumers to inspect and correct wiring deficiencies, especially before adding home insulation.

2. *Corning coffee pot corrective action: Review.*—The staff will pesent a status report on the corrective action plan implemented by Corning Glass Works to deal with possibly defective coffee pots it manufactured.

CONTACT PERSON: Sheldon D. Butts, Assistant Secretary, Suite 300, 1111 18th St., N.W., Washington, D.C. 20207, (202) 634-7700.

[S-272-80 Filed 2-8-80; 9:29 am]

BILLING CODE 6355-01-M

*Agenda revised January 28, to delete two items which the Commission will consider at its Quarterly Review January 31, and February 1. The deleted items are: Briefing on Chain Saw Voluntary Standard, and Briefing on Voluntary Standards. Also, the location of the meeting is now at 1111 18th St., N.W. Agenda originally approved January 18.

3

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Commission Meeting, Thursday, January 31 and Friday, February 1, 1980, 9:30 a.m.

LOCATION: Room 456 Westwood Towers, 5401 Westbard Ave., Bethesda, Maryland.

STATUS: Open to the public.

TO BE DISCUSSED: Quarterly Review. The Commission and staff are meeting to review CPSC's progress during the first quarter of fiscal year 1980, to prepare for Congressional hearings on the fiscal year 1981 budget, and to discuss guidance to the staff in preparing the fiscal year 1982 budget.

CONTACT PERSON: Sheldon Butts, Assistant Secretary, CPSC, Office of the Secretary, Suite 300, 1111 18th St., N.W., Washington, D.C. 20207, (202) 634-7700.

Agenda approved January 18, 1980.

[S-273-80 Filed 2-8-80; 9:29 am]

BILLING CODE 6355-01-M

4

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Commission Meeting, Thursday, February 7, 1980, 10 a.m.

LOCATION: Room 456 Westwood Towers, 5401 Westbard Ave., Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE DISCUSSED:

1. *Briefing on football helmets petition, CP 77-7.*—The staff will brief the Commission on issues related to a petition in which A. C. Larcher seeks a mandatory safety standard for football helmets. (The Commission previously denied a portion of this petition concerning football shoes). The Commission has scheduled consideration of this petition at its February 13 meeting.

2. *Briefing on petition for exemption from the ban of lead in paint, CP 79-7.*—The staff will brief the Commission on a petition in which Aqua-Craft, Inc. seeks exemption from the lead in paint ban for its white "U-Name-It" paint used primarily to mark rubber scuba equipment. The Commission has scheduled consideration of this petition at its February 13 meeting.

3. *Briefing on criteria for petitions for exemption from the Poison Prevention Packaging Act.*—The staff will brief the Commission on a draft final rule which would establish criteria for petitions for exemption from special packaging requirements of the Poison Prevention Packaging Act. The Commission issued proposed and interim criteria in September, 1977. The Commission has scheduled consideration of the draft final rule at its February 13 meeting.

4. *Briefing on labeling of aerosol propellants and ingredients.*—The staff will brief the Commission on the issues of future staff action on a possible draft rule to require manufacturers of aerosol products to identify the ingredients and/or propellants used in the product. The Commission has scheduled consideration of this issue at its February 13 meeting.

Agenda approved January 25, 1980.

CONTACT PERSON: Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., N.W., Washington, D.C. 20207, (202) 634-7700.

[S-274-80 Filed 2-8-80; 9:29 am]

BILLING CODE 6355-01-M

5

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Commission Meeting, Wednesday, February 13, 1980, 9:30 a.m.

LOCATION: Third Floor Hearing Room, 1111 18th St., N.W., Washington, D.C.

STATUS: Open to the public.

TO BE DISCUSSED:

1. *Football helmets petition, CP 77-7.*—The Commission will consider a petition in which Dr. A. C. Larcher seeks a mandatory safety standard for football helmets. The staff briefed the Commission on this petition on February 7.

2. *Petition for exemption from the ban of lead in paint, CP 79-7.*—The Commission will consider a petition in which Aqua-Craft, Inc. seeks exemption from the lead-in-paint ban for its white "U-Name-It" paint used to mark rubber scuba equipment. The staff briefed the Commission on this petition on February 7.

3. *Criteria for petitions for exemption from the Poison Prevention Packaging Act.*—The

Commission will consider a draft final rule to establish criteria for petitions for exemption from special packaging requirements of the Poison Prevention Packaging Act. The Commission issued proposed and interim criteria in September, 1977. The staff briefed the Commission on this matter on February 7.

4. *Labeling of aerosol propellants and ingredients.*—The Commission will consider future staff action on a possible rule to require manufacturers of aerosol products to identify the ingredients and/or propellants used in their products. The staff briefed the Commission on this matter on February 7.

CONTACT PERSON: Sheldon D. Butts, Assistant Secretary, CPSC, Office of the Secretary, 1111 18th St., N.W., Washington, D.C. 20207, (202) 634–7700.

Agenda approved February 5, 1980.

[S–275–80 Filed 2–8–80; 9:29 am]

BILLING CODE 6355–01–M

6

CONSUMER PRODUCT SAFETY COMMISSION.

Agenda

TIME AND DATE: Commission Meeting, Thursday, February 14, 1980, 10 a.m.

LOCATION: Room 456 Westwood Towers, 5401 Westbard Ave., Bethesda, Maryland.

STATUS: Open to the public.

TO BE DISCUSSED:

1. *Sears, Vernco Fans: Corrective Action* (ID 78–108, 109).—The Commission will consider whether to accept corrective action plans which Sears, Roebuck & Co. and the Vernco Division, Emerson Electric Co. have implemented to deal with a possible substantial product hazard associated with electric fans manufactured by Vernco and sold by Vernco and Sears. The Commission previously considered these corrective actions in September, 1979.

2. *Expedited Rules: Termination.*—The Commission will consider a draft final Federal Register document which would revoke CPSC's Interim Rules of Practice for Expedited Proceedings, and withdraw the proposed rule. The Commission published the proposed and interim rule in July, 1977.

3. *Asbestos General Order.*—The Commission will consider a draft general order requiring manufacturers (including importers) and private labelers of specified categories of consumer products to furnish certain information to the Commission concerning the use of asbestos in these products.

CONTACT PERSON: Sheldon D. Butt, Assistant Secretary, CPSC, office of the Secretary, 1111 18th St., NW., Washington, D.C. 20207, (202) 634–7700.

Agenda approved February 5, 1980.

[S–276–80 Filed 2–8–80; 9:29 am]

BILLING CODE 6355–01–M

7

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 11:00 a.m., Wednesday, February 13, 1980.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Closed Commission Meeting following the Open Meeting which commences at 11:00 a.m.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Complaints and Compliance—1—Field investigation into the operation of Radio Stations WMAM, WLST(FM), and WCJL, Marinette, Wisconsin, WMAM and WLST(FM) are licensed to Near-North Broadcasting, Inc.; WCJL is licensed to CJL Broadcasting, Inc.

Complaints and Compliance—2—Field investigation into the operation of Radio Station KSWW, Wickenburg, Arizona, licensed to Wickenburg Radio Co., Inc.

General—1—Reorganization of the Office of Science and Technology.

Hearing—1—Petition for clarification of distress sale policy and other appropriate relief in the Detroit, Michigan broadcast revocation proceeding (BC Docket No. 79–173).

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632–7260.

Issued: February 7, 1980.

[S–279–80 Filed 2–8–80; 3:38 pm]

BILLING CODE 6712–01–M

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 11.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Monday, February 11

2:00 p.m.

1. Continuation of Discussion of Action Plan (approximately 2 hours, continued from Feb. 7, public meeting).

Tuesday, February 12

10:00 a.m.

1. Briefing on Status of Sequoyah Licensing Review (approximately 2 hours, rescheduled from Feb. 11, public meeting).

2:00 p.m.

1. Discussion of Commission's Decision-Making Role in Emergency Response (approximately 2 hours, public meeting, rescheduled from 3:30 p.m.).

Wednesday, February 13

2:00 p.m.

1. Briefing on Turbine Missile (approximately 2 hours, public meeting, rescheduled from Feb. 12).

2. Affirmation Session (approximately 5 minutes, public meeting, rescheduled from Feb. 14):

a. Proposed Role for Licensing Fuel Carriers,

b. Amendment to Part 4,

c. Access Controls to Power Plant Vital Areas,

d. CEQ–NEPA Regulations.

Thursday, February 14

2:00 p.m.

1. Briefing on Licensee Regulatory Performance Evaluation, approximately 2 hours, public meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Dated: February 7, 1980.

Roger M. Tweed,

Office of the Secretary.

[S–278–80 Filed 2–8–80; 3:18 pm]

BILLING CODE 7590–01–M

federal register

Tuesday
February 12, 1980

Part II

Department of Energy

Disposition of Federal Outer Continental Shelf Royalty Oil

DEPARTMENT OF ENERGY

10 CFR Part 212, 375, and 391

Disposition of Federal Outer Continental Shelf Royalty Oil

AGENCY: Leasing Policy Development Office, Department of Energy.

ACTION: Final rule

SUMMARY: This final rulemaking is issued pursuant to the authority contained in section 302(b)(5) of the Department of Energy Organization Act (DOE Act). It provides procedures, terms, and conditions for the disposition of oil royalties taken in kind by the United States from Outer Continental Shelf (OCS) oil and gas leases. In addition, these regulations amend the Department of Energy (DOE) mandatory petroleum price regulations, at 10 CFR Part 212, to provide consistent treatment of royalty oil under both the price regulations and these royalty oil regulations. Because these are the first regulations issued under the mineral leasing authority of the Department of Energy contained in section 302(b), Part 375 is being issued to describe DOE's general authority in the mineral leasing area and to establish some provisions that apply to all of DOE's mineral leasing regulations, including procedures for requesting an interpretation and petitioning for the issuance, amendment, or repeal of a rule. These regulations supersede the existing Department of the Interior (DOI) regulations on Federal OCS royalty oil disposal, found at 30 CFR Part 225a.

Any action relating to the sale of OCS royalty oil taken by DOI in accordance with the provisions of 30 CFR Part 225a before the effective date of these regulations shall have the same validity as if taken in compliance with these regulations.

EFFECTIVE DATE: These regulations will be effective March 13, 1980.

FOR FURTHER INFORMATION CONTACT:

Susan Pearce, (Leasing Policy Development Office), U.S. Department of Energy, 12th & Pennsylvania Avenue, N.W., Room 2313, Washington, D.C. 20461, (202) 633-9035.

James G. Beste, (Office of General Counsel), U.S. Department of Energy, 1000 Independence Avenue, S.W., Room 5E-074, Washington, D.C. 20585, (202) 252-2918.

SUPPLEMENTARY INFORMATION:

I. Introduction.
II. General Provisions—Part 375.
III. Oil Royalties Taken in Kind—Part 391.
A. General
B. Final Regulations (Part 391)—General
C. Specific OCS Royalty Oil Provisions
IV. Amendments to DOE Mandatory Petroleum Price Regulations—Part 212.
V. Public Comments on Proposed Rule.

I. Introduction

Section 302(b) of the DOE Act, Pub. L. 95-91, 91 Stat. 578-579 (42 U.S.C. 7152(b)), transferred to the Secretary of Energy certain authority previously held by the Secretary of the Interior under the Outer Continental Shelf Lands Act (OCSLA), the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act. As a result the Secretary of Energy is authorized to promulgate regulations with respect to Federal leases that (1) foster competition, (2) implement alternative bidding systems, (3) establish diligence requirements relating to energy resource development on Federal lands, (4) set rates of production, and (5) specify the procedures, terms, and conditions for the acquisition and disposition of Federal royalty interests taken in kind. In addition, under section 302(c) of the DOE Act (42 U.S.C. 7152(c)), the Secretary of Energy is granted the authority to establish rates of production for Federal leases, and, under section 303(c)(1) (42 U.S.C. 7153(c)(1)), the Secretary reviews any term or condition of a Federal lease that relates to DOE's section 302(b) DOE Act authority to promulgate regulations.

The proposed rulemaking, entitled "Leasing: Proposed Rulemaking and Public Hearing Regarding the Acquisition and Disposition of Federal Royalty Oil," was issued on July 28, 1979 (44 FR 45900, August 3, 1979). A public hearing in this proceeding was held in Washington, D.C., on September 12, 1979; eight individuals testified. The public comment period closed on October 5, 1979. Thirty-two comments were received before the close of the comment period; thirteen comments were received after the closing date. All comments that were received have been reviewed, and those that were relevant to the OCS portion of the proposed rulemaking and to the proposed pricing amendments are discussed in section V of this preamble.

Due to the recent decision by the United States Court of Appeals for the 10th Circuit in *Plateau, Inc.* v. *Department of the Interior et al.* (No. 78-1415, August 17, 1979), the Department has concluded that additional analysis is required before final regulations may be issued regarding the disposition of onshore royalty oil. In order to obtain additional information and further public comment on the implications of the *Plateau* decision, the Department intends to propose again regulations relating to the disposition of onshore royalty oil.

The final regulations issued today, therefore, only cover the disposition of OCS royalty oil and the amendments to the mandatory petroleum price regulations. The Department believes that these regulations can appropriately be separated from the onshore regulations, because different statutory standards govern the disposition of OCS and onshore royalty oil.The Department of the Interior has not conducted an OCS royalty oil sale for some time. The Department of Energy believes that it is essential to issue these regulations now so that new OCS royalty oil sales may be held.

Some of the issues raised by the comments apply both to OCS and onshore royalty oil. The Department will assess the implications of these issues in its ongoing study of onshore royalty oil and may propose further OCS royalty oil regulations at the same time as a further Notice of Proposed Rulemaking for the Disposition of Onshore Royalty Oil is published. Because the Department does not believe that those issues are central to the issuance or subsequent administration of the OCS royalty oil regulation, we are proceeding with the final rulemaking for OCS royalty oil at this time.

Sections II, III, and IV of this preamble discuss the specific provisions included in the final regulations. Section V discusses the public comments received in response to the proposed rulemaking and the Department's reasons for the regulatory choices described in the earlier sections.

II. General Provisions—Part 375

Because these are the first regulations to be issued under the authority transferred to the Department of Energy by sections 302 and 303 of the DOE Act, the regulations establish a Part 375 containing general provisions applicable to all mineral leasing regulations to be promulgated by DOE in Subchapter C of Title 10 of the Code of Federal Regulations. Part 375 describes the Department's authority in the mineral leasing area, contains general definitions, and establishes procedures for requesting an interpretation of DOE's mineral leasing regulations and for petitioning for the issuance, amendment, or repeal of a rule.

Subpart A of Part 375 provides a general framework for DOE's mineral regulations. Section 375.001 of the regulation describes the purposes of Part 375, as well as the scope of Subchapter C. In addition, that section describes those mineral leasing authorities

retained by the Secretary of the Interior under section 303(a) of the DOE Act.

Section 375.002 states that the provisions in Subparts A and B of Part 375 apply to all the regulations in Subchapter C, unless otherwise noted.

The Department's authority in the mineral leasing area is set forth in § 375.003 of these regulations. This section restates the transfers of authority from the Secretary of the Interior to the Secretary of Energy made by sections 302(b) and 302(c) of the DOE Act. Further, this section describes the consultative role afforded to the Secretary of the Interior by section 303(b) of the DOE Act in the preparation of regulations to be issued by the Secretary of Energy under section 302(b) of the DOE Act.

Definitions that apply to all the DOE mineral leasing regulations found in Subchapter C are established by § 375.004. Definitions that are specific to certain minerals or functions will be located in the parts or subparts that apply to that particular mineral or function.

Section 375.005 explains the effects of the DOE mineral leasing regulations on existing DOI regulations. Cases where DOE regulations will supersede or supplement DOI regulations will be noted in the appropriate rulemaking.

Subpart B of Part 375 contains administrative procedures applicable to DOE's mineral leasing regulations. Section 375.101 establishes the procedures for filing a formal request for an interpretation of DOE's mineral leasing regulations. This section provides that requests for interpretation be filed with DOE's Office of General Counsel in accordance with Subpart F of Part 205 of Title 10, Code of Federal Regulations. This section also provides for consultation with the Solicitor of the Department of the Interior before an interpretation is issued.

Section 375.102 provides that a request for the issuance, amendment, or repeal of a rule be filed with DOE's General Counsel and treated as a petition for rulemaking in accordance with the procedures of Subpart L of 10 CFR Part 205. Under these procedures, the General Counsel may respond to a petition for issuance, amendment, or repeal of a rule by: (1) instituting the proposed rulemaking, as proposed or as modified by the General Counsel; (2) notifying the petitioner in writing that the General Counsel does not intend to institute a rulemaking and stating the reasons; or (3) notifying the petitioner in writing that the matter is under consideration and that no decision can be made because of the inadequacy of available information, changing circumstances, or other stated reasons.

III. Oil Royalties Taken in Kind—Part 391

A. *General.* The Department of the Interior has administered a program through the United States Geological Survey (USGS) for disposing of Federal OCS oil royalties taken in kind (herein "royalty oil"). The OCS royalty oil program has been operated under the regulations at 30 CFR Part 225a, issued pursuant to the Outer Continental Shelf Lands Act, (Act of August 7, 1953, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*)).

B. *Final Regulations (Part 391)—General.* As discussed above, with the enactment of the DOE Act, the authority to promulgate regulations "specifying the procedures, terms, and conditions for the acquisition and disposition of Federal royalty interests taken in kind" was transferred from the Secretary of the Interior to the Secretary of Energy (42 U.S.C. 7152(b)(5)). The regulations issued today continue the operation and the policy of the existing DOI program that provides for the sale of OCS royalty oil to small refiners. This policy was also required by the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95–372, OCSLAA). A provision has been added that allows the sale of OCS royalty oil to the public, at the discretion of the Secretary of the Interior, by competitive bidding after specified conditions have been met.

C. *Specific OCS Royalty Oil Provisions.* The present DOI OCS royalty oil regulations at 30 CFR Part 225a provide for sale only to small refiners for use in their refineries and not for resale in kind, except when circumstances warrant other action. Under these DOI regulations, all Federal OCS royalty oil sales are made at the market price, as defined by DOI, without premium or bonus; however, a charge for the cost of administration of an amount equal to one-half percent of the market price is made for each barrel of OCS royalty oil sold. When applications are filed by two or more small refiners for the same oil, the oil is allocated among the applicants by a drawing or on an equitable prorated basis. OCS royalty oil produced under an oil or gas lease originally issued by any state and currently maintained in effect pursuant to section 6 of the OCSLA can be made available for disposal only when the lessee or operator under the lease involved elects to pay royalty in kind to the Secretary of the Interior. OCS royalty oil produced in areas for which ownership is in dispute between the Federal Government and a State can be made available for disposal only with the concurrence of that State.

Most of the revisions made by DOE to the existing DOI regulations constitute only a rewording or an updating of the present regulations. The major exceptions are the addition of a provision for OCS royalty oil sales to the public, the amendment to DOE's pricing regulations, the elimination of the requirement that the individual small refiner certify that adequate supplies of oil at equitable prices on the open market are not available to it, and the consultative role accorded the Secretary of Energy. In considering the revisions the Department has made to the royalty oil regulations, DOE personnel consulted at length with representatives of both DOI and the Small Business Administration (SBA).

There are four substantive revisions to the existing DOI regulations. First, the term "market price" is eliminated and a new provision (§ 391.002) is included that specifies the price at which OCS royalty oil shall be sold to conform to the DOE Mandatory Petroleum Price Regulations in 10 CFR Part 212 and to the OCSLAA. Second, the requirement that the individual small refiner certify that adequate supplies of oil at equitable prices on the open market are not available is eliminated. Third, the SBA's role is modified because the determination and certification of a refiner's refining capacity will now be made by the Economic Regulatory Administration (ERA) of DOE (§ 391.002). Fourth, a requirement has been included (§ 391.110 (a)) that the Secretary of the Interior, in consultation with the Secretary of Energy, determine whether small refiners have access to adequate supplies of oil at equitable prices. This determination must be made before conducting a public lottery sale or offering an allocation of OCS royalty oil to small refiners.

The elimination of the definition of "market price" by these regulations should not significantly affect the existing programs. The OCS royalty oil regulation has been modified to conform to the language of the OCSLAA by stating that OCS royalty oil shall be sold at the "regulated price" or, if no "regulated price" applies, to small refiners at the "fair market value" and to purchasers other than small refiners at not less than the "fair market value."

The Department has made no modifications to DOI's regulations relating to allocation of royalty oil among the small refiners who, through application, are eligible to receive royalty oil.

The requirement that small refiners certify that adequate supplies of oil at

equitable prices on the open market are not available was contained in both the DOI regulations and the DOE proposed rulemaking. It has been eliminated. The OCSLAA requires that the Secretary of the Interior, in consultation with the Secretary of Energy, determine whether the class of small refiners has access to adequate supplies of oil at equitable prices rather than make such a determination on a refiner-by-refiner basis. The legislative history of the OCSLAA indicates that the Conference Committee specifically considered the issue of individual refiner access to supplies of oil. The Senate Committee version of the OCSLAS. 9, contained in its definition of "small refiner" a requirement not only that the small refiner qualify under the SBA rules but also that it demonstrate that it could not "purchase in the open market an adequate supply of oil to meet his needs." The requirement for a refiner-by-refiner determination was eliminated by the Conference Committee. Consequently, the requirement in the proposed rulemaking for self certification by refiners as to the nonavailability of adequate supplies of oil at equitable prices imposed a standard of eligibility higher than that contained in the OCSLAA and it is eliminated in this final rulemaking.

ERA currently determines and certifies the refining capacity of all refiners in the United States in connection with its administration of the DOE Mandatory Petroleum Allocation and Price Regulations. Therefore, the Department believes that, in the interest of consistency in federal programs relating to crude oil sales and allocation, ERA certification with regard to refinery capacity (§391.002) should be used in the administration of the royalty oil program.

These regulations supersede the applicable DOI regulations concerning the disposal of OCS royalty oil, which are contained in 30 CFR Part 225a. Any actions taken by DOI in accordance with 30 CFR Part 225a by publication of the Notice of Availability of Royalty Oil before the effective date of these regulations shall have the same validity as if taken in compliance with these regulations.

IV. Amendments to DOE Mandatory Petroleum Price Regulations—Part 212

The present DOI regulations and the regulations issued today provide for an administrative charge of ½ of one percent of the market price for each barrel of royalty oil sold. The Department is amending 10 CFR § 212.74 to add a new paragraph (d) that would permit the ceiling price for crude oil sold under Part 391 to be adjusted to reflect this administrative charge.

We are also amending § 212.74 of the Mandatory Petroleum Price Regulations to add a new paragraph (e) that provides that the percentages of crude oil sold at lower tier, upper tier, or other prices may be the same for all owners of an interest in a property for which the Department has issued, to one or more of the owners thereof, an exception order under Subpart D of 10 CFR Part 205 specifying the percentages to be sold at each price. The Office of Hearings and Appeals of the Department of Energy has generally permitted working interest owners to sell a higher percentage of their production at upper tier or market clearing prices than the regulations would otherwise have permitted where such exception relief has been found necessary to keep the property in production. This relief has not been extended to the owners of royalty interests on the basis that they have not incurred increased costs that impair economic incentive to maintain production.

Royalty agreements themselves are contracts. Many such agreements resemble more closely a rent charged the producer, calculated on the basis of the producer's actual receipts for volumes of crude oil produced from a property, than a discrete first sale of crude oil by the owner of the royalty interest. Permitting similar treatment under the price regulations of volumes of crude oil associated with the royalty interest and of those volumes owned by the holder of the producing interest would simplify administration of this aspect of the Department's regulatory programs. It would avoid the possibility that the effects of the price rules on individual royalty owners would turn upon the details of individual royalty agreements.

V. Public Comments on the Proposed Rule

The comments received in response to the Notice of Proposed Rulemaking Regarding the Acquisition and Disposition of Royalty Oil generally concentrated on the onshore section of that rulemaking, proposed 10 CFR Part 391, Subpart C—Disposition of Onshore Royalty Oil. As has been indicated, the Department is not issuing the Subpart C onshore royalty oil regulations at this time, and will address the comments received on that subpart in a further rulemaking proceeding. Consequently, this analysis of public comments will be limited to those comments that addressed 10 CFR Part 375—Mineral Leasing: General; 10 CFR Part 391, Subparts A and B; and 10 CFR 212.74—Amendments to the Mandatory Petroleum Price Regulations.

Major Comments

1. A number of commenters raised issues associated with DOE's interpretation and proposed implementation of provisions contained in the OCSLAA relating to eligibility to purchase OCS royalty oil. Several comments addressed DOE's definition of the class of "small refiners" and urged that the criteria for eligibility for small refiner participation in the OCS royalty oil program be substantially modified. They desired that the definition of small refiner be enlarged to accommodate refiners with greater refining capacity than that permitted by the SBA definition. Other comments addressed the provision permitting the sale, under specified conditions, of OCS royalty oil to purchasers other than small refiners. These commenters asserted that, at the present time, small refiners do not have an adequate supply of crude oil and that sales to purchasers other than small refiners would create significant oil supply problems for small refiners.

Both the question of the definition of the class of "small refiners" and the question of providing OCS royalty oil for sale to purchasers other than small refiners are explicitly resolved by the statute and the legislative history.

The OCSLAA (43 U.S.C. 1353(e)(2)) provides a specific definition of the term "small refiner." It requires that standards promulgated by the SBA be used in determining the eligibility of small refiners for participation in the OCS royalty oil program. Currently, those SBA standards limit participation in the program to refiners that are principally engaged in refining operations that do not have more than 1,500 employees or a refining capacity greater than 45,000 barrels per day. Additionally, SBA has promulgated standards that apply to small businesses that are not principally engaged in refining but that have a refinery as a component of the corporate entity. Review of the legislative history of the OCSLAA makes clear that Congress specifically intended that small refiners be the principal recipients of OCS royalty oil, unless it was determined that they had "access to adequate supplies of oil at equitable prices." In defining "small refiner" as one meeting the SBA standards, the Conference Committee added the phrase "in effect on the date of enactment of this section or as thereafter revised or amended" to provide continuity in administration of the small refiner preference. By incorporating this additional phrase, Congress emphasized its intent that SBA

set the standard to assure continuation of the small refiner preference.

Despite the provision for the sale of OCS royalty oil to purchasers other than small refiners, it is clear from a review of the legislative history that the Congress intended to continue the policy by providing for the allocation of royalty oil to small refiners. The report by the House Ad Hoc Select Committee on the Outer Continental Shelf regarding H.R. 1614, the House Committee Bill of the Outer Continental Shelf Lands Act Amendments (H.R. REP. NO. 95–590, 95th Cong., 1st Sess. (1977)), states that "[i]n accordance with the Small Business Act (15 U.S.C. 631), the present regulations for the disposition of royalty oil provide for the allocation of such oil to small refiners. It is the intention of the Committee that such disposition be continued."

With regard to the provision in the regulation providing for sales of OCS royalty oil to the public, the OCSLAA (43 U.S.C. 1353) contains provisions under which OCS royalty oil may be sold to the public. The statute requires that the Secretary of the Interior determine whether small refiners have access to adequate supplies of oil at equitable prices. If the determination is that small refiners do not have access to adequate supplies of oil at equitable prices, then OCS royalty oil is to be allocated or a lottery sale held, with the competitors for such oil restricted to qualified small refiners. If the determination is that the small refiners do have access to adequate supplies of oil at equitable prices, then the Secretary of the Interior may make the OCS royalty oil available to the public for sale by competitive bid.

Given the current crude oil supply situation, neither DOE nor DOI believe it is likely that the Secretary of the Interior, in consultation with the Secretary of Energy, will make a determination that would lead to OCS royalty oil sales to the public. The Department of Energy, however, believes that the regulations should include provisions implementing this aspect of the OCSLAA.

Consequently the definition of "small refiner" and the provision for OCS royalty oil sales to the public will be retained.

2. Several individuals suggested that the sales of royalty oil to the public be restricted to refiners.

There is no evidence in either the statute or the legislative history that Congress intended to define public so narrowly as to eliminate the possibility of royalty oil sales to anybody but refiners. By incorporating provisions for sales of OCS royalty oil to purchasers other than small refiners in this rulemaking, DOE is implementing the statutory requirements of the OCSLAA. Although the term purchasers is not defined to include only refiners, the regulation does require in § 391.110(b)(2) that royalty oil purchased by the public not be resold in kind.

3. One commenter suggested that the regulation specify that "there can be an offer of sale to the public *only* after the Secretary determines that small refiners have adequate access to oil at equitable prices", in order to be consistent with the preamble of the proposed regulation.

The Department agrees with this comment. As discussed above, DOE believes that a finding should be made before any royalty oil sales with regard to whether small refiners have access to adequate supplies of oil at equitable prices. Therefore, to clarify the proposal, language has been added to § 391.110(a) requiring that such a finding be made and requiring its publication in the **Federal Register.**

4. A substantial number of comments favored retaining the provision of the current DOI regulations that limits the amount of OCS royalty oil that may be purchased to 60% of the eligible refiner's capacity.

In its proposed rule, the Department proposed that the 60% limitation be eliminated. Upon further consideration, DOE has decided to retain this provision in its final regulations (§ 391.110(b)(4)). We believe that the 60% limitation is a reasonable mechanism to ensure that a small refiner does not become totally dependent upon royalty oil for its supply of crude oil. It is also a device to ensure that crude oil is distributed equitably among crude deficient royalty oil applicants. The Department has revised the 60% limitation to provide that it applies to volumes contracted to be sold, as estimated at the time of sale, rather than to actual volumes received. This provision will significantly reduce DOI's administrative burden in monitoring the 60% limitation without defeating its purpose.

5. Public comments addressed to the provision in the proposed § 391.140(a)(2) requiring certification of a refiner's capacity by DOE's Economic Regulatory Administration (ERA) were generally in favor of it. The question of when such certification should take place was the subject of disagreement. One commenter suggested that certification of capacity take place "prior to sales" while another suggested that capacity be certified "as of the date of contract award."

Another commenter indicated concern with respect to refineries that were under construction or being expanded at the time of application but that would be operational at the time of OCS royalty oil contract award. The concern was that, if ERA refinery capacity certification were required at the time of application for royalty oil, such refineries would be ineligible for participation in the program until the next royalty oil sale.

We have concluded that, from an administrative point of view, it is reasonable to require generally that ERA certification of capacity be available and be made a part of the application for OCS royalty oil. DOE recognizes, however, that ERA certification is a new provision in the OCS royalty oil regulation. We believe that there must be some degree of flexibility to accommodate refiners that might be prevented from participating in a royalty oil sale by an absolute requirement that ERA certification be part of the application. DOE has, therefore, inserted language (§ 391.140(a)(3)) that permits the USGS designated official to accept applications without the ERA refinery capacity certification, if the applications contain enough data to permit the official to determine projected refinery capacity and the date on which the refinery will be operational. The provision requires, however, that ERA certification be available three months before the award of the contract. This ensures that the ERA certification will be available at the time allocations of royalty oil are made. It is the Department's intent in this provision to insure that OCS royalty oil contracts be awarded only on the basis of operational refinery capacity.

The provision for an exception to the requirement that ERA certification be submitted at the time of application should not be interpreted as *requiring* the designated official to accept data from the refiner certifying his own capacity nor should it be interpreted as placing any duty on ERA to perform the certification of capacity on site before the date of royalty oil allocations.

6. Several commenters opposed the one-half percent administrative fee levied on the sales price of each barrel of royalty oil (§ 391.110(a)(3) of these regulations and the current DOI regulation at 30 CFR 225a.3). Section 212.74(d) of 10 CFR Part 212 is also amended by this rulemaking to permit the ceiling price of royalty oil to be increased by this one-half percent administrative fee. The commenters were opposed to this increase in the price of Federal royalty oil unless similar price relief for costs incurred were extended to private royalty owners.

The Department believes it is appropriate to require purchasers of royalty oil to reimburse the Federal Government for costs associated with the administration of the program. DOI, in its administration of the royalty oil program, also required the payment of the one-half percent administrative fee. 31 U.S.C. 483a (Act of August 31, 1951, Ch. 376, Title V, § 501, 65 Stat. 290) clearly indicates that programs like the OCS royalty oil program should be "self-sustaining to the fullest extent possible, and the head of each Federal agency is authorized * * * to prescribe therefor [a] fee * * *". Consequently, the provision in § 391.110(b)(2) requiring the payment of the administrative fee will be retained.

7. All commenters who addressed the proposed pricing changes contained in 10 CFR 212.74(e) were generally supportive. The proposed amendments to the mandatory petroleum price regulations extended price relief to royalty interest owners when it was granted to those with an operating interest. The only disagreement was with the extent of the relief granted. Several of the commenters who were in favor of the proposed changes desired to have the relief granted to royalty interest owners by these regulations extended to other DOE programs which provide incentives to working interest owners.

The Department believes that the new 10 CFR 212.74(e) provides sufficient relief to royalty interest owners and simplifies the administration of this particular aspect of DOE's regulatory program. Further, our intent in the proposed regulation was to limit the extension of relief to the case where an exception had been granted to the working interest owner. The Department sees no basis for extending this proposed change to those royalty owners with interests in properties for which incentives for tertiary recovery have been or will be provided. The amendment has been redrafted to be limited explicitly to the case where an exception has been granted; as it is currently structured it would not make the effect of DOE's pricing rules hinge on the details of specific royalty agreements.

8. One commenter questioned whether it was appropriate that DOE, as opposed to DOI, interpret the regulations since DOI will administer the regulations. The commenter also thought that 10 days was insufficient time for DOI to review and comment on interpretations issued by DOE and suggested 30 days as a minimum period.

DOE believes that it is both appropriate and necessary for it to interpret its own regulations. The Department is the agency charged with the responsibility to promulgate certain mineral leasing regulations under section 302(b) of the DOE Act; it is only reasonable that DOE retain the authority to interpret its intention in promulgating those regulations. To do otherwise would be to abrogate its responsibility. DOE also believes that it must retain the interpretation authority in order to remain aware of difficulties that the public may have in understanding its regulations and that DOI may have in administering them. This will allow DOE to make necessary changes. DOE has decided, however, to lengthen the DOI review and comment period to 30 days to ensure that DOI will have an adequate period of time to comment on any interpretations.

9. Many commenters discussed the issue of the relatively large amounts of available royalty oil that are not taken in kind due to the disqualification of the refiner subsequent to the OCS royalty oil award. The commenters suggested that provision for distributing this royalty oil be made in this rulemaking.

In its proposed rulemaking the Department did not directly address this issue. Provisions were included in § 391.110(b)(2) for additional sales of royalty oil should excess oil be available after the initial allotments have been made in the case of royalty oil sales to the public. The issue of royalty oil for which contracts were awarded and not consummated was not addressed.

As drafted, the regulations do not address the frequency of royalty oil sales nor do they generally specify what should be done with volumes of oil that ultimately are not purchased. The regulations concern the standards and procedures under which, when held, royalty oil sales must take place.

Volumes of royalty oil that are offered for sale but remain unsold become available on an irregular basis. Requiring that these volumes be reoffered as they become available would impose an administrative burden that may not be justified.

Current USGS practice in OCS royalty oil sales is to hold major royalty oil offerings every three years. Smaller, interim offerings, when sufficient additional volumes are available, are held on an annual basis following each major offer. DOI indicates that it would be burdensome to hold sales more than once a year. Consequently, no change in the proposed rule will be made.

10. One commenter suggested that DOE "ensure to the fullest extent possible that all Federal royalties are paid in kind."

DOE recognizes that the Secretary of the Interior has, historically, elected not to take all available Federal royalty oil in kind. There are several factors that DOI considers in determining what specific royalty to make available for sale. Factors such as the relatively small quantity of royalty oil available from a specific lease, transportation difficulties inherent in the collection of the royalty oil created by the location of the lease, the location of potential purchasers for royalty oil from some specific leases, and the refining characteristics of the crude oil all may militate against taking some royalties in kind.

Given the variety of reasons that may lead to a decision not to take all available royalty oil in kind, an inflexible approach to that decision is undesirable. Therefore, DOE does not think it appropriate to circumscribe the discretion of the Secretary of the Interior in this area.

11. Several comments raised issues that were not within the scope of the proposed rulemaking. They are not being addressed in this final rule. Individuals wishing to request regulatory changes that fall within other areas of DOE's regulatory jurisdiction should consider submitting a formal petition for rulemaking.

(Outer Continental Shelf Lands Act, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*, 1953), as amended by Pub. L. 95–372; Emergency Petroleum Allocation Act, Pub. L. 93–159, 87 Stat. 627 (15 U.S.C. 751 *et seq.*, 1973), as amended by Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133 and Pub. L. 94–163; Administrative Procedure Act, as amended by Pub. L. 89–554; 80 Stat. 383 (5 U.S.C. 553); Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.* 1977); E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below.

Issued in Washington, D.C., February 5, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

1. Chapter II of Title 10, Code of Federal Regulations, is amended by establishing a Subchapter C and adding Parts 375 and 391 thereof to read as follows:

SUBCHAPTER C—LEASING

PART 375—MINERAL LEASING: GENERAL

Subpart A—General Provisions

Sec.

375.001 Purpose and scope.
375.002 Applicability.
375.003 Authority.

Sec.

375.004 Definitions.
375.005 Effect on existing regulations.

Subpart B—Administrative Procedures

375.101 Interpretation.
375.102 Rulemaking.

Authority: Pub. L. 89–554, 80 Stat. 383 (5 U.S.C. 553); secs. 302, 303 and 644, Pub. L. 95–91, 91 Stat. 578–579, 579–580, 599 (42 U.S.C. 7152, 7153 and 7254); E.O. 12009, 42 FR 46267.

Subpart A—General Provisions

§ 375.001 Purpose and scope.

(a) The purpose of this Part 375 is to describe DOE's general authority in the mineral leasing area and to establish general provisions applicable to DOE's mineral leasing regulations in this Subchapter C.

(b) The mineral leasing regulations issued by DOE pursuant to sections 302(b) and 303 of the DOE Act will be found in this Subchapter C.

(c) Section 303(a) of the DOE Act provides that the Secretary of the Interior retains any mineral leasing authorities not transferred under section 302(b) of the DOE Act and that he is solely responsible for the issuance and supervision of Federal leases and the enforcement of all regulations applicable to the leasing of mineral resources, including but not limited to regulations applicable to lease terms and conditions and production rates.

§ 375.002 Applicability.

The provisions in Subpart A and Subpart B of this Part 375 are applicable to all of the regulations in Subchapter C, unless otherwise noted.

§ 375.003 Authority.

(a) Section 302(b) of the DOE Act transferred to, and vested in, the Secretary of Energy the functions of the Secretary of the Interior to promulgate regulations under the Outer Continental Shelf Lands Act, the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act, which relate to: the fostering of competition for Federal leases (including, but not limited to, prohibition on bidding for development rights by certain types of joint ventures); implementation of alternative bidding systems authorized for the award of Federal leases; the establishment of diligence requirements for operations conducted on Federal leases (including, but not limited to, procedures relating to the granting or ordering by the Secretary of the Interior of suspension of operations or production as they relate to such requirements); setting rates of production for Federal leases; and the specifying of the procedures, terms and conditions for the acquisition and disposition of Federal royalty interest taken in kind.

(b) The function of the Secretary of the Interior to establish production rates for all Federal leases was also transferred to, and vested in, the Secretary of Energy by section 302(c) of the DOE Act.

(c) Section 303(c)(1) of the DOE Act requires the Secretary of the Interior to afford the Secretary of Energy not less than thirty days, prior to the date on which DOI first publishes or otherwise prescribes the terms and conditions on which a Federal lease will be issued, to disapprove any term or condition of such lease that relates to any matter with respect to which the Secretary of Energy has authority to promulgate regulations under section 302(b) of the DOE Act. No such term or condition may be included in such a lease if it is disapproved by the Secretary of Energy.

(d) In exercising his authority to promulgate regulations under section 302(b) of the DOE Act, the Secretary of Energy is required by section 303(b) of the DOE Act to consult with the Secretary of the Interior during the preparation of such regulations and to afford the Secretary of the Interior not less than thirty days prior to the date on which the DOE first publishes or otherwise prescribes regulations to comment on the content and effect of such regulations.

§ 375.004 Definitions.

For purposes of this Subchapter C:

"Area" or "region" means the geographic area or region over which the USGS designated official has jurisdiction, unless the context in which those words are used indicates a different meaning is intended.

"Designated Official" means a representative of DOI subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, USGS, and the appropriate Regional Conservation Manager, Conservation Division, USGS, authorized and empowered to supervise and direct all oil and gas operations and to perform other duties prescribed in 30 CFR Part 250 (offshore).

"Director" means Director, United States Geological Survey, Department of the Interior.

"DOE" means the Department of Energy, including the Secretary of Energy, or his or her delegate.

"DOE Act" means the Department of Energy Organization Act (Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*)).

"DOI" means the Department of the Interior, including the Secretary of the Interior, or his or her delegate.

"Federal lease" means an agreement which, for any consideration, including, but not limited to, bonuses, rents or royalties conferred, and convenants to be observed, authorizes a person to explore for, or develop, or produce (or to do any or all of these) oil and gas, coal, oil shale, tar sands, and geothermal resources on lands or interests in lands under Federal jurisdiction.

"OCS" means the Outer Continental Shelf, which includes all submerged lands (1) that lie seaward outside of the area of lands beneath navigable waters as defined in the Submerged Lands Act (Pub. L. 31–35, 67 Stat. 29, (43 U.S.C. 1301)) and (2) of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

"OCSLA" means the Outer Continental Lands Act, as amended (Act of August 7, 1953, Ch. 345, 67 Stat. 462, 43 U.S.C. 1331 *et seq.*, as amended by Pub. L. 95–372, 92 Stat. 629).

"Oil" means a mixture of hydrocarbons that exists in a liquid or gaseous phase in an underground reservoir and which remains or becomes liquid at atmospheric pressure after passing through surface separating facilities, including condensate recovered by means other than a manufacturing process.

"USGS" means the United States Geological Survey, Department of the Interior.

§ 375.005 Effect on existing regulations.

In some instances regulations issued by DOE in this Subchapter C may supersede, in whole or in part, certain regulations which have been promulgated by DOI. The specific regulations superseded will be identified in the applicable rulemakings issued for codification in this Subchapter C.

Subpart B—Administrative Procedures

§ 375.101 Interpretation.

Any person seeking an interpretation of the mineral leasing regulations in this Subchapter C shall file a written request with the General Counsel of DOE. Each such request shall be processed in accordance with the procedures established in Subpart F of 10 CFR Part 205.

Prior to issuing an interpretation of these regulations, the General Counsel shall afford the Solicitor of DOI not less than thirty days to comment on the content and effect of such interpretation.

§ 375.102 Rulemaking.

Any person seeking issuance, amendment, or repeal of the mineral leasing regulations in this Subchapter C

shall file a formal written request with the General Counsel of DOE. The request shall be filed as a petition for rulemaking and treated in accordance with the procedures, as applicable, of Subpart L of 10 CFR Part 205.

PART 391—ACQUISITION AND DISPOSITION OF FEDERAL ROYALTY INTERESTS TAKEN IN KIND

Subpart A—General Provisions

Sec.

391.001 Purpose and authority.
391.002 Definitions.

Subpart B—Disposition of Outer Continental Shelf Royalty Oil

391.101 Purpose and scope.
391.102 Definitions.
391.110 OCS royalty oil allocation.
391.120 Reimbursement to lessee for transportation.
391.130 Exchange agreements.
391.140 Application; contents.
391.141 Action by the Designated Official.
391.142 Action by DOI.
391.150 Notices.

Authority: Act of August 7, 1953, ch. 345, secs. 5, 6 and 8, 67 Stat. 464, 465, 468 (43 U.S.C. 1334, 1335 and 1337), as amended by secs. 204, 205 and 208, Pub. L. 95–372, 92 Stat. 636–640, 640–646, 666–668; secs. 302, 303 and 644, Pub. L. 95–91 91 Stat. 578–599, 579–580, 599 (42 U.S.C. 7152, 7153 and 7254); E.O. 12009, 42 FR 46267.

Subpart A—General Provisions

§ 391.001 Purpose and authority.

The regulations in this Part 391 specify the procedures, terms, and conditions for the acquisition and disposition of Federal royalty interests taken in kind and are issued pursuant to section 302(b)(5) of the DOE Act.

§ 391.002 Definitions.

For purposes of this Part 391—

"Notice of Availability of Royalty Oil" means a notice published in the **Federal Register** by DOI to advise interested parties that royalty oil is being made available for purchase by qualified small refiners or purchasers and the approximate volume of oil which may be available.

"Operator" means the owner of operating rights or the designee of such parties who own the operating rights including the lessee, who performs the necessary functions relating to oil and gas production.

"Refinery capacity" means actual certified refining capacity on a barrel per calendar day basis, as determined by the Economic Regulatory Administration of DOE.

Subpart B—Disposition of Outer Continental Shelf Royalty Oil

§ 391.101 Purpose and scope.

The regulations in this Subpart B establish the policy and procedures for the disposition of royalty oil taken in kind from Federal OCS oil and gas leases issued pursuant to OCSLA.

§ 391.102 Definitions.

For purposes of this Subpart B:

"Allotment" means the discrete quantity of royalty oil to be sold to a purchaser. The quantity of oil in an allotment shall be determined by DOI and shall be contained in the "Notice of Availability of Royalty Oil."

"Fair market value" means the value of oil determined by DOI (1) computed at a unit price equivalent to the average unit price at which such oil was sold pursuant to a lease during the period for which any royalty or net profit share is accrued or reserved to the United States pursuant to such lease, or (2) if there were no such sales, or if DOI finds that there were insufficient number of such sales to equitably determine such value, computed at the average unit price at which oil was sold pursuant to other leases in the same region of the OCS during such period, or (3) if there were no sales of oil from such region during such period, or if DOI finds that there are an insufficient number of such sales to equitably determine such value, at an appropriate price determined by DOI.

"Lessee" means the holder of a Federal OCS oil and gas lease issued under the OCSLA who is authorized to develop and produce oil and gas, including all parties holding such authority by or through the lessee.

"OCS royalty oil" means, for a section 8 lease, that amount of oil that DOI has determined to take in kind in satisfaction of the section 8 lessee's royalty obligation. "OCS royalty oil" means, for a section 6 lease, that amount of oil that the lessee elects and that DOI accepts as payment in satisfaction of the lessee's royalty obligation.

"Point of delivery" means the place at which OCS royalty oil, or the quantity thereof in a commingled stream, is delivered by the lessee to the United States and ownership of the OCS royalty oil is transferred simultaneously by the United States to the small refiner/purchaser. With respect to: (1) all leases issued after October 1969, the point of delivery shall be a place designated by or acceptable to the designated official. The deliveries normally shall be made immediately downstream from the place of measurement of such oil or of the commingled stream containing such oil, after separation and treating processes; *provided, however,* that if such measurement is at an offshore location and such oil is commingled after such measurement with other untreated oil and is transported to a treating facility for treating and final measurement, the point of delivery may be immediately downstream of the place of final measurement; and *provided further,* that the point of delivery may be at any other place which the designated official determines is practical for both the lessee and the purchaser, and which ensures proper safeguards for the environment; and (2) section 8 leases issued prior to October 1969, the point of delivery shall be a place designated by the lessee.

"Purchaser" means any member of the public who complies with § 391.140(b).

"Regulated price" means the highest price (a) at which oil may be sold pursuant to the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159, 87 Stat. 628 (15 U.S.C. 751, *et seq.*)) and any rule or order issued under such Act, or (b) at which Federal oil may be sold under any provision of law or rule or order thereunder which sets a price (or manner for determining a price) for oil.

"Section 6 lease" means an oil and gas lease originally issued by any State and currently maintained in effect pursuant to section 6 of the OCSLA.

"Section 8 lease" means an oil and gas lease issued by the United States pursuant to section 8 of the OCSLA.

"Small refiner" means an owner of an existing refinery or refineries who can demonstrate its qualification as a small business concern under the rules of the Small Business Administration, both at the time of application and at the time of award of the contract to purchase such oil. The combined refinery capacity of a small refiner shall be employed in determining if a small refiner has demonstrated its qualification under the preceding sentence.

§ 391.110 OCS royalty oil allocation.

(a) *Determination by the Secretary of the Interior.* The Secretary of the Interior, after consultation with the Secretary of Energy, shall make a determination whether small refiners have access to adequate supplies of oil at equitable prices. The determination by the Secretary of the Interior shall be made prior to any offer to sell OCS royalty oil and shall be published in the **Federal Register** concurrent with or included in the publication of the Notice of Availability of Royalty Oil.

(b) *Allocation to small refiners.* (1) Upon a determination by the Secretary of the Interior under paragraph (a) of this section that small refiners do not

have access to adequate supplies of oil at equitable prices, DOI may offer OCS royalty oil for sale to small refiners. Such oil may be sold only to small refiners upon application filed in accordance with § 391.140(a). Such oil may only be purchased for processing or use in a small refiner's refinery or refineries and may not be resold in kind.

(2) All sales of royalty oil to small refiners shall be made at not more than the regulated price or, if no regulated price applies, at the fair market value of the oil. A charge for the cost of administration of an amount equal to one-half percent of the sale price shall be levied for each barrel of OCS royalty oil sold to small refiners.

(3) When available OCS royalty oil is insufficient to satisfy the requirements of all small refiners who have made application, the oil shall be allocated among such small refiners by a drawing or on an equitable prorated basis, as determined by the designated official.

(4) No small refiner shall be awarded contracts for volumes of OCS royalty oil that, when added to volumes of other Federal royalty oil purchased by the small refiner under 30 CFR Part 225 or Subpart C of this Part, are in excess of 60 percent of the combined refinery capacity of that small refiner.

(5) Allocations of OCS royalty oil shall be based upon the refinery capacity as certified by ERA at the time of application; provided that, in the case of new of expanded refinery capacity for which no ERA certification exists that is scheduled to come into operation between the date of application and three months prior to the anticipated effective date of the award of contracts as indicated in the Notice of Availability of Royalty Oil, the designated official may base an allocation upon financial and engineering data certified by the small refiner on anticipated capacity and date of operation. Such data must be sufficient to allow the designated official to determine the capacity of the new or expanded refinery. No contract shall be awarded unless, three months prior to the date of contract award, the small refiner provides to the designated official ERA certification confirming such determination of capacity. However, in the case of the sales of royalty oil anticipated to be effective on July 1, 1980, allocations of OCS royalty oil may be based upon such ERA determination of refinery capacity as DOI, by notice in the **Federal Register**, may decide to accept.

(c) *Allotments to purchasers.* (1) DOI may sell OCS royalty oil to purchasers only in accordance with any provision of law, or regulations issued in accordance with such provisions, that provide for DOE to allocate, transfer, exchange, or sell oil in amounts or at prices determined by such provision of law or regulations.

(2) Upon a determination by the Secretary of the Interior under paragraph (a) of this section that small refiners do have access to adequate supplies of crude oil at equitable prices, DOI may offer OCS royalty oil for sale to purchasers. Such oil shall be sold only in equal allotments, by competitive bidding, to purchasers in accordance with the regulations contained in this subpart and may not be resold in kind.

(3) All bids submitted by purchasers of OCS royalty oil must be filed in accordance with § 391.140(b). All sales of royalty oil shall be made at the regulated price or, if no regulated price applies, at not less than the fair market value of the oil.

(4) Allotments of OCS royalty oil shall be awarded to purchasers who are the highest bidders.

(5) No purchaser shall receive more than one allotment of the oil offered at each individual OCS royalty oil sale.

(6) When two or more purchasers bid the same price for the offered OCS royalty oil and their bids, by virtue of their amount, make them eligible for allotments, a drawing shall be held to determine which purchasers shall receive allotments if there are more purchasers than allotments.

(7) If a purchaser is selected for receipt of an allotment and if the purchaser's oil supply requirements, as stated in the application filed in accordance with § 391.140(b)(3), exceed the allotment of oil, the purchaser shall receive only an amount of oil equal to the allotment of oil.

(8) If a purchaser is selected for receipt of an allotment and if the purchaser's oil supply requirements, as stated in his application filed in accordance with § 391.140(b)(3), are less than the allotment of oil, the purchaser shall receive only that amount of oil requested in the application.

(9) If, after all allotments have been sold, an amount of oil remains that is determined by DOI to be large enough for sale, the excess oil shall be made available for sale as another allotment or allotments at that time. Such allotments may be used to increase the allotments previously made.

(10) A charge for the cost of administration of an amount equal to one-half percent of the sales price as provided for in paragraph 3 of this section shall be levied for each barrel of royalty oil sold to purchasers.

(d) *Allocation or allotments from section 6 leases and certain section 8 leases.* OCS royalty oil produced under a section 6 lease may be made available for sale only when the lessee elects and DOI accepts the royalty oil as payment in satisfaction of the lessee's royalty obligation. OCS royalty oil produced from either section 6 or section 8 leases that are in dispute between the United States and a State as to ownership may be made available for sale only with the concurrence of that State, and evidence of such concurrence shall be furnished by the small refiner/purchaser applicant at such time as may be specified by the designated official.

§ 391.120 Reimbursement to lessee for transportation.

(a) When the point of delivery for OCS royalty oil produced under a section 8 lease is to be other than on or immediately adjacent to the leased area from which the oil is produced, the small refiner/purchaser shall promptly reimburse the lessee for the cost of transporting the oil to the point of delivery. Such reimbursement shall be monthly or at such other interval as may be determined by the designated official.

(b) The cost of transportation shall be approved by the designated official and may be deducted from the value of the oil at the point of delivery in calculating payments to be made to the United States. The United States guarantees payments to the lessee for such cost of transportation.

§ 390.130 Exchange agreement.

(a) Notwithstanding that OCS royalty oil purchased by a small refiner/purchaser cannot be resold, a small refiner/purchaser may enter into an agreement providing for the exchange of OCS royalty oil purchased for other oil on an equivalent volume of value basis. When a small refiner/purchaser anticipates entering into an exchange agreement for any of the OCS royalty oil that it may purchase, complete information regarding such agreement shall be included with the application to purchase OCS royalty oil, unless a later date for submission of such information is specified by the designated official.

(b) Exchange of OCS royalty oil shall not be authorized unless the agreement has been approved by DOI and shall become effective only upon such approval.

§ 391.140 Application; contents.

(a) *Small refiner applications.* To apply for the purchase of OCS royalty oil offered for sale to small refiners, an applicant must file an application during the application period (as specified in the Notice of Availability of Royalty Oil) with the designated official of the Area or region in which the oil is produced.

Such application shall be filed in triplicate and shall include:

(1) Name and address of the applicant and location of its refinery or refineries, disclosure of the applicant's affiliation or association with any other refiner of oil or any other business entity if such relationship exists, and a statement of the reasons which are the bases of the applicant's belief that it qualifies as a small business concern under the rules of the Small Business Administration. The application should also include a self certification by the chief executive officier of the small refiner, or his/her designee, that the refiner is a small business concern in accordance with the rules and regulations of the Small Business Administration;

(2) Certified capacity of the applicant's refinery or refineries in crude throughput of barrels of oil per calendar day, as determined by the Economic Regulatory Administration of DOE, the amount, source and grade of all oil currently available to the applicant from the applicant's own production or by purchase, including any outstanding OCS or onshore royalty oil contracts at the time of application, and in the case of idle facilities or those under construction, the onstream date;

(3) In the case of new or expanded refinery capacity for which no ERA certification exists that is scheduled to come into operation between the date of application and three months prior to the anticipated effective date of the award of contracts as indicated in the Notice of Availability of Royalty Oil, financial and engineering data certified by the small refiner on anticipated capacity and date of operation; such data must be sufficient to allow the designated official to determine refinery capacity;

(4) Minimum amount and grade of additional oil required to meet the applicant's refining capacity and the field or field that the applicant believes offer a potential source of OCS royalty oil supply;

(5) Tabulation for the last 12 months of refinery operation of the amount and grade of oil refined by the applicant each month and the kind and amount of the principal finished products.

(b) *Purchaser applications.* To receive OCS royalty oil that is for sale to the public, a purchaser applicant shall file an application during the application period (as indicated in the Notice of Availability of Royalty Oil) with the designated official of the Area or Region in which the oil is produced. Such application shall be filed in triplicate and shall include:

(1) Name and address of the applicant;

(2) Amount of the applicant's bid per barrel per grade of oil (such bid shall not exceed the ceiling price of oil as prescribed by DOE in Part 212 of this chapter); and

(3) Number of barrels and the grade of oil that the applicant desires to purchase.

§ 391.141 Action by the designated official.

(a) The designated official shall examine each application filed and, as appropriate, shall request additional information if the information included in the submitted application is inadequate or unsatisfactory. If an application is received after the close of the application period (as indicated in the Notice of Availability of Royalty Oil), the application shall be automatically rejected. If additional information is requested by the designated official, it must be received in the office of the designated official by the time specified by the designated official or the application shall be automatically rejected.

(b) After the close of the application period and the receipt of any additional requested information, the designated official shall furnish a report to the Director who will make appropriate recommendations to the Secretary of the Interior.

§ 391.142 Action by DOI.

After determinations are made to take OCS royalty oil in kind, the Secretary of the Interior shall make the determination specified in § 391.110(a). Upon publication of such determination in the **Federal Register**, such OCS royalty oil shall be offered for sale. DOI, by publication of a Notice of Availability of Royalty Oil in the **Federal Register**, shall specify the manner in which the sale is to be effected, the approximate quantity of royalty oil to be offered, the closing date for the receipt of applications for royalty oil, other general administrative details concerning the application, and the allocation and contract award process for the royalty oil. The Notice of Availability of Royalty Oil shall describe generally the terms upon which the royalty oil contract will be awarded. In addition, the Secretary of the Interior may authorize the Director or other designated official of the USGS to execute on behalf of the United States any contract for the sale of OCS royalty oil, to approve any exchange agreement, and to determine the amount and type of bond or other security to be required from a small refiner/purchaser in accordance with any contract.

§ 391.150 Notices.

(a) The designated official shall notify the section 8 lessees who shall be required to provide OCS royalty oil to a small refiner/purchaser under a new contract at least 30 days prior to the date on which the first delivery of such oil is to commence.

(b) When delivery of OCS royalty oil is to be suspended or terminated, the designated official shall, if practicable, notify the lessees who are providing such oil at least 30 days prior to the date on which delivery is to be suspended or terminated.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

2. Chapter II of Title 10, Code of Federal Regulations, is amended in Part 212 by adding new paragraphs (d) and (e) to § 212.74 to read as follows:

§ 212.74 Upper tier ceiling price rule.

* * * * *

(d) Notwithstanding the provisions of § 212.73(a) and of paragraph (a) of this section, with respect to crude oil sold pursuant to the provisions of Part 391 of this chapter, a producer may charge a per barrel price that exceeds the ceiling price otherwise permitted under this subpart by no more than one half of one percent of the per barrel market price of such crude oil computed pursuant to the provisions of Part 391 of this chapter.

(e) Notwithstanding the provisions of § 212.73(a) and of paragraph (a) of this section, with respect to crude oil produced from a property or portion thereof for which DOE has issued an order under Subpart D of 10 CFR Part 205 or a decision on an appeal of such an order under Subpart H of 10 CFR Part 205 that specifies the percentage of such crude oil that may be sold at the lower tier, upper tier or other prices by or for the benefit of one or more owners thereof, the same percentages of crude oil, as specified in the order, may be sold at lower tier, upper tier or other prices by or for the benefit of any other owner of an interest in such crude oil or an interest in the property from which such crude oil is produced.

(Secs. 4 and 8, Pub. L. 93–159, 87 Stat. 629, 633 (15 U.S.C 753 and 757); Pub. L. 93–511, 88 Stat. 1608; sec. 2, Pub. L. 94–99, 89 Stat. 481; sec. 1, Pub. L. 94–133, 89 Stat. 694; secs. 401(a), 401(b)(1)–(3), 402(a), 403(a) and 451, Pub. L. 94–163, 89 Stat. 941, 946, 948; secs. 121 and 122, Pub. L. 94–385, 90 Stat. 1132, 1133, secs. 301 and 644, Pub. L. 95–91, 91 Stat. 577, 599, (42 U.S.C. 7151 and 7254); E.O. 12009, 42 FR 46267)

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Part III

Department of Energy

Bidding Systems for Outer Continental Shelf Oil and Gas Leasing

DEPARTMENT OF ENERGY

10 CFR Parts 375 and 376

Bidding Systems for Outer Continental Shelf Oil and Gas Leasing

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: These regulations establish three bidding systems for utilization in Outer Continental Shelf (OCS) oil and gas lease sales. These bidding systems are: (1) cash bonus bid with a fixed royalty; (2) royalty bid with a fixed cash bonus; and (3) cash bonus bid with a sliding scale royalty. Each of these systems includes a fixed rental component. These bidding systems are three of those specifically authorized by section 205 of the Outer Continental Shelf Lands Act Amendments of 1978. The intended effect of these bidding systems is to enhance competition for oil and gas leases on the OCS, provide a fair return to the Federal Government for its resources, and develop new oil and gas resources in an efficient and timely manner. This rule is being issued under the authority of sections 302(b) and 303(c) of the Department of Energy Organization Act and section 8 of the Outer Continental Shelf Lands Act, as amended.

EFFECTIVE DATE: This regulation will be effective March 13, 1980.

FOR FURTHER INFORMATION CONTACT:

Susan Pearce, Leasing Policy Development Office, U.S. Department of Energy, 12th & Pennsylvania Avenue, N.W., Room 2313, Washington, D.C. 20461, (202) 633–9035.

Michael T. Skinker, Officer of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, S.W., Room 5E–074, Washington, D.C. 20585, (202) 252–2900.

Frederic C. Appel (Public Affairs), Resource Applications, U.S. Department of Energy, 12th & Pennsylvania Avenue, N.W., Room 3307, Washington, D.C. 20461, (202) 633–9418.

SUPPLEMENTARY INFORMATION:

I. Introduction.
II. Major Comments.
A. Alternative Bidding Systems.
B. Royalty Rate Issues.
C. Application and Design of Bidding Systems.
D. Definitions.
E. Royalty Pricing Issue.
F. General.

I. Introduction

Section 302(b) of the Department of Energy Organization Act (DOE Act, Pub. L. 95–91, 91 Stat. 578–579 (42 U.S.C. 7152(b))), transferred to the Secretary of Energy certain authorities previously held by the Secretary of the Interior under the Outer Continental Shelf Lands Act (OCSLA), the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act. As a result, with respect to Federal leases, the Secretary of Energy is authorized to promulgate regulations that (1) foster competition, (2) implement alternative bidding systems, (3) establish diligence requirements, (4) set rates of production, and (5) specify the procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind. In addition, under section 302(c) of the DOE Act (42 U.S.C. § 7152(c)), the Secretary of Energy is granted the authority to establish rates of production for Federal leases, and under section 303(c)(1) (42 U.S.C. 7153(c)(1)), the Secretary reviews and may approve or disapprove any term or condition of a Federal lease that relates to DOE's section 302(b) DOE Act authority to promulgate regulations.

On July 26, 1979, the Department of Energy (DOE) issued proposed regulations to establish and describe three bidding systems authorized for Outer Continental Shelf (OCS) lease sales by section 8 of the OCSLA (Act of August 7, 1953, 67 Stat. 468 (43 U.S.C. 1337), as amended by section 205 of the Outer Continental Shelf Lands Act Amendments of 1978 (OCSLAA, Pub. L. 95–372, 92 Stat. 640–646)), and invited comments from the public (44 FR 46235, August 6, 1979).

Written comments were received from nine oil companies and the Department of the Interior (DOI). Pursuant to section 5 of the OCSLA, this regulation was submitted to the Department of Justice (DOJ) for review with respect to matters which may affect competition. DOJ did not submit views on this regulation.

DOE has considered all the comments submitted during the public comment period in preparing these final regulations. The major issues raised by the comments are addressed below. Certain of the comments, however, involved matters outside the scope of these regulations, while others addressed matters that are within the scope of DOI's responsibilities. These are not addressed. In addition, editorial changes and corrections have been made throughout the final rule as necessary.

II. Major Comments

The principal purpose of these regulations is to establish and describe the bidding systems that are to be used in OCS lease sales pursuant to DOE's authority in sections 302(b) and 303(c) of the DOE Act. These regulations establish three of the bidding systems authorized by the OCSLAA (case bonus bid with a fixed royalty, royalty bid with a fixed cash bonus and cash bonus bid with a sliding scale royalty). They are applicable only to sales of oil and gas leases on the OCS.

On November 30, 1979, DOE also proposed to establish a "fixed net profit share" bidding system for use in OCS lease sales (44 FR 70389, December 6, 1979). Public comments on this proposal will be accepted until March 7, 1980, and public hearings are to be held in Washington on February 20, in Houston on February 26, and in San Francisco on February 28.

The system or systems to be utilized in each OCS lease sale will be chosen from the bidding systems that are established by these regulations, by the final net profit share regulations, and by future OCS bidding system regulations. Bidders will submit bids and pay for leases on the basis of the bidding system that is applicable to a particular tract, as specified in the notice of lease sale. In the cash bonus bid system (§ 376.110(a)(1)), persons competing for a Federal tract will submit bids in the form of cash bonuses. Under the royalty bid system (§ 376.110(a)(2)), persons competing for a Federal tract will submit bids in the form of royalty rates, to be paid in money or in kind, based on a percentage of production saved, removed, or sold. In the cash bonus bid with a sliding scale royalty system (§ 376.110(a)(3)), as in the cash bonus bid with a fixed royalty system, persons competing for Federal leases will submit bids in the form of cash bonuses. However, in the sliding scale system, a sliding scale formula or schedule will be utilized to adjust the royalty rate according to the amount or value of production saved, removed or sold during a specified production period.

A. Alternative Bidding Systems

In general, most of the industry comments were critical of the use of the royalty bid with a fixed cash bonus system, while the reaction was mixed as to use of a cash bonus bid with a sliding scale royalty system. Clearly, industry preferred exclusive use of the traditional cash bonus bid with a fixed royalty system for the sale of lease tracts on the OCS. For the reasons listed below, DOE does not believe that this represents an acceptable option.

In enacting the OCSLAA, Congress demonstrated its commitment to the use of alternative bidding systems by explicitly authorizing the use of seven systems and permitting the development of others. Congress authorized that new bidding arrangements be developed and used on an experimental basis in order to strike a proper balance between

securing a fair market return to the Federal Government for the lease of its lands, increasing competition for the use of its resources, and providing the incentive of a fair profit to the oil companies which must risk their investment capital. Further, Congress ensured the use of alternative systems by directing that bidding systems other than the cash bonus bid with a fixed royalty system be applied to not less than 20 percent and not more than 60 percent of the total area offered for leasing each year during the period September 18, 1979 to September 18, 1984.

The three bidding systems whose use is authorized by the regulation issued today have all been used in previous lease sales. The regulation authorizes but does not require the use of the different systems in any particular lease sale. As recognized by Congress, competing interests may be served by the use of different systems under different sets of circumstances. Prior to the application of any bidding system to tracts offered in an OCS lease sale, both DOI and DOE would review carefully its ability to achieve specified objectives in that sale. By selecting carefully from available bidding systems, DOE believes it is possible to maximize the net benefits deriving from OCS lease sales.

B. Royalty Rate Issues

One comment recommended deletion of the language in § 376.110(a)(3)(i)(A) that allows the use of a step function (*i.e.*, schedule) to establish the royalty rate to be applied to specified ranges of value of production. This recommendation was made because the company believed that specified royalty ranges would tend to encourage manipulation of production rates to keep royalty rates within a lower range. Although in all applications of the cash bonus bid with a sliding scale royalty system to date the Federal Government has only utilized a continuous function to establish the royalty rate, the suggested deletion was not made because DOE wants to retain the flexibility to experiment with this option in appropriate circumstances.

One comment objected to the method proposed in § 376.110(a)(3)(i)(C) for royalty payment calculations stating that royalties should be based on actual value rather than on an adjusted value and that the proposed method may be detrimental to the interests of both the government and the lessee. This comment further suggested that the method of calculation currently used in the OCS lease form be utilized. It should be noted that only the royalty rate is calculated based on the adjusted value of production and that the royalty payment itself is calculated by applying the royalty rate to the actual value of production. DOE has decided to retain the royalty payment calculation method set forth in the proposed rule because it believes that this method fairly balances the interests of the lessee and the Federal Government.

One comment suggested that § 376.110(a)(3)(i)(C)(4) be clarified to avoid problems that could be created by revisions in published values of GNP indexes. This suggestion was adopted and the section was revised to require that the inflation factor utilized be based on the GNP fixed weighted price index that is first published in the *Survey of Current Business* by the Bureau of Economic Analysis, U.S. Department of Commerce, for a calendar period corresponding to a production period.

Recommedations were made by DOI and one other person to revise § 376.110(a) to allow for the reduction of the royalty rate below 12½ percent in order to encourage increased production on the lease area. DOE has adopted this suggestion and revised the regulations pursuant to the authority of section 205(a)(3) of the OCSLAA to allow for a reduction in the royalty rate after lease issuance.

C. Application and Design of Bidding Systems

Three persons suggested that different bidding systems should not be used for tracts on a single geologic structure because this could create differences in investment strategies and incentives, cause additional administrative and cost sharing problems (especially if unitization were to occur), and prevent an accurate and definitive analysis of the items listed in § 376.111(b)(1). One comment urged DOE to place a restriction in the regulations prohibiting the use of different bidding systems on the same structure.

While it is not DOE's policy to recommend the application of different bidding systems to tracts on the same geologic structure, in practice this may be difficult to avoid because sometimes it is impossible to identify tracts common to a single OCS structure prior to a lease sale. If DOE were to place an absolute prohibition in the regulations, the Federal Government could be placed in a position of unknowingly violating its own regulation and, thus, potentially subjecting itself to litigation. Successful legal challenge to a lease sale's validity could nullify the extensive preparatory efforts for the sale, as well as any exploratory and developmental efforts undertaken by the lessee on the tract in question. DOE believes that in those few cases where different systems may be used for tracts on the same structure, unit or cost sharing agreements can be devised to reduce or eliminate any administrative or cost sharing problems that may occur. Further, DOE believes it is necessary to retain the flexibility to vary bidding systems utilized for tracts on a common structure.

One comment urged DOE to include a requirement in the regulations for a full hearing with due notice to all interested parties prior to the application in a particular OCS lease sale of any bidding system that had not been used in previous lease sales. In establishing bidding systems for use in OCS lease sales, DOE provides an opportunity both for the submission of written comments and for a public hearing. In the establishment of new or particularly complex systems, such as the fixed net profit share system, DOE has provided a comment period longer than that required by applicable law. This provides ample notice and opportunity for public participation in the implementation of alternative bidding systems. Therefore, the suggested change would be duplicative of the rulemaking process and could cause delays in leasing OCS oil and gas. Interested parties should avail themselves of the opportunity to comment on new bidding systems during the public comment period provided for in the rulemaking process.

DOI wanted the proposed rules to be changed on the grounds that they failed to treat rental and royalty payments according to usage in the OCSLAA and by industry and government. DOI thought that it was unnecessary to include rental as a bidding system element, as it was a lease term and condition, and disapproved of the term "fixed annual rental" because it was misleading.

It is DOE's view that these regulations conform to the OCSLAA and prior industry and government usage. Rental has been included as part of the bidding systems because its magnitude directly impacts the magnitude of the cash bonus and the royalty provisions. Therefore, DOE has not made the suggested change regarding rental provisions. However, in order to avoid confusion, all references in the body of the regulations to the term "fixed annual rental" have been changed to read "annual rental."

One comment stated that § 376.111(b)(1)(v) should include "and estimated time required to bring the lease into production" as one of the key economic factors to be considered in determining the choice of a bidding

system. Although DOE presently considers the estimated time required to bring a lease into production in its analysis of bidding systems to be utilized at a lease sale, DOE does not feel that it is appropriate to include this as a factor in § 376.111(b)(1)(v), because selection of a bidding system is not dependent upon this factor, whereas selection is dependent upon the factors currently listed in § 376.111(b)(1)(v).

D. Definitions

Several comments were received on the wording of the proposed definitions. DOE has reviewed all such comments and modified the definitions as discussed below.

The definitions of "maximum royalty rate" and "minimum royalty rate" were revised to make them clearer and consistent with related DOI regulations.

Two persons objected to the definition of "OCS lease sale" in § 376.102 and offered suggested wording for a revised definition. One commenter wanted the definition to reflect the fact that issuance of a lease occurs subsequent to and separate from a lease sale. DOI wanted the definition to note that OCS leases are offered for sale by competitive sealed bidding and that leases are issued to the highest responsible qualified bidder upon determination by the Secretary of the Interior that the high bid reflects the fair market value of a tract.

DOE has revised the definition of "OCS lease sale" to mean "the DOI proceeding by which leases for certain OCS tracts are offered for sale by competitive bidding and during which bids are received, announced and recorded." DOE believes that this definition most accurately reflects what occurs at an OCS lease sales. The requirement for sealed bidding has not been adopted because DOE does not want to preclude the possibility of using oral bidding at future lease sales. The suggested wording "leases are issued to the highest responsible qualified bidder upon determination by the Secretary of the Interior that the high bid reflects the fair market value for a tract" was not adopted because this is merely a restatement of existing requirements in DOI regulations and because lease issuance is subsequent to and separate from a lease sale.

Comments were also offered on the definition of "person" proposed at § 375.004. The commenters thought that the proposed definition was expanded beyond the scope of the OCSLAA, was inappropriate in light of other proposed DOE regulations and existing DOI regulations, and was unnecessarily inclusive. One of the commenters recommended using the definition of "person" in section 301 of the OCSLAA.

In response to these comments, DOE has decided to utilize the definition of "person" given in section 2(d) of the OCSLA. It is DOE's interpretation that this is the definition of "person" that Congress intended for application to bidder qualification determinations. The definition of "person" at section 301 of the OCSLAA has application only to Title III of the Act. The definition of "person" has been moved to § 376.002 to reflect the fact that it is to have application only to the OCS oil and gas leasing provisions of DOE's regulations.

DOI and one other person commented on the definition of "qualified bidder." In response to these comments, this definition has been revised to reflect all the present DOI bidder qualification requirements. In addition, a separate definition of "highest responsible qualified bidder" has been added to the regulations in order to maintain compatibility with the OCSLAA and with existing and proposed DOI regulations.

Two commenters recommended that the definition of "tract" be revised to make it clearer, more complete, and consistent with related regulations. DOE has revised the definition based upon suggested wording.

E. Royalty Pricing Issue

DOI stated its belief that DOE's regulations should provide that the DOI royalty be based on the increased price that an operator receives when he obtains an exception to the DOE Mandatory Petroleum Price Regulations (10 CFR Part 212). DOE agrees with this comment and has dealt with this question in another rulemaking. In the "Final Rulemaking Regarding Disposition of Federal Outer Continental Shelf Royalty Oil" issued recently, DOE amended the DOE Mandatory Petroleum Price Regulations (10 CFR 212.74(e)) to extend price relief to royalty interest owners, including the United States, in cases where exception relief has been granted to those with an operating interest. Pursuant to that amendment, the percentages of crude oil sold at lower tier, upper tier, or other prices may be the same for all owners of an interest in a property for which DOE has issued, to one or more of the owners thereof, an exception order under Subpart D of 10 CFR Part 205 specifying the percentages to be sold at each price.

F. General

The suggestion was made to delete from the first sentence of § 376.111(a) language restricting the applicability of the subparagraph to the three bidding systems established by this regulation in order to provide for application of subparagraph (a) to any bidding system that may be established by future regulations. Since it is DOE's intent to promulgate other regulations establishing additional bidding systems, this suggested deletion was made.

A recommendation was made to modify the requirement in § 376.111(b)(2) that computers be used in bidding system analyses, so as to allow their discretionary use. Since DOE did not intend to require the use of computer simulation models when it proposed these regulations, a revision was made to allow the discretionary use of such models.

DOI recommended that the language of the final rules match the language of the DOI regulations on OCS leasing at 43 CFR 3300. To the extent possible, DOE has endeavored to conform the wording of these regulations to that of the current DOI regulations.

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA, Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321 *et seq.*)), DOE has reviewed this regulation and has determined that it clearly does not constitute a "major Federal action significantly affecting the quality of the human environment" within this meaning of NEPA. Accordingly, no environmental impact statement is required to support this action.

Because DOE determined that this was a significant regulation having a major impact within the meaning of the DOE procedures to implement Executive Order 12044 on "Improving Government Regulations (DOE Order 2030.1, 44 FR 1032, January 3, 1979), a regulatory analysis was prepared for these regulations. This analysis may be obtained from DOE's Freedom of Information Office.

(Outer Continental Shelf Lands Act, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*, 1953), as amended by Pub. L. 95–372, 91 Stat. 340; Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*, 1977); E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below.

Issued in Washington, D.C., February 5, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

PART 375—MINERAL LEASING: GENERAL

1. Part 375 of Chapter II of Title 10, Code of Federal Regulations is amended in § 375.004 by adding, in the proper

alphabetical order, a definition to read as follows:

§ 375.004 Definitions.

* * * * *

"Gas" means natural gas as defined by the Federal Energy Regulatory Commission.

* * * * *

(Pub. L. 89–554, 80 Stat. 383 (5 U.S.C. 553); Sections 302, 303, and 644, Pub. L. 95–91 (91 Stat. 578–579, 579–580, 599 (42 U.S.C. 7152, 7153 and 7154)); E.O. 12009, 42 FR 46267)

2. Subchapter C of Chapter II of Title 10, Code of Federal Regulations, is amended by adding a Part 376 to read as follows:

PART 376—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Subpart A—General Provisions

Sec.

376.001 Purpose and scope.
376.002 Definitions.

Subpart B—Bidding Systems

376.101 Purpose and scope.
376.102 Definitions.
376.110 Bidding systems.
376.111 Criteria for selection of bidding systems and bidding system components.

Authority: Act of August 7, 1953, ch. 345, secs. 2 and 8, 67 Stat. 468 (43 U.S.C. 1331 and 1337), as amended by sec. 205, Pub. L. 95–372, 92 Stat. 462 and 629; secs. 302, 303 and 644, Pub. L. 95–91, 91 Stat. 578–579, 579–580, 599 (42 U.S.C. 7152, 7153 and 7254); E.O. 12009, 42 FR 46267.

Subpart A—General Provisions

§ 376.001 Purpose and scope.

The purpose of this Part 376 is to implement sections 302(b) and 303 of the DOE Act by providing regulations which relate to the fostering of competition including, but not limited to, regulations to prohibit joint bidding for development rights by certain types of joint ventures; the implementation of alternative bidding systems; and the establishment of diligence requirements for Federal OCS leases issued under the OCSLA.

§ 376.002 Definitions.

For purposes of this Part 376:

"OCSLA" means the Outer Continental Shelf Lands Act (Act of August 7, 1953, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*), as amended by Pub. L. 95–372, 92 Stat. 629).

"OCS lease" means a Federal lease for oil and gas issued under the OCSLA.

"Person" includes, in addition to a natural person, an association, a State, or a private, public, or municipal corporation.

Subpart B—Bidding Systems

§ 376.101 Purpose and scope.

(a) This subpart establishes the several bidding systems that may be utilized in connection with the offering and sale of Federal leases for the exploration, development and production of oil and gas resources located on the OCS.

(b) Only bidding systems established by his subpart shall be utilized in OCS lease sales.

§ 376.102 Definitions.

For purposes of this Subpart B—

"Highest responsible qualified bidder" means a person who has met the appropriate requirements of 43 CFR 3316 and has submitted a bid higher than any other bids by qualified bidders on the same tract.

"Highest royalty rate" means the highest per centum rate payable to the United States, as specified in the lease, in amount or value of the production saved, removed or sold.

"Lowest royalty rate" means the lowest per centum rate payable to the United States, as specified in the lease, in amount or value of the production saved, removed or sold.

"OCS lease sale" means the DOI proceeding by which leases for certain OCS tracts are offered for sale by competitive bidding and during which bids are received, announced and recorded.

"Production period" means the period during which the amount of oil and gas produced from a tract, or, if the tract is unitized, the amount of oil and gas as allocated under a unitization formula, will be measured for purposes of determining the amount of royalty payable to the United States.

"Qualified bidder" means a person, who has met the appropriate requirements of 43 CFR 3316.

"Tract" means a designation assigned solely for administrative purposes to a block or combination of blocks that are identified by a leasing map or an official protraction diagram prepared by DOI.

"Value of production" means the value of all oil and gas production saved, removed or sold from a tract, or, if the tract is unitized, the value of all oil and gas production saved, removed or sold and credited to the tract under a unitization formula, during a production period, which value is determined in accordance with § 376.110(b).

§ 376.110 Bidding systems.

(a) A single bidding system selected from those listed in this paragraph shall be applied to each tract included in an OCS lease sale.

(1) *Cash bonus bid with a fixed royalty rate of not less than 12½ per centum in amount or value of the production saved, removed or sold and an annual rental.*

(i) The royalty rate to be paid by the highest responsible qualified bidder shall be a percentage of the amount or value of the production saved, removed or sold. Such royalty rate shall not be less than 12½ per centum at the beginning of the lease period in amount or value of production and shall be specified in the notice of OCS lease sale published in the **Federal Register.**

(ii) the amount of cash bonus to be paid is determined by the qualified bidder submitting the bid. Any deferment and the schedule of payments shall be included in the notice of OCS lease sale published in the **Federal Register.**

(iii) The annual rental to be paid by the highest responsible qualified bidder shall be the amount specified in the notice of OCS lease sale published in the **Federal Register.**

(2) *Royalty rate bid based on per centum in amount or value of the production saved, removed or sold, with a fixed cash bonus and an annual rental.* (i) The royalty rate to be paid is determined by the qualified bidder submitting the bid and shall be based on a percentage of the amount or value of the production saved, removed, or sold.

(ii) The cash bonus to be paid by the highest responsible qualified bidder shall be an amount specified in the notice of OCS lease sale published in the **Federal Register.**

(iii) The annual rental to be paid by the highest responsible qualified bidder shall be the amount specified in the notice of OCS lease sale published in the **Federal Register.**

(3) *Cash bonus bid with diminishing or sliding royalty rate of not less than 12½ per centum at the beginning of the lease period in amount or value of the production saved, removed, or sold, and annual rental.* (i) (A) The royalty rate to be paid by the highest responsible qualified bidder shall be a percentage of the amount or value of the production saved, removed or sold. The royalty rate shall be calculated by utilizing either a sliding scale formula, which relates the royalty rate established thereby to the adjusted value of the oil and gas produced during the production period, or a schedule that establishes the royalty rate that will be applied to specified ranges of adjusted value of production. The description of the sliding scale formula or schedule shall include the relationship between adjusted value of production and royalty rate, and a stipulation of the lowest

royalty rate and highest royalty rate. The sliding scale formula or schedule shall be included in the lease issued to the person who is the successful bidder as one of the lease terms and conditions.

(B) The royalty rate shall not be less than 12½ per centum at the beginning of the lease period in amount or value of the production saved, removed or sold and shall be specified in the notice of OCS lease sale published in the **Federal Register.**

(C) *Royalty payment calculation.* (*1*) The royalty rate utilized in the calculation of royalty payments is based on an adjusted value of production, and is established through application of a sliding scale formula or a schedule to the adjusted value of production. (*2*) The adjusted value of production shall be determined by applying an inflation factor to the actual value of production. (*3*) The established royalty rate is applied to the actual value of production, which results in the determination of amount in dollars to be paid to the United States by the person awarded the lease or the amount of royalty oil and gas to be taken in kind by the United States. (*4*) The production period for purposes of determining value of production shall be stated in the notice of OCS lease sale that is published in the **Federal Register.** The inflation factor utilized shall be based on the gross national product fixed weighted price index that is first published in the *Survey of Current Business* by the Bureau of Economic Analysis, U.S. Department of Commerce, for a calendar period corresponding to a production period. The procedures for making the inflation adjustment shall be stated in the notice of OCS lease sale published in the **Federal Register.**

(ii) The amount of cash bonus to be paid is determined by the qualified bidder submitting the bid. Any deferment and the schedule of payments shall be included in the notice of OCS lease sale published in the **Federal Register.**

(iii) The annual rental to be paid by the highest responsible qualified bidder shall be the amount specified in the notice of OCS lease sale published in the **Federal Register.**

(b) The value basis for determining the actual value of production and for purposes of computing royalty in accordance with the bidding systems established by paragraph (a) of this section shall be as described in 30 CFR 250.64; *Provided, however,* That with respect to oil, the first sale of which is controlled under 10 CFR Part 212, the value shall not exceed the lawful first sale price of such oil; and *provided further,* That with respect to gas, the value shall not exceed the sale price established by the Federal Energy Regulatory Commission.

(c) DOE may, by rule, add to or modify the bidding systems listed in paragraph (a) of this section, in accordance with the procedural requirements of section 501 of the DOE Act.

§ 376.111 Criteria for selection of bidding systems and bidding system components.

(a) In analyzing and making recommendations to DOI regarding the application of one of the bidding systems listed in § 376.110(a) to tracts selected for any OCS lease sale, and in reviewing lease terms and conditions prior to determining whether to exercise its section 303(c)(1) DOE Act disapproval authority, DOE may, in its discretion, consider the following purposes and policies, recognizing that each of the purposes and policies may not be specifically applicable to the selection process for a particular bidding system and tract or may present a conflict that will have to be resolved in the process of bidding system selection, and that the order of listing does not denote a ranking:

(1) Providing fair return to the Federal Government;

(2) Increasing competition;

(3) Assuring competent and safe operations;

(4) Avoiding undue speculation;

(5) Avoiding unnecessary delays in exploration, development, and production;

(6) Discovering and recovering oil and gas;

(7) Developing new oil and gas resources in an efficient and timely manner;

(8) Limiting administrative burdens on Government and industry; and

(9) Providing an opportunity to experiment with various bidding systems to enable the identification of those that are the most appropriate for the satisfaction of the objectives of the United States in OCS lease sales.

(b)(1) In considering the potential disapproval of the application of the bidding system or systems for an OCS lease sale and the components of such system or systems, and in performing the analysis and review referred to in § 376.111(a), DOE may, in its discretion, take into account the following in relation to their impact upon the purposes and policies enumerated in paragraph (a) of this section:

(i) A projection of the number and characteristics of persons who would be interested in and capable of participating in the sale;

(ii) The relationship between economic rent and government revenue;

(iii) The incentives and disincentives for exploration, development and production;

(iv) The projected level of total production and expected production profile;

(v) The estimated size and location of potential reservoirs, including the type of resources (oil and/or gas), depth of water, climatic region, proximity to pipelines, proximity to leased and/or developed tracts and leasing history;

(vi) Location of potential reservoirs that overlap boundaries and unitization considerations;

(vii) Risk sharing between lessor and lessee; and

(viii) Administrative burden on the lessor and lessee.

(2) Some of the above factors are tract-specific, whereas others have a regional orientation. In making the evaluation associated with application of the above factors to the process of applying bidding systems to the tracts included in an OCS lease sale, objective and subjective analytical techniques will be employed, which may include the application of computer simulation models.

(c) The bidding systems listed in §§ 376.110(a)(2) and (3) shall be applied to not less than 20 per centum and not more than 60 per centum of the total area offered for leasing each year during the five-year period commencing on September 18, 1978, unless DOI determines, after consultation with DOE, that the maximum and minimum per centum limitations set forth in this section are inconsistent with the purposes and policies of the OCSLA.

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Part IV

Department of Energy

Office of Conservation and Solar Energy

Electric and Hybrid Vehicle Research, Development and Demonstration Program Performance Standards for Demonstrations

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 475

[Docket No. CAS-RM-79-201]

Electric and Hybrid Vehicle Research, Development and Demonstration Program Performance Standards for Demonstrations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This rule prescribes amendments to the minimum performance standards for electric and hybrid vehicles to be purchased or leased in fulfillment of contracts entered into following the effective date of these amendments for the demonstration program required under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976. The full text of Part 475, as amended, is set forth in this final rule.

EFFECTIVE DATE: March 13, 1980.

FOR FURTHER INFORMATION CONTACT:

Charles E. Pax, Office of Assistant Secretary, Conservation and Solar Energy, Transportation Programs, CS–80, Forrestal Building, Washington, D.C. 20585, (202) 252–8040.

Pamela M. Pelcovits, Office of General Counsel, Room 2109, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585 (202) 376–4616.

SUPPLEMENTARY INFORMATION:

I. Background

On August 29, 1979, the Department of Energy (DOE) issued proposed amendments (44 FR 52140, September 6, 1979) to revise the minimum performance standards for electric and hybrid vehicles to be purchased or leased for the demonstration program required under section 4 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (Pub. L. 94–413) (Act). The proposed amendment followed an earlier Notice of Inquiry regarding amendments to the performance standards issued on March 3, 1979 (44 FR 12685, March 8, 1979). A public hearing on the proposed regulations was held on October 16, 1979. Two persons made oral presentations at this hearing. In addition, DOE has received nine written comments on the proposed standards.

II. Discussion of Comments

A number of comments endorsed the performance standards as proposed, while some comments requested more stringent standards to permit utilization of vehicles in more demanding circumstances. Still other comments expressed the view that the proposed changes were too stringent and would hamper commercialization of electric and hybrid vehicles by causing increased costs and loss of market opportunities for limited-use vehicles. The comments and DOE's response to them are discussed below.

1. *General—Permit temporary exemptions from specific portions of the performance standards.* A suggestion was made that the final rules incorporate means to grant temporary exemptions from specific portions of the performance standards to permit incorporation of developing technologies. The commenter suggested an example of incorporating batteries which are currently being developed into a vehicle, provided a manufacturer could obtain temporary exemptions from the standards applicable to battery life.

DOE does not accept this suggestion. As developing technologies lead to apparent improvements, these improvements should be verified by engineering tests and evaluation prior to incorporation into the highly visible DOE market demonstration. Demonstrating vehicles which may have poor reliability and unsatisfactory performance with continued use would not be responsive to the purpose of the Act which is to facilitate the introduction of electric and hybrid vehicles to the public.

2. *General—Develop performance requirements for limited-use vehicles which are not intended for public highway use.* A comment suggested that the performance standards should address "limited-use vehicles" not intended for use on public highways. Limited-use electric vehicles are well established products in numberous nonhighway applications. As provoded in section 2(b)(2) of the Act, DOE is to demonstrate the practicability of electric and hybrid vehicles for "personal and commercial use in urban areas and for agricultural and personal use in rural areas". Clearly, the intent of the Act is that vehicles which meet the performance standards and participate in the demonstration program will be used on public highways. Accordingly, DOE does not accept this suggested change.

3. *General—Effective date of standards.* A comment stated that the revised standards should not apply to those vehicles which are already being built under existing contacts under the demonstration program. This is the intention of DOE and the following statement has been included in the introductory paragraphs of sections 475.10 and 475.11 to eliminate any misunderstanding. "The following minimum levels of performance are required with respect to any personal-use/commercial vehicles purchased or leased in fulfillment of contracts entered into following the effective date of these regulations pursuant to section 7(c) of the Act."

4. *Section 475.2 Definitions—Hybrid vehicle.* A comment stated the present definition of "hybrid vehicle" excludes a series hybrid, that is a hybrid in which all non-electrical propulsion energy is converted to electrical energy before being used to propel the vehicle. The definition of hybrid included in the performance standards is provided in the Act. DOE has determined that series hybrid vehicles are not excluded by this definition.

5. *Section 475.2 Definitions—Vital accessories.* A suggestion was made that, for vehicles with a comfort heater, a minimum performance standard should be provided either for the heater or for vehicle performance with the heater in the "On" position. Comfort heaters should supply heat throughout the vehicle range and not degrade vehicle capability below the levels of the standards. However, comfort heaters are generally not powered from the propulsion batteries and do not affect vehicle acceleration and speed capabilities by being turned "On". Even in the event that such heaters were so powered, the major effect on vehicle performance would be reduced range due to the small, but sustained, additional power requirement. While DOE believes this change would correct an oversight in the initial performance standards, DOE has determined that such an amendment will not affect any vehicles available to the demonstration in the near future. Accordingly, DOE will consider the inclusion of this provision in its next revision to the performance standards.

6. *Section 475.10(a) and 476.11(a)—Acceleration.* Two comments requested relaxing the proposed acceleration standards, two comments suggested tightening these standards, and two comments supported the acceleration standards as proposed. After considering these comments, DOE has determined that the proposed acceleration standards appropriately reflect the state of technology which will be available in 1980 for inclusion by vehicle manufacturers into market demonstration vehicles with reasonable cost and utility. No new information or data was submitted with the comments which has not been previously considered by the DOE.

One comment stated that an industry announcement of recent improvements in zinc/nickel oxide batteries supports

more stringent performance standards. DOE is actively funding industry development of zinc/nickel oxide and other battery technologies and is also aware of other industry efforts to improve batteries for electric vehicles. The present state of development of zinc/nickel oxide battery technology is considered by DOE to be inadequate to assure sufficient availability of batteries with acceptable durability and cost to justify establishing minimum performance standards which would require these batteries in all vehicles in the DOE demonstration.

Two comments opposed dropping the acceleration standards for commercial vehicles with a payload capacity over 600 kg. DOE does not concur with this recommendation. These larger vehicles will have substantial acceleration capabilities since they must still be able to comply with the performance standards for gradeability and speed capability. Large conventional, petroleum fueled commercial vehicles also do not have the acceleration capability of personal vehicles or small commercial vehicles. Drivers are well aware of the widely different and lower acceleration capabilities of the many variations of large and highly visible conventional commercial vehicles. Therefore, lack of an acceleration standard for large electric or hybrid vehicles which meet the applicable performance standards will not create an undue hazard or inhibit the demonstration of the practicality of electric and hybrid vehicles for commercial use. The standards as issued should encourage design of these larger electric vehicles for realistic performance and utility.

7. *Section 475.10(d) and 475.11(d)—forward speed capability.* A comment recommended raising the forward speed capability standards to 96 km/h to permit some freeway driving and greater accident avoidance capabilities. No data were offered to support the implied claim of increased safety due to the higher suggested speed capability in excess of the legal speed limit. For the expected user of the major portion of the demonstration vehicles, such additional speed capability is not generally desirable (little freeway driving) in view of the probable necessary tradeoff with range and acceleration capabilities. The proposed speed capability standard is considered by DOE to be appropriate and preserves flexibility for design tradeoffs by the vehicle manufacturers. Demonstration site operators who determine that their intended use of vehicles requires greater speed capability can set such conditions in contracting for vehicles.

Another comment recommended including test procedures in this section to enable generation of comparative data. DOE considers the test conditions and procedures developed by the Society of Automotive Engineers and included in the standards in section 475.3 to be adequate to enable generation of comparative speed data. Based on past experience with the program, DOE considers the suggested procedures to be unnecessary.

8. *Section 475.10(3) and 475.11(3)—Range.* Two comments recommended that the range standard be modified to permit an additional 2-hour battery recharge to achieve the ranges specified in the proposed standards. Such a range standard is considered by DOE to be below the current state of the art as well as below user expectations and would be contrary to the intent of the DOE demonstration. Therefore, DOE does not accept this recommendation.

Another comment suggested a more stringent range standard on the basis of an industry announcement of improvements in zinc/nickel oxide battery technology. This argument is not accepted by DOE for the reasons of cost, availability and level of development as discussed in (6) above.

A comment was also received suggesting that to prolong battery life the range standard should be specified as a range to be used for occasional trips only. The DOE does not consider it advisable to enlarge the scope of the standards to regulate vehicle use and does not accept this comment. However, DOE does consider it important that the vehicle manufacturers inform vehicle users on proper vehicle use and maintenance to achieve satisfactory vehicle performance as provided in §§ 475.10(m) and 475.11(m).

A comment suggested that the range standard for commercial electric vehicles be set at 55 km on the SAE J227 a/C cycle rather than the proposed standard of 60 km on the less stringent SAE J227 a/B cycle. DOE considers the proposed "B" driving cycle with its lower cruise speed of 32 km/h compared to 48 km/h for the "C" cycle and more frequent stops to be more representative of the low speed stop-and-go service many of the 1980 commercial electric vehicles will experience, and on this cycle the proposed range of 60 km is appropriate for the state of technology available.

9. *Section 475.10(g) and 475.11(g)—Recharge control.* The recommendation was made that these standards apply to off-board chargers as well as on-board chargers. DOE agrees with this recommendation for those off-board chargers supplied by or specified by the vehicle manufacturer for recharge of the vehicle. The standard has been modified to clarify this point.

10. *Section 475.10(i) and 475.11(i)—Battery life.* A comment suggested that the acceleration and gradeability required as a function of battery life be lowered to 75 percent of the current level of the standards. DOE believes that such a relaxation would put the standards below the level of current technology and user expectations and would be contrary to the intention of the Act to demonstrate marketability and practicability of electric and hybrid vehicles.

A comment was also received recommending increasing the duration during which the vehicle must meet the specified performance. While DOE also recognizes the desirability of maintaining vehicle performance over a longer service life, it considers such a change in the standards to be premature at this time due to lack of applicable data indicating such performance would be achievable with the current state of the art. Vehicles have not been tested in the DOE demonstration for a long enough duration to provide an adequate basis for changing the standards as suggested.

Several comments suggested incorporating maintenance and operating requirements in the standards to enhance battery life and to insure that vehicle manufacturers provide conditions conducive to long battery life. DOE recognizes the importance of proper maintenance and vehicle operation as well as close communications and cooperation between the vehicle manufacturer and its component suppliers. However, these are considered by DOE to be normal responsibilities and concerns of a product manufacturer and not a proper area for extension of the minimum performance standards. The standards for battery life are, therefore, issued unchanged.

11. *Section 475.10(o) and 475.11(o)—Safety, crashworthiness, damageability, crash avoidance and hazards.* Several comments recommended that these standards be issued as proposed while others recommended specific changes discussed below.

One comment addressed paragraph (o)(1) and recommended that the standards require that (1) the batteries be restrained and prevented from leaking in event of a crash; (2) that future passive restraint requirements of Federal motor vehicle safety standards (FMVSS) 208 be met immediately; and (3) that side impact protection exceed

that required by the FMVSS. DOE has been in consultation with the National Highway Traffic Safety Administration of the Department of Transportation in developing and updating the DOE standards. DOE has determined that there is no significant potential for hazards from potential electrolyte spillage external to the passenger compartment and from the lack of battery retention because of the enclosures surrounding batteries and the present requirement (o)(2)(ii) of all battery material remaining outside the passenger compartment. Since expected use of vehicles in the DOE demonstration will not expose users to injury risks which are unusual compared to those associated with use of conventional vehicles, DOE does not consider it desirable to issue more stringent crashworthiness standards. While DOE is concerned with the safety of the demonstration vehicles, the Act does not require imposing stricter standards on electric and hybrid vehicle manufacturers than on manufacturers of conventional vehicles and the purpose of the demonstration program, as set forth in section 2 of the Act, is to encourage the substitution of electric and hybrid vehicles for internal combustion engine vehicles.

One comment requested clarification of the level of electrical isolation required in (o)(2)(i). The rules issued today have been clarified to include wording specifying that the electric propulsion circuit shall be electrically isolated from other conductive portions of the vehicle sufficiently to prevent hazards due to contacting any portion of the electric propulsion circuit while in contact with other portions of the vehicle.

A recommendation was received that (o)(2)(ii) be modified to permit a small amount of battery material intrusion into the passenger compartment. DOE does not concur with this suggestion. The required performance is presently being achieved by vehicles in the demonstration program with current technology and provides a substantial safety benefit.

A request was received to clarify how DOE applies the flame barrier provision for battery vents in (o)(2)(iii). The operation of the demonstration program has not provided any evidence of difficulties with this standard and, accordingly, DOE has not amended the provision. While verification testing in the past has relied on visual inspection of battery safety vents, it is DOE's intent to utilize the test procedure of the Battery Council International in future verification testing.

Several comments requested that the standards require an interlock to prevent vehicle movement while being charged. DOE is not revising the current standard since DOE considers it desirable to perserve the freedom for vehicle manufacturers to incorporate interlocks, as is commonly done, or to develop and apply means to safely charge vehicles through automatic connection and disconnection of the power source.

A comment stated that an audible reverse signal should be required. Although this may be desired for some off-road applications involving the use of either electric or conventional vehicles, it is considered unnecessary to require all demonstration vehicles to satisfy such a standard.

A comment was received recommending (1) setting a maximum achievable reverse speed; (2) requiring a forward-to-reverse interlock; and (3) requiring a rooftop flashing light which would operate when the vehicle was unable to keep up with traffic. DOE does not consider standards for reverse speed and a forward-to-reverse interlock necessary since no major hazard is apparent with reasonable operator care. DOE also rejects the slow vehicle flashers as unnecessary for vehicles meeting the performance standards as issued.

III. Final Regulations

The regulations are adopted as proposed except for modifications described above.

These performance standards only specify the minimum criteria for the selection of vehicles to be purchased or leased in fulfillment of contracts entered into following the effective date of these regulations for the demonstration projects to be conducted by DOE under section 7 of the Act. As part of its solicitation and selection process, DOE may specify varying priorities for increased performance levels and additional considerations within and among the designated categories in order to provide a broad spectrum of vehicles that best meet the needs of the demonstration program. Those vehicles meeting the minimum perfomance standards will be eligible to be considered for selection using criteria which may include user needs and preferences, reliability, durability, ease of maintenance, safety, passenger and cargo capability, energy use, noise, costs, warranties and other qualitative factors which will provide the project, to the extent practicable, pursuant to section 7(c)(1) of the Act, as amended, with demonstration vehicles which represent a cross section of available technologies and of actual or potential vehicle use.

The performance standards issued today are the first modification of the initial standards issued May 24, 1978 (43 FR 23498, May 30, 1978). These standards, as required by section 7(b)(3) of the Act, as amended, will be further revised periodically as the state of the art improves.

(Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94–413, as amended by Department of Energy Act of 1978—Civilian Application, Pub. L. 95–238; Energy Reorganization Act of 1974, Pub. L. 93–438; Department of Energy Organization Act, Pub. L. 95–91)

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations, Part 475, is revised to read as set forth below.

Issued in Washington, D.C., February 5, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

Chapter II of Title 10, Code of Federal Regulations, Part 475 is revised to read as follows:

PART 475—ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECT

Subpart A—General Provisions

Sec.

475.1 Purpose and Scope
475.2 Definitions.
475.3 Test conditions and procedures.
475.4 Units.

Subpart B—Minimum Levels of Performance

475.10 Minimum levels of performance for personal-use vehicles.
475.11 Minimum levels of performance for commercial vehicles.

Authority: Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, Pub. L. 94–413, as amended by Department of Energy Act of 1978—Civilian Applications, Pub. L. 95–238; Energy Reorganization Act of 1974, Pub. L. 93–438; Department of Energy Organization Act, Pub. L. 95–91.

Subpart A—General Provisions

§ 475.1 Purpose and scope.

This part contains performance standards for electric and hybrid vehicles required to be prescribed by the Department of Energy pursuant to section 7(b)(1) of the Act.

§ 475.2 Definitions.

As used in this part:

"Act" means the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (Pub. L. 94–413, 90 Stat. 1263 et seq.), as amended by

Department of Energy Act of 1978—Civilian Applications (Pub. L. 95–238; 92 Stat. 47, 91–94).

"Commercial vehicle" means a vehicle other than a personal-use vehicle.

"Electric vehicle" means a vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof.

"Hybrid vehicle" means a vehicle propelled by a combination of an electric motor and an internal combustion engine or other power source and components thereof.

"Personal-use vehicle" means a vehicle designed to carry ten persons or less, except a multipurpose passenger vehicle, motorcycle, truck, or trailer, as those terms are defined in 49 CFR 571.3.

"Vehicle" means an electric or hybid vehicle.

"Vital accessories" means headlights, taillights, windshield wipers, windshield defroster and defroster blowers. The heater blowers also shall be considered as vital accessories if the vehicle is equipped with a heater.

§ 475.3 Test conditions and procedures.

The conditions and procedures in Electric Vehicle Test Procedure—SAE J227a, as revised February 1976, of the Society of Automotive Engineers, shall be used to determine the levels of performance of vehicles for those categories for which minimum levels of performance are prescribed in Subpart B.

§ 475.4 Units.

The units and unit symbols and abbreviations used in this part are those of the International System of Units (Systeme International) or SI as established by the General Conference of Weights and Measures in 1960 and interpreted and modified for the United States pursuant to the U.S. Department of Commerce Notice on the Interpretation and Modification of the International System of Units for the United States (41 FR 54018, December 10, 1976).

Subpart B—Minimum Levels of Performance

§ 475.10 Minimum levels of performance for personal-use vehicles.

The following minimum levels of performance are required with respect to any personal-use vehicle purchased or leased in fulfillment of contracts entered into following the effective date of these regulations, pursuant to section 7(c) of the Act.

(a) *Acceleration.* The time required to accelerate from rest to 50 km/h shall not exceed 13.5s.

(b) *Gradeability at speed.* The grade which can be traversed up at 25 km/h shall be at least 10 percent.

(c) *Gradeability limit.* The grade on which the vehicle can start and climb for 20s either backward or forward shall be no less than 20 percent.

(d) *Forward speed capability.* The speed which can be maintained for 5 minutes shall be 80 km/h.

(e) *Range.* The distance which the vehicle can be operated with vital accessories on or equivalent, shall be:

(1) For an electric vehicle, at least 55 km on the SAE J227 a/C cycle, and

(2) For a hybrid vehicle, at least 200 km on the SAE J227 a/C cycle.

(f) *Battery recharge time.* The vehicle shall be capable of satisfying the range requirement of section 475.10(e) above, after being recharged for no more than 10 hours by use of an on-board charger. At the start of this recharge the vehicle shall have 80 percent discharged batteries as specified by the vehicle test conditions and procedures of section 475.3. The on-board charger shall be compatible with an electric power outlet of 110V or 220V AC, as specified by the vehicle manufacturer.

(g) *Recharge control.* The vehicle shall have an automatic recharge control which will meet the requirements of energy, life, and safety as such requirements are stated by these performance standards. This paragraph applies when on-board chargers are used and also when off-board chargers supplied by or specified by the vehicle manufacturer for recharge of the vehicle are used.

(h) *Energy consumption.* (1) For an electric vehicle, the maximum amount of nonelectrical energy consumed shall be that used for operation of the accessories only.

(2) For a hybrid vehicle, nonelectrical energy consumed shall not exceed 1.3 MJ/km and shall also not exceed 75 percent of total energy consumed for propulsion and vital accessories, based on being fully loaded on a driving schedule of 33 km on SAE J227 a/C cycle plus 33 km at 75 km/h (higher heating value of gasoline taken as 32.7 MJ/L) and with vital accessories on.

(i) *Battery life.* (1) The vehicle shall be capable of at least 75 percent of the range specified in § 475.10(e) after 12 months or 15,000 km of normal use, whichever occurs first.

(2) The vehicle shall be capable of 100 percent of the acceleration and gradeability specified in § 475.10 (a), (b), and (c), for all test conditions and procedures specified by § 475.3, for 12 months or 15,000 km or normal use, whichever occurs first.

(3) The batteries shall, if necessary, be repaired or replaced by the vehicle manufacturer at no cost to the user of the vehicle in order to meet requirements of (1) and (2) of § 475.10(i).

(j) *State-of-charge meter.* The vehicle shall have a state-of-charge meter for the propulsion battery system or other means of providing an indication of remaining range.

(k) *Odometer.* The vehicle shall have an odometer.

(l) *Passenger comfort heater.* The vehicle shall have the capability of having a passenger comfort heater installed at the option of the purchaser.

(m) *Documentation.* Adequate user manuals, maintenance (service) manual and parts lists shall be provided.

(n) *Emissions.* The vehicle shall comply with all applicable Federal emissions regulations for motor vehicles.

(o) *Safety, crashworthiness, damageability, crash avoidance and hazards.* (1) The vehicle shall comply with all applicable Federal motor vehicle safety standards as set forth in 49 CFR Part 571, unless a temporary exemption is obtained by the manufacturer from the Department of Transportation.

(2) Until the Department of Transportation issues regulations which cover the same subjects, the vehicle shall also have the following performance characteristics:

(i) The electric propulsion circuit shall be electrically isolated from other conductive portions of the vehicle sufficiently to prevent personal hazards due to contacting any portion of the electric propulsion circuit while in contact with other portions of the vehicle.

(ii) The vehicle shall be capable of complying with the performance requirements of Federal motor vehicle safety standards 208 and 301 with all battery materials remaining outside the passenger compartment.

(iii) Vehicles with battery vents shall have flame barrier provisions to inhibit battery explosions.

(iv) Ventilation shall be adequate within the battery compartment to maintain the concentration of hydrogen below 4 percent by volume during vehicle operation (including charging and maintenance).

(v) The vehicle shall have a device which provides for the positive disconnection of the battery and which is operable from the normal operator position.

(vi) The vehicle shall be capable of being parked for up to 8 hours in temperatures of −25°C to 50°C and subsequently operated, by moving forward under its own power, at any temperature within this temperature range without damage to the vehicle or hazard to persons.

§ 475.11 Minimum levels of performance for commercial vehicles.

The following minimum levels of performance are required with respect to any commercial vehicles purchased or leased in fulfillment of contracts entered into following the effective date of these regulations, pursuant to section 7(c) of the Act.

(a) *Acceleration.* The time required to accelerate from rest to 50 km/h shall not exceed 14s for vehicles with a payload carrying capability of less than or equal to 600 kg.

(b) *Gradeability at speed.* The grade which can be traversed up at 25 km/h shall be at least 10 percent.

(c) *Gradeability limit.* The grade which the vehicle can start and climb for 20s either backward or forward shall be no less than 20 percent.

(d) *Forward speed capability.* The speed which can be maintained for 5 minutes shall be 75 km/h.

(e) *Range.* The distance which the vehicle can be operated with vital accessories on or equivalent shall be:

(1) For an electric vehicle, at least 60 km on the SAE J227 a/B cycle, and

(2) For a hybrid vehicle, at least 200 km on the SAE J277 a/B cycle.

(f) *Battery recharge time.* The vehicle shall be capable of satisfying the range requirement of section 475.11(e) above, after being recharged for no more than 10 hours. At the start of this recharge, the vehicle shall have 60 percent discharged batteries as specified by the vehicle test conditions and procedures of section 475.3.

(g) *Recharge control.* The vehicle shall have an automatic recharge control which will meet the requirements of energy, life, and safety as such requirements are stated by these performance standards. This paragraph applies when on-board chargers are used and also when offboard chargers supplied by or specified by the vehicle manufacturer for recharge of the vehicle are used.

(h) *Energy Consumption.* (1) For an electric vehicle, the maximum amount of nonelectrical energy consumed shall be that used for operation of the accessories only.

(2) For a hybrid vehicle, nonelectrical energy consumed shall not exceed 9.8 kJ/kmkg of cargo and shall also not exceed 75 percent of total energy consumed for propulsion and vital accessories, based on being fully loaded on a driving schedule of 100 km on SAE J227 a/B cycle, the cargo not including the operator, and with vital accessories on.

(i) *Battery life.* (1) The vehicle shall be capable of at least 75 percent of the range specified in section 475.11(e) after 12 months or 15,000 km of normal use, whichever occurs first.

(2) The vehicle shall be capable of 100 percent of the acceleration and gradeability specified in section 475.11(a), (b), and (c), for all test conditions and procedures specified by section 475.3 for 12 months or 15,000 km or normal use, whichever occurs first.

(3) The batteries shall, if necessary, be repaired or replaced by the vehicle manufacturer at no cost to the user of the vehicle in order to meet requirements of (1) and (2) of section 475.11(i).

(j) *State-of-charge meter.* The vehicle shall have a state-of-charge meter for the propulsion battery system or other means of providing an indication of remaining range.

(k) *Odometer.* The vehicle shall have an odometer.

(l) *Passenger comfort heater.* The vehicle shall have the capability of having a passenger comfort heater installed at the option of the purchaser.

(m) *Documentation.* Adequate user manuals, maintenance (service) manuals and parts lists shall be provided.

(n) *Emissions.* The vehicle shall comply with all applicable Federal emissions regulations for motor vehicles.

(o) *Safety, crashworthiness, damageability, crash avoidance and hazards.* (1) The vehicle shall comply with all applicable Federal motor vehicle safety standards as set forth in 49 CFR Part 571, unless a temporary exemption is obtained by the manufacturer from the Department of Transportation.

(2) Until the Department of Transportation issues regulations which cover the same subjects, the vehicle shall also have the following performance characteristics:

(i) The electric propulsion circuit shall be electrically isolated from other conductive portions of the vehicle sufficiently to prevent personal hazards due to contacting any portion of the electric propulsion circuit while in contact with other portions of the vehicle.

(ii) The vehicle shall be capable of complying with ther performance requirements of Federal motor vehicle safety standards 208 and 301 with all battery materials remaining outside the passenger compartment.

(iii) Vehicles with battery vents shall have flame barrier provisions to inhibit battery explosions.

(iv) Ventilation shall be adequate within the battery compartment to maintain the concentration of hydrogen below 4 percent by volume during vehicle operation (including charging and maintenance).

(v) The vehicle shall have a device which provides for the positive disconnection of the battery and which is operable from the normal operator position.

(vi) The vehicle shall be capable of being parked for up to 8 hours in temperatures of −25°C to 50°C and subsequently operated, by moving forward under its own power, at any temperature within this temperature range without damage to the vehicle or hazard to persons.

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Part V

Environmental Protection Agency

Ocean Discharge Criteria

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 125

[FRL 1389-4]

Ocean Discharge Criteria

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish ocean discharge criteria under Section 403(c) of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. § 1343(c), which the Agency will apply in issuing and reviewing National Pollutant Discharge Elimination System ("NPDES") permits under Section 402 of the Act, 33 U.S.C. 1342, for discharges into the territorial seas, the contiguous zone, and the oceans.

DATES: The deadline for submitting comments is March 28, 1980. A public hearing will be held on March 21, 1980.

ADDRESSES: Comments should be sent, in triplicate if possible, to the Deputy Assistant Administrator (WH-586), Office of Water Planning and Standards, Environmental Protection Agency, 401 M. St., S.W., Washington, D.C. 20460. The public hearing will be held at the same location.

FOR FURTHER INFORMATION CONTACT: Kenneth Farber, Office of Water Planning and Standards (WH-586), Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, 202-472-5746.

SUPPLEMENTARY INFORMATION:

Background

Section 403 was added by the Federal Water Pollution Control Act Amendments of 1972 and was retained unmodified in the 1977 Clean Water Act. Section 403(c) provides that the EPA Administrator is to promulgate "guidelines for determining the degradation of the waters of the territorial seas, the contiguous zone, and the oceans," with reference to seven statutory criteria. The requirements of Section 403 are among those which a discharger into these waters must meet before an NPDES permit will be issued under section 402(a)(1).

On October 15, 1973, EPA promulgated ocean dumping regulations under Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA), as amended, as 40 CFR Parts 220-227, (38 FR 28610). The preamble to that regulation stated that the promulgated criteria were also to serve as ocean discharge guidelines under section 403(c). The primary focus of the 1973 regulations was on the ocean dumping of waste material, including sewage sludges, aqueous and solid industrial wastes and dredged materials, from moving vessels.

In practice, the ocean dumping regulations proved unworkable in many respects as ocean discharge criteria. At the same time, operating experience demonstrated that the ocean dumping regulations themselves required revision. EPA therefore determined that both the ocean dumping regulations and the ocean discharge guidelines should be revised and should be divided and published as two separate regulations. All reference to Section 403(c) guidelines was deleted in the revised ocean dumping regulations, which were promulgated on January 11, 1977 (42 FR 2468). Following that, however, EPA encountered substantial difficulty in developing revised ocean discharge guidelines and is without promulgated guidelines to date.

On June 21, 1979, Pacific Legal Foundation filed suit in United States District Court for the Eastern District of California, seeking, among other things, that EPA promulgate revised Section 403(c) guidelines. *Pacific Legal Foundation v. Costle,* Civ. No. S-79-429-PCW. National Wildlife Federation and California Wildlife Federation intervened in the lawsuit, also seeking that EPA promulgate revised guidelines. On October 31, 1979, the Court ordered EPA to promulgate the guidelines, in accordance with a schedule submitted by the Agency, which provided that it would deliver proposed ocean discharge guidelines to the **Federal Register** by February 6, 1980, and final guidelines by July 30, 1980.[1] Pending repromulgation of the final ocean discharge guidelines, the Court ordered EPA to issue by November 9, 1979, interim guidelines stating current Agency policy in reviewing, issuing, or denying NPDES permits for discharges to the territorial seas, the contiguous zone, or the oceans. The interim permitting guidelines were published in the **Federal Register** on November 15, 1979 (44 FR 65751).

Section 125.120 Purpose and Scope

The proposed ocean discharge guidelines will be used to evaluate NPDES permit applications for the discharge of pollutants from a point source into the territorial seas, the waters of the contiguous zone or the oceans. Additionally, guidelines are proposed to evaluate conditions for a general permit applicable to a class or category of point sources discharging into those waters. These guidelines serve to protect the marine resource and its uses from the adverse impact of pollution, and to assure that sensitive marine systems are protected.

While these regulations are entitled "guidelines" or "criteria", they have the effect of mandatory regulations because, at any time that promulgated guidelines are in effect, no permit may be issued under 402 of the Clean Water Act "except in compliance with such guidelines". These guidelines, from time to time, are referred to as "regulations" or "criteria" to avoid repetition; these terms are meant to refer in all cases to the mandatory guidelines authorized by Section 403(c). These criteria will, when finalized, constitute a series of requirements which complement the othe regulatory provisions of the Clean Water Act and will, as Part 125 Subpart M, be incorporated, into the revised NPDES regulations promulgated June 7, 1979 (44 FR 32854). While it is not the intent of the Agency to rewrite all NPDES permits for affected dischargers immediately following promulgation of the Subpart M guidelines, the regulations will be used in evaluating applications for new, modified, or renewed permits as they are submitted.

Section 403(c) regulations apply in *addition to* the other applicable Sections of the Clean Water Act, and dischargers which are covered by Section 403 are not exempted by that Section from the requirements of other Sections of the Act. This is made clear in several Sections of the Act including Section 402(a)(1), for EPA-issued permits, which requires compliance with "sections 301, 302, 306, 307, 308 and 403 of the Act", and Section 402(b)(1)(A), under which State issued permits must "apply, and insure compliance with, any applicable requirements of Section 301, 302, 306, 307 and 403." In addition, dischargers to the territorial seas must comply with State water quality pursuant to Section 303 of the Clean Water Act. However, because of the similarity of the requirements of Section 403(c) and Section 301(h) of the Act, the Agency is considering the approach that an applicant who meets requirements of a Section 301(h) waiver will be considered in compliance with the Section 403(c) regulations. The Agency solicits comments on such approach.

[1] As EPA explained to the Court, the post-proposal timetable is based upon an anticipated February 13, 1980, publication date for the propsoed regulations. Since the actual Federal Register publication date is out of the hands of the Agency, a slight deviation in either direction from the February 13 date may result in a commensurate alteration in the remaining dates in the timetable, including the July 30, 1980, date.

By definition, section 403 applies only to discharges seaward of the baseline marking the landward boundary of the territorial seas of the United States (see section 502(8), (9) and (10)). This landward boundary was included to provide consistency with MPRSA, which regulates ocean dumping of materials into the same marine waters. Congress intended that the territorial seas, contiguous zone and ocean be provided the same protection from the point source discharge of wastewaters as from the dumping of waste materials such as sewage sludge. There is, however, a major difference in the regulatory programs of the CWA and MPRSA. Where the holder of an ocean dumping permit must comply only with section 102(a) of MPRSA (which is similar to the language of section 403(c) of the CWA), and NPDES permittee discharging into the territorial seas, the contiguous zone, or the oceans must comply not only with the ocean discharge criteria under section 403(c) but with a number of other CWA provisions, meant to reduce pollution.

Because the Statute limits the covered waters to the territorial seas, the contiguous zone and the ocean, the number of land based dischargers which must comply with section 403(c) is limited. For example, Chesapeake Bay, Boston Harbor, New York Harbor, San Francisco Bay and Puget Sound lie inside the baseline so that discharges into these waters are not subject to Section 403. A review of regional permit files shows that of the 55,000 existing NPDES permittees, 180 are land based dischargers whose outfalls enter the territorial seas and beyond. These lands based dischargers include 89 publicly owned treatment works (POTWs), 71 industrial plants and 20 federal facilities.

In addition to the land base discharges, section 403 applies to other types of dischargers into the covered waters, most notably, oil and gas exploratory and production platforms. The Agency has estimated that there are approximately 20,000 such wells, grouped into approximately 2000 NDES permittees or permit applicants.

Section by Section Analysis

125.121 Definitions

This Section contains definitions of important terms used in Subpart M for which definitions have not been provided in Section 502 of the Act or § 122.3 of the NPDES Revised Regulations (44 FR 32900, June 7, 1979). "Applicant" refers only to persons seeking individual NPDES permits to discharge pollutants. Thus, requirements for application do not apply to the issuance of general permits.

"Detection limit", taken from EPA's draft consolidated permit application forms (44 FR 34346, 34381 June 14, 1979), will be used to determine the minimum concentration of a toxic pollutant reported under § 125.127.

The term "initial dilution" is the ratio of the seawater to wastewater following initial mixing within the mixing zone. The "initial dilution" measurement will be used by the Director to determine the volume of ocean that may be affected by the discharge both during the initial mixing and transport and further dilution of the mixture.

"Representative sample" was included to provide a description of the wastewater sample that is collected and analyzed for toxic pollutants. The sample should be taken, to the extent feasible, during a period that typifies normal operation of the treatment or handling facility. Additional sampling (in separate discrete units) may be made of any discharge which is expected to exceed the norm or which contains measurable amounts of toxic pollutants included on the toxic pollutant list below. In these circumstances, composite sampling over the 24 hour period would dilute any toxic material such that concomitant toxic impact might be obscured.

The term "toxic pollutant" means any pollutant listed at 40 CFR 401.15 which has been identified as a toxic pollutant pursuant to section 307(a) of the Act. Dischargers are required to analyze for these pollutants under § 125.126 proposed today. The following is a current list of pollutants that have been identified as toxic pollutants:

Acenaphthene
Acrolein
Acrylonitrile
Aldrin/Dieldrin
Antimony and compounds
Arsenic and compounds
Asbestos
Benzene
Benzidine
Beryllium and compounds
Cadmium and compounds
Carbon tetrachloride
Chlordane (technical mixture and metabolites)
Chlorinated benzenes (other than dichlorobenzenes)
Chlorinated ethanes (including 1,2-dichloroethane, 1,1,1-trichloroethane, and hexachloroethane)
Chloroalkyl ethers (chloromethyl, chloroethyl, and mixed ethers)
Chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)
Chloroform
2-chlorophenol
Chromium and compounds
Copper and compounds
Cyanides
DDT and metabolites
Dichlorobenzenes (1,2,- 1.3-, and 1.4-dichlorobenzenes)
Dichlorobenzidine
Dichloroethylenes (1,1- and 1,2-dichloroethylene)
2,4-dichlorophenol
Dichloropropane and dichloropropene
2,4-dimethylphenol
Dinitrotoluene
Diphenylhydrazine
Endosulfan and metabolites Endrin and metabolites
Ethylbenzene
Fluoranthene
Haloethers (other than those listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis (dichloroisopropyl) ether, bis (chloroethoxy) methane and polychlorinated diphenyl ethers)
Halomethanes (other than those listed elsewhere; includes methylene chloride, methylchloride, methylbromide, bromoform, dichlorobromomethane, trichlorofluoromethane, dichlorodifluoromethane)
Heptachlor and metabolites
Hexachlorobutadiene
Hexachlorocyclohexane (all isomers)
Hexachlorocyclopentadiene
Isophorone
Lead and compounds
Mercury and compounds
Naphthalene
Nickel and compounds
Nitrobenzene
Nitrophenols (including 2,4-dinitrophenol, dinitrocresol)
Nitrosamines
Pentachlorophenol
Phenol
Phthalate esters
Polychlorinated biphenyls (PCBs)
Polynuclear aromatic hydrocarbons (including benzanthracenes, benzopyrenes, benzofluoranthene, chrysenes, dibenzanthracenes, and indenopyrenes)
Selenium and compounds
Silver and compounds
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
Tetrachloroethylene
Thallium and compounds
Toluene
Toxaphene
Trichloroethylene
Vinyl chloride
Zinc and compounds

125.122 Prohibited Materials

This section identifies certain materials whose discharge is prohibited. These materials are also prohibited under the Ocean Dumping Regulations (40 CFR 227.5). The applicant must demonstrate that its discharge contains none of these materials.

125.123 Description of Mixing Zone; Dilution Requirements

This section requires that each discharger provide a physical description of the discharge system,

including the environmental factors that were considered in the final selection of the system. In most cases, this information should be available to the discharger from the engineering design analysis of the discharge system. Using the average wastewater flows, the discharger shall determine the physical size of the mixing zone. Included in the analysis of the size of the mixing zone, the discharger shall demonstrate that sufficient dilution water is available and that following initial dilution the diluted wastewater is transported and dispersed so as not to adversely affect areas of biological sensitivity. In determining the physical size of the mixing zone, the Agency recommends that mathematical models be used to determine the initial dilution and plume trajectory calculations according to the procedures contained in A. M. Teeter, and D. J. Baumgartner, Predictions of Initial Mixing for Municipal Ocean Discharges, EPA, Corvallis Environmental Research Laboratory Publication 043, Corvallis, Oregon, August 1978. (See 44 FR 34784, 34825n.1, June 15, 1979.) As an alternative simplified method to compute the size and shape of the mixing zone, EPA will accept a mixing zone equal in depth to the depth of the water over the diffuser, in width to twice the depth of the water plus the width of the diffuser, and in length to twice the depth of the water plus the length of the diffuser, with the diffuser geographically centered within the mixing zone. The Agency anticipates that, for the majority of land-based ocean outfalls, the recommended methods will be appropriate to determine the mixing zone and other requirements of § 125.123. While these procedures underwent extensive review during the public comment period of the proposed section 301(h) regulations, the Agency solicits comments on their applicability in this context. Readers should note that the term "zone of initial dilution" used in the section 301(h) regulations is synonymous with the term "mixing zone" in these proposed regulations. Section 125.123 (b)(1) provides a discharger the opportunity to use alternative methods to describe the mixing zone. The section 301(h) rules provide a similar opportunity and list alternative methods which give results comparable to the suggested method and are therefore acceptable to the Agency.

The Agency recognizes that the methods to define the mixing zone presented in these regulations and those promulgated under section 301(h) may not be appropriate to the wide range of wastewaters and disposal methods that must be regulated under section 403(c). It also recognizes that in some cases the rapid dispersal of wastewaters into seawater accomplished by a well designed ocean outfall may not, because of local conditions be necessary or recommended. Specifically, the Agency is concerned with methods to determine the mixing zones of heavy brine waters or drilling fluids that are discharged from offshore oil and gas exploratory and production platforms. While the Agency has invested a considerable amount of time and effort in developing mixing zone models for submarine outfalls that discharge freshwater wastes into marine waters, the Agency has not devoted a similar effort to evaluating mixing zones for surface discharges or discharges of high solids concentrations. The Agency has reviewed, and will continue to review, alternative methods to define the mixing zone for these particular wastes, but is not in a position at this time to recommend specific methods. The Agency specifically requests commenters to identify possible alternative methods to define mixing zones. The Agency anticipates that methods to evaluate mixing zones for these types of discharges will be included in the final regulation. In such cases the Director shall approve the alternative method.

125.124 Evaluation of Alternatives

A central goal of the Act is to eliminate the discharge of pollutants into the navigable waters. This Section serves to meet the requirement of 403(c)(1)(E) and (F). The applicant must analyze alternatives to ocean discharge, including land-based alternatives and modifications that would increase the recycling/reuse of water and reduce the introduction of pollutants into marine waters. The requirements under § 125.124(a) are also consistent with those in EPA's draft consolidated permit application form 44 FR 34346, 34373, (June 14, 1979). An objective of this Section is to encourage the applicant to select disposal practices that create a minimal impact on the environment. The applicant must analyze all alternative methods or reducing or eliminating pollutants, including the toxic pollutants identified in the discharge under § 125.126.

125.125 Evaluation of the Impact of the Discharge on Marine Life and Marine Ecosystems; on Esthetic, Recreational, and Economic Values; and Other Uses of the Ocean

Under this section each ocean discharger is required to prepare an evaluation of the actual and potential impact of its discharge on esthetic, recreational and economic values and other uses of the ocean—essentially the factors listed in section 403(c)(1)(A), (C) and (G). The applicant's discharge must not adversely affect the marine ecosystem so as to limit the recreational and commercial uses of the ecosystem. It is critical that the discharge not adversely affect the quantity and quality of fish and shellfish and that sensitive aquatic ecosystems are not harmed by the discharge of pollutants into marine waters. Because there is no practical way of examining these considerations in numerical terms, dischargers will be required to prepare a narrative description of the impact of their discharge which addresses these factors in detail. The applicant may find the Technical Support Document of the 301(h) regulation a useful reference. In determining whether a particular discharge has an adverse impact on the marine environment, the permitting authority is, of course, free to draw on his/his own or other sources of knowledge of esthetic, recreational and other conditions in the vicinity of the outfall. Under § 125.130, the permitting authority may request additional information from the discharger concerning any of these items.

125.126 Toxic Control Program

This section requires the applicant to submit a chemical analysis for the toxic pollutants included in the Agency's section 307(a) list, to determine the sources of toxic pollutants in the wastewater, and to provide an analysis of programs that can be initiated to reduce the amount of identified toxic pollutants in the discharge. Chemical methods are provided in "Guidelines Establishing Test Procedures for the Analyses of Pollutants" (44 FR 69464, December 3, 1979). As EPA explained in its proposed consolidated permit application form regulations, (44 FR 34346, June 1979), the cost of performing these analyses is high. In order to reduce the cost and make use of available data, § 125.126(a)(2) allows the discharger the opportunity to substitute chemical analysis data from other facilities if documentation can be provided to show that the composition of the waste analyzed typifies that which the applicant intends to discharge.

The toxics control program provided in this proposed regulation is similar to that included in the final section 301(h) regulations. In the development of the section 301(h) regulations the Agency considered a number of options to determine the impact of toxic pollutants on the marine environment, including compliance with EPA water quality

criteria and performance of acute bioassays. Following review of comments, the Agency determined that the use of criteria and laboratory testing along would be difficult to answer the extremely complex questions of the effect of toxic pollutants on marine ecosystems. Therefore, the Agency adopted an alternative approach that was included in the final section 301(h) regulations. This approach consisted of a chemical analysis for toxic pollutants in the discharge, an identification of the sources of toxic pollutants, initiation of programs to reduce toxic pollutants in the wastewater, and the determination of the effect of the toxic pollutants on the marine environment through a monitoring program. The requirements of the toxics control program for each permit, in addition to meeting the requirements of 403(c), must also comply with Sections 301 and 306 of the Act. In most instances the Agency expects that meeting the technology based requirements under section 301 of the Act or the New Source Performance under section 306 of the Act will be sufficient to assure compliance with the requirements of section 403(c) of the Act. However, in the event that compliance with those technology based controls are insufficient to meet the requirements of 403(c), additional controls will be required to assure protection of the marine waters.

In implementing section 403(c)(1)(B) and (D), the Agency faces a similar problem. A literal reading of these Sections might require that all pollutants (conventional and toxic) from each discharger be tracked through the entire marine ecosystem—an unfeasible task. Instead, the Agency has taken the more flexible approach of requiring identification of any toxic pollutant in the discharge, and, through the monitoring program, determining the impact of these materials in both the water column and the seabed. The Agency specifically requests comments on this approach and request commenters to recommend alternative approaches which the Agency can include in the final regulations.

125.127 Monitoring Program

This section requires the discharger to submit a description of its existing monitoring program(s), a narrative summary of the results of the program(s), additional information (if applicable), and a proposed monitoring system to measure the impact of the discharge on the quality of the water column and seabed. Specifically, the proposed monitoring program must include procedures for determining the bioaccumulative and/or persistent impact on the aquatic life of any toxic pollutants identified in § 125.126(a)(1). These procedures are discussed in the monitoring program section of the Technical Support Document for the final section 301(h) regulations, which may be obtained from the office listed in the front of this regulation. EPA specifically solicits comments on the applicability of these procedures for use in this regulation.

The Agency recognizes that because of the wide range of dischargers which are subject to section 403(c), it is not possible to develop a standard monitoring program, applicable across-the-board. This concern is also reflected in revisions of the NPDES regulations issued June 7, 1979, by giving the permit writer the discretion to establish a monitoring program on a case-by case basis. While § 125.127, has also been written to provide the NPDES permit authority with the flexibility to approve a monitoring program based on the nature of a discharge and the receiving waters, it should be emphasized that the Agency considers the monitoring program the key to compliance with section 403(c). Section 125.127(d) was added to allow dischargers with multiple outfalls, such as oil and gas platforms, to monitor only the most sensitive areas thus reducing the monitoring cost and avoiding a duplication of information.

Of particular concern to the Agency is the high cost of compliance with the monitoring section for small dischargers, particularly POTWs. While the permit writer is provided the flexibility to approve individual monitoring programs, the cost of a minimal monitoring program may be higher than some small communities can afford. The Agency is considering three options for reducing the monitoring cost: eliminate monitoring requirements based on flow; eliminate monitoring requirements based on the amounts of toxic pollutants identified in the discharge; and establish a maximum allowable cost based on a percentage of median income of the community that can be applied to the cost monitoring. The Agency solicits comments on these options or other options felt to be appropriate.

125.128 Requirements for NPDES Permit Issuance

This section sets forth the criteria for issuing NPDES permits for discharges into the territorial sea, contiguous zone and oceans. In order to obtain an NPDES permit a discharger must comply with the requirements of §§ 125.122 and 125.123. The Director must determine that there are no feasible land based alternatives, alternative methods for reducing or eliminating pollutants in the discharge, and alternative outfall locations or diffuser systems which would result in diminished adverse environmental impact. The applicant must demonstrate that the monitoring and toxic control programs are adequate, and that the discharge will have no unreasonable adverse impact on esthetic values or, recreational, economic or other reasonable uses of the ocean. Section 125.128(b) provides an exception to § 125.128(a). If the discharger fails to meet the requirements of § 125.123 or § 125.125 the applicant must demonstrate that the discharge will be brought into compliance with these guidelines, or adopt a land based alternative to ocean discharge as soon as practicable.

125.129 Requirements for General Permits

Pursuant to 40 CFR 122.48, EPA or states with approved NPDES programs may issue general permits to a class or category of minor dischargers which—

(i) Involve the same or substantially similar types of operations;

(ii) Discharge the same types of wastes;

(iii) Would require the same effluent limitations or operating conditions;

(iv) Would require the same or similar monitoring requirements; and

(v) In the opinion of the Director, would be more appropriately controlled under a general permit than under an individual NPDES permit. EPA is considering the issuance of a general permit for certain facilities operating in the offshore subcategory of the oil and gas extraction point source category. For example, a general permit might be issued to exploratory operations in non-sensitive marine areas.

This section ensures that any general permit will be issued only after consideration of the effect of the discharge by the class or category of point sources on the marine environment. Since a general permit may be applicable to numerous owner/operators, conditions might not be developed based on individual applications. Portions of this subpart which establish requirements for individual applicants are not applicable to the issuance of a general permit.

125.130 Authority To Require Additional Information

This section allows the NPDES permitting authority to require information not specifically required under this part when, in his/her judgment, there is insufficient information on which to determine whether the requirements of this subpart

have been met. For example, the permitting authority may request the applicant provide additional analytical tests, including bioassays.

Impact Analysis

Executive Order 12044 43 FR 12661 (March 23, 1978) requires EPA and other agencies to perform Regulatory Analyses of certain regulations. EPA's plan for implementing Executive Order 12044 44 FR 30988 (May 29, 1979) requires a Regulatory Analysis for major regulations involving annual compliance costs of $100 million or meeting other specified criteria. Where these criteria are met, EPA's implementation plan requires a formal Regulatory Analysis, including an economic impact analysis and an evaluation of regulatory alternatives. The Agency has determined that none of the criteria requiring a regulatory analysis have been exceded and therefore, the proposed regulations for ocean dischargers do not require a formal Regulatory Analysis. EPA's proposed regulations for implementing Executive Order 12044 also provide that all regulations include a Reporting Impact Statement 43 FR 29891 (July 11, 1978). The following economic evaluation addresses the reporting requirements imposed by the proposed regulations.

EPA's economic analysis divides the effected dischargers under the proposed regulation into four subcategories: POTWs, industrial dischargers, federal facilities, and offshore oil and gas wells. This analysis has assessed the annual costs of compliance for all four subcategories with respect to unit price increases for production or user cost increases for POTWs. The total annual cost of compliance due to this regulation may reach $38.1 million. With the exception of small POTWs, the Agency expects that no significant economic impacts will result.

Because of the wide range of size and flows, and because the impact of these regulations on each discharger is dependent on their specific conditions, the costs for conversion to land discharge is not possible to estimate. Therefore, in the context of the economic analysis, for POTWs as well as for industrial dischargers, no costs were assumed for conversion to land based disposal.

POTWs

There are presently 89 POTWs discharging 1700 million gallons of effluent per day into the ocean. These POTWs are currently under the regulatory purview of the NPDES permitting authority. Under the proposed regulation, POTWs will be required to file evaluations of land discharge possibilities, conduct environmental impact studies, and conduct further monitoring tests in addition to those required under the present NPDES permit authority. An economic analysis was conducted on POTWs affected by this regulation to determine the potential impact on user charges currently paid by households serviced by the POTW. EPA's analysis assumes that all POWTs subject to the proposed regulation will incur additional costs. Additional average annual cost for all POTWs discharging into the ocean would be approximately $4.5 million. This reflects the annualized cost of additional monitoring over the 5 year life of the permit as well as the one time expense necessary for the evaluation of land discharge methods, and the environmental impact analysis.

User charges could increase by $.80 for POTWs discharging at 5 mgd and by $.0625 for POTWs discharging at 360 mgd. For the six POTWs discharging between 0.5 mgd to 1 mgd, user costs could increase by $38.00 per person per year. However, for the 25 small POTWs discharging less than 0.5 mgd, user costs could increase by more than $80.00 per person per year over the present cost of $25 to $50 per person. However, EPA has not at this time granted any modification requests under section 301(h) of the Act. Because must of the information generated for a section 301(h) modification can be utilized in determining compliance with the requirements of section 403(c), the assumptions of the economic analysis are likely to result in overstated costs and represent a worst case analysis. Furthermore, in recent years there has been a trend towards centralization of POTWs in many coastal areas. This continued centralization will reduce the number of ocean outfalls thus lowering monitoring costs for those POTWs under compliance. This centralization will reduce ocean outfalls in the next 5 years and therefore further reduce compliance costs to individual users.

Industrial Dischargers

Under the proposed regulation, industrial dischargers will face the same requirements as POTWs. At the present time there are 71 industrial operations affected by these regulations, discharging approximately 300 million gallons a day of effluent. EPA estimates that all these dischargers will incur additional expense due to this regulation. Total costs for all industrial dischargers to comply with this regulation may be as high as $4.5 million. This reflects the annualized cost of compliance for additional monitoring over the 5 year life of the permit as well as the one time cost for the evaluation of land discharge methods and the environmental impact analysis.

A detailed analysis was conducted on a sample of industrial dischargers on both the east and west coast to determine the potential price increase that could result due to the implementation of the proposed regulation. EPA estimates that average unit prices for products produced will generally increase less than .1% to comply with this regulation. No significant economic impacts are expected due to the requirement of increased monitoring. However, the impact analysis indicated that in very small plants with very low flows the possibility exists that some impacts may result due to compliance with the proposed regulation.

Federal Facilities

At the present time there are 20 federal facilities expected to be affected by the proposed regulation. These facilities are discharging approximately 108 million gallons a day of effluent into the ocean. The majority of the discharge, 95 mgd, originates from the strategic oil reserve construction site on the Texas Coast. The remaining 13 million gallons a day are from a variety of other small sources e.g., Defense Department and Coast Guard installations.

The total annual costs for compliance under the proposed regulation is expected to be approximately $1.2 million dollars with the largest proportion being borne by the area used for construction of the United States strategic oil reserve. EPA does not expect any significant economic impacts to occur to these federal facilities.

Offshore Oil and Gas Operations

The basic assumption in this analysis is that current NPDES permit requirements will fulfill the proposed Section 403(c) regulations for all operations except in those areas considered ecologically sensitive. Therefore, offshore oil and gas operations on both the east and west coasts and in the Gulf of Mexico were analyzed to determine the compliance costs which may be incurred if exploration and production is begun in those areas deemed ecologically sensitive.

Oil and gas operations which begin on the east coast in the area known as the "Georges Bank" can expect to incur compliance costs of up to 6.4 million dollars per year, after 22 years. Up to the 22nd year costs are expected to be less. The 22 year time frame is based on the assumption of establishing 20

producing platforms in the 116 tracts established by BLM for lease, and maintaining this number with new exploration every year there after. Currently 64 of these tracts have been leased.

To date, the 132 tracts leased in the Baltimore Canyon area show no evidence of containing unique biological habitats. Therefore, EPA assumes this to be a zero cost area under the proposed Section 403(c) regulation. On the west coast compliance costs are also expected to be zero, because the approximately 30 platforms in existence currently perform monitoring which is expected to comply with the proposed regulations.

Oil and gas operations which begin exploration and production in the Gulf of Mexico are expected to incur additional costs of up to $21.5 million per year, in the approximately 100 tracts surrounding ecologically sensitive areas such as the "Flower Gardens." Up to the 12th year annual costs are expected to be less. The 12 year time frame is based on the assumption of establishing 50 platforms and maintaining this number with new exploration every year thereafter. For the approximately 2000 existing platforms the agency assumes the current monitoring effort to be sufficient in meeting the requirements of the proposed Section 403(c) regulation. Therefore, no serious economic impacts are expected with no significant reduction in oil or gas production expected. This analysis shows the total incremental costs of the proposed regulation. However, due to the nature of the requirements of this regulation it is assumed that these additional monitoring procedures can be incorporated into the present procedure conducted under the established NPDES permitting procedure. Thus, significant economies of scale should reduce estimated compliance costs significantly, and again, the analysis represents a worst case estimate of costs.

In accordance with the requirements under Section 2(d)(8) of Executive Order 12044, the Agency intends to review the effectiveness and need for continuation of the provisions contained in this action no more than five (5) years after the effective date of these regulations. In particular, we will solicit comments from affected parties with regard to actual costs incurred and other burdens associated with compliance and will also review environmental data to evaluate the effectiveness of the regulation after it has gone into effect.

Dated: February 5, 1980.

Barbara Blum,

Acting Administrator.

A new Subpart M is prepared to be added to Part 125 to read as follows:

PART 125—CRITERIA AND STANDARDS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Subpart M—Ocean Discharge Criteria

Sec.

125.120 Purpose and scope.
125.121 Definitions.
125.122 Prohibited materials.
125.123 Description of mixing zone; dilution requirements.
125.124 Evaluation of alternatives to and modifications of discharge.
125.125 Evaluation of the impact of the discharge on marine life and marine ecosystems; on esthetic, recreational, and economic values; and other uses of the ocean.
125.126 Toxic control program.
125.127 Monitoring program.
125.128 Requirements for NPDES permit issuance.
125.129 Requirements for general permits.
125.130 Authority to require additional information.

Authority: Sec. 403(c) of the Ocean Water Act, 33 U.S.C. 1343(c).

Subpart M—Ocean Discharge Criteria

§ 125.120 Purpose and scope.

(a) This subpart establishes guidelines for evaluating applications for National Pollutant Discharge Elimination System (NPDES) permits for the discharge of pollutants from a point source into the territorial sea, the waters of the contiguous zone, or the oceans. Guidelines are also established for developing general permits applicable to a class or category of point sources discharging into those waters.

These guidelines are promulgated under the authority of section 403(c) of the Clean Water Act, 33 U.S.C. 1343(c) which provides, in pertinent part, that:

(1) The Administrator, shall, within one hundred and eighty days after enactment of this Act (and from time to time thereafter), promulgate guidelines for determining the degradation of waters of the territorial seas, the contiguous zone, and the oceans, which shall include:

(A) the effect of disposal of pollutants on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines, and beaches;

(B) the effect of disposal of pollutants on marine life including the transfer, concentration, and dispersal of pollutants or their byproducts through biological, physical, and chemical processes; changes in marine ecosystem diversity, productivity, and stability; and species and community population changes;

(C) the effect of disposal of pollutants on esthetic, recreation, and economic values;

(D) the persistence and permanence of the effects of disposal of pollutants;

(E) the effect of the disposal at varying rates, of particular volumes and concentrations of pollutants;

(F) other possible locations and methods of disposal or recycling of pollutants including land-based alternatives; and

(G) the effect on alternate uses of the oceans, such as mineral exploitation and scientific study.

§ 125.121 Definitions.

For the purpose of this Subpart:

(a) "Applicant" means any person applying, as required by § 122.64 of the Consolidated Permit Regulations (44 FR 24286, June 14, 1979), for an individual permit to discharge pollutants into the waters of the territorial sea, the contiguous zone, or the ocean.

(b) "Detection limit" means the lowest concentration of a substance that has a signal-to-noise ratio of five-to-one or less.

(c) "General permit" means a National Pollutant Discharge Elimination System (NPDES) permit issued to a class or category of dischargers pursuant to 40 CFR 122.48.

(d) "Individual permit" means an NPDES permit issued to an applicant who owns or operates a point source.

(e) "Initial dilution" means the average dilution that a discharge has achieved with the seawater during the period of convective ascent through the surrounding ocean water.

(f) "Mixing zone" means the zone of initial dilution surrounding or adjacent to the end of the outfall pipe or diffuser pipe ports, or a mixing zone defined in connection with State standards.

(g) "Ocean discharge" means a discharge through an ocean outfall into the territorial seas, the contiguous zone or the ocean.

(h) "Ocean outfall" means any point source from which pollutants are discharged into the waters of the territorial sea, contiguous zone or the ocean.

(i) "Representative sample" means, for continuous discharge systems, a flow proportional 24 hour composite sample with incremental sample collected hourly and, for batch discharge systems, a time-composite sample whose interval is selected to typify the waste discharge over the length of the discharge. Additionally, there may be selective sampling of effluent which may differ significantly from the norm of the composite or which contains measurable amounts of any component from the toxic pollutant list.

(j) "Toxic pollutants" means a pollutant listed at 40 CFR 401.15 which

has been identified as a toxic pollutant pursuant to Section 307(a) of the Act.

§ 125.122 Prohibited materials.

No NPDES permit shall be issued for a discharge into the territorial seas, the contiguous zone or the ocean unless the applicant demonstrates that the discharge does not contain persistent materials which may float or remain in suspension in the ocean in such a manner that they may interfere materially with fish, shellfish, or wildlife, or with recreation and other legitimate uses of the ocean.

§ 125.123 Description of mixing zone; dilution requirements.

(a) The applicant shall provide a physical description of the outfall diffuser and siting conditions, and of the environmental factors that were considered in their selection.

(b) The applicant shall provide a physical description of the mixing zone, including the initial dilution, using the EPA recommended procedures unless:

(1) The applicant can demonstrate, to the satisfaction of the NPDES permitting authority, that other methods, including the applicable State mixing zone procedure, will produce results that are in general agreement with the results using the EPA recommended methods; or

(2) Where due to the nature of the discharge, such as high density wastes or surface discharge systems, the use of buoyancy plume models to define the mixing zone is not applicable, the Director approves an appropriate alternative method to define the mixing zone.

(c) The applicant must demonstrate that:

(1) Dilution water is supplied to the mixing zone where entrainment takes place in an amount equal to the discharge flow times the initial dilution and;

(2) Following initial dilution, the partially diluted discharge is transported and dispersed so as not to adversely affect areas of biological sensitivity.

§ 125.124 Evaluation of alternatives to and modifications of discharge.

The applicant shall provide an analysis of the alternatives to and modifications of its existing or proposed discharge, which shall include:

(a) A description of the processes contributing to the discharge and the pollution control technologies and practices currently in use, including inplant recycle and reuse of wastewater streams;

(b) Currently available land-based alternatives to ocean discharge, including land treatment, deep well injection, incineration, land application, recycling/reuse of waste-water (including, where aplicable, additional treatment of the waste stream to prepare it for land-based disposal);

(c) The relative environmental risks and impacts of implementing each land based alternative as opposed to ocean discharge (including both long and short term impacts);

(d) Alternative methods of reducing or eliminating pollutants, including the toxic pollutants identified in § 125.126 in the discharge, including in plant controls, process modifications, best management practices, and, for publicly owned treatment works only, pretreatment or other source control programs;

(e) Potential reduction of environmental impact by discharging at varying rates, volumes, and concentrations of pollutants; and

(f) The economic feasibility (including energy requirements) of implementing each alternative.

§ 125.125 Evaluation of the impact of the discharge on marine life and marine ecosystems, on esthetic, recreational, and economic values, and other uses of the ocean.

The applicant shall provide analyses of the effect of the discharge on:

(a) Esthetic values of the marine ecosystem, including but not limited to impacts on shorelines, landmarks, vegetation, water color, visibility impacts by visible characteristics of wastes, odors, and algae problems;

(b) Existing or potential recreational and commercial fishing, including both finfishing and shellfishing, with specific reference to:

(1) State, Federal, or local restrictions on the harvesting or human consumption of shellfish or finfish;

(2) State, Federal, or local limitations on the concentrations of toxic pollutants, pesticides or other substances in edible fish and shellfish harvested from within the area of impact;

(c) Recreational boating, swimming, diving, wading, and picnicking and sports activities along shorelines and beaches including any State, Federal, or local restrictions on water contact sports or other activities;

(d) Marine flora and fauna such as vertebrate and invertebrate species. Effects which the applicant shall consider include the impact on nutrition, breeding, migration, spawning, or introduction of undesirable plant or animal species;

(e) Special aquatic sites including, but not limited to, sanctuaries and refuges, parks, national and historical monuments, national seashores, wilderness areas, and coral reefs;

(f) Mineral and hydrocarbon exploration and development; and

(g) Scientific research in the area of the discharge.

§ 125.126 Toxic control program.

(a) The applicant shall submit:

(1) A chemical analysis of a representative sample, as defined in § 125.121(i) of the discharge for the toxic pollutants defined in § 125.121(j) or;

(2) Substitute chemical analysis data if the applicant provides documentation to show that the composition of the waste analyzed typifies that which the applicant is or intends to discharge.

(b) In complying with paragrah (a) the applicant shall:

(1) For the chemical analysis, use the procedures "Guidelines Establishing Test Procedures for the Analysis of Pollutants" 40 CFR Part 136, December 3, 1979.

(2) Provide quality control data collected during the analysis of the sample and,

(3) Report all data that is equal to or exceeds the detection limit, as defined in § 125.121(b).

(c) The applicant shall provide an analysis of the sources of toxic pollutants identified in paragraph (a) of this section.

(d) The applicant shall include in the analysis required in Section 125.124(d) of this subpart, the programs that can be initiated to reduce the amount of identified toxic pollutants in the discharge.

§ 125.127 Monitoring program.

The applicant shall submit:

(a) A description of the ongoing or past chemical and biological monitoring program on the discharge and/or the receiving water;

(b) A summary of the results of such programs;

(c) A summary of additional monitoring data, if available, which typifies both the applicant's discharge and receiving water; and

(d) Considering the information presented in paragraphs (a), (b), and (c), of this section, a description of a proposed monitoring program, where necessary to measure the impact of the discharge on the water, sediment and biological quality of the receiving water, including procedures to measure the bioaccumulative and/or persistent impact on the aquatic life for the toxic pollutants identified in § 125.126(a)(1). In instances where the applicant has multiple ocean outfalls, the applicant may, with the approval of the Director,

submit a modified monitoring program that measures only the impact of the most environmentally significant discharge based on quality of the discharge and sensitivity of the receiving water.

§ 125.128 Requirements for NPDES permit issuance.

(a) For the issuance of an NPDES Permit the following requirements must be met:

(1) The applicant demonstrates, to the satisfaction of the Director, that the discharge meets all the requirements of §§ 125.122 and 125.123 of this subpart;

(2) The Director determines that there are no feasible land-based alternatives to ocean disposal available to the applicant which would result in diminished adverse impact on or potential risk to other parts of the environment; that there are no feasible alternative methods for reducing or eliminating pollutants in the discharge; and that there are no feasible alternative outfall locations or diffuser systems which would result in diminished adverse impact on or potential risk, to the marine environment;

(3) The Director determines that the discharge will have no unreasonable adverse impact on the marine environment or, on esthetic values or, recreational, economic or other uses of the ocean under § 125.125;

(4) The applicant demonstrates to the satisfaction of the Director under § 125.126 that the applicant has adequate program(s) to reduce or remove the identified toxic pollutants from the discharge;

(5) The applicant demonstrates to the satisfaction of the Director under § 125.127 that the applicant's monitoring program is sufficient to measure the impact of the discharge on the water, sediment, and biological quality, including analysis of the bioaccumulative and/or persistent impact on aquatic life of those pollutants measured in § 125.126.

(b) Notwithstanding the foregoing paragraph, if an ocean discharger cannot comply with the requirements of § 125.123, or if the NPDES permitting authority determines that the discharge would adversely affect esthetic values or, recreational, economic or other uses of the ocean under § 125.125, or that there are no feasible alternatives under § 125.124 that are immediately available, the permitting authority may issue a NPDES permit for such discharge, on the condition that such permit shall include a schedule for the development and implementation, as soon as practicable, of a plan which requires compliance with §§ 125.123, 125.124, and 125.125.

§ 125.129 Requirements for general permits.

Before issuing a general permit in accordance with 40 CFR 122.48, the Director shall consider the impact which the discharge by a class or category of point sources will have on the marine environment, on esthetic, recreational and economic values, or on other uses of the ocean and shall consider whether the discharge will contain any prohibited materials specified in § 125.122. The Director may waive the other requirements of Subpart M with respect to dischargers subject to the general permit.

§ 125.130 Authority to require additional information.

The NPDES permitting authority may require information not specifically described under this where in his/her judgment there is insufficient information on which to determine whether a discharge meets the requirements of this Subpart.

[FR Doc. 80-4554 Filed 211-80; 8:45 am]

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federal register

Tuesday
February 12, 1980

Part VI

Federal Election Commission

Presidential Election Campaign Fund; Presidential Primary Matching Fund

FEDERAL ELECTION COMMISSION

11 CFR Parts 9032, 9033, 9034, and 9035

[Notice 1980-4]

Presidential Election Campaign Fund; Presidential Primary Matching Fund

AGENCY: Federal Election Commission.

ACTION: Final rule: announcement of effective date.

SUMMARY: On Monday, November 5, 1979 (44 FR 63756–63758) the Commission published the text of revised regulations governing the administration of the Presidential Primary Matching Payment Account provided for in Title 26, United States Code, which were submitted to Congress on October 31, 1979, pursuant to 26 U.S.C. 9039(c). The Commission announces that the revised regulations will become effective as of February 12, 1980.

EFFECTIVE DATE: February 12, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia A. Fiori, Assistant General Counsel, 1325 K Street, N.W., Washington, D.C. 20463, (202) 523–4143.

SUPPLEMENTARY INFORMATION: 26 U.S.C. 9039(c) requires that any rule or regulation prescribed by the Commission to implement Chapter 96 of Title 26, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. If neither House of Congress disapproves the regulations within 30 legislative days after their transmittal, the Commission may finally prescribe the regulations in question. The revised regulations being made effective by this notice were transmitted to Congress on October 31, 1979. Thirty legislative days passed as of the close of business January 10, 1980.

"The amendments to 11 CFR Parts 9032, 9033, 9034, and 9035 appearing at 44 FR 63757–63758 are effective as of February 12, 1980."

Dated: February 6, 1980.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 80-4562 Filed 2-11-80; 8:45 am]

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federal register

Tuesday
February 12, 1980

Part VII

Department of the Interior

Bureau of Land Management

Certain Lands in Alaska; Public Land Order Withdrawals

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Orders 5696-5711

Certain Lands in Alaska; Public Land Order Withdrawals

AGENCY: Department of the Interior.

ACTION: Notice of Public Land Order withdrawals.

SUMMARY: This Notice sets out various Public Land Orders which withdraw certain lands in Alaska pursuant to section 204(c) of the Federal Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c). Thirteen of these areas are withdrawn and reserved as National Wildlife Refuges for administration by the United States Fish and Wildlife Service. Four of these areas are withdrawn and reserved as Natural Areas for special administration by the Bureau of Land Management.

EFFECTIVE DATE: These Public Land Orders are effective February 12, 1980.

FOR FURTHER INFORMATION CONTACT: Juanita Alvarez, Special Assistant to the Assistant Secretary for Fish and Wildlife and Parks, 202-343-4138, or Jerry Gilliland, Special Assistant to the Secretary, P.O. Box 120, Anchorage, Alaska, 907-265-5278.

SUPPLEMENTARY INFORMATION: I have signed the following Public Land Orders to provide a degree of resource protection and management direction which is appropriate for these nationally significant areas of Alaska. Thirteen of these areas, totalling approximately 37.6 million acres, are withdrawn and reserved as National Wildlife Refuges for administration by the United States Fish and Wildlife Service. Four of these areas, totalling approximately 3.2 million acres, are withdrawn and reserved as Natural Resource Areas for administration by the Bureau of Land Management.

It remains my hope that Congress will expeditiously adopt Alaska National Interest Lands legislation covering these lands. The Department continues to be committed to enacting sound legislation, which could supercede these administrative withdrawals. However, the pace of Alaska "d-2" legislation, which dates back to 1971, and the need for long-term management direction for these areas both strongly suggested that I take action at this time under my FLPMA withdrawal authority. As required by section 204(c) of FLMPA, I have transmitted to Congress the Department's 204(c) reports, copies of which are available from the Department upon request.

There are several common elements in the Public Land Order withdrawals of these new Wildlife Refuges and Natural Resource Areas. All the described areas are withdrawn and reserved subject to valid existing rights, as defined by past law and administrative practice. For example, the Orders recognize existing rights of mineral entries which were valid under the 1872 Mining Law. In addition, rights of the State of Alaska and Native Corporations, embodied in specific laws or agreements with this Department, are preserved. All the described areas are withdrawn from involuntary disposition under the public land laws, including settlement, sale, location, entry or selection. The withdrawals cover only federally owned or controlled areas; previously conveyed State, Native and private lands are not directly affected by these withdrawals. The term of each withdrawal is 20 years from its effective date, though under existing law the Department is compelled to renew Wildlife Refuge withdrawals and the Department may renew, in its discretion, Natural Resource Conservation Area withdrawals. Both types of areas are not withdrawn from activities which the Department has some discretion to allow, such as exchanges. This Department will soon promulgate regulations and management decisions stating standards governing these discretionary activities, such as rights-of-way, hunting, trapping, timbering and grazing. Furthermore, all of the areas are reserved for specific purposes and the reservations explicitly invoke the reserved water rights doctrine. In accordance with this Department's interest in continuing the opportunity for subsistence activities by local rural residents, I also have expressly stated the Department's continued policy of preference for subsistence uses of wild renewable resources within these new areas. In addition, the Department recognizes the need and desirability of coordinating land management programs with adjacent land owners who might otherwise impact the natural resources of these new areas. To this end, managers of these areas should initiate and actively participate in cooperative agreements with these adjacent land owners. Finally, in the case of the new Wildlife Refuges, the lands are expressly opened to such discretionary oil and gas leasing as is determined to be compatible with the refuge purposes set forth in this document.

Establishing Purposes for National Wildlife Refuges

The thirteen new national wildlife refuges are reserved for the general purposes of conserving fish and wildlife resources and their habitats, and the ecological systems of which they form a constituent element; supporting the intent and purposes of international treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, paleontological, or other scientific or educational values.

This general statement of purposes actually encompasses and reflects many specific management purposes for the varied national wildlife refuges created. In order to further enunciate my intent behind the general statement of purposes as applied separately to each refuge, the following paragraphs supplement that statement and set forth in more detail various additional specific purposes which have resulted in the creation of these refuges. These general and specific purposes will provide the basis for determinig whether discretionary activities are compatible with the purposes of each refuge under the National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. 668dd *et seq:*

1. Alaska Marine Resources National Wildlife Refuge—Among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to marine birds, other migratory birds, marine mammals, endangered species and the marine resources on which they rely; the preservation of special values represented by the pristine biotic character and representative coastal ecosystems encompassed by the refuge; and the enhancement of opportunities for initiating and maintaining a program of national and international marine resources research and management.

2. Arctic National Wildlife Refuge—Among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to the Porcupine caribou herd, wolves, wolverines, Dall sheep, muskox, Arctic char, marine mammals peregrine falcons and other migratory birds; and the preservation of special values represented by the pristine biotic character and representative Arctic life zones of the refuge, and the Ivishak, Porcupine, Sheejek and Wind Rivers.

3. Innoko National Wildlife Refuge—Among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to waterfowl, peregrine falcons and other migratory birds, furbearers, large mammals and salmon; and the preservation of special values represented by the pristine biotic

character and representative subarctic life zones of the refuge.

4. Kanuti National Wildlife Refuge—among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to white-fronted geese and other waterfowl, other migratory birds, moose, caribou, furbearers and salmon.

5. Kenai National Wildlife Refuge—Among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to mountain goats, moose, bears, Dall sheep, migratory birds and slamon; and the preservation of special values represented by the pristine biotic character of the refuge.

6. Koyukuk National Wildlife Refuge-Among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to waterfoul, other migratory birds, furbearers, large mammals and salmon; and the preservation of special values represented by the pristine biotic character of the refuge, the Nogahabara Dunes and the skroll meanders of the Koyukuk River.

7. Nowitna National Wildlife Refuge—Among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to white-fronted geese, trumputer swans, other waterfowl and migratory birds, martens, wolverines and other furbearers, large mammals, sheefish, salmon and northern pike; and the preservation of special values represented by the pristine biotic character of the refuge, and the Nowitna River.

8. Selawik National Wildlife Refuge-Among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to migratory birds, the western Arctic caribou herd, other large mammals, furbearers, sheerfish and salmon; and the preservation of special values represented by the pristine biotic character of the refuge, the Selawik River, and the archeological resources of the refuge.

9. Tetlin National Wildlife Refuge—Among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to waterfowl and other migratory birds, large mammals, and furbearers; and the preservation of special values represented by the pristine biotic character of the refuge; and the enhancement of educational opportunities associated with this road entrance to Alaska.

10. Togiak National Wildlife Refuge—Among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to salmonids, marine and other migratory birds and marine and other large mammals; the preservation of special values represented by the pristine biotic character of the refuge, the watersheds essential to the maintenance of Bristol and Kuskokwin Bays, and the Kanektok River; and the enhancement of the opportunity to restore large mammal populations which historically inhabited the area.

11. Yukon Delta National Wildlife Refuge—Among other purposes, this refuge shall be managed for: the conservation of key fish and wildlife resources including but not limited to shore and water birds, waterfowl, endangered and other migratory birds, marine mammals and salmonids; and the preservation of special values represented by archeological resources, the Ingatslugwat Hills and the Andreafsky River and its east fork.

12. Yukon Flats National Wildlife Refuge—Among other purposes, this refuge shall be managed for: the conservation of key resources including but not limited to this important component of the watershed of the Yukon Flats National Wildlife Monument, waterfowl, other migratory birds, furbearers, large mammals and salmon.

In each of these new wildlife refuges, the foremost objective is the consevation of fish and wildlife and habitat resources as components of their ecological systems. Although some species of fish and wildlife are to be accorded particular management emphasis within individual units, all management will be performed in full recognition of the need to maintain the natural diversity of all components of ecosystems represented in each refuge.

To the maximum extent posible, and in a manner consistent with the objective for conservation of fish and wildlife and their habitats, these new refuges should also be managed to insure the quality of water resources and protection of watershed features of the area. Furthermore, the management of each refuge will be consistent with the maintenance and protection of areas of archeological, historical, paleontological, geological or other scientific interest, as well as the enhancement of localized environmental education opportunities.

Establishing Purposes For Natural Resource Areas

The four new Natural Resource Areas contain outstanding examples of scenic, natural, historic, cultural, wildlife and recreation resource values which deserve special management attention from the Bureau of Land Management. To begin with, the Aniakchak Natural Resource Area should be managed to maintain the volcanic features and landscapes associated with the Aniakchak Caldera, including the Aniakchak River and other lakes and streams in their natural state; to study, interpret and assure continuation of the natural process of biological succession; to protect habitat for and populations of fish and wildlife, including, but not limited to brown bear, moose, caribou, sea lions, seals and other marine mamals; and in a manner consistent with the foregoing, to interpret geological and biological processes for visitors.

The Lake Clark Natural Resource Area should be managed to protect the watershed necessary for perpetuation of the red salmon fishery in Bristol Bay; to maintain unimpaired the scenic beauty and quality of portions of the Alaska Range and the Aleutian Range, including wild rivers, waterfalls, lakes, and alpine meadows in their natural state; to protect habitat for and populations of fish and wildlife including but not limited to brown bear, salmon, trout, and bald eagles; and to protect outstanding opportunities for outdoor recreation and wilderness.

The Noatak Natural Resource Area Area should be managed to maintain the environmental integrity of the Noatak River and adjacent uplands insuch a manner to assure the continuation of geological and biological processes unimpaired by adverse human activity; to protect populations of fish and wildlife, including but not limited to caribou, grizzly bear, moose, wolves, and for raptors, geese and swans; to protect the integrity of the basin and its values for scientific research; to protect archeological resources; and in a manner consistent with the foregoing provide multidisciplinary opportunities for scientific research.

The Wrangells—St. Elias Natural Resource Area should be managed to maintain the scenic beauty and quality of the mountain foothills, lakes and streams in their natural state; to protect habitat for pouplations of fish and wildlife, including but not limited to caribou, grizzly bear, Dall sheep, moose and wolves.

It is anticipated that the Bureau of Land Management will receive some assistance from the National Park Service in helping to conserve and interpret these values, through a cooperative agreement to be prepared in the near future.

Availability of Maps

Included in each Public Land Order is a legal description of the boundaries of the withdrawn area. The Department of the Interior intends to make available, at the following locations, maps generally describing the areas subject to these FLPMA section 204(c) withdrawals.

1. U.S. Fish and Wildlife Service Alaska Area Office (Attn: 204(c)) 1011 E. Tudor Road, Anchorage, Alaska 9503, Phone: (907) 276–3800.
2. Bureau of Land Management, Office of the State Director, Attn: 204(c), 555 Cordova Street, Anchorage, Alaska 99513, Phone: (907) 271–5752.
3. U.S. Fish and Wildlife Service, Alaska Native Claims Staff, Attn: 204(c), Room 3012, Main Interior, 18th and C Streets, Washington, D.C. 20240, Phone: (202) 343–7533.

4. Bureau of Land Management, Alaska Program Staff, Attn: 204(c), Room 3646, Main Interior, 18th and C Street, Washington, D.C. 20240, Phone: (202) 343–6511.

In the event of any inconsistency between the legal description and the maps, the legal description shall control.

Dated: February 11, 1980.

Cecil D. Andrus,

Secretary of the Interior.

BILLING CODE 4310-84-M

Public Land Order _____

Withdrawal for Innoko National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Innoko National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Innoko National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent and purposes of international treaty obligations of

the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

INNOKO NATIONAL WILDLIFE REFUGE

Beginning at the point for the meander corner of sections 15 and 22, T. 17 S., R. 1 W., Kateel River Meridian, on the right bank of the Yukon River;

Thence easterly, between sections 15 and 22, 14 and 23, 13 and 24, 18 and 19, approximately 3 1/2 miles to the corner of sections 17, 18, 19 and 20, T. 17 S., R. 1 E., Kateel River Meridian, across the Yukon River;

Thence southerly, between sections 19 and 20, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 17 S., R. 1 E., Kateel River Meridian;

Thence easterly, between sections 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, approximately 11 miles to the corner of sections 19, 24, 25, and 30, T. 17 S., Rs. 2 and 3 E., Kateel River Meridian;

Thence southerly, between Rs. 2 and 3 E., approximately 2 miles to the corner of Tps. 17 and 18 S., Rs. 2 and 3 E., Kateel River Meridian;

Thence easterly, between Tps. 17 and 18 S., approximately 10 miles to the corner of sections 2, 3, 34 and 35, Tps. 17 and 18 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 18 S., R. 4 E., Kateel River Meridian;

Thence easterly, between sections 11 and 14, 12 and 13, approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 18 S., Rs. 4 and 5 E., Kateel River Meridian;

Thence southerly, between sections 13 and 18, 19 and 24, approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 18 S., Rs. 4 and 5 E., Kateel River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, approximately 15 miles to the corner of sections 21, 22, 27 and 28, T. 18 S., R. 7 E., Kateel River Meridian;

Thence northerly, between sections 21 and 22, 15 and 16, 9 and 10, 3 and 4, approximately 4 miles to the corner of 3, 4, 33 and 34, Tps. 17 and 18 S., R. 7 E., Kateel River Meridian;

Thence easterly, between Tps. 17 and 18 S., approximately 9 miles to the corner of Tps. 17 and 18 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence southerly, between Rs. 8 and 9 E., approximately 6 miles to the corner of Tps. 18 and 19 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence westerly, between Tps. 18 and 19 S., approximately 6 miles to the corner of Tps. 18 and 19 S., Rs. 7 and 8 E., Kateel River Meridian;

Thence southerly, between Rs. 7 and 8 E., approximately 12 miles to the corner of T. 20 S., Rs. 7 and 8 E., Kateel River Meridian;

Thence easterly, between Tps. 20 and 21 S., approximately 12 miles to the corner of T. 20 S., Rs. 9 and 10 E., Kateel River Meridian;

Thence northerly, between Rs. 9 and 10 E., approximately 6 miles to the corner of Tps. 19 and 20 S., Rs. 9 and 10 E., Kateel River Meridian;

Thence easterly, between Tps. 19 and 20 S., approximately 18 miles to the corner of Tps. 19 and 20 S., Rs. 12 and 13 E., Kateel River Meridian;

Thence southerly, between Rs. 12 and 13 E., approximately 6 miles to the standard corner of T. 20 S., Rs. 12 and 13 E., Kateel River Meridian;

Thence westerly, on the Fifth Standard Parallel South, approximately 3/4 mile to the closing corner of T. 21 S., Rs. 12 and 13 E., Kateel River Meridian;

Thence southerly, between Rs. 12 and 13 E., approximately 4 miles to the corner of sections 19, 24, 25 and 30, T. 21 S., Rs. 12 and 13 E., Kateel River Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, 21 and 28, approximately 4 miles to the corner of sections 20, 21, 28 and 29, T. 21 S., R. 12 E., Kateel River Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, approximately 2 miles to the corner of sections 4, 5, 32 and 33, Tps. 21 and 22 S., R. 12 E., Kateel River Meridian;

Thence westerly, between Tps. 21 and 22 S., approximately 8 miles to the corner of Tps. 21 and 22 S., Rs. 10 and 11 E., Kateel River Meridian;

Thence southerly, between Rs. 10 and 11 E., approximately 6 miles to the corner of Tps. 22 and 23 S., Rs. 10 and 11 E., Kateel River Meridian;

Thence westerly, between Tps. 22 and 23 S., approximately 7 miles to the corner of sections 1, 2, 35 and 36, Tps. 22 and 23 S., R. 9 E., Kateel River Meridian;

Thence southerly, between sections 1 and 2, 11 and 12, 13 and 14, 23 and 24, approximately 3 1/2 miles to the 1/4 section corner of sections 23 and 24, T. 23 S., R. 9 E., Kateel River Meridian;

Thence westerly, along the E-W centerlines of sections 23 and 22, approximately 2 miles to the 1/4 section corner of sections 21 and 22, T. 23 S., R. 9 E., Kateel River Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 8 1/2 miles to the standard corner of sections 33 and 34, T. 24 S., R. 9 E., Kateel River Meridian;

Thence westerly, on the Sixth Standard Parallel South, approximately 5 miles to the standard corner of sections 34 and 35, T. 24 S., R. 8 E., Kateel River Meridian;

Thence northerly, between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, 2 and 3, approximately 6 miles to the corner of sections 2, 3, 34 and 35, Tps. 23 and 24 S., R. 8 E., Kateel River Meridian;

Thence westerly, between Tps. 23 and 24 S., approximately 3 miles to the corner of sections 5, 6, 31 and 32, Tps. 23 and 24 S., R. 8 E., Kateel River Meridian;

Thence northerly, between sections 31 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 23 S., R. 8 E., Kateel River Meridian;

Thence westerly, between sections 30 and 31, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 23 S., Rs. 7 and 8 E., Kateel River Meridian;

Thence northerly, between Rs. 7 and 8 E., approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 23 S., Rs. 7 and 8 E., Kateel River Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, approximately 7 miles to the corner of sections 23, 24, 25 and 26, T. 23 S., R. 6 E., Kateel River Meridian;

Thence southerly, between sections 25 and 26, 35 and 36, approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 23 and 24 S., R. 6 E., Kateel River Meridian;

Thence westerly, between Tps. 23 and 24 S., approximately 2 miles to the corner of sections 3, 4, 33 and 34, Tps. 23 and 24 S., R. 6 E., Kateel River Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 6 miles to the standard corner of sections 33 and 34, T. 24 S., R. 6 E., Kateel River Meridian;

Thence easterly on the Sixth Standard Parallel South, approximately 1/2 mile to the closing corner of sections 2 and 3, T. 25 S., R. 6 E., Kateel River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, 34 and 35, approximately 6 miles to the corner of sections 2, 3, 34 and 35, Tps. 25 and 26 S., R. 6 E., Kateel River Meridian;

Thence westerly, between Tps. 25 and 26 S., approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 25 and 26 S., R. 6 E., Kateel River Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 26 S., R. 6 E., Kateel River Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 26 S., R. 6 E., Kateel River Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, approximately 2 miles to the corner of sections 4, 5, 32 and 33, Tps. 26 and 27 S., R. 6 E., Kateel River Meridian;

Thence westerly, between Tps. 26 and 27 S., approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 26 and 27 S., R. 6 E., Kateel River Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, 17 and 18, 19 and 20, 29 and 30, approximately 5 miles to the corner of sections 29, 30, 31 and 32, T. 27 S., R. 6 E., Kateel River Meridian;

Thence westerly, between sections 30 and 31, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 27 S., Rs. 5 and 6 E., Kateel River Meridian;

Thence southerly, between Rs. 5 and 6 E., approximately 7 miles to the corner of Tps. 28 and 29 S., Rs. 5 and 6 E., Kateel River Meridian;

Thence easterly, between Tps. 28 and 29 S., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 28 and 29 S., R. 6 E., Kateel River Meridian;

Thence southerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3 and 4, T. 29 S., R. 6 E., Kateel River Meridian;

Thence westerly, along the North Boundary of the Seward Meridian, approximately 300 feet to the corner of sections 31 and 36, T. 34 N., Rs. 44 and 45 W., Seward Meridian;

Thence southerly, between Rs. 44 and 45 W., approximately 7 miles to the standard corner of T. 33 N., Rs. 44 and 45 W., Seward Meridian;

Thence westerly, on the Eighth Standard Parallel North, approximately 3 miles to the closing corner of T. 32 N., Rs. 45 and 46 W., Seward Meridian;

Thence southerly, between Rs. 45 and 46 W., approximately 12 miles to the corner of Tps. 30 and 31 N., Rs. 45 and 46 W., Seward Meridian;

Thence westerly, between Tps. 30 and 31 N., approximately 40 miles

to the corner of sections 4, 5, 32 and 33, Tps. 30 and 31 N., R. 52 W., Seward Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, approximately 12 miles to the closing corner of sections 4 and 5, T. 32 N., R. 52 W., Seward Meridian;

Thence westerly, on the Eighth Standard Parallel North, approximately 11 3/4 miles to the standard corner of T. 33 N., Rs. 53 and 54 W., Seward Meridian;

Thence northerly, between Rs. 53 and 54 W., approximately 6 miles to the corner of Tps. 33 and 34 N., Rs. 53 and 54 W., Seward Meridian;

Thence easterly, between Tps. 33 and 34 N., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 33 and 34 N., R. 53 W., Seward Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 33 and 34, T. 34 N., R. 53 W., Seward Meridian;

Thence westerly, along the South Boundary of the Kateel River Meridian, approximately 500 feet to the corner of sections 1 and 6, T. 29 S., Rs. 3 and 4 W., Kateel River Meridian;

Thence northerly, between Rs. 3 and 4 W., approximately 1 mile to the corner of Tps. 28 and 29 S., Rs. 3 and 4 W., Kateel River Meridian;

Thence easterly, between Tps. 28 and 29 S., approximately 2 miles to the corner of sections 4, 5, 32 and 33, Tps. 28 and 29 S., R. 3 W., Kateel River Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, approximately 6 miles to the corner of sections 4, 5, 32 and 33, Tps. 27 and 28 S., R. 3 W., Kateel River Meridian;

Thence easterly, between Tps. 27 and 28 S., approximately 4 miles to the corner of Tps. 27 and 28 S., Rs. 2 and 3 W., Kateel River Meridian;

Thence northerly, between Rs. 2 and 3 W., approximately 6 miles to the corner of Tps. 26 and 27 S., Rs. 2 and 3 W., Kateel River Meridian;

Thence easterly, between Tps. 26 and 27 S., approximately 6 miles to the corner of Tps. 26 and 27 S., Rs. 1 and 2 W., Kateel River

Meridian;

Thence northerly, between Rs. 1 and 2 W., approximately 12 miles to the closing corner of T. 25 S., Rs. 1 and 2 W., Kateel River Meridian;

Thence westerly, on the Sixth Standard Parallel South, approximately 300 feet to the standard corner of T. 24 S., Rs. 1 and 2 W., Kateel River Meridian;

Thence northerly, between Rs. 1 and 2 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 24 S., Rs. 1 and 2 W., Kateel River Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, approximately 2 miles to the corner of sections 14, 15, 22 and 23, T. 24 S., R. 2 W., Kateel River Meridian;

Thence northerly, between sections 14 and 15, 10 and 11, 2 and 3, 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, 2 and 3, approximately 9 miles to the corner of sections 2, 3, 34 and 35, Tps. 22 and 23 S., R. 2 W., Kateel River Meridian;

Thence easterly, between Tps. 22 and 23 S., approximately 2 miles to the corner of Tps. 22 and 23 S., Rs. 1 and 2 W., Kateel River Meridian;

Thence northerly, between Rs. 1 and 2 W., approximately 4 miles to the corner of sections 7, 12, 13 and 18, T. 22 S., Rs. 1 and 2 W., Kateel River Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, approximately 2 miles to the corner of sections 8, 9, 16 and 17, T. 22 S., R. 1 W., Kateel River Meridian;

Thence northerly, between sections 8 and 9, 4 and 5, 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, approximately 8 miles to the closing corner of sections 4 and 5, T. 21 S., R. 1 W., Kateel River Meridian;

Thence easterly on the Fifth Standard Parallel South, approximately 3 miles to the standard corner of sections 35 and 36, T. 20 S., R. 1 W., Kateel River Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, 23 and 24, 13 and 14, 11 and 12, 1 and 2, approximately 6 miles to the corner of sections 1, 2, 35 and 36, Tps. 19 and 20 S., R. 1 W., Kateel River Meridian;

Thence westerly, between Tps. 19 and 20 S., approximately 11 miles to the corner of Tps. 19 and 20 S., Rs. 2 and 3 W., Kateel River Meridian;

Thence northerly, between Rs. 2 and 3 W., approximately 8 1/4 miles to the point for the meander corner of sections 19 and 24, T. 18 S., Rs. 2 and 3 W., Kateel River Meridian, on the right bank of Steamboat Slough, a part of the Yukon River;

Thence northerly and easterly, on the right bank of the Yukon River, along the line of mean high water, approximately 8 miles to the meander corner of sections 1 and 6, T. 18 S., Rs. 1 and 2 W., Kateel River Meridian, on the right bank of the Yukon River;

Thence northerly, between Rs. 1 and 2 W., approximately 1 3/4 miles to the corner of sections 25, 30, 31 and 36, T. 17 S., Rs. 1 and 2 W., Kateel River Meridian;

Thence westerly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 17 S., R. 2 W., Kateel River Meridian;

Thence northerly, between sections 25 and 26, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 17 S., R. 2 W., Kateel River Meridian;

Thence easterly, between sections 24 and 25, 19 and 30, 20 and 29, approximately 2 3/4 miles to the meander corner of sections 20 and 29, T. 17 S., R. 2 W., Kateel River Meridian, on the right bank of the Yukon River;

Thence northerly and easterly, on the right bank of the Yukon River, along the line of mean high water, approximately 2 1/4 miles to the point of beginning.

INNOKO NATIONAL WILDLIFE REFUGE

(KAIYUH UNIT)

Beginning at the meander corner of sections 5 and 32, Tps. 13 and 14 S., Rs. 1 E., Kateel River Meridian, at the line of mean high water on the left bank of the Yukon River;

Thence easterly, between Tps. 13 and 14 S., approximately 29 miles to the corner of sections 5, 6, 31 and 32, Tps. 13 and 14 S., R. 6 E., Kateel River Meridian;

Thence northerly, between sections 31 and 32, 29 and 30, approximately 2 miles to the corner of sections 19, 20, 29 and 30, T. 13 S., R. 6 E., Kateel River Meridian;

Thence easterly, between sections 20 and 29, 21 and 28, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 13 S., R. 6 E., Kateel River Meridian;

Thence northerly, between sections 21 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 13 S., R. 6 E., Kateel River Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, 13 and 24, approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 13 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 3 miles to the closing corner of T. 13 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence easterly, on the Third Standard Parallel South, approximately 1/2 mile to the standard corner of T. 12 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 12 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, 28 and 33, approximately 3 miles to the corner of sections 27, 28, 33 and 34, T. 12 S., R. 7 E., Kateel River Meridian;

Thence northerly, between sections 27 and 28, 21 and 22, 15 and 16, approximately 3 miles to the corner of sections 9, 10, 15 and 16, T. 12 S., R. 7 E., Kateel River Meridian;

Thence easterly, between sections 10 and 15, 11 and 14, 12 and 13, 7 and 18, 8 and 17, approximately 5 miles to the corner of sections 8, 9, 16 and 17, T. 12 S., R. 8 E., Kateel River Meridian;

Thence northerly, between sections 8 and 9, 4 and 5, 32 and 33, approximately 3 miles to the corner of sections 28, 29, 32 and 33, T. 11 S., R. 8 E., Kateel River Meridian;

Thence easterly, between sections 28 and 33, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 11 S., R. 8 E., Kateel River Meridian;

Thence northerly, between sections 27 and 28, 21 and 22, approximately 2 miles to the corner of sections 15, 16, 21 and 22, T. 11 S., R. 8 E., Kateel River Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, approximately 2 miles to the corner of sections 13, 14, 23 and 24, T. 11 S., R. 8 E., Kateel River Meridian;

Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 11 S., R. 8 E., Kateel River Meridian;

Thence easterly, between sections 12 and 13, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 11 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence northerly, between Rs. 8 and 9 E., approximately 1 mile to the corner of sections 1, 6, 7 and 12, Tps. 11 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence easterly, between sections 6 and 7, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 11 S., R. 9 E., Kateel River Meridian;

Thence northerly, between sections 5 and 6, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 10 and 11 S., R. 9 E., Kateel River Meridian;

Thence easterly, between Tps. 10 and 11 S., approximately 2 miles to the corner of sections 3, 4, 33 and 34, Tps. 10 and 11 S., R. 9 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 10 S., R. 9 E., Kateel River Meridian;

Thence easterly, between sections 22 and 27, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 10 S., R. 9 E., Kateel River Meridian;

Thence northerly, between sections 22 and 23, 14 and 15, 10 and 11, approximately 3 miles to the corner of sections 2, 3, 10 and 11, T. 10 S., R. 9 E., Kateel River Meridian;

Thence easterly, between sections 2 and 11, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 10 S., R. 9 E., Kateel River Meridian;

Thence northerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 9 and 10 S., R. 9 E., Kateel River Meridian;

Thence easterly, between Tps. 9 and 10 S., approximately 1 mile to the corner of Tps. 9 and 10 S., Rs. 9 and 10 E., Kateel River Meridian;

Thence northerly, between Rs. 9 and 10 E., approximately 4 1/2 miles to the meander corner of sections 7 and 12, T. 9 S., Rs. 9 and 10 E., Kateel River Meridian, at the line of mean high water on the left bank of the Yukon River;

Thence westerly and southerly, along the left bank of the Yukon River at the line of mean high water, to the meander corner of sections 5 and 32, Tps. 13 and 14 S., R. 1 E., Kateel River Meridian, the point of beginning.

This unit also includes all islands in the Yukon River from the line between T. 9 S., Rs. 9 and 10 E., to the line between Tsp. 13 and 14 S., R. 1 E., Kateel River Meridian.

4. Federal owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are

hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U.S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

Cecil D. Andrus

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5697

Withdrawal for Kanuti National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska

Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Kanuti National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Kanuti National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent and purposes of international treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

KANUTI NATIONAL WILDLIFE REFUGE

Beginning at the closing corner of T. 24 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence westerly, along the Sixth Standard Parallel North, approximately 2 1/4 miles to the standard corner of sections 35 and 36, T. 25 N., R. 17 W., Fairbanks Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 25 N., R. 17 W., Fairbanks Meridian;

Thence westerly, between sections 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, approximately 8 miles to the corner of sections 21, 22, 27 and 28, T. 25 N., R. 18 W., Fairbanks meridian;

Thence southerly, between sections 27 and 28, 33 and 34, approximately 2 miles to the standard corner of sections 33 and 34, T. 25 N., R. 18 W., Fairbanks Meridian;

Thence westerly, along the Sixth Standard Parallel North, approximately 3 1/2 miles to the closing corner between sections 2 and 3, T. 24 N., R. 19 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 24 N., R. 19 W., Fairbanks Meridian;

Thence westerly, between sections 3 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 24 N., R. 19 W., Fairbanks Meridian;

Thence southerly, between sections 9 and 10, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 24 N., R. 19 W., Fairbanks Meridian;

Thence westerly, between sections 9 and 16, 8 and 17, approximately 2 miles to the corner of sections 7, 8, 17 and 18, T. 24 N., R. 19 W., Fairbanks Meridian;

Thence southerly, between sections 17 and 18, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 24 N., R. 19 W., Fairbanks Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, approximately 2 miles to the corner of sections 13, 14, 23 and 24, T. 24 N., R. 20 W., Fairbanks Meridian;

Thence southerly, between sections 23 and 24, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 24 N., R. 20 W., Fairbanks Meridian;

Thence westerly, between sections 23 and 26, 22 and 27, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 24 N., R. 20 W., Fairbanks Meridian;

Thence northerly, between sections 21 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 24 N., R. 20 W., Fairbanks Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 24 N., R. 20 W., Fairbanks Meridian;

Thence northerly, between sections 16 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 24 N., R. 20 W., Fairbanks Meridian;

Thence westerly, between sections 8 and 17, 7 and 18, approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 24 N., Rs. 20 and 21 W., Fairbanks Meridian;

Thence southerly, between Rs. 20 and 21 W., approximately 3 miles to the corner of sections 24, 30, 31 and 36, T. 24 N., Rs. 20 and 21 W., Fairbanks Meridian;

Thence westerly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 24 N., R. 21 W., Fairbanks Meridian;

Thence southerly, between sections 35 and 36, approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 23 and 24 N., R. 21 W., Fairbanks Meridian;

Thence westerly, between Tps. 23 and 24 N., approximately 2 miles to the corner of sections 3, 4, 33 and 34, Tps. 23 and 24 N., R. 21 W., Fairbanks Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 23 N., R. 21 W., Fairbanks Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 23 N., R. 21 W., Fairbanks Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 23 N., R. 21 W.,

Fairbanks Meridian;

Thence westerly, between sections 20 and 29, 19 and 30, 24 and 25, 23 and 26, approximately 4 miles to the corner of sections 22, 23, 26 and 27, T. 23 N., R. 22 W., Fairbanks Meridian;

Thence southerly, between sections 26 and 27, 34 and 35, 2 and 3, 10 and 11, 14 and 15, 22 and 23, approximately 6 miles to the corner of sections 22, 23, 26 and 27, T. 22 N., R. 22 W., Fairbanks Meridian;

Thence westerly, between sections 22 and 27, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 22 N., R. 22 W., Fairbanks Meridian;

Thence southerly, between sections 27 and 28, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 22 N., R. 22 W., Fairbanks Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 22 N., R. 22 W., Fairbanks Meridian;

Thence southerly, between sections 32 and 33, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 21 and 22 N., R. 22 W., Fairbanks Meridian;

Thence westerly, between Tps. 21 and 22 N., approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 21 and 22 N., R. 22 W., Fairbanks Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, approximately 2 miles to the corner of sections 7, 8, 17 and 18, T. 21 N., R. 22. W., Fairbanks Meridian;

Thence westerly, between sections 7 and 18, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 21 N., Rs. 22 and 23 W., Fairbanks Meridian;

Thence southerly, between Rs. 22 and 23 W., approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 21 N., Rs. 22 and 23 W., Fairbanks Meridian;

Thence westerly, between sections 24 and 25, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 21 N., R. 23 W., Fairbanks Meridian;

Thence southerly, between sections 25 and 26, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 21 N., R. 23 W., Fairbanks Meridian;

Thence westerly, between sections 26 and 35, 27 and 34, approximately 2 miles to the corner of sections 27, 28, 33 and 34, T. 21 N., R. 23 W., Fairbanks Meridian;

Thence southerly, between sections 33 and 34, approximately 1 mile to the standard corner of sections 33 and 34, T. 21 N., R. 23 W., Fairbanks Meridian;

Thence westerly, along the Fifth Standard Parallel North, approximately 1 mile to the closing corner of T. 20 N., Rs. 23 and 24 W., Fairbanks Meridian;

Thence southerly, between Rs. 23 and 24 W., approximately 5 miles to the corner of sections 25, 30, 31 and 36, T. 20 N., Rs. 23 and 24 W., Fairbanks Meridian;

Thence westerly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 20 N., R. 24 W., Fairbanks Meridian;

Thence southerly, between sections 35 and 36, 1 and 2, 11 and 12, 13 and 14, approximately 4 miles to the corner of sections 13, 14, 23 and 24, T. 19 N., R. 24 W., Fairbanks Meridian;

Thence westerly, between sections 14 and 23, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 19 N., R. 24 W., Fairbanks Meridian;

Thence southerly, between sections 22 and 23, 26 and 27, 34 and 35, approximately 3 miles to the corner of sections 2, 3, 34 and 35, Tps. 18 and 19 N., R. 24 W., Fairbanks Meridian;

Thence easterly, between Tps. 18 and 19 N., approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 18 and 19 N., R. 24 W., Fairbanks Meridian;

Thence southerly, between sections 1 and 2, 11 and 12, 13 and 14, 23 and 24, 25 and 26, 35 and 36, approximately 6 miles to the corner of sections 1, 2, 35 and 36, Tps. 17 and 18 N., R. 24 W., Fairbanks Meridian;

Thence easterly, between Tps. 17 and 18 N., approximately 1 mile to the of corner Tps. 17 and 18 N., Rs. 23 and 24 W., Fairbanks Meridian;

Thence southerly, between Rs. 23 and 24 W., approximately 6 miles to the standard corner of T. 17 N., Rs. 23 and 24 W., Fairbanks Meridian;

Thence easterly, on the Fourth Standard Parallel North, approximately 1 3/4 miles to the closing corner of T. 16 N., Rs. 23 and

24 W., Fairbanks Meridian;

Thence southerly, between Rs. 23 and 24 W., approximately 12 miles to the corner of Tps. 14 and 15 N., Rs. 23 and 24 W., Fairbanks Meridian;

Thence easterly, between Tps. 14 and 15 N., approximately 6 miles to the corner of Tps. 14 and 15 N., Rs. 22 and 23 W., Fairbanks Meridian;

Thence southerly, between Rs. 22 and 23 W., approximately 6 miles to the corner of Tps. 13 and 14 N., Rs. 22 and 23 W., Fairbanks Meridian;

Thence easterly, between Tps. 13 and 14 N., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 13 and 14 N., R. 20 W., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, approximately 9 miles to the corner of sections 15, 16, 21 and 22, T. 15 N., R. 20 W., Fairbanks Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, approximately 9 miles to the corner of sections 13, 18, 19 and 24, T. 15 N., Rs. 18 and 19 W., Fairbanks Meridian;

Thence northerly, between Rs. 18 and 19 W., approximately 3 miles to the corner of Tps. 15 and 16 N., Rs. 18 and 19 W., Fairbanks Meridian;

Thence easterly between Tps. 15 and 16 N., approximately 12 miles to the corner of Tps. 15 and 16 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence northerly, between Rs. 16 and 17 W., approximately 6 miles to the closing corner of T. 16 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence westerly, on the Fourth Standard Parallel North, approximately 1 1/2 miles to the standard corner of T. 17 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence northerly, between Rs. 16 and 17 W., approximately 24 miles to the closing corner of T. 20 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence westerly, on the Fifth Standard Parallel North, approximately 1 1/4 miles to the standard corner of T. 21 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence northerly, between Rs. 16 and 17 W., approximately 24 miles to the closing corner of T. 24 N., Rs. 16 and 17 W., Fairbanks Meridian, the point of beginning.

4. Federal owned or controlled lands (including submerged lands), interests inlands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as

that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U.S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

Cecil D. Andrus

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5698

Withdrawal for Kenai National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Kenai National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Kenai National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent and purposes of international treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

KENAI NATIONAL WILDLIFE REFUGE

Beginning at the southeast corner of the Kenai National Moose Range;

Thence West, on a forward bearing, approximately 11 1/4 miles to a point on the line between sections 4 and 5, T. 6 S., R. 8 W., Seward Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 6 S., R. 8 W., Seward Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence southerly, between Rs. 8 and 9 W., approximately 3 miles to the corner of sections 19, 24, 25 and 30, T. 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, approximately 3 miles to the corner of sections 21, 22, 27 and 28, T. 6 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 27 and 28, 33 and 34, 3 and 4, 9 and 10, approximately 4 miles to the corner of sections 9, 10, 15 and 16, T. 7 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 9 and 16, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 7 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, approximately 5 miles to the corner of sections 4, 5, 8 and 9, T. 8 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 5 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 8 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 8 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, 14 and 23, 15 and 22, approximately 4 miles to the corner of sections 15, 16, 21 and 22, T. 8 S., R. 10 W., Seward Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34,

approximately 3 miles to the standard corner of sections 33 and 34, T. 8 S., R. 10 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel South, approximately 3 miles to the standard corner of T. 8 S., Rs. 10 and 11 W., Seward Meridian;

Thence northerly, between Rs. 10 and 11 W., approximately 18 miles to the corner of Tps. 5 and 6 S., Rs. 10 and 11 W., Seward Meridian;

Thence easterly, between Tps. 5 and 6 S., approximately 12 miles to the corner of Tps. 5 and 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence northerly, between Rs. 8 and 9 W., approximately 6 miles to the closing corner of T. 5 S., Rs. 8 and 9 W., Seward Meridian;

Thence westerly, on the First Standard Parallel South, approximately 6 1/2 miles to the standard corner of T. 4 S., Rs. 9 and 10 W., Seward Meridian;

Thence northerly, between Rs. 9 and 10 W., approximately 7 miles to the corner of sections 25, 30, 31 and 36, T. 3 S., Rs. 9 and 10 W., Seward Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, 28 and 33, approximately 2 1/4 miles to a point on the Kenai National Moose Range boundary, T. 3 S., R. 9 W., Seward Meridian;

Thence southeasterly, along the boundary of the Kenai National Moose Range, approximately 22 miles to the point of beginning.

4. Federal owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U.S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5699

Withdrawal for Koyukuk National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Koyukuk National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Koyukuk National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent

and purposes of international treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

KOYUKUK NATIONAL WILDLIFE REFUGE

Beginning at the corner of Tps. 7 and 8 S., Rs. 10 and 11 E., Kateel River Meridian;

Thence northerly, between Rs. 10 and 11 E., approximately 12 miles to the corner of Tps. 5 and 6 S., Rs. 10 and 11 E., Kateel River Meridian;

Thence easterly, between Tps. 5 and 6 S., approximately 18 miles to the corner of Tps. 5 and 6 S., Rs. 13 and 14 E., Kateel River Meridian;

Thence northerly, approximately 6 miles to the closing corner of T. 5 S., Rs. 13 and 14 E., Kateel River Meridian;

Thence easterly, along the First Standard Parallel South, approximately 4 miles to the standard corner of sections 33 and 34, T. 4 S., R. 14 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, approximately 6 miles to the corner of sections 3, 4, 33 and 34, Tps. 3 and 4 S., R. 14 E., Kateel River Meridian;

Thence easterly, between Tps. 3 and 4 S., approximately 3 miles to the corner of Tps. 3 and 4 S., Rs. 14 and 15 E., Kateel River Meridian;

Thence northerly, between Rs. 14 and 15 E., approximately 9 miles to the corner of sections 13, 18, 19 and 24, T. 2 S., Rs. 14 and 15 E., Kateel River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 2 S., R. 15 E., Kateel River Meridian;

Thence northerly, between sections 15 and 16, 9 and 10, 3 and 4, approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., Rs. 15 E., Kateel River Meridian;

Thence easterly, between Tps. 1 and 2 S., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 15 and 16 E., Kateel River Meridian;

Thence northerly, between Rs. 15 and 16 E., approximately 6 miles to the closing corner of T. 1 S., Rs. 15 and 16 E., Kateel River Meridian;

Thence easterly, along the Kateel River Baseline, approximately 10 1/4 miles to the standard corner of sections 33 and 34, T. 1 N., R. 17 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 1 N., R. 17 E., Kateel River Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, 13 and 24, approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 N., Rs. 17 and 18 E., Kateel River Meridian;

Thence northerly, between Rs. 17 and 18 E., approximately 3 miles to the corner of Tps. 1 and 2 N., Rs. 17 and 18 E., Kateel River Meridian;

Thence easterly, between Tps. 1 and 2 N., approximately 6 miles to the corner of Tps. 1 and 2 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence northerly, between Rs. 18 and 19 E., approximately 6 miles to the corner of Tps. 2 and 3 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence easterly, between Tps. 2 and 3 N., approximately 24 miles to the corner of Tps. 2 and 3 N., Rs. 22 and 23 E., Kateel River

Meridian;

Thence northerly, between Rs. 22 and 23 E., approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 3 N., Rs. 22 and 23 E., Kateel River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, approximately 2 miles to the corner of sections 20, 21, 28 and 29, T. 3 N., R. 23 E., Kateel River Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, approximately 2 miles to the corner of sections 8, 9, 16 and 17, T. 3 N., R. 23 E., Kateel River Meridian;

Thence easterly, between sections 9 and 16, 10 and 15, approximately N., R. 23 E., Kateel River Meridian;

Thence northerly, between sections 10 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 N., R. 23 E., Kateel River Meridian;

Thence easterly, between sections 2 and 11, 1 and 12, approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 3 N., Rs. 23 and 24 E., Kateel River Meridian;

Thence northerly, between Rs. 23 and 24 E., approximately 1 mile to the corner of Tps. 3 and 4 N., Rs. 23 and 24 E., Kateel River Meridian;

Thence easterly, between Tps. 3 and 4 N., approximately 2 miles to the corner of sections 4, 5, 32 and 33, Tps. 3 and 4 N., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, approximately 2 miles to the corner of sections 20, 21, 28, and 29, T. 4 N., R. 24 E. Kateel River Meridan;

Thence easterly, between sections 21 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 4 N., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 21 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 4 N., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 15 and 22, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 4 N., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 14 and 15, approximately 1 mile

to the corner of sections 10, 11, 14 and 15, T. 4 N., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 11 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 4 N., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 11 and 12, 1 and 2, approximately 2 miles to the closing corner of sections 1 and 2, T. 4 N., R. 24 E., Kateel River Meridian;

Thence westerly, along the First Standard Parallel North, approximately 1/4 mile to the standard corner of sections 33 and 34, T. 5 N., R. 24 E., Kateel River Meridian;

Thence, northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, approximately 5 miles to the corner of Sections 3, 4, 9 and 10, T. 5 N., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 3 and 10, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 5 N., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 5 and 6 N., R. 24 E., Kateel River Meridian;

Thence easterly, between Tps. 5 and 6 N., approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 5 and 6 N., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, 23 and 24, 13 and 14, 11 and 12, approximately 5 miles to the corner of sections 1, 2, 11 and 12, T. 6 N., R. 24 E., Kateel River Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 6 N., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 6 and 7 N., R. 24 E., Kateel River Meridian;

Thence westerly, between Tps. 6 and 7 N., approximately 10 miles to the corner of Tps. 6 and 7 N., Rs. 22 and 23 E, Kateel River Meridian;

Thence northerly between Rs. 22 and 23 E., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 7 N., Rs. 22 and 23 E., Kateel River Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, approximately 21 miles to the corner of sections 15, 16, 21 and 22, T. 7 N., R. 19 E., Kateel River Meridian;

Thence northerly, between sections 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, approximately 7 miles to the corner of sections 9, 10, 15 and 16, T. 8 N., R. 19 E., Kateel River Meridian;

Thence westerly, between sections 9 and 16, 8 and 17, 7 and 18, approximately 3 miles to the corner of sections 7, 12, 13 and 18, T. 8 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 E., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 8 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence westerly, between sections 13 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 8 N., R. 18 E., Kateel River Meridian;

Thence southerly, between sections 23 and 24, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 8 N., R. 18 E., Kateel River Meridian;

Thence westerly, between sections 23 and 26, 22 and 27, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 8 N., R. 18 E., Kateel River Meridian;

Thence southerly, between sections 27 and 28, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 8 N., R. 18 E., Kateel River Meridian;

Thence westerly, between sections 28 and 33, 29 and 32, approximately 2 miles to the corner of sections 29, 30, 31 and 32, T. 8 N., R 18 E., Kateel River Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 7 and 8 N., R. 18 E., Kateel River Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 1 mile to the corner of Tps. 7 and 8 N., Rs. 17 and 18 E., Kateel River Meridian;

Thence southerly, between Rs. 17 and 18 E., approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 7 N., Rs. 17 and 18 E., Kateel River Meridian;

Thence westerly, between sections 1 and 12, 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, 1 and 12, 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, 1 and 12, approximately 13 miles to the corner of sections 1, 2, 11 and 12, T. 7 N., R. 15 E., Kateel River Meridian;

Thence northerly, between sections 1 and 2, approximatley 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 7 and 8 N., R. 15 E., Kateel River Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 3 miles to the corner of sections 4, 5, 32 and 33, Tps. 7 and 8 N., R. 15 E., Kateel River Meridian;

Thence northerly, between sections 32 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 8 N., R. 15 E., Kateel River Meridian;

Thence westerly, between sections 29 and 32, 30 and 31, 25 and 36, approximately 3 miles to the corner of sections 25, 26, 35 and 36, T. 8 N., R. 14 E., Kateel River Meridian;

Thence northerly, between sections 25 and 26, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 8 N., R. 14 E. Kateel River Meridian;

Thence westerly, between sections 23 and 26, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 8 N., R. 14 E., Kateel River Meridian;

Thence northerly, between sections 22 and 23, 14 and 15, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 8 N., R. 14 E., Kateel River Meridian;

Thence westerly, between sections 10 and 15, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 8 N., R. 14 E., Kateel River Meridian;

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9, and 10, T. 8 N., R. 14 E., Kateel River Meridian;

Thence westerly, between sections 4 and 9, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 8 N., R. 14 E.,

Kateel River Meridian;

Thence northerly, between section 4 and 5, approximately 1 mile to the closing corner of sections 4 and 5, T. 8 N., R. 14 E., Kateel River Meridian;

Thence westerly, along the Second Standard Parallel North, approximately 3 miles to the standard corner of sections 34 and 35, T. 9 N., R. 13 E., Kateel River Meridian;

Thence northerly, between sections 34 and 35, 26 and 27, 22 and 23, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 9 N., R. 13 E., Kateel River Meridian;

Thence westerly, between sections 15 and 22, 16 and 21, approximately 2 miles to the corner of sections 16, 17, 20 and 21, T. 9 N., R. 13 E., Kateel River Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 9 N., R. 13 E., Kateel River Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 9 N., R. 13 E., Kateel River Meridian;

Thence southerly, between sections 29 and 30, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 9 N., R. 13 E., Kateel River Meridian;

Thence westerly, between sections 30 and 31, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 9 N., Rs. 12 and 13 E., Kateel River Meridian;

Thence southerly, between Rs. 12 and 13 E., approximately 1 mile to the standard corner of Tps. 9 N., Rs. 12 and 13 E., Kateel River Meridian;

Thence westerly, along the Second Standard Parallel North, approximately 36 miles to the standard corner of T. 9 N., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 6 miles to the corner of Tps. 9 and 10 N., Rs. 6 and 7 E., Kateel River Meridian;

Thence westerly, between Tps. 9 and 10 N., approximately 11 1/2 miles to an intersection with the Continental Divide;

Thence westerly, southwesterly, easterly and southerly, following the Continental Divide, approximately 60 miles to an intersection

with the line between sections 18 and 19, T. 7 N., R. 3 E., Kateel River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, approximately 5 1/4 miles to the corner of sections 13, 18, 19 and 24, T. 7 N., Rs. 3 and 4 E., Kateel River Meridian;

Thence southerly, between Rs. 3 and 4 E., approximately 15 miles to the standard corner of T. 5 N., Rs. 3 and 4 E., Kateel River Meridian;

Thence easterly, along the First Standard Parallel North, approximately 11 1/2 miles to the closing corner of T. 4 N., Rs. 5 and 6 E., Kateel River Meridian;

Thence southerly, between Rs. 5 and 6 E., approximately 12 miles to the corner of Tps. 2 and 3 N., Rs. 5 and 6 E., Kateel River Meridian;

Thence westerly, between Tps. 2 and 3 N., approximately 6 miles to the corner of Tps. 2 and 3 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence southerly, between Rs. 4 and 5 E., approximately 12 miles to the standard corner of T. 1 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence easterly, along the Kateel River Baseline, approximately 5 3/4 miles to the closing corner of T. 1 S., Rs. 5 and 6 E., Kateel River Meridian;

Thence southerly, between Rs. 5 and 6 E., approximately 24 miles to the standard corner of T. 4 S., Rs. 5 and 6 E., Kateel River Meridian;

Thence easterly, along the First Standard Parallel South, approximately 13 1/2 miles to the closing corner of sections 4 and 5, T. 5 S., R. 8 E., Kateel River Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 5 S., R. 8 E., Kateel River Meridian;

Thence easterly, between sections 4 and 9, 3 and 10, approximately 2 miles to the corner of sections 2, 3, 10 and 11, T. 5 S., R. 8 E., Kateel River Meridian;

Thence southerly, between sections 10 and 11, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 5 S., R. 8 E., Kateel River Meridian;

Thence easterly, between sections 11 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 5 S., R. 8 E., Kateel River Meridian;

Thence southerly, between sections 13 and 14, 23 and 24, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 5 S., R. 8 E., Kateel River Meridian;

Thence easterly, between sections 24 and 25 approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 5 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence southerly, between Rs. 8 and 9 E., approximately 8 miles to the corner of Tps. 6 and 7 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence easterly, between Tps. 6 and 7 S., approximately 6 miles to the corner of Tps. 6 and 7 S., Rs. 9 and 10 E., Kateel River Meridian;

Thence southerly, between Rs. 9 and 10 E., approximately 6 miles to the corner of Tps. 7 and 8 S., Rs. 9 and 10 E., Kateel River Meridian;

Thence easterly, between Tps. 7 and 8 S., approximately 6 miles to the corner of Tps. 7 and 8 S., Rs. 10 and 11 E., Kateel River Meridian, the point of beginning.

4. Federal owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph

3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U.S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

Cecil D. Andrus

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order

Withdrawal for Nowitna National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska

Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Nowitna National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Nowitna National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent and purposes of international treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

NOWITNA NATIONAL WILDLIFE REFUGE

Beginning at the point for the closing corner of T. 9 S., Rs. 18 and 19 E., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 E., approximately 18 miles to the corner of Tps. 11 and 12 S., Rs. 18 and 19 E., Kateel River Meridian;

Thence easterly, between Tps. 11 and 12 S., approximately 18 miles to the corner of Tps. 11 and 12 S., Rs. 21 and 22 E., Kateel River Meridian;

Thence southerly, between Rs. 21 and 22 E., approximately 6 miles to the standard corner of T. 12 S., Rs. 21 and 22 E., Kateel River Meridian;

Thence easterly, on the Third Standard Parallel South, approximately 4 1/2 miles to the closing corner of T. 13 S., Rs. 22 and 23 E., Kateel River Meridian;

Thence southerly, between Rs. 22 and 23 E., approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 13 S., Rs. 22 and 23 E., Kateel River Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 13 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 8 and 9, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 13 S., R. 23 E., Kateel River Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 13 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 4 miles to the corner of sections 3, 4, 33 and 34, Tps. 13 and 14 S., R. 23 E., Kateel River Meridian;

Thence easterly, between Tps. 13 and 14 S., approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 13 and 14 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 14 S., R. 23 E., Kateel River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, approximately 4 miles to the corner of sections 16, 17, 20 and 21, T. 14 S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 16 and 17, 8 and 9, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 14 S., R. 24 E., Kateel River Meridian;

Thence easterly between sections 4 and 9, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 14 S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 13 and 14 S., R. 24 E., Kateel River Meridian;

Thence easterly, between Tps. 13 and 14 S., approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 13 and 14 S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 34 and 35, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 13 S., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 26 and 35, 25 and 36, 30 and 31, 29 and 32, approximately 4 miles to the corner of sections 28, 29, 32 and 33, T. 13 S., R. 25 E., Kateel River Meridian;

Thence southerly, between sections 32 and 33, 4 and 5, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 14 S., R. 25 E., Kateel River Meridian;

Thence westerly, between sections 5 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 14 S., R. 25 E., Kateel River Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, 19 and 20, approximately 3 miles to the corner of sections 19, 20, 29 and 30, T. 14 S., R. 25 E., Kateel River Meridain;

Thence westerly, between sections 19 and 30, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 14 S., Rs. 24 and 25 E., Kateel River Meridian;

Thence southerly, between Rs. 24 and 25 E., approximately 5 miles to the corner of sections 13, 18, 19 and 24, T. 15 S., Rs. 24 and 25, E., Kateel River Meridian;

Thence westerly, between sections 13 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 15 S., R. 24 E., Kateel River Meridian;

Thence southerly, between sections 23 and 24, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 15 S., R. 24 E., Kateel River Meridian;

Thence westerly, between sections 23 and 26, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 15 S., R. 24 E., Kateel River Meridian;

Thence southerly, between sections 26 and 27, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 15 S., R. 24 E., Kateel River Meridian;

Thence westerly, between sections 27 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 15 S., R. 24 E., Kateel River Meridian;

Thence southerly, between sections 33 and 34, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 15 and 16 S., R. 24 E., Kateel River Meridian;

Thence westerly, between Tps. 15 and 16 S., approximately 3 miles to the corner of Tps. 15 and 16 S., Rs. 23 and 24 E., Kateel River Meridian;

Thence southerly, between Rs. 23 and 24 E., approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 16 S., Rs. 23 and 24 E., Kateel River Meridian;

Thence westerly, between sections 1 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 16 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 11 and 12, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 16 S., R. 23 E., Kateel River Meridian;

Thence westerly, between sections 11 and 14, 10 and 15, approximately 2 miles to the corner of sections 9, 10, 15 and 16, T. 16 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 16 S., R. 23 E., Kateel River Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 16 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 19 and 20, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 16 S., R. 23 E., Kateel River Meridian;

Thence westerly, between sections 19 and 30, 24 and 25, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 16 S., R. 22 E., Kateel River Meridian;

Thence southerly, between sections 25 and 26, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 16 S., R. 22 E., Kateel River Meridian;

Thence westerly, between sections 26 and 35, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 16 S., R. 22 E., Kateel River Meridian;

Thence southerly, between sections 34 and 35, approximately 1 mile to the standard corner of sections 34 and 35, T. 16 S., R. 22 E., Kateel River Meridian;

Thence westerly, on the Fourth Standard Parallel South, approximately 3 1/2 miles to the closing corner of sections 4 and 5, T. 17 S., R. 22 E., Kateel River Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 17 S., R. 22 E., Kateel River Meridian;

Thence westerly, between sections 5 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 17 S., R. 22 E., Kateel River Meridian;

Thence southerly, between sections 7 and 8, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 17 S., R. 22 E., Kateel River Meridian;

Thence westerly, between sections 7 and 18, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 17 S., Rs. 21 and 22 E., Kateel River Meridian;

Thence southerly, between Rs. 21 and 22 E., approximately 7 miles to the corner of sections 13, 18, 19 and 24, T. 18 S., Rs. 21 and 22 E., Kateel River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, approximately 2 miles to the corner of sections 16, 17, 20 and 21, T. 18 S., R. 22 E., Kateel River Meridian;

Thence northerly, between sections 16 and 17, 8 and 9, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 18 S., R. 22 E., Kateel River Meridian;

Thence easterly, between sections 4 and 9, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 18 S., R. 22 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, 33 and 34, approximately 2 miles to the corner of sections 27, 28, 33 and 34, T. 17 S., R. 22 E., Kateel River Meridian;

Thence easterly, between sections 27 and 34, 26 and 35, 25 and 36, approximately 3 miles to the corner of sections 25, 30, 31 and 36, T. 17 S., Rs. 22 and 23 E., Kateel River Meridian;

Thence northerly, between Rs. 22 and 23 E., approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 17 S., Rs. 22 and 23 E., Kateel River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, approximately 4 miles to the corner of sections 22, 23, 26 and 27, T. 17 S., R. 23 E., Kateel River Meridian;

Thence northerly, between sections 22 and 23, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 17 S., R. 23 E., Kateel River Meridian;

Thence easterly between sections 14 and 23, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 17 S., R. 23 E., Kateel River Meridian;

Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 17 S., R. 23 E., Kateel River Meridian;

Thence easterly, between sections 12 and 13, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 17 S., Rs. 23 and 24 E., Kateel River Meridian;

Thence northerly, between Rs. 23 and 24 E., approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 17 S., Rs. 23 and 24 E., Kateel River Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 17 S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 4 and 5, approximately 1 mile to the closing corner of sections 4 and 5, T. 17 S., R. 24 E., Kateel River Meridian;

Thence easterly, on the Fourth Standard Parallel South, approximately 1 3/4 miles to the standard corner of sections 32 and 33, T. 16

S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 32 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 16 S., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 28 and 33, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 16 S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 27 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 16 S., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 22 and 27, 23 and 26, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 16 S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 23 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 16 S., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 13 and 24, 18 and 19, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 16 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 17 and 18, 7 and 8, approximately 2 miles to the corner of sections 5, 6, 7 and 8, T. 16 S., R. 25 E., Kateel River Meridian;

Thence easterly, between sections 5 and 8, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 16 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 15 and 16 S., R. 25 E., Kateel River Meridian;

Thence easterly, between sections 4 and 33, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 15 and 16 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 15 S., R. 25 E., Kateel River Meridian;

Thence easterly, between sections 22 and 27, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 15 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 22 and 23, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 15 S., R. 25

E., Kateel River Meridian;

Thence easterly, between sections 14 and 23, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 15 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 13 and 14, 11 and 12, 1 and 2, 35 and 36, approximately 4 miles to the corner of sections 25, 26, 35 and 36, T. 14 S., R. 25 E., Kateel River Meridian;

Thence easterly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 14 S., Rs. 25 and 26 E., Kateel River Meridian;

Thence northerly, between Rs. 25 and 26 E., approximately 3 miles to the corner of sections 7, 12, 13 and 18, T. 14 S., Rs. 25 and 26 E., Kateel River Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, approximately 2 miles to the corner of sections 8, 9, 16 and 17, T. 14 S., R. 26 E., Kateel River Meridian;

Thence northerly, between sections 8 and 9, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 14 S., R. 26 E., Kateel River Meridian;

Thence easterly, between sections 4 and 9, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 14 S., R. 26 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 13 and 14 S., R. 26 E., Kateel River Meridian;

Thence easterly, between sections 3 and 34, 2 and 35, approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 13 and 14 S., R. 26 E., Kateel River Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 13 S., R. 26 E., Kateel River Meridian;

Thence easterly, between sections 24 and 25, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 13 S., Rs. 26 and 27 E., Kateel River Meridian;

Thence northerly, between Rs. 26 and 27 E., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 13 S., Rs. 26 and 27 E., Kateel River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, approximately

2 miles to the corner of sections 16, 17, 20 and 21, T. 13 S., R. 27 E., Kateel River Meridian;

Thence northerly, between sections 16 and 17, 8 and 9, 4 and 5, approximately 3 miles to the closing corner of sections 4 and 5, T. 13 S., R. 27 E., Kateel River Meridian;

Thence westerly, on the Third Standard Parallel South, approximately 100 feet to the standard corner of T. 12 S., Rs. 26 and 27 E., Kateel River Meridian;

Thence northerly, between Rs. 26 and 27, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 12 S., Rs. 26 and 27 E., Kateel River Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36, approximately 6 miles to the corner of sections 25, 30, 31 and 36, T. 12 S., Rs. 27 and 28 E., Kateel River Meridian;

Thence southerly, between Rs. 27 and 28 E., approximately 1 mile to the standard corner of T. 12 S., Rs. 27 and 28 E., Kateel River Meridian;

Thence easterly, on the Third Standard Parallel South, approximately 1 mile to the closing corner of sections 3 and 4, T. 13 S., R. 28 E., Kateel River Meridian;

Thence southerly, between Sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 13 S., R. 28 E., Kateel River Meridian;

Thence easterly, between sections 3 and 10, 2 and 11, 1 and 12, 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, approximately 9 3/4 miles to the corner of sections 6 and 7, T. 13 S., R. 30 E., on the east boundary of the Kateel River Meridian;

Thence northerly, on the East Boundary of the Kateel River Meridian, between section 6, T. 13 S., R. 30 E., Kateel River Meridian and section 19, T. 6 S., R. 27 W., Fairbanks Meridian, approximately 1/4 mile to the corner of sections 18 and 19, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence easterly, between sections 18 and 19, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence northerly, between sections 17 and 18, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence easterly, between sections 8 and 17, approximately 1 mile

to the corner of sections 8, 9, 16 and 17, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence northerly, between sections 8 and 9, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence easterly, between sections 4 and 9, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence northerly, between sections 3 and 4, 33 and 34, approximately 2 miles to the corner of sections 27, 28, 33 and 34, T. 5 S., R. 27 W., Fairbanks Meridian;

Thence easterly, between sections 27 and 34, 26 and 35, 25 and 36, approximately 3 miles to the corner of sections 25, 30, 31 and 36, T. 5 S., Rs. 26 and 27 W., Fairbanks Meridian;

Thence northerly, between Rs. 26 and 27 W., approximately 4 miles to the corner of sections 1, 6, 7 and 12, T. 5 S., Rs. 26 and 27 W., Fairbanks Meridian;

Thence easterly, between sections 6 and 7, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 5 S., R. 26 W., Fairbanks Meridian;

Thence northerly, between sections 5 and 6, approximately 1 mile to the closing corner of sections 5 and 6, T. 5 S., R. 26 W., Fairbanks Meridian;

Thence easterly, on the First Standard Parallel South, approximately 500 feet to the standard corner of sections 33 and 34, T. 4 S., R. 26 W., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, approximately 18 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 26 W., Fairbanks Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 26 and 27 W., Fairbanks Meridian;

Thence northerly, between Rs. 26 and 27 W., approximately 6 miles to the closing corner of T. 1 S., Rs. 26 and 27 W., Fairbanks Meridian;

Thence westerly, on the Fairbanks Base Line, approximately 2 miles to the standard corner of T. 1 N., Rs. 26 and 27 W., Fairbanks

Meridian;

Thence northerly, between Rs. 26 and 27, approximately 24 miles to the closing corner of T. 4 N., Rs. 26 and 27 W., Fairbanks Meridian;

Thence westerly, between T. 4 and 5 N., approximately 50 feet to the standard corner of sections 32 and 33, T. 5 N., R. 26 W., Fairbanks Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, 20 and 21, approximately 3 miles to the corner of sections 16, 17, 20 and 21, T. 5 N., R. 26 W., Fairbanks Meridian;

Thence westerly, between sections 17 and 20, 18 and 19, approximately 2 miles to the corner of sections 18 and 19, T. 5 N., R. 26 W., Fairbanks Meridian on the West Boundary of the Fairbanks Meridian;

Thence northerly, on the West Boundary of the Fairbanks Meridian between section 18, T. 5 N., R. 26 W., Fairbanks Meridian, and section 1, T. 3 S., R. 28 E., Kateel River Meridian, approximately 3/4 mile to the corner of Tps. 2 and 3 S., R. 28 E., Kateel River Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 2 and 3 S., R. 28 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 2 S., R. 28 E., Kateel River Meridian;

Thence westerly, between sections 28 and 33, 29 and 32, approximately 2 miles to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 28 E., Kateel River Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 28 E., Kateel River Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 27 E., Kateel River Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 27 E., Kateel River Meridian;

Thence westerly, between sections 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, approximately 5 miles to the corner of sections 1, 6, 7 and 12, T. 3 S., Rs. 26 and 27 E., Kateel River Meridian;

Thence southerly, between Rs. 26 and 27 E, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 3 S., Rs. 26 and 27 E., Kateel River Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 3 S., R. 26 E., Kateel Miver Meridian;

Thence southerly, between sections 14 and 15, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 3 S., R. 26 E., Kateel River Meridian;

Thence westerly, between sections 15 and 22, 16 and 21, approximately 2 miles to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 26 E., Kateel River Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 26 E., Kateel River Meridian;

Thence westerly between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 26 E., Kateel River Meridian;

Thence southerly, between sections 29 and 30, 31 and 32, approximately 2 miles to the corner of sections 5, 6, 31 and 32, Tps. 3 and 4 S., R. 26 E., Kateel River Meridian;

Thence westerly, between Tps. 3 and 4 S., approximately 1 mile to the corner of Tps. 2 and 3 S., Rs. 25 and 26 E., Kateel River Meridian;

Thence southerly, between Rs. 25 and 26 E., approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 25 and 26 E., Kateel River Meridian;

Thence westerly, between sections 1 and 12, 2 and 11, 3 and 10, approximately 3 miles to the corner of sections 3, 4, 9 and 10, T. 4 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 3 and 4 S., R. 25 E., Kateel River Meridian;

Thence westerly, between Tps. 3 and 4 S., approximately 3 miles to the corner of Tps. 3 and 4 S., Rs. 24 and 25 E., Kateel River Meridian;

Thence southerly, between Rs. 24 and 25 E., approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 4 S., Rs. 24 and 25 E., Kateel River Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, 10 and 15, 9 and 16, approximately 4 miles to the corner of sections 8, 9, 16 and 17, T. 4 S., R. 24 E., Kateel River Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, approximately 2 miles to the corner of sections 20, 21, 28 and 29, T. 4 S., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 21 and 28, 22 and 27, 23 and 26, approximately 3 miles to the corner of sections 23, 24, 25 and 26, T. 4 S., R. 24 E., Kateel River Meridian;

Thence southerly, between sections 25 and 26, 35 and 36, approximately 2 miles to the standard corner of sections 35 and 36, T. 4 S., R. 24 E., Kateel River Meridian;

Thence westerly, on the First Standard Parallel South, approximately 4 3/4 miles to the closing corner of sections 4 and 5, T. 5 S., R. 24 E., Kateel River Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 5 S., R. 24 E., Kateel River Meridian;

Thence westerly, between sections 5 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 5 S., R. 24 E., Kateel River Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 5 S., R. 24 E., Kateel River Meridian;

Thence westerly between sections 18 and 19, 13 and 24, 14, and 23, 15 and 22, approximately 4 miles to the closing corner of sections 15, 16, 21 and 22, T. 5 S., R. 23 E., Kateel River Meridian;

Thence northerly, between sections 15 and 16, 9 and 10, 3 and 4, approximately 3 miles to the closing corner of sections 3 and 4, T. 5 S., R. 23 E., Kateel River Meridian;

Thence westerly, on the First Standard Parallel South, approximately 4 miles to the closing corner of sections 1 and 2, T. 5 S., R. 22 E., Kateel River Meridian;

Thence southerly, between sections 1 and 2, 11 and 12, 13 and 14, 23 and 24, 25 and 26, approximately 5 miles to the corner of sections 25, 26, 35 and 36, T. 5 S., R. 22 E., Kateel River Meridian;

Thence westerly, between sections 26 and 35, 27 and 34, approximately 2 miles to the corner of sections 27, 28, 33 and 34, T. 5

S., R. 22 E., Kateel River Meridian;

Thence northerly, between sections 27 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 5 S., R. 22 E., Kateel River Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 5 S., R. 22 E., Kateel River Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, 8 and 9, 4 and 5, approximately 4 miles to the closing corner of sections 4 and 5, T. 5 S., R. 22 E., Kateel River Meridian;

Thence westerly, on the First Standard Parallel South, approximately 1 mile to the closing corner of sections 5 and 6, T. 5 S., R. 22 E., Kateel River Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, approximately 2 miles to the corner of sections 7, 8, 17 and 18, T. 5 S., R. 22 E., Kateel River Meridian;

Thence westerly, between sections 7 and 18, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 5 S., Rs. 21 and 22 E., Kateel River Meridian;

Thence southerly, between Rs. 21 and 22, approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 5 S., Rs. 21 and 22 E., Kateel River Meridian;

Thence westerly, between sections 24 and 25, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 5 S., R. 21 E., Kateel River Meridian;

Thence southerly, between sections 25 and 26, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 5 S., R. 21 E., Kateel River Meridian;

Thence westerly, between sections 26 and 35, 27 and 34, 28 and 33, 29 and 32, 30 and 31, 25 and 36, approximately 6 miles to the corner of sections 25, 26, 35 and 36, T., 5 S., R. 20 E., Kateel River Meridian;

Thence southerly, between sections 35 and 36, 1 and 2, approximately 2 miles to the corner of sections 1, 2, 11 and 12, T. 6 S., R. 20 E., Kateel River Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 6 S., R. 20 E., Kateel River Meridian;

Thence southerly, between sections 10 and 11, 14 and 15, 22 and 23, approximately 3 miles to the corner of sections 22, 23, 26 and 27, T. 6 S., R. 20 E., Kateel River Meridian;

Thence westerly, between sections 22 and 27, 21 and 28, approximately 2 miles to the corner of sections 20, 21, 28 and 29, T. 6 S., R. 20 E., Kateel River Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 6 S., R. 20 E., Kateel River Meridian;

Thence westerly, between sections 29 and 32, 30 and 31, 25 and 36, 26 and 35, approximately 4 miles to the corner of sections 26, 27, 34 and 35, T. 6 S., R. 19 E., Kateel River Meridian;

Thence southerly, between sections 34 and 35, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 6 and 7 S., R. 19 E., Kateel River Meridian;

Thence westerly, between Tps. 6 and 7 S., approximately 2 miles to the corner of sections 4, 5, 32 and 33, Tps. 6 and 7 S., R. 19 E., Kateel River Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 7 S., R. 19 E., Kateel River Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, 1 and 12, approximately 3 miles to the corner of sections 1, 2, 11 and 12, T. 7 S., R. 18 E., Kateel River Meridian;

Thence southerly, between sections 11 and 12, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 7 S., R. 18 E., Kateel River Meridian;

Thence westerly, between sections 11 and 14, 10 and 15, 9 and 16, 8 and 17, approximately 4 miles to the corner of sections 7, 8, 17 and 18, T. 7 S., R. 18 E., Kateel River Meridian;

Thence southerly, between sections 17 and 18, 19 and 20, approximately 2 miles to the corner of sections 19, 20, 29 and 30, T. 7 S., R. 18 E., Kateel River Meridian;

Thence westerly, between sections 19 and 30, 24 and 25, 23 and 26, 22 and 27, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 7 S., R. 17 E., Kateel River Meridian;

Thence southerly, between sections 27 and 28, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 7 S., R. 18 E., Kateel River Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 7 S., R. 17 E., Kateel River Meridian;

Thence southerly, between sections 32 and 33, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 7 and 8 S., R. 17 E., Kateel River Meridian;

Thence westerly, between Tps. 7 and 8 S., approximately 2 miles to the corner of Tps. 7 and 8 S., Rs. 16 and 17 E., Kateel River Meridian;

Thence southerly, between Rs. 16 and 17 E., approximately 2 1/2 miles to the 1/4 section corner of sections 13 and 18, T. 8 S., Rs. 16 and 17 E., Kateel River Meridian;

Thence westerly, on the E-W centerline of section 13, approximately 1/2 mile to the center 1/4 section corner of section 13, T. 8 S., R. 16 E., Kateel River Meridian;

Thence southerly, on the N-S centerlines of sections 13 and 24, approximately 1 mile to the center 1/4 section corner of section 24, T. 8 S., R. 16 E., Kateel River Meridian;

Thence easterly, on the E-W centerline of section 24, approximately 1/2 mile to the 1/4 section corner of sections 19 and 24, T. 8 S., Rs. 16 and 17 E., Kateel River Meridian;

Thence southerly, between Rs. 16 and 17 E., approximately 2 1/2 miles to the standard corner of T. 8 S., Rs. 16 and 17 E., Kateel River Meridian;

Thence easterly, on the Second Standard Parallel South, approximately 10 3/4 miles to the closing corner of T. 9 S., R. 18 and 19 E., Kateel River Meridian, and point of beginning.

4. Federal owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U.S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5701

Withdrawal for Selawik National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Selawik National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Selawik National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent

and purposes of international treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

SELAWIK NATIONAL WILDLIFE REFUGE

Beginning at the standard corner of T. 17 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence northerly, between Rs. 4 and 5 E., approximately 12 miles, to the corner of Tps. 18 and 19 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence westerly, between Tps. 18 and 19 N., approximately 10 miles to the corner of sections 4, 5, 32 and 33, Tps. 18 and 19 N., R. 3 E., Kateel River Meridian;

Thence southerly, between sections 4 and 5, approximately 1600 feet, to a point due East of the highest point on a mountain located in section 5, T. 18 N., R. 3 E., Kateel River Meridian; approximate elevation 1215 feet;

Thence West, on a forward bearing, approximately 1100 feet, to the highest point on said mountain;

Thence westerly, along the hydrographic divide through the Waring Mountains, between the Kobuk River and Selawik River drainages, approximately 68 miles, to the highest point on a mountain located in the westerly portion of section 16, T. 18 N., R. 5 W., Kateel

River Meridian, approximate elevation 1250 feet;

Thence West, on a forward bearing, approximately 1200 feet, to a point on the line between sections 16 and 17, T. 18 N., R. 5 W., Kateel River Meridian;

Thence northerly, between sections 16 and 17, approximately 700 feet, to the 1/4 section corner of sections 16 and 17, T. 18 N., R. 5 W., Kateel River Meridian;

Thence westerly, along E-W centerline of sections 17 and 18, approximately 2 miles, to the 1/4 section corner of sections 13 and 18, T. 18 N., Rs. 5 and 6 W., Kateel River Meridian;

Thence northerly, between Rs. 5 and 6 W., approximately 4 miles, to the corner of sections 25, 30, 31 and 36, T. 19 N., Rs. 5 and 6 W., Kateel River Meridian;

Thence westerly, along the First Latitudinal section line north of the south boundary of T. 19 N., through Rs. 6, 7, 8, 9, 10, 11, 12, 13 and 14 W., approximately 49 1/4 miles to the meander corner on the easterly bank of Ekichuk Lake between sections 26 and 35, T. 19 N., R. 14 W., Kateel River Meridian;

Thence northerly and westerly along the line of mean high tide of Ekichuk Lake, approximately 2 1/2 miles to the meander corner on the westerly bank of Ikichuk Lake between sections 22 and 27, T. 19 N., R. 14 W., Kateel River Meridian;

Thence westerly, between sections 22 and 27, 21 and 28, approximately 1 1/4 miles, to the meander corner between sections 21 and 28, at the line of mean high tide of Hotham Inlet, T. 19 N., R. 14 W., Kateel River Meridian;

Thence southerly, along the line of mean high tide of Hotham Inlet, closing the mouths of all bays, lakes and rivers on the seaward side of all islands, to the left bank at the mouth of an unnamed channel of the Kobuk River, located in section 17, T. 13 N., R. 12 W., Kateel River Meridian;

Thence on an approximate foreward bearing of S. 33° E., on a closing line across the connecting channel between Hotham Inlet and Selawik Lake, to a point on the right bank at the mouth of an unnamed creek located in section 21, T. 13 N., R. 12 W., Kateel River Meridian;

Thence westerly, along the line of mean high tide of Hotham Inlet, to the meander corner between sections 4 and 34, Tps. 12 and 13 N., R. 14 W., Kateel River Meridian;

Thence westerly, along Third Standard Parallel North, approximately 5 1/4 miles to the meander corner between sections 4 and 34, at the line of mean high tide of Kotzebue Sound, Tps. 12 and 13 N., R. 15 W., Kateel River Meridian;

Thence southerly and easterly, along the line of mean high tide of Kotzebue Sound and Eschscholtz Bay, to a point near the mouth of the Buckland River in section 27, T. 10 N., R. 11 W., Kateel River Meridian;

Thence on an approximate foreward bearing of S. 65° W., on a closing line, to the line of mean high tide at Igloo Point, located in section 32, T. 10 N., R. 11 W., Kateel River Meridian;

Thence westerly and southerly, along the line of mean high tide of Eschscholtz and Spafarief Bays, to the meander corner between sections 6 and 7, T. 8 N., R. 14 W., Kateel River Meridian;

Thence easterly, between sections 6 and 7, approximately 100 feet to the corner of sections 5, 6, 7 and 8, T. 8 N., R. 14 W., Kateel River Meridian;

Thence southerly, between sections 7 and 8, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 8 N., R. 14 W., Kateel River Meridian;

Thence easterly, between sections 8 and 17, 9 and 16, 10 and 15, 11 and 14, approximately 4 miles to the corner of sections 11, 12, 13 and 14, T. 8 N., R. 14 W., Kateel River Meridian;

Thence southerly, between sections 13 and 14, 23 and 24, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 8 N., R. 14 W., Kateel River Meridian;

Thence easterly, between sections 24 and 25, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 8 N., Rs. 13 and 14 W., Kateel River Meridian;

Thence southerly, between Rs. 13 and 14 W., approximately 3 miles to the corner of sections 1, 6, 7 and 12, T. 7 N., Rs. 13 and 14 W., Kateel River Meridian;

Thence easterly, between sections 6 and 7, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 7 N., R. 13 W., Kateel River Meridian;

Thence southerly, between sections 7 and 8, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 7 N., R. 13 W., Kateel River Meridian;

Thence easterly, between sections 8 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 7 N., R. 13 W., Kateel River Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, approximately 2 miles to the corner of sections 20, 21, 28 and 29, T. 7 N., R. 13 W., Kateel River Meridian;

Thence easterly, between sections 21 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 7 N., R. 13 W., Kateel River Meridian;

Thence southerly, between sections 27 and 28, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 7 N., R. 13 W., Kateel River Meridian;

Thence easterly, between sections 27 and 34, 26 and 35, 25 and 36, 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36, 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36, approximately 15 miles to the corner of sections 25, 30, 31 and 36, T. 7 N., Rs. 10 and 11 W., Kateel River Meridian;

Thence northerly, between Rs. 10 and 11 W., approximately 11 miles to the closing corner of T. 8 N., Rs. 10 and 11 W., Kateel River Meridian;

Thence westerly, along the Second Standard Parallel North, approximately 3/4 mile to the standard corner of T. 9 N., Rs. 10 and 11 W., Kateel River Meridian;

Thence northerly, between Rs. 10 and 11 W., approximately 6 miles to the corner of Tps. 9 and 10 N., Rs. 10 and 11 W., Kateel River Meridian;

Thence easterly, between Tps. 9 and 10 N., approximately 36 miles to the corner of Tps. 9 and 10 N., R. 4 and 5 W., Kateel River Meridian;

Thence southerly, between Rs. 4 and 5 W., approximately 6 miles to the standard corner of T. 9 N., Rs. 4 and 5 W., Kateel River Meridian;

Thence easterly, along the Second Standard Parallel North, approximately 6 1/4 miles to the closing corner of T. 8 N., Rs. 3 and 4 W., Kateel River Meridian;

Thence southerly, between Rs. 3 and 4 W., approximately 12 miles to the corner of Tps. 6 and 7 N., Rs. 3 and 4 W., Kateel River Meridian;

Thence easterly, between Tps. 6 and 7 N., approximately 13 miles to the corner of sections 5, 6, 31 and 32, Tps. 6 and 7 N., R. 1

W., Kateel River Meridian;

Thence northerly, between sections 31 and 32, 29 and 30, approximately 2 miles to the corner of sections 19, 20, 29 and 30, T. 7 N., R. 1 W., Kateel River Meridian;

Thence easterly, between sections 20 and 29, 21 and 28, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 7 N., R. 1 W., Kateel River Meridian;

Thence northerly, between sections 21 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 7 N., R. 1 W., Kateel River Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, 13 and 24, approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 7 N., Rs. 1 W. and 1 E., Kateel River Meridian;

Thence northerly, along the Kateel River Meridian, between Rs. 1 W. and 1 E., approximately 1 3/4 miles to a point on the hydrographic divide near Horizontal Control station "Grizzly";

Thence northeasterly, along the hydrographic divide, approximately 2 miles to the Continental Divide;

Thence northeasterly, along the Continental Divide, approximately 29 miles to an intersection with the line between Rs. 3 and 4 E., Kateel River Meridian;

Thence northerly, between Rs. 3 and 4 E., approximately 8 miles to the corner of sections 13, 18, 19 and 24, T. 11 N., Rs. 3 and 4 E., Kateel River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 11 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence northerly, between Rs. 4 and 5 E., approximately 5 miles to the corner of sections 19, 24, 25 and 30, T. 12 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, approximately 30 miles to the corner of sections 19, 24, 25 and 30, T. 12 N., Rs. 9 and 10 E., Kateel River Meridian;

Thence southerly, between Rs. 9 and 10 E., approximately 4 miles

to the corner of sections 7, 12, 13 and 18, T. 11 N., Rs. 9 and 10 E., Kateel River Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, 9 and 16, 10 and 15, 11 and 14, 12 and 13, approximately 6 miles to the corner of sections 7, 12, 13 and 18, T. 11 N., Rs. 10 and 11 E., Kateel River Meridian;

Thence northerly, between Rs. 10 and 11 E., approximately 2 miles to the corner of Tps. 11 and 12 N., Rs. 10 and 11 E., Kateel River Meridian;

Thence easterly, between Tps. 11 and 12 N., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 11 and 12 N., R. 11 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 12 N., R. 11 E., Kateel River Meridian;

Thence easterly, between sections 22 and 27, 23 and 26, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 12 N., R. 11 E., Kateel River Meridian;

Thence northerly, between sections 23 and 24, 13 and 14, 11 and 12, 1 and 2, approximately 4 miles to the closing corner of sections 1 and 2, T. 12 N., R. 11 E., Kateel River Meridian;

Thence westerly, along the Third Standard Parallel North, approximately 1 1/4 miles to the standard corner of sections 33 and 34, T. 13 N., R. 11 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 13 N., R. 11 E., Kateel River Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 13 N., R. 11 E., Kateel River Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, 8 and 9, approximately 3 miles to the corner of sections 4, 5, 8 and 9, T. 13 N., R. 11 E., Kateel River Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, 1 and 12, 2 and 11, 3 and 10, approximately 5 miles to the corner of sections 3, 4, 9 and 10, T. 13 N., R. 10 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 13 and 14 N., R. 10 E., Kateel River Meridian;

Thence westerly, between Tps. 13 and 14 N., approximately 9 miles to the corner of Tps. 13 and 14 N., Rs. 8 and 9 E., Kateel River Meridian;

Thence southerly, between Rs. 8 and 9 E., approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 13 N., R. 8 and 9 E., Kateel River Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, approximately 24 miles to the corner of sections 7, 12, 13 and 18, T. 13 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence northerly, between Rs. 4 and 5 E., approximately 20 miles to the closing corner of T. 16 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence easterly, along the Fourth Standard Parallel North, approximately 1/2 mile to the standard corner of T. 17 N., Rs. 4 and 5 E., Kateel River Meridian, the point of beginning.

No lands when owned, now or in the future, by any Native Corporation shall be considered to be within the boundaries of the Selawik National Wildlife Refuge set forth in the above legal description.

4. Federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands,

interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land Orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral Leasing Act of 1920 as amended (30 U.S.C. 181 et seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This Order shall be effective February 11, 1980.

8. In the event of a final order or a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

Cecil D. Andrus

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5702

Withdrawal for Tetlin National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska

Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Tetlin National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Tetlin National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent and purposes of international treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

TETLIN NATIONAL WILDLIFE REFUGE

Beginning on the International Boundary between Alaska and Canada at the point for the closing corner of sections 5 and 8, T. 7 N., R. 24 E., Copper River Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, 1 and 12, 2 and 11, approximately 3 1/2 miles to the corner of sections 2, 3, 10 and 11, T. 7 N., R. 23 E., Copper River Meridian;

Thence northerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 7 and 8 N., R. 23 E., Copper River Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 1 1/4 miles to a point due South of horizontal control station "Wellesley" located in section 33, T. 8 N., R. 23 E., Copper River Meridian;

Thence due North, approximately 1/4 mile to horizontal control station "Wellesley";

Thence westerly, along the crest of a ridge between the drainages of Wellesley Lakes and Snag Creek, approximately 9 miles to the summit of a mountain located in section 30, T. 8 N., R. 22 E., Copper River Meridian, approximate elevation 3,575 feet;

Thence due West, approximately 500 feet to a point between sections 25 and 30, T. 8 N., Rs. 21 and 22 E., Copper River Meridian;

Thence northerly, between Rs. 21 and 22 E., approximately 1/4 mile to the corner of sections 19, 24, 25 and 30, T. 8 N., Rs. 21 and 22 E., Copper River Meridian;

Thence westerly, between sections 24 and 25, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 8 N., R. 21 E., Copper River Meridian;

Thence northerly, between sections 23 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 8 N., R. 21 E., Copper River Meridian;

Thence westerly, between sections 14 and 23, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 8 N., R. 21 E., Copper River Meridian;

Thence northerly, between sections 14 and 15, 10 and 11, approximately 2 miles to the corner of sections 2, 3, 10 and 11, T. 8 N., R. 21 E., Copper River Meridian;

Thence westerly, between sections 3 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 8 N., R. 21 E., Copper River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the closing corner of sections 3 and 4, T. 8 N., R. 21 E., Copper River Meridian;

Thence westerly, on the Second Standard Parallel North, approximately 37 1/2 miles to the standard corner of T. 9 N., Rs. 14 and 15 E., Copper River Meridian;

Thence northerly, between Rs. 14 and 15 E., approximately 1/2 mile to a point between sections 31 and 36, T. 9 N., Rs. 14 and 15 E., Copper River Meridian, on the crest of a ridge between the drainages of Cheslina River and Platinum Creek, approximate elevation 7,100 feet;

Thence northwesterly, along the crest of a ridge between the drainages of the Cheslina River and Platinum Creek, approximately 11 miles to the point of intersection of ridges between the Tetlin River, Cheslina River and Platinum Creek, a point on the southerly boundary of the Tetlin Indian Reservation, located in section 36, T. 10 N., R. 13 E., Copper River Meridian;

Thence northerly and easterly, along the easterly boundary of the Tetlin Indian Reservation to horizontal control station "Bitters";

Thence due South, approximately 1/2 mile to a point between sections 21 and 28, T. 17 N., R. 17 E., Copper River Meridian;

Thence easterly, between sections 21 and 28, approximately 1/4 mile to the 1/4 section corner of sections 21 and 28, T. 17 N., R. 17 E., Copper River Meridian;

Thence southerly, along the N-S centerlines of sections 28 and 33, approximately 1 1/2 miles to the center 1/4 section corner of section 33, T. 17 N., R. 17 E., Copper River Meridian;

Thence easterly, along the E-W centerline of section 33, approximately 1/2 mile to the 1/4 section corner of sections 33 and 34, T. 17 N., R. 17 E., Copper River Meridian;

Thence southerly, between sections 33 and 34, approximately 1/2 mile to the standard corner of sections 33 and 34, T. 17 N., R. 17 E., Copper River Meridian;

Thence, easterly on the Fourth Standard Parallel North, approximately 3/4 mile to the closing corner of sections 1 and 2, T. 16 N., R. 17 E., Copper River Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 16 N., R. 17 E., Copper River Meridian;

Thence easterly, between sections 1 and 12, approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 16 N., Rs. 17 and 18 E., Copper River Meridian;

Thence northerly, between Rs. 17 and 18 E., approximately 1 mile to the closing corner of T. 16 N., Rs. 17 and 18 E., Copper River Meridian;

Thence easterly, on the Fourth Standard Parallel North, approximately 2 miles to the closing corner of sections 4 and 5, T. 16 N., R. 18 E., Copper River Meridian;

Thence southerly, between sections 4 and 5, approximately 1/2 mile to the 1/4 section corner of sections 4 and 5, T. 16 N., R. 18 E., Copper River Meridian;

Thence easterly, along the E-W centerline of section 4, approximately 1 mile to the 1/4 section corner of sections 3 and 4, T. 16 N., R. 18 E., Copper River Meridian;

Thence southerly, between sections 3 and 4, approximately 1/2 mile to the corner of sections 3, 4, 9 and 10, T. 16 N., R. 18 E., Copper River Meridian;

Thence easterly, between sections 3 and 10, 2 and 11, approximately 1 1/2 miles to the 1/4 section corner of sections 2 and 11, T. 16 N., R. 18 E., Copper River Meridian;

Thence southerly, along the N-S centerlines of sections 11 and 14, approximately 2 miles to the 1/4 section corner of sections 14 and 23, T. 16 N., R. 18 E., Copper River Meridian;

Thence easterly, between sections 14 and 23, approximately 1/2 mile to the corner of sections 13, 14, 23 and 24, T. 16 N., R. 18 E., Copper River Meridian;

Thence southerly, between sections 23 and 24, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 16 N., R. 18 E., Copper River Meridian;

Thence easterly, between sections 24 and 25, 19 and 30, approximately 1 1/2 miles to the 1/4 section corner of sections 19 and 30, T. 16 N., R. 19 E., Copper River Meridian;

Thence southerly, along the N-S centerlines of sections 30 and 31, approximately 2 miles to the 1/4 section corner of sections 6 and 31, Tps. 15 and 16 N., R. 19 E., Copper River Meridian;

Thence easterly, between Tps. 15 and 16 N., approximately 5 1/2 miles to the corner of Tps. 15 and 16 N., Rs. 19 and 20 E., Copper River Meridian;

Thence southerly, between Rs. 19 and 20 E., approximately 6 miles to the corner of Tps. 14 and 15 N., Rs. 19 and 20 E., Copper River Meridian;

Thence easterly, between Tps. 14 and 15 N., approximately 6 miles to the corner of Tps. 14 and 15 N., Rs. 20 and 21 E., Copper River Meridian;

Thence southerly, between Rs. 20 and 21 E., approximately 6 miles to the corner of Tps. 13 and 14 N., Rs. 20 and 21 E., Copper River Meridian;

Thence easterly, between Tps. 13 and 14 N., approximately 12 miles to the corner of Tps. 13 and 14 N., Rs. 22 and 23 E., Copper River Meridian;

Thence southerly, between Rs. 22 and 23 E., approximately 6 miles to the standard corner of T. 13 N., Rs. 22 and 23 E., Copper River Meridian;

Thence westerly, on the Third Standard Parallel North, approximately 1 1/2 miles to the closing corner of T. 12 N., Rs. 22 and 23 E., Copper River Meridian;

Thence southerly, between Rs. 22 and 23 E., approximately 8 miles to the corner of sections 7, 12, 13 and 18, T. 11 N., Rs. 22 and 23 E., Copper River Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, 9 and 16, 10 and 15, 11 and 14, 12 and 13, approximately 6 miles to a point on the International Boundary between Alaska and Canada;

Thence southerly, along the International Boundary between Alaska and Canada, to the point for the closing corner of sections 5 and 8, T. 7 N., R. 24 E., Copper River Meridian, the point of beginning.

4. Federal owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U.S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5703

Withdrawal for Togiak National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Togiak National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Togiak National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent

and purposes of international treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

TOGIAK NATIONAL WILDLIFE REFUGE

Beginning at the point for the meander corner of sections 16 and 21, T. 4 S., R. 74 W., Seward Meridian, at the line of mean high tide of Warehouse Channel in Kuskokwim Bay;

Thence easterly, between 16 and 21, 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, approximately 9 1/2 miles to the corner of sections 13, 18, 19 and 24, T. 4 S., Rs. 72 and 73 W., Seward Meridan;

Thence northerly, between Rs. 72 and 73 W., approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 72 and 73 W., Seward Meridan;

Thence easterly, between sections 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, approximately 13 miles to the corner of sections 5, 6, 7 and 8, T. 4 S., R. 70 W., Seward Meridian;

Thence southerly, between sections 7 and 8, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 4 S., R. 70 W., Seward Meridian;

Thence easterly, between sections 8 and 17, 9 and 16, 10 and 15, 11 and 14, 12 and 13, appromimately 5 miles to the corner of sections 7, 12, 13 and 18, T. 4 S., Rs. 69 and 70 W., Seward Meridian;

Thence northerly, between Rs. 69 and 70 W., approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 69 and 70 W., Seward Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, 4 and 9, approximately 3 miles to the corner of sections 3, 4, 9 and 10, T. 4 S., R. 69 W., Seward Meridian;

Thence southerly, between sections 9 and 10, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 4 S., R. 69 W., Seward Meridian;

Thence easterly, between sections 10 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 4 S., R. 69 W., Seward Meridian;

Thence southerly, betweeen sections 14 and 15, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 4 S., R. 69 W., Seward Meridan;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, approximately 3 miles to the corner of sections 17, 18, 19 and 20, T. 4 S., R. 68 W., Seward Meridian;

Thence southerly, between sections 19 and 20, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 4 S., R. 68 W., Seward Meridian;

Thence easterly, between sections 20 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 4 S., R. 68 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 4 S., R. 68 W., Seward Meridian;

Thence easterly, between sections 28 and 33, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 4 S., R. 68 W., Seward Meridian;

Thence southerly, between sections 33 and 34, approximately 1 mile to the standard corner of sections 33 and 34, T. 4 S., R. 68 W., Seward Meridian;

Thence easterly, on the First Standard Parallel South, approximately 3 miles to the standard corner of T. 4 S., Rs. 67 and 68 W., Seward Meridian;

Thence northerly, between Rs. 67 and 68 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 4 S., Rs. 67 and 68 W., Seward Meridian;

Thence easterly, between sections 18 and 19, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 4 S., R. 67 W., Seward Meridian;

Thence northerly, between sections 17 and 18, 7 and 8, approximately 2 miles to the corner of sections 5, 6, 7 and 8, T. 4 S., R. 67 W., Seward Meridian;

Thence easterly, between sections 5 and 8, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 4 S., R. 67 W., Seward Meridian;

Thence northerly, between sections 4 and 5, 32 and 33, approximately 2 miles to the corner of sections 28, 29, 32 and 33, T. 3 S., R. 67 W., Seward Meridian;

Thence easterly, between sections 28 and 33, 27 and 34, approximately 2 miles to the corner of sections 26, 27, 34 and 35, T. 3 S., R. 67 W., Seward Meridian;

Thence northerly, between sections 26 and 27, 22 and 23, 14 and 15, approximately 3 miles to the corner of sections 10, 11, 14 and 15, T. 3 S., R. 67 W., Seward Meridian;

Thence easterly, between sections 11 and 14, 12 and 13, 7 and 18, 8 and 17, 9 and 16, approximately 5 miles to the corner of Sections 9, 10, 15 and 16, T. 3 S., R. 66 W., Seward Meridian;

Thence northerly, between sections 9 and 10, approximately 1/2 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 66 W., Seward Meridian;

Thence easterly, on the E-W centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 66 W. Seward Meridian;

Thence northerly, between sections 10 and 11, approximately 1/2 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 66 W., Seward Meridian;

Thence easterly, between sections 2 and 11, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 66 W., Seward Meridian;

Thence northerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 66 W.,

Seward Meridian;

Thence easterly, between Tps. 2 and 3 S., approximately 2 miles to the corner of Sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 65 W., Seward Meridian;

Thence northerly, between sections 31 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 65 W., Seward Meridian;

Thence easterly, between sections 29 and 32, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 65 W., Seward Meridian;

Thence northerly, between sections 28 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 65 W., Seward Meridian;

Thence easterly, between sections 21 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 65 W., Seward Meridian;

Thence northerly, between sections 21 and 22, 15 and 16, 9 and 10, 3 and 4, approximately 4 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 65 W., Seward Meridian;

Thence easterly, between Tps. 1 and 2 S., approximately 15 miles to the corner of Tps. 1 and 2 S., Rs. 62 and 63 W., Seward Meridian;

Thence northerly, between Rs. 62 and 63 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 62 and 63 W., Seward Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 61 and 62 W., Seward Meridian;

Thence northerly, between Rs. 61 and 62 W., approximately 3 miles to the closing corner of T. 1 S., Rs. 61 and 62 W., Seward Meridian;

Thence easterly, along the Seward Baseline, approximately 20 miles to the closing corner of sections 4 and 5, T. 1 S., R. 58 W., Seward Meridan;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, approximately 24 miles to the standard corner of sections 32 and 33, T. 4 S., R. 58 W., Seward Meridian;

Thence easterly, along the First Standard Parallel South, approximately 1 1/2 miles to the closing corner of T. 5 S., Rs. 58 and 59 W., Seward Meridian;

Thence southerly, between Rs. 58 and 59 W., approximately 24 miles to the standard corner of T. 8 S., Rs. 58 and 59 W., Seward Meridian;

Thence easterly, along the Second Standard Parallel jouth, approximately 3 1/2 miles to the closing corner of T. 9 S., Rs. 58 and 59 W., Seward Meridian;

Thence southerly, between Rs. 58 and 59 W., approximately 24 miles to the standard corner of T. 12 S., Rs. 58 and 59 W., Seward Meridian;

Thence easterly, along the Third Standard Parallel South, approximately 26 1/4 miles to the closing corner of sections 1 and 2, T. 13 S., R. 55 W., Seward Meridian;

Thence southerly, between sections 1 and 2, 11 and 12, approximately 1 3/4 miles to the meander corner of sections 11 and 12, T. 13 S., R. 55 W., Seward Meridian, on the mean high tide line of the easterly confluence of the Nushagak and Wood Rivers;

Thence, on an approximate forward bearing of S. 77° W., approximately 1 1/2 miles to the meander corner of sections 10 and 15, T. 13 S., R. 55 W., Seward Meridian, on the mean high tide line of the westerly confluence of the Nushagak and Wood Rivers;

Thence southwesterly, along the mean high tide line of the right bank of the Nushagak River and the westerly shore of Nushagak Bay, respectively, approximately 18 miles to the meander corner of sections 14 and 15, T. 15 S., R. 57 W., Seward Meridian, on the mean high tide line of the easterly confluence of the Snake River and Nushagak Bay;

Thence, on an approximate forward bearing of S. 60° W., approximately 3/4 of a mile to the meander corner of sections 15 and 22, T. 15 S., R. 57 W., Seward Meridian, on the mean high tide line of the westerly confluence of the Snake River and Nushagak Bay;

Thence southerly, westerly and northerly, respectively, along the line of mean high tide (closing all bays, inlets, rivers, spits and lagoons), approximately 85 miles to Kulak Point in T. 15 S., R. 62 W., Seward Meridan;

Thence, on an approximate forward bearing of S. 82° W., approximately 4 1/4 miles to the north headland of Metervik Bay in T. 15 S., R. 63 W., Seward Meridian;

Thence southerly, westerly and northerly, respectively, along the line of mean high tide (closing all bays, inlets, rivers, spits and lagoons), approximately 110 miles to the meander corner of sections 9 and 10, T. 18 S., R. 74 W., Seward Meridian, on the mean high

tide line of the northerly shore of Bristol Bay;

Thence northerly, common with the easterly boundary of the Cape Newenham National Wildlife Refuge, approximately 38 3/4 miles to the corner of sections 13, 18, 19 and 24, T. 13 S., Rs. 72 and 73 W., Seward Meridian;

Thence northerly, between Rs. 72 and 73 W., approximately 3 miles to the closing corner of T. 13 S., Rs. 72 and 73 W., Seward Meridian;

Thence easterly, on the Third Standard Parallel South, approximately 7 3/4 miles to the standard corner of T. 12 S., Rs. 70 and 71 W., Seward Meridian;

Thence northerly, between Rs. 70 and 71 W., approximately 24 miles to the closing corner of T. 9 S., Rs. 70 and 71 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel South, approximately 4 1/4 miles to the standard corner of T. 8 S., Rs. 70 and 71 W., Seward Meridian;

Thence northerly, between Rs. 70 and 71 W., approximately 6 miles to the corner of Tps. 7 and 8 S., Rs. 70 and 71 W., Seward Meridian;

Thence westerly, between Tps. 7 and 8 S., approximately 12 miles to the corner of Tps. 7 and 8 S., Rs. 72 and 73 W., Seward Meridian;

Thence southerly, between Rs. 72 and 73 W., approximately 6 miles to the standard corner of T. 8 S., Rs. 72 and 73 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel South, approximately 7 1/4 miles to the meander corner of section 35, T. 8 S., R. 74 W., Seward Meridian, on the mean high tide line of the westerly shore of Kuskokwim Bay;

Thence northerly, along the mean high tide line of Kuskokwim Bay closing all inlets, rivers, lagoons and spits, approximately 36 miles to the point of beginning.

4. Federal owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U.S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5704

Withdrawal for Yukon Delta National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Yukon Delta National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Yukon Delta National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent and purposes of international

treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

YUKON DELTA NATIONAL WILDLIFE REFUGE

Beginning at the meander corner of sections 16 and 21, T. 4 S., R. 74 W., Seward Meridian;

Thence northwesterly, along the line of mean high tide of Kuskokwim Bay, approximately 15 miles to to the meander corner of sections 16 and 21, T. 2 S., R. 75 W., Seward Meridian;

Thence westerly, closing the mouth of Kuskokwim Bay, approximately 11 miles to the meander corner of sections 15 and 22, T. 2 S., R. 77 W., Seward Meridian;

Thence southwesterly, westerly and northerly, along the line of mean high tide of Kuskokwim Bay closing the mouth of Ishkowik River, Kugukilk and Kinak River, approximately 100 miles to an intersection with the boundary of Clarence Rhode National Wildlife Range Area #2, at the most southerly tip of section 19 on the right bank of the Kinak River, T. 2 S., R. 86 W., Seward Meridian;

Thence northeasterly, northerly, westerly and southwesterly, following the boundary of Clarence Rhode National Wildlife Range Area #2 to the meander corner of sections 1 and 12, at the line of mean high tide of Etolin Strait, T. 2 N., R. 89 W., Seward Meridian;

Thence northwesterly, closing the mouth of Kolavinarak River, approximately 1 1/2 miles to the meander corner of sections 2 and 3, at the line of mean high tide of Etolin Strait, T. 2 N. R. 89 W., Seward Meridian;

Thence northwesterly, following the line of mean high tide of Etolin Strait, approximately 21 miles to the most northwesterly point of Chinigwak Cape located in section 8, T. 4 N., R. 91 W., Seward Meridian;

Thence northwesterly, closing the mouth of Kangirlvar Bay, approximately 5 miles to the most southeasterly tip of Atrnak Point, located in section 28, T. 5 N., R. 91 W., Seward Meridian;

Thence northwesterly and northeasterly, along the line of mean high tide of Etolin Strait and Hazen Bay, approximately 35 miles to the most southwesterly tip of Kigigak Islands in section 2, T. 8 N., R. 90 W., Seward Meridian, closing a portion of the mouth of the Ninglick River on the seaward side of all islands;

Thence northeasterly and northwesterly, following the boundary of the Hazen Bay Migratory Waterfowl Refuge to the most northwesterly tip of Kigigak Island, located in section 14, T. 9 N., R. 89 W., Seward Meridian;

Thence northwesterly, closing the remainder of the mouth of the Ninglick River on the seaward side of all islands, approximately 2 1/4 miles to the interesection with the boundary of Clarence Rhode National Wildlife Range Area #1, at the most southeasterly tip of Naskonat Peninsula, located in section 2, T. 9 N., R. 89 W., Seward Meridian;

Thence northeasterly, easterly, northerly, westerly and southerly, following the boundary of Clarence Rhode National Wildlife Range Area #1 to the meander corner of sections 2 and 3, T. 15 N., R. 93 W., Seward Meridian;

Thence northwesterly, closing the mouth of Hooper Bay, on the seaward side of all islands approximately 8 miles to the meander corner of sections 10 and 11, at the line of mean high tide, T. 16 N., R. 94 W., Seward Meridian;

Thence northwesterly and northerly, following the line of mean high tide of the Bering Sea to the most northerly point of Panowat Spit, located in section 22, T. 19 N., R. 93 W., Seward Meridian;

Thence northerly, closing the mouth of Kokechik Bay, on the seaward side of all islands to the most westerly point of Cape Romanzof, located in section 23, T. 20 N., R. 93 W., Seward Meridian;

Thence easterly, northwesterly and northeasterly, following the line of mean high tide of the Bering Sea, closing the mouth of all rivers, inlets and bays, except Scammon Bay, and including the islands located in sections 3, 9 and 10, T. 24 N., R. 89 W., Seward Meridian, to the meander corner of sections 4 and 9, T. 28 N., R. 85 W., Seward Meridian;

Thence northerly, closing the mouth of all bays, inlets, rivers and all passes and channels of the Yukon River, on the seaward side of all islands and following the line of mean high tide to an intersection with the Clarence Rhode National Wildlife Range at the most westerly tip of section 28, T. 27 S., R. 31 W., Kateel River Meridian;

Thence southeasterly, easterly and northeasterly, following the boundary of Clarence Rhode National Wildlife Range to the meander corner of sections 19 and 24, T. 27 S., Rs. 25 and 26 W., Kateel River Meridian;

Thence southeasterly, easterly and northeasterly, along the line of mean high tide of Norton Sound, closing the mouths of all bays, inlets and rivers, and on the seaward side of all islands, to the meander corner of sections 14 and 23, T. 23 S., R. 19 W., Kateel River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, approximately 1 1/4 miles to the corner of sections 13, 18, 19 and 24, T. 23 S., Rs. 18 and 19 W., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 W., approximately 2 miles to the corner of sections 25, 30, 31 and 36, T. 23 S., Rs. 18 and 19 W., Kateel River Meridian;

Thence easterly, between sections 30 and 31, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 23 S., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 31 and 32, 5 and 6, approximately 2 miles to the corner of sections 5, 6, 7 and 8, T. 24 S., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 5 and 8, 4 and 9, approximately 2 miles to the corner of sections 3, 4, 9 and 10, T. 24 S., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 9 and 10, 15 and 16, 21 and 22, approximately 3 miles to the corner of sections 21, 22, 27 and 28, T. 24 S., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 22 and 27, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 24 S., R. 18 W.,

Kateel River Meridian;

Thence southerly, between sections 26 and 27, 34 and 35, approximately 2 miles to the standard corner of sections 34 and 35, T. 24 S., R. 18 W., Kateel River Meridian;

Thence easterly, on the Sixth Standard Parallel South, approximately 1 1/4 miles to the closing corner of sections 2 and 3, T. 25 S., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 25 S., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, approximately 2 miles to the corner of sections 13, 18, 19,and 24, T. 25 S., Rs. 17 and 18 W., Kateel River Meridian;

Thence southerly, between Rs. 17 and 18 W., approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 25 S., Rs. 17 and 18 W., Kateel River Meridian;

Thence easterly, between sections 19 and 30, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 25 S., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 29 and 30, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 25 S., R. 17 W., Kateel River Meridian;

Thence easterly, between sections 29 and 32, 28 and 33, approximately 2 miles to the corner of sections 27, 28, 33 and 34, T. 25 S., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 33 and 34, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 25 and 26 S., R. 17 W., Kateel River Meridian;

Thence easterly, between Tps. 25 and 26 S., approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 25 and 26 S., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 26 S. R. 17 W., Kateel River Meridian;

Thence easterly, between sections 11 and 14, 12 and 13, 7 and 18, 8 and 17, approximately 4 miles to the corner of sections 8, 9, 16 and 17, T. 26 S., R. 16 W., Kateel River Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, 28 and 29, approximately 3 miles to the corner of sections 28, 29, 32

and 33, T. 26 S., R. 16 W., Kateel River Meridian;

Thence easterly, between sections 28 and 33, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 26 S., R. 16 W., Kateel River Meridian;

Thence southerly, between sections 33 and 34, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 26 and 27 S., R. 16 W. Kateel River Meridian;

Thence easterly, between Tps. 26 and 27 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 26 and 27 S., R. 16 W., Kateel River Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 27 S., R. 16 W., Kateel River Meridian;

Thence easterly, between sections 1 and 12, 6 and 7, 5 and 8, 4 and 9, approximately 4 miles to the corner of 3, 4, 9 and 10, T. 27 S., R. 15 W., Kateel River Meridian;

Thence southerly, between sections 9 and 10, 15 and 16, approximately 2 miles to the corner of sections 15, 16, 21 and 22, T. 27 S., R. 15 W., Kateel River Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, approximately 2 miles to the corner of sections 13, 14, 23 and 24, T. 27 S., R. 15 W., Kateel River Meridian;

Thence southerly, between sections 23 and 24, 25 and 26, 35 and 36, 1 and 2, 11 and 12, 13 and 14, 23 and 24, 25 and 26, 35 and 36, 1 and 2, approximately 10 miles to the corner of sections 1 and 2, T. 29 S., R. 15 W., Kateel River Meridian;

Thence easterly, on the South Boundary of the Kateel River Meridian, and the North Boundary of the Seward Meridian, approximately 1/4 mile to the corner of sections 32 and 33, T. 34 N., R. 64 W., Seward Meridian;

Thence southerly, between sections 32 and 33, 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33 approximately 7 miles to the standard corner of sections 32 and 33, T. 33 N., R. 64 W., Seward Meridian;

Thence easterly, on the Eighth Standard Parallel North approximately 1/2 mile to the closing corner of sections 2 and 3, T. 32 N., R. 65 W., Seward Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, 34 and 35, 2 and 3, 10 and 11, 14 and 15,

22 and 23, 26 and 27, 34 and 35, 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, 34 and 35, approximately 18 miles, to the corner of sections 2, 3, 34 and 35, Tps. 29 and 30 N., R. 65 W., Seward Meridian;

Thence westerly, between Tps. 29 and 30 N., approximately 4 miles to the corner of Tps. 29 and 30 N., Rs. 65 and 66 W., Seward Meridian;

Thence southerly, between Rs. 65 and 66 W., approximately 6 miles to the standard corner of T. 29 N., Rs. 65 and 66 W., Seward Meridian;

Thence westerly, on the Seventh Standard Parallel North, approximately 1 1/2 miles to the closing corner of T. 28 N., Rs. 66 and 67 W., Seward Meridian;

Thence southerly, between Rs. 66 and 67 W., approximately 24 miles to the standard corner of T. 25 N., Rs. 66 and 67 W., Seward Meridian;

Thence westerly, on the Sixth Standard Parallel North, approximately 1 1/2 miles to the closing corner of T. 24 N., Rs. 67 and 68 W., Seward Meridian;

Thence southerly, between Rs. 67 and 68 W., approximately 6 miles to the corner of Tps. 23 and 24 N., Rs. 67 and 68 W., Seward Meridian;

Thence westerly, between Tps. 23 and 24 N., approximately 9 miles to the corner of sections 3, 4, 33 and 34, Tps. 23 and 24 N., R. 69 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 12 miles to the corner of sections 3, 4, 33 and 34, Tps. 21 and 22 N., R. 69 W., Seward Meridian;

Thence westerly, between Tps. 21 and 22 N., approximately 7 3/4 miles to the meander corner between sections 5 and 32, at the line of mean high water on the right bank of Poltes Slough of the Yukon River, Tps. 21 and 22 N., R. 70 W., Seward Meridian;

Thence southeasterly and northeasterly, along the line of mean high water of the right banks of Poltes Slough, Wilson Creek Slough, Cross Slough, Thirty-two Kazyga Slough, Circle Slough, Tuckers Slough, Summer Slough and the Yukon River to the meander corner of sections 13 and 14, at the line of mean high water on the right bank of the Yukon River, T. 22 N., R. 59 W., Seward

Meridian;

Thence East, on a forward bearing, approximately 2 miles to an intersection with the line between sections 17 and 18, T. 22 N., R. 58 W., Seward Meridian;

Thence southerly, between sections 17 and 18, 19 and 20, 29 and 30, 31 and 32, approximately 3 1/2 miles to the corner of sections 5, 6, 31 and 32, Tps. 21 and 22 N., R. 58 W., Seward Meridian;

Thence easterly, between Tps. 21 and 22 N., approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 21 and 22 N., R. 58 W., Seward Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, approximately 3 miles to the corner of sections 16, 17, 20 and 21, T. 21 N., R. 58 W., Seward Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, approximately 2 miles to the corner of sections 14, 15, 22 and 23, T. 21 N., R. 58 W., Seward Meridian;

Thence southerly, between sections 22 and 23, 26 and 27, 34 and 35, approximately 3 miles to the standard corner of sections 34 and 35, T. 21 N., R. 58 W., Seward Meridian;

Thence westerly, on the Fifth Standard Parallel North, approximately 1/4 mile to the closing corner of T. 20 N., Rs. 58 and 59 W., Seward Meridian;

Thence southerly, between Rs. 58 and 59 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 20 N., Rs. 58 and 59 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, approximately 2 miles to the corner of sections 14, 15, 22 and 23, T. 20 N., R. 59 W., Seward Meridian;

Thence southerly, between sections 22 and 23, 26 and 27, approximately 2 miles to the corner of sections 26, 27, 34 and 35, T. 20 N., R. 59 W., Seward Meridian;

Thence westerly, between sections 27 and 34, 28 and 33, 29 and 32, 30 and 31, approximately 4 miles to the corner of sections 25, 30, 31 and 36, T. 20 N., Rs. 59 and 60 W., Seward Meridian;

Thence northerly, between Rs. 59 and 60 W., approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 20 N., Rs. 59 and 60 W., Seward Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, approxi-

mately 2 miles to the corner of sections 22, 23, 26 and 27, T. 20 N., R. 60 W., Seward Meridian;

Thence southerly, between sections 26 and 27, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 20 N., R. 60 W., Seward Meridian;

Thence westerly, between sections 27 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 20 N., R. 60 W., Seward Meridian;

Thence southerly, between sections 33 and 34, 3 and 4, approximately 2 miles to the corner of sections 3, 4, 9 and 10, T. 19 N., R. 60 W., Seward Meridian;

Thence westerly, between sections 4 and 9, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 19 N., R. 60 W., Seward Meridian;

Thence southerly, between sections 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, approximately 12 miles to the corner of sections 4, 5, 8 and 9, T. 17 N., R. 60 W., Seward Meridian;

Thence easterly, between sections 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, approximately 10 miles to the corner of sections 1, 6, 7 and 12, T. 17 N., Rs. 58 and 59 W., Seward Meridian;

Thence northerly, between Rs. 58 and 59 W., approximately 1 mile to the corner of Tps. 17 and 18 N., Rs. 58 and 59 W., Seward Meridian;

Thence easterly, between Tps. 17 and 18 N., approximately 4 miles to the corner of sections 2, 3, 34 and 35, Tps. 17 and 18 N., R. 58 W., Seward Meridian;

Thence northerly, between sections 34 and 35, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 18 N., R. 58 W., Seward Meridian;

Thence easterly, between sections 26 and 35, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 18 N., R. 58 W., Seward Meridian;

Thence northerly, between sections 25 and 26, approximately 1/2 mile to the 1/4 section corner of sections 25 and 26, T. 18 N., R. 58 W., Seward Meridian;

Thence easterly, on the E-W centerlines of sections 25, 30, 29, 28 and 27, approximately 5 miles to the 1/4 section corner of

sections 26 and 27, T. 18 N., R. 57 W., Seward Meridian;

Thence southerly, between sections 26 and 27, approximately 1/2 mile to the corner of sections 26, 27, 34 and 35, T. 18 N., R. 57 W., Seward Meridian;

Thence easterly, between sections 26 and 35, 25 and 36, approximately 2 miles to the corner of sections 25, 30, 31 and 36, T. 18 N., Rs. 56 and 57 W., Seward Meridian;

Thence southerly, between Rs. 56 and 57 W., approximately 7 miles to the standard corner of T. 17 N., Rs. 56 and 57 W., Seward Meridian;

Thence easterly, on the Fourth Standard Parallel North, approximately 3 1/2 miles to the closing corner of T. 16 N., Rs. 56 and 57 W., Seward Meridian;

Thence southerly, between Rs. 56 and 57 W., approximately 6 miles to the corner of Tps. 15 and 16 N., Rs. 56 and 57 W., Seward Meridian;

Thence westerly, between Tps. 15 and 16 N., approximately 6 miles to the corner of Tps. 15 and 16 N., Rs. 57 and 58 W., Seward Meridian;

Thence southerly, between Rs. 57 and 58 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 15 N., Rs. 57 and 58 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 15 N., Rs. 58 and 59 W., Seward Meridian;

Thence southerly, between Rs. 58 and 59 W., approximately 3 miles to the corner of Tps. 14 and 15 N., Rs. 58 and 59 W., Seward Meridian;

Thence westerly, between Tps. 14 and 15 N., approximately 6 miles to the corner of Tps. 14 and 15 N., Rs. 59 and 60 W., Seward Meridian;

Thence southerly, between Rs. 59 and 60 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24 T. 14 N., Rs. 59 and 60 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24 T. 14 N., Rs. 60 and 61 W., Seward Meridian;

Thence southerly, between Rs. 60 and 61 W., approximately 3 miles to the corner of Tps. 13 and 14 N., Rs. 60 and 61 W., Seward Meridian;

Thence westerly, between Tps. 13 and 14 N., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 13 and 14 N., R. 61 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 6 miles to the standard corner of sections 33 and 34, T. 13 N., R. 61 W., Seward Meridian;

Thence westerly, on the Third Standard Parallel North, approximately 5 miles to the closing corner of T. 12 N., Rs. 62 and 63 W., Seward Meridian;

Thence southerly, between Rs. 62 and 63 W., approximately 6 miles to the corner of Tps. 11 and 12 N., Rs. 62 and 63 W., Seward Meridian;

Thence westerly, between Tps. 11 and 12 N., approximately 6 miles to the corner of Tps. 11 and 12 N., Rs. 63 and 64 W., Seward Meridian;

Thence southerly, between Rs. 63 and 64 W., approximately 12 miles to the corner of Tps. 9 and 10 N., Rs. 63 and 64 W., Seward Meridian;

Thence westerly, between Tps. 9 and 10 N., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 9 and 10 N., R. 64 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 6 miles to the standard corner of sections 33 and 34, T. 9 N., R. 64 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel North, approximately 2 miles to the closing corner of sections 3 and 4, T. 8 N., R. 65 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 8 N., R. 65 W., Seward Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, 18 and 19, approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 8 N., Rs. 65 and 66 W., Seward Meridian;

Thence southerly, between Rs. 65 and 66 W., approximately 3 miles

to the corner of Tps. 7 and 8 N., Rs. 65 and 66 W., Seward Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 7 and 8 N., R. 66 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 6 miles to the corner of sections 3, 4, 33 and 34 Tps. 6 and 7 N., R. 66 W., Seward Meridian;

Thence westerly, between Tps. 6 and 7 N., approximately 9 miles to the corner of Tps. 6 and 7 N., Rs. 67 and 68 W., Seward Meridian;

Thence southerly, between Rs. 67 and 68 W., approximately 6 miles to the corner of Tps. 5 and 6 N., Rs. 67 and 68 W., Seward Meridian;

Thence westerly, between Tps. 5 and 6 N., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 5 and 6 N., R. 68 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 6 miles to the standard corner of sections 33 and 34, T. 5 N., R. 68 W., Seward Meridian;

Thence westerly, on the First Standard Parallel North, approximately 1 3/4 miles to the closing corner of sections 3 and 4, T. 4 N., R. 69 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 12 miles to the corner of sections 3, 4, 33 and 34, Tps. 2 and 3 N., R. 69 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 N., approximately 3 miles to the corner of Tps. 2 and 3 N., Rs. 69 and 70 W., Seward Meridian;

Thence southerly, between Rs. 69 and 70 W., approximately 12 miles to the corner of T. 1 N., on the Base Line, Rs. 69 and 70 W., Seward Meridian;

Thence westerly, on the Base Line, approximately 1 1/2 miles to the closing corner of T. 1 S., Rs. 70 and 71 W., Seward Meridian;

Thence southerly, between Rs. 70 and 71 W., approximately 19 miles to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 70 and 71 W., Seward Meridian;

Thence westerly, between sections 1 and 12, 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, 1 and 12, 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, approximately 12 miles to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 72 and 73 W., Seward Meridian;

Thence southerly, between Rs. 72 and 73 W., approximately 2 miles to the corner of sections 13, 18, 19 and 24, T. 4S., Rs. 72 and 73 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, approximately 9 1/2 miles to the meander corner of sections 16 and 21, T. 4 S., R. 74 W., Seward Meridian, the point of the beginning.

4. Federal owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are

hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U.S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5705

Withdrawal for Yukon Flats National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska

Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Yukon Flats National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Yukon Flats National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent and purposes of international treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

YUKON FLATS NATIONAL WILDLIFE REFUGE

Beginning at the intersection of the highest point on a mountain between sections 13 and 18, T. 19 N., Rs. 11 and 12 W., Fairbanks Meridian, approximate elevation 3,160 feet, which point is a point on the westerly boundary of Yukon Flats National Monument;

Thence northerly, between Rs. 11 and 12 W., approximately 1/2 mile to the corner of sections 7, 12, 13 and 18, T. 19 N., Rs. 11 and 12 W., Fairbanks Meridian;

Thence westerly, between sections 12 and 13, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 19 N., R. 12 W., Fairbanks Meridan;

Thence northerly, between sections 11 and 12, 1 and 2, 35 and 36, 25 and 26, 23 and 24, 13 and 14, 11 and 12, 1 and 2, approximately 8 miles to the closing corner of section 1 and 2, T. 20 N., R. 12 W., Fairbanks Meridian;

Thence easterly, on the Fifth Standard Parallel North, approximately 100 feet to the standard corner of T. 21 N., Rs. 11 and 12 W., Fairbanks Meridian;

Thence northernly, between Rs. 11 and 12 W., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 21 N., Rs. 11 and 12 W., Fairbanks, Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, approximately 2 miles to the corner of sections 28, 29, 32 and 33, T. 21 N., R. 11 W., Fairbanks Meridian.

Thence northerly, between sections 28 and 29, 20 and 21, 16 and 17, approximately 3 miles to the corner of sections 8, 9, 16 and 17, T. 21 N., R. 11 W., Fairbanks Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 21 N., R. 11 W., Fairbanks Meridian;

Thence northerly, between sections 9 and 10, approximately 3/4 mile to the highest point on a mountain on the hydrographic divide of the Hodzana River, and the west-flowing tributaries of the South Fork of the Koyukuk River, approximate elevation 3,900 feet, T. 21 N., R. 11 W., Fairbanks Meridian which point is a point on the westerly boundary of Yukon Flats National Monument;

Thence easterly, southerly, and westerly, along the existing boundary of the Yukon Flats National Monument to the point of beginning.

4. Federal owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U.S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5706

Withdrawal for Aniakchak Natural Resource Area

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

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, for the purposes of conserving outstanding scenic, natural, historic, cultural, wildlife and recreational values by such means as will leave them available for continued public enjoyment. This area shall be known as the Aniakchak Natural Resource Area and shall be administered by the Bureau of Land Management under FLPMA (43 U.S.C. §§ 1701 et seq.) and other applicable law. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses

shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order; Provided however, nothing in this Order is intended to prohibit or restrict those hunting activities agreed to by the United States in paragraph 7 of the Memorandum of Understanding between the United States and the State of Alaska, relied on by those parties in the stipulated dismissal of the lawsuit entitled Alaska v. Morton, Civil No. A-48-72 (U.S.D.C. for Alaska).

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn and reserved by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

ANIAKCHAK

Beginning at the meander corner of sections 25 and 30., at the line of mean high tide of the Pacfic Ocean, T. 39 S., Rs. 49 and 50 W., Seward Meridian;

Thence northerly, between sections 25 and 30, approximately ½ mile to the corner of sections 19, 24, 25 and 30, T. 39 S., Rs. 49 and 50 W., Seward Meridian;

Thence westerly, between sections 24 and 25, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 39 S., R. 50 W., Seward Meridian;

Thence northwesterly, approximately 600 feet to horizontal control station "Kunmik" located in section 23, T. 39 S., R. 50 W., Seward Meridian;

Thence on an approximate forward bearing of N. 25° W., approximately 5 3/4 miles to the highest point on a mountain in the southerly portion of section 28, T. 38 S., R. 50 W., Seward Meridian; approximate elevation 3,271 ft.

Thence on an approximate forward bearing of N. 10° W., approximately 1½ miles to the highest point on a mountain in the north westerly portion of section 21, T. 38 S., R. 50 W., Seward Meridian; approximate elevation 2,600 ft.

Thence on an approximate forward bearing of N. 62° W., approximately 1 3/4 miles to the highest point on a mountain in the south easterly portion of section 18, T. 38 S., R. 50 W., Seward Meridian; approximate elevation 2,220 ft.

Thence on an approximate forward bearing of N. 30° W., approximately 1½ miles to the highest point on a mountain in the north westerly portion of section 7, T. 38 S., R. 50 W., Seward Meridian; approximate elevation 1,780 ft.

Thence on an approximate forward bearing of N. 12° W., approximately 2½ miles to the highest point on a mountain in the south easterly portion of section 25, T. 37 S., R. 51 W., Seward Meridian; approximate elevation 1,230 ft.

Thence northerly, along the hydrographic divide between the Yantarni Creek and Northeast Creek drainages, approximately 4 miles to the highest point on a mountain in the northeast corner of section 12, T. 37 S., R. 51 W., Seward Meridian; approximate elevation 2,900 ft.

Thence westerly, along the hydrographic divide between the Painter Creek and Northeast Creek/Main Creek drainages, approximately 3 miles to the highest point on a mountain in sections 8 and 9, T. 37 S., R. 51 W., Seward Meridian; approximate elevation 3,650 ft.

Thence on an approximate forward bearing of N. 39° W., approximately 1¼ miles to the highest point on a mountain in the north westerly portion of section 5, T. 37 S., R. 51 W., Seward Meridian; approximate elevation 3,030 ft.

Thence on an approximate forward bearing of N. 21° W., approximately 1½ miles to the highest point on a mountain in the south westerly portion of section 27, T. 36 S., R. 51 W., Seward Meridian; approximate elevation 3,578 ft.

Thence on an approximate forward bearing of N. 65° W., approximately 1¼ miles to the highest point on a mountain in sections 28 and 29, T. 36 S., R. 51 W., Seward Meridian; approximate elevation 3,112 ft.

Thence on an approximate forward bearing of N. 16° W., approximately 1¼ miles to the highest point on a mountain in the north easterly portion of section 20, T. 36 S., R. 51 W., Seward Meridian; approximate elevation 3,485 ft.

Thence North, approximately ¼ mile to a point on the line between sections 17 and 20, T. 36 S., R. 51 W., Seward Meridian;

Thence westerly, between sections 17 and 20, approximately 3/4 mile to the corner of sections 17, 18, 19 and 20, T. 36 S., R. 51 W., Seward Meridian;

Thence northerly, between sections 17 and 18, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 36 S., R. 51

W., Seward Meridian;

Thence westerly, between sections 7 and 18, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 36 S., Rs. 51 and 52 W., Seward Meridian;

Thence northerly, between Rs. 51 and 52 W., approximately 2 miles to the corner of Tps. 35 and 36 S., Rs. 51 and 52 W., Seward Meridian;

Thence westerly, between Tps. 35 and 36 S., approximately 6 miles to the corner of Tps. 35 and 36 S., Rs. 52 and 53 W., Seward Meridian, which corner is a point on the boundary of Aniakchak National Monument;

Thence southerly, along the easterly boundary of Aniakchak National Monument, to the standard corner of T. 40 S., Rs. 54 and 55 W., Seward Meridian;

Thence easterly, on the Tenth Standard Parallel South, approximately 3 miles to the closing corner of T. 41 S., Rs. 54 and 55 W., Seward Meridian;

Thence southerly, between Rs. 54 and 55 W., approximately 1¼ miles to the meander corner between sections 7 and 12, T. 41 S., Rs. 54 and 55 W., Seward Meridian, at the line of mean high tide of the Pacific Ocean;

Thence easterly, along the line of mean high tide of the Pacific Ocean to the meander corner between sections 25 and 30, T. 39 S., Rs. 49 and 50 W., Seward Meridian, the point of beginning.

4. Federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order. Furthermore, the oil and gas rights in the subsurface estate of lands described in Section 15(a) of Public Law 94-204, 89 Stat. 1154, are excluded from the operation of this Order to the extent necessary to permit selection by and conveyance to Koniag Regional Corporation and such lands are excluded from the operation of this Order to the extent necessary to recognize the surface and gravel rights of Koniag Regional Corporation as stated in said Section 15(a).

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn and reserved as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid

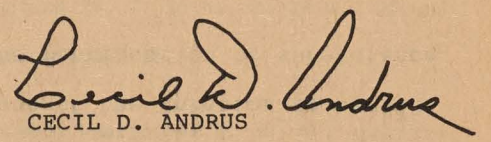
existing right should be construed as presently forbidding Bureau of Land Management administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this order, as of the date when the valid existing right is relinquished or otherwise extinquished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714 (e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation.

7. This Order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980



CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5707

Withdrawal for Lake Clark Natural Resource Area

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

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, for the purposes of conserving outstanding scenic, natural, historic, cultural, wildlife and recreational values by such means as will leave them available for continued public enjoyment. This area shall be known as the Lake Clark Natural Resource Area and shall be administered by the Bureau of Land Management under FLPMA (43 U.S.C. §§ 1701 et seq.) and other applicable law. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence

uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order; Provided however, nothing in this Order is intended to prohibit or restrict those hunting activities agreed to by the United States in paragraph VI B of the "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" as ratified by section 3 of Public Law 94-456, 90 Stat. 1934.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn and reserved by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

LAKE CLARK

Beginning at the highest point on a mountain in the south eastern portion of section 5, T. 16 N., R. 23 W., Seward Meridian; approximate elevation 6,350 ft.

Thence on an approximate forward bearing of S. 53° W., approximately 1 1/2 miles to the highest point on a mountain in the north eastern portion of section 18, T. 16 N., R. 23 W., Seward Meridian; approximate elevation 6,540 ft.

Thence on an approximate forward bearing of S. 80° W., approximately 1 3/4 miles to the highest point on a mountain in the west central portion of section 13, T. 16 N., R. 24 W., Seward Meridian; approximate elevation 6,235 ft.

Thence on an approximate forward bearing of S. 85° W., approximately 1 mile to the highest point on a mountain in the west central portion of section 14, T. 16 N., R. 24 W., Seward Meridian; approximate elevation 6,145 ft.

Thence on an approximate forward bearing of N. 40° W., approximately 1 1/2 miles to the highest point on a mountain in the west central portion of section 10, T. 16 N., R. 24 W., Seward Meridian; approximate elevation 7,505 ft.

Thence on an approximate forward bearing of N. 85° W., approximately 1 3/4 miles to the highest point on a mountain in the

north central portion of section 8, T. 16 N., R. 24 W., Seward Meridian; approximate elevation 8,488 ft.

Thence on an approximate forward bearing of N. 50° W., approximately 1 5/8 miles to the highest point on a mountain in the north western portion of section 6, T. 16 N., R. 24 W., Seward Meridian; approximate elevation 6,580 ft.

Thence on an approximate forward bearing of N. 25° W., approximately 1 mile to the highest point on a mountain in the north central portion of section 32, T. 17 N., R. 24 W., Seward Meridian; approximate elevation 7,105 ft.

Thence on an approximate forward bearing of N. 60° W., approximately 1 3/4 miles to the highest point on a mountain in the north eastern portion of section 25, T. 17 N., R. 25 W., Seward Meridian; approximate elevation 5,620 ft.

Thence on an approximate forward bearing of N. 40° E., approximately 1 mile to the highest point on a mountain in the south eastern portion of section 19, T. 17 N., R. 24 W., Seward Meridian; approximate elevation 6,610 ft.

Thence on an approximate forward bearing of N. 55° E., approximately 1 3/4 miles to the highest point on a mountain in the west central portion of section 16, T. 17 N., R. 24 W., Seward Meridian; approximate elevation 6,820 ft.

Thence on an approximate forward bearing of N. 8° W., approximately 3 miles to the highest point on a mountain in the south easterly portion of section 32, T. 18 N., R. 24 W., Seward Meridian; approximate elevation 7,610 ft.

Thence on an approximate forward bearing of N. 45° E., approximately 3/4 mile to the highest point on a mountain in the north western portion of section 33, T. 18 N., R. 24 W., Seward Meridian; approximate elevation 7,305 ft.

Thence on an approximate forward bearing of N. 25° E., approximately 1 1/4 miles to the highest point on a mountain in the north eastern portion of section 28, T. 18 N., R. 24 W., Seward Meridian; approximate elevation 6,835 ft.

Thence on an approximate forward bearing of N. 20° E., approximately 1 3/8 miles to the highest point on a mountain in the south western portion of section 15, T. 18 N., R. 24 W., Seward Meridian; approximate elevation 7,268 ft.

Thence on an approximate forward bearing of N. 82° W., approximately 6 miles to the highest point on a mountain in the north western portion of section 15, T. 18 N., R. 25 W., Seward Meridian; approximate elevation 7,375 ft.

Thence on an approximate forward bearing of S. 65° W., approximately 1 1/4 miles to the highest point on a mountain in the south western portion of section 16, T. 18 N., R. 25 W., Seward Meridian; approximate elevation 8,235 ft.

Thence on an approximate forward bearing of S. 30° W., approximately 1 3/4 miles to the highest point on a mountain in the north western portion of section 29, T. 18 N., R. 25 W., Seward Meridian; approximate elevation 9,170 ft., also named Mt. Mausolus.

Thence on an approximate forward bearing of S. 15° W., approximately 2 3/8 miles to the highest point on a mountain in the east central portion of section 6, T. 17 N., R. 25 W., Seward Meridian; approximate elevation 8,301 ft.

Thence on an approximate forward bearing of S. 30° E., approximately 1 mile to the highest point on a mountain in the north eastern portion of section 7, T. 17 N., R. 25 W., Seward Meridian; approximate elevation 8,305 ft.

Thence on an approximate forward bearing of S. 35° W., approximately 2 1/4 miles to the highest point on a mountain in the south eastern portion of section 13, T. 17 N., R. 26 W., Seward Meridian; approximate elevation 8,640 ft.

Thence on an approximate forward bearing of S. 35° W., approximately 2 3/4 miles to the highest point on a mountain in the north western portion of section 35, T. 17 N., R. 26 W., Seward Meridian; approximate elevation 8,005 ft.

Thence on an approximate forward bearing of S. 20° W., approximately 1 1/4 miles to the highest point on a mountain in the north westerly portion of section 4, T. 16 N., R. 26 W., Seward Meridian; approximate elevation 7,115 ft.

Thence on an approximate forward bearing of S. 25° W., approximately 3/4 mile to the highest point on a mountain in the north easterly portion of section 8, T. 16 N., R. 26 W., Seward Meridian; approximate elevation 8,250 ft.

Thence on an approximate forward bearing of S. 40° W., approximately 1 5/8 miles to the highest point on a mountain in the north easterly portion of section 18, T. 16 N., R. 26 W., Seward Meridian; approximate elevation 8,520 ft.

Thence on an approximate bearing of S. 25° E., approximately 1 mile to the highest point on a mountain in the north westerly portion of section 20, T. 16 N., R. 26 W., Seward Meridian; approximate elevation 7,710 ft.

Thence on an approximate forward bearing of S. 45° W., approximately 1 1/4 miles to the highest point on a mountain in the north westerly portion of section 30, T. 16 N., R. 26 W., Seward Meridian; approximate elevation 6,512 ft.

Thence on an approximate forward bearing of S. 65° W., approximately 1 7/8 miles to the highest point on a mountain in the south easterly portion of section 26, T. 16 N., R. 27 W., Seward Meridian; approximate elevation 7,646 ft.

Thence on an approximate forward bearing of S. 40° E., approximately 2 3/8 miles to the highest point on a mountain in the south westerly portion of section 6, T. 15 N., R. 26 W., Seward Meridian; approximate elevation 6,916 ft.

Thence on an approximate forward bearing of S. 5° E., approximately 7/8 mile to the highest point on a mountain in the south westerly portion of section 7, T. 15 N., R. 26 W., Seward Meridian; approximate elevation 6,637 ft.

Thence on an approximate forward bearing of S. 3° E., approximately 1 1/4 miles to the highest point on a mountain in the south westerly portion of section 18, T. 15 N., R. 26 W., Seward Meridian; approximate elevation 6,665 ft.

Thence on an approximate forward bearing of S. 45° E., approximately 2 1/8 miles to the highest point on a mountain in the east central portion of section 29, T. 15 N., R. 26 W., Seward Meridian; approximate elevation 7,345 ft.

Thence on an approximate forward bearing of S. 5° W., approximately 3 miles to the highest point on a mountain in the west central portion of section 8, T. 14 N., R. 26 W., Seward Meridian; approximate elevation 6,840 ft.

Thence on an approximate forward bearing of S. 50° W., approximately 1 5/8 miles to the highest point on a mountain in the west central portion of section 18, T. 14 N., R. 26 W., Seward Meridian; approximate elevation 6,531 ft.

Thence on an approximate forward bearing of S. 35° W., approximately 1 1/4 miles to the highest point on a mountain in the south central portion of section 24, T. 14 N., R. 27 W., Seward Meridian; approximate elevation 6,587 ft.

Thence on an approximate forward bearing of S. 50° W., approximately 1 1/4 miles to the highest point on a mountain in the north central portion of section 26, T. 14 N., R. 27 W., Seward Meridian; approximate elevation 5,880 ft.

Thence on an approximate forward bearing of S. 60° W., approximately 1 7/8 miles to the highest point on a mountain in the north easterly portion of section 33, T. 14 N., R. 27 W., Seward Meridian; approximate elevation 6,220 ft.

Thence on an approximate forward bearing of N. 50° W., approximately 5/8 mile to the highest point on a mountain in sections 28 and 33, T. 14 N., R. 27 W., Seward Meridian; approximate elevation 6,060 ft.

Thence on an approximate forward bearing of S. 30° W., approximately 1 3/8 miles to the highest point on a mountain in the north easterly portion of section 5, T. 13 N., R. 27 W., Seward Meridian; approximate elevation 6,470 ft.

Thence on an approximate forward bearing of S. 15° E., approximately 3/4 mile to the highest point on a mountain in the south easterly portion of section 5, T. 13 N., R. 27 W., Seward Meridian; approximate elevation 6,060 ft.

Thence on an approximate forward bearing of S. 35° E., approximately 5/8 mile to the highest point on a mountain in the north westerly portion of section 9, T. 13 N., R. 27 W., Seward Meridian; approximate elevation 5,881 ft.

Thence on an approximate forward bearing of S. 10° W., approximately 1 mile to the highest point on a mountain in the north westerly portion of section 16, T. 13 N., R. 27 W., Seward Meridian; approximate elevation 5,810 ft.

Thence on an approximate forward bearing of S. 10° E., approximately 5/8 mile to the highest point on a mountain in the south westerly portion of section 16, T. 13 N., R. 27 W., Seward Meridian; approximate elevation 6,104 ft.

Thence on an approximate forward bearing of S. 35° W., approximately 3/4 mile to the highest point on a mountain in the south easterly portion of section 20, T. 13 N., R. 27 W., Seward Meridian; approximate elevation 5,810 ft.

Thence on an approximate forward bearing of S. 15° E., approximately 1 mile to the highest point on a mountain in the north easterly portion of section 29, T. 13 N., R. 27 W., Seward Meridian; approximate elevation 5,520 ft.

Thence on an approximate forward bearing of S. 50° E., approximately 1/2 mile to the highest point on a mountain in the west central portion of section 28, T. 13 N., R. 27 W., Seward Meridian; approximate elevation 5,310 ft.

Thence on an approximate forward bearing of S. 55° E., approximately 1 1/4 mile to the highest point on a mountain in the north westerly portion of section 34, T. 13 N., R. 27 W., Seward Meridian; approximate elevation 5,800 ft.

Thence on an approximate forward bearing of S. 35° E., approximately 3/4 mile to the highest point on a mountain in the southern portion of section 34, T. 13 N., R. 27 W., Seward Meridian; approximate elevation 5,080 ft.

Thence on an approximate forward bearing of S. 10° E., approximately 1 1/4 miles to the highest point on a mountain in sections 8 and 9, T. 12 N., R. 27 W., Seward Meridian; approximate elevation 5,150 ft.

Thence on an approximate forward bearing of S. 15° W., approximately 7/8 mile to the highest point on a mountain in the north easterly portion of section 17, T. 12 N., R. 27 W., Seward Meridian; approximate elevation 4,360 ft.

Thence on an approximate forward bearing of S. 15° E., approximately 1 1/8 miles to the highest point on a mountain in the north westerly portion of section 21, T. 12 N., R. 27 W., Seward Meridian; approximate elevation 4,614 ft.

Thence on an approximate forward bearing of S. 80° W., approximately 2 1/8 miles to the highest point on a mountain in the east central portion of section 24, T. 12 N., R. 28 W., Seward Meridian; approximate elevation 4,248 ft.

Thence on an approximate forward bearing of S. 45° W., approximately 7/8 mile to the highest point on a mountain in the north westerly portion of section 25, T. 12 N., R. 28 W., Seward Meridian; approximate elevation 4,420 ft.

Thence on an approximate forward bearing of N. 75° W., approximately 3/4 mile to the highest point on a mountain in the south central portion of section 23, T. 12 N., R. 28 W., Seward Meridian; approximate elevation 4,121 ft.

Thence on an approximate forward bearing of S. 50° W., approximately 1 mile to the highest point on a mountain in the north easterly portion of section 27, T. 12 N., R. 28 W., Seward Meridian; approximate elevation 4,406 ft.

Thence on an approximate forward bearing of N. 25° W., approximately 1/2 mile to the highest point on a mountain in the south central portion of section 22, T. 12 N., R. 28 W., Seward Meridian; approximate elevation 4,210 ft.

Thence on an approximate forward bearing of N. 30° W., approximately 1 1/2 miles to the highest point on a mountain in the south easterly portion of section 16, T. 12 N., R. 28 W., Seward Meridian; approximate elevation 3,341 ft.

Thence on a forward bearing of due West, approximately 3/4 mile, to the line between sections 16 and 17, T. 12 N., R. 28 W., Seward Meridian;

Thence southerly, between sections 16 and 17, approximately 1/4 mile to the corner of sections 16, 17, 20 and 21, T. 12 N., R. 28 W., Seward Meridian;

Thence westerly, between sections 17 and 20, 18 and 19, 13 and 24, 14 and 23, approximately 4 miles to the corner of sections 14, 15, 22 and 23, T. 12 N., R. 29 W., Seward Meridian;

Thence southerly, between sections 22 and 23, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 12 N., R. 29 W., Seward Meridian;

Thence westerly, between sections 22 and 27, 21 and 28, 20 and 29, approximately 3 miles to the corner of sections 19, 20, 29 and 30, T. 12 N., R. 29 W., Seward Meridian;

Thence southerly, between sections 29 and 30, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 12 N., R. 29 W., Seward Meridian;

Thence westerly, between sections 30 and 31, approximately 1/2 mile to the 1/4 section corner of sections 30 and 31, T. 12 N., R. 29 W., Seward Meridian;

Thence southerly, on the N-S centerline of secton 31, approximately 1 mile to the 1/4 section corner of sections 6 and 31, Tps. 11 and 12 N., R. 29 W., Seward Meridian;

Thence westerly, between Tps. 11 and 12 N., approximately 1/2 mile to the corner of Tps. 11 and 12 N., Rs. 29 and 30 W., Seward Meridian;

Thence southerly, between Rs. 29 and 30 W., approximately 6 miles to the corner of Tps. 10 and 11 N., Rs. 29 and 30 W., Seward Meridian;

Thence westerly, between Tps. 10 and 11 N., approximately 8 miles to the corner of sections 2, 3, 34 and 35, Tps. 10 and 11 N., R. 31 W., Seward Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, 34 and 35, approximately 6 miles to the corner of sections 2, 3, 34 and 35, Tps. 9 and 10 N., R. 31 W., Seward Meridian;

Thence westerly, between Tps. 9 and 10 N., approximately 6 miles to the corner sections 2, 3, 34 and 35, Tps. 9 and 10 N., R. 32 W., Seward Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 9 N., R. 32 W., Seward Meridian;

Thence westerly, between sections 10 and 15, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 9 N., R. 32 W., Seward Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 9 N., R. 32 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 9 N., R. 32 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 9 N., R. 32 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 9 N., R. 32 W., Seward Meridian;

Thence southerly, between sections 29 and 30, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 9 N., R. 32 W., Seward Meridian;

Thence westerly, between sections 30 and 31, 25 and 36, 26 and 35, approximately 3 miles to the corner of sections 26, 27, 34 and 35, T. 9 N., R. 33 W., Seward Meridian;

Thence southerly, between sections 34 and 35, approximately 1 mile to the standard corner of sections 34 and 35, T. 9 N., R. 33 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel North, approximately 1 mile to the closing corner of sections 5 and 6, T. 8 N., R. 33 W., Seward Meridian;

Thence southerly, between sections 5 and 6, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 8 N., R. 33 W., Seward Meridian;

Thence westerly, between sections 6 and 7, approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 8 N., Rs. 33 and 34 W., Seward Meridian;

Thence southerly, between Rs. 33 and 34 W., approximately 1/2 mile to the 1/4 section corner between sections 7 and 12, T. 8 N., Rs. 33 and 34 W., Seward Meridian;

Thence westerly, on the E-W centerline of section 12, approximately 1/2 mile to the center 1/4 section corner of section 12, T. 8 N., R. 34 W., Seward Meridian;

Thence southerly, on the N-S centerline of section 12, approximately 1/2 mile to the 1/4 section corner between sections 12 and 13, T. 8 N., R. 34 W., Seward Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, approximately 1 1/2 miles to the corner of sections 10, 11, 14 and 15, T. 8 N., R. 34 W., Seward Meridian;

Thence northerly, between sections 10 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 8 N., R. 34 W., Seward Meridian;

Thence westerly, between sections 3 and 10, approximately 1/2 mile to the 1/4 section corner of sections 3 and 10, T. 8 N., R. 34 W., Seward Meridian;

Thence northerly, on the N-S centerline of section 3, approximately 1 mile to the N. 1/4 section corner of section 3, T. 8 N., R. 34 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel North, approximately 1/2 miles to the closing corner of sections 1 and 2, T. 8 N., R. 35 W. Seward Meridian;

Thence southerly, between sections 1 and 2, 11 and 12, 13 and 14, 23 a 24, 25 and 26, approximately 5 miles to the corner of sections 25, 26, 35 and 36, T. 8 N., R. 35 W., Seward Meridian;

Thence westerly, between sections 26 and 35, 27 and 34, 28 and 33, approximately 3 miles to the corner of sections 28, 29, 32 and 33, T. 8 N., R. 35 W., Seward Meridian;

Thence southerly, between sections 32 and 33, 4 and 5, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 7 N., R. 35 W., Seward Meridian;

Thence westerly, between sections 5 and 8, approximately 1/2 mile to the 1/4 section corner of sections 5 and 8, T. 7 N., R. 35 W., Seward Meridian;

Thence southerly, on the N-S centerlines of sections 8 and 17, approximately 2 miles to the 1/4 section corner of sections 17 and 20, T. 7 N., R. 35 W., Seward Meridian;

Thence easterly, between sections 17 and 20, approximately 1/2 mile to the corner of sections 16, 17, 20 and 21, T. 7 N., R. 35 W., Seward Meridian;

Thence southerly, between sections 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, approximately 5 miles to the corner of sections 8, 9, 16 and 17, T. 6 N., R. 35 W., Seward Meridian;

Thence westerly, between sections 8 and 17, approximately 1 mile to the corner of 7, 8, 17 and 18, T. 6 N., R. 35 W., Seward Meridian;

Thence southerly, between sections 17 and 18, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 6 N., R. 35 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, 14 and 23, 15 and 22, approximately 4 miles to the corner of sections 15, 16, 21 and 22, T. 6 N., R. 36 W., Seward Meridian;

Thence southerly, between sections 21 and 22, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 6 N., R. 36 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 6 N., R. 36 W., Seward Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, approximately 2 miles to the corner of sections 4, 5, 32 and 33, Tps. 5 and 6 N., R. 36 W., Seward Meridian;

Thence easterly, between Tps. 5 and 6 N., approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 5 and 6 N., R. 36 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 5 N., R. 36 W., Seward Meridian;

Thence easterly, between sections 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, approximately 5 miles to the corner of sections 20, 21, 28 and 29, T. 5 N., R. 35 W., Seward Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, approximately 2 miles to the standard corner of sections 32 and 33, T. 5 N., R. 35 W., Seward Meridian;

Thence easterly, on the First Standard Parallel North, approximately 12 1/2 miles to the standard 1/4 section corner of section 33, T. 5 N., R. 32 W., Seward Meridian;

Thence northerly, on the N-S centerline of section 33, approximately 1 mile to the 1/4 section corner between sections 28 and 33, T. 5 N., R. 33 W., Seward Meridian;

Thence easterly, between sections 28 and 33, approximately 1/2 mile to the corner of sections 27, 28, 33 and 34, T. 5 N., R. 33 W., Seward Meridian;

Thence northerly, between sections 27 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28 T. 5 N., R. 33 W., Seward Meridian;

Thence easterly, between sections 22 and 27, 23 and 26, approximately 2 miles, to the corner of sections 23, 24, 25 and 26, T. 5 N., R. 33 W., Seward Meridian;

Thence northerly, between sections 23 and 24, approximately 1/2 mile to the 1/4 section corner between sections 23 and 24, T. 5 N., R. 33 W., Seward Meridian;

Thence easterly, on the E-W centerline of section 24, approximately 1 mile to the 1/4 section corner between sections 19 and 24, T. 5 N., Rs. 32 and 33 W., Seward Meridian;

Thence northerly, between Rs. 32 and 33 W., approximately 1/2 mile to the corner of sections 13, 18, 19 and 24, T. 5 N., Rs. 32 and 33., Seward Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, approximately 5 miles to the corner of sections 13, 14, 23 and 24, T. 5 N., R. 32 W., Seward Meridian;

Thence southerly, between sections 23 and 24, 25 and 26, approximately 2 miles to the corner of sections 25, 26, 35 and 36, T. 5 N., R. 32 W., Seward Meridian;

Thence easterly, between sections 25 and 36, 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, approximately 6 miles to the corner of sections 25, 26, 35 and 36, T. 5 N., R. 31 W., Seward Meridian;

Thence southerly, between sections 35 and 36, approximately 1 mile to the standard corner of sections 35 and 36, T. 5 N., R. 31 W., Seward Meridian;

Thence westerly, on the First Standard Parallel North, approximately 500 ft. to the closing corner of sections 3 and 4, T. 4 N., R. 31 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 12 miles to the corner of sections 3, 4, 33 and 34, Tps. 2 and 3 N., R. 31 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 N., approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 2 and 3 N., R. 31 W., Seward Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 2 N., R. 31 W., Seward Meridian;

Thence westerly, between sections 5 and 8, approximately 1/2 mile to the 1/4 section corner between sections 5 and 8, T. 2 N., R. 31 W., Seward Meridian;

Thence southerly, on the N-S centerline of section 8, approximately 1 mile to the 1/4 section corner between sections 8 and 17, T. 2 N., R. 31 W., Seward Meridian;

Thence westerly, between sections 8 and 17, approximately 1/2 mile to the corner of sections 7, 8, 17 and 18, T. 2 N., R. 31 W., Seward Meridian;

Thence southerly, between sections 17 and 18, 19 and 20, 29 and 30, 31 and 32, 5 and 6, 7 and 8, 17 and 18, 19 and 20, approximately 8 miles to the corner of sections 19, 20, 29 and 30, T. 1 N., R. 31 W., Seward Meridian;

Thence westerly, between sections 19 and 30, 24 and 25, 23 and 26, approximately 3 miles to the corner of sections 22, 23, 26 and 27, T. 1 N., R. 32 W., Seward Meridian;

Thence southerly, between sections 26 and 27, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 1 N., R. 32 W., Seward Meridian;

Thence westerly, between sections 27 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 1 N., R. 32 W., Seward Meridian;

Thence southerly, between sections 33 and 34, approximately 1 mile to the standard corner of sections 33 and 34, T. 1 N., R. 32 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 4 miles to the closing corner of sections 3 and 4, T. 1 S., R. 33 W., Seward Meridian;

Thence southerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 1 S., R. 33 W., Seward Meridian;

Thence westerly, between sections 4 and 9, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 1 S., R. 33 W., Seward Meridian;

Thence southerly, between sections 8 and 9, 16 and 17, 20 and 21, 28 and 29, approximately 4 miles to the corner of sections 28, 29, 32 and 33, T. 1 S., R. 33 W., Seward Meridian;

Thence easterly, between sections 28 and 33, 27 and 34, approximately 2 miles to the corner of sections 26, 27, 34, and 35, T. 1 S., R. 33 W., Seward Meridian;

Thence southerly, between sections 34 and 35, 2 and 3, approximately 2 miles to the corner of sections 2, 3, 10 and 11, T. 2 S., R. 33 W., Seward Meridian;

Thence easterly, between sections 2 and 11, 1 and 12, 6 and 7, 5 and 8, 4 and 9, 3 and 10, approximately 5 1/4 miles to the meander corner between sections 3 and 10, T. 2 S., R. 32 W., Seward Meridian; at the line of mean high water on Lake Clark;

Thence southerly, along the line of mean high water of Lake Clark, approximately 1 1/4 miles to the meander corner between sections 10 and 15, T. 2 S., R. 32 W., Seward Meridian;

Thence easterly, across the channel between Lake Clark and Six Mile Lake, approximately 1/2 mile, to the meander corner between sections 10 and 15, T. 2 S., R. 32 W., Seward Meridian;

Thence southerly and westerly, along the line of mean high water on the east shore of Six Mile Lake, approximately 11 miles to the meander corner between sections 12 and 13, T. 3 S., R. 33 W., Seward Meridian;

Thence easterly, between sections 12 and 13, 7 and 18, approximately 1 5/8 miles to the corner of sections 7, 8, 17 and 18, T. 3 S., R. 32 W., Seward Meridian;

Thence southerly, between sections 17 and 18, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 3 S., R. 32 W., Seward Meridian;

Thence easterly, between sections 17 and 20, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 32 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 32 W., Seward Meridian;

Thence easterly, between sections 21 and 28, 22 and 27, approximately 2 miles to the corner of sections 22, 23, 26 and 27, T. 3 S., R. 32 W., Seward Meridian;

Thence southerly, between sections 26 and 27, approximately 1/2 mile to the 1/4 section corner between sections 26 and 27, T. 3 S., R. 32 W., Seward Meridian;

Thence easterly, on the E-W centerline of sections 26 and 25, approximately 2 miles to the 1/4 section corner between sections 25 and 30, T. 3 S., Rs. 31 and 32, Seward Meridian;

Thence northerly, between Rs. 31 and 32 W., approximately 1/2 mile to the corner of sections 19, 24, 25 and 30, T. 3 S., Rs. 31 and 32 W., Seward Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, approximately 8 miles to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 30 W., Seward Meridian;

Thence northerly, between sections 20 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 30 W., Seward Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, approximately 2 miles to the corner of sections 14, 15, 22 and 23, T. 3 S., R. 30 W., Seward Meridian;

Thence northerly, between sections 14 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 3 S., R. 30 W., Seward Meridian;

Thence easterly, between sections 11 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 3 S., R. 30 W., Seward Meridian;

Thence northerly, between sections 11 and 12, 1 and 2, 35 and 36, approximately 3 miles to the corner of sections 25, 26, 35 and 36, T. 2 S., R. 30 W., Seward Meridian;

Thence easterly, between sections 25 and 36, 30 and 31, approximately 2 miles to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 29 W., Seward Meridian;

Thence northerly, between sections 29 and 30, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 2 S., R. 29 W., Seward Meridian;

Thence easterly, between sections 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, approximately 5 miles to the corner of sections 19, 24, 25 and 30, T. 2 S., Rs. 28 and 29 W., Seward Meridian;

Thence southerly, between Rs. 28 and 29 W., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 2 S., Rs. 28 and 29 W., Seward Meridian;

Thence easterly, between sections 30 and 31, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 28 W., Seward Meridian;

Thence southerly, between sections 31 and 32, 5 and 6, approximately 2 miles to the corner of sections 5, 6, 7 and 8, T. 3 S., R. 28 W., Seward Meridian;

Thence easterly, between sections 5 and 8, 4 and 9, 3 and 10, approximately 3 miles to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 28 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximtely 1 mile to the corner of sections 10, 11, 14 and 15, T. 3 S., R. 28 W., Seward Meridian;

Thence easterly, between sections 11 and 14, 12 and 13, 7 and 18, approximately 3 miles to the corner of sections 7, 8, 17 and 18, T. 3 S., R. 27 W., Seward Meridian;

Thence southerly, between sections 17 and 18, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 2 S., R. 27 W., Seward Meridian;

Thence easterly, between sections 17 and 20, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 27 W., Seward Meridian;

Thence northerly, between sections 16 and 17, 8 and 9, approximately 1 5/8 miles to the highest point on a ridge between the Tazimina River and Pile River, Seward Meridian;

Thence northerly and easterly, along the hydrographic divide between the Tazimina and Pile River drainages, approximately 3 1/2 miles to the highest point on a mountain in the south easterly portion of section 28, T. 2 S., R. 27 W., Seward Meridian; approximate elevation 4,083 ft.

Thence on an approximate forward bearing of S. 87° E., approximately 2 1/2 miles to the highest point on a mountain in the north westerly portion of section 35, T. 2 S., R. 27 W., Seward Meridian; approximate elevation 4,480 ft.

Thence southerly and easterly, along the hydrographic divide between the Tazimina River and Pile River drainages, approximately 2 1/2 miles to the highest point on a mountain in the east central portion of section 5, T. 3 S., R. 26 W., Seward Meridian, which point is a point on the boundary of Lake Clark National Monument;

Thence northerly along the westerly boundary of Lake Clark National Monument to the highest point on a mountain in the south eastern portion of section 5, T. 16 N., R. 23 W., Seward Meridian, approximate elevation 6,350 ft., the point of beginning.

4. Federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands 2r waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn and reserved as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding Bureau of Land Management administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation.

7. This Order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5708

Withdrawal for Noatak Natural Resource Area

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

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, for the purposes of conserving outstanding scenic, natural, historic, cultural, wildlife and recreational values by such means as will leave them available for continued public enjoyment. This area shall be known as the Noatak Natural Resource Area and shall be administered by the Bureau of Land Management under FLPMA (43 U.S.C. §§ 1701 et seq.) and other applicable law. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn and reserved by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

NOATAK

Beginning at a point on the boundary of the Noatak National Monument at a point on the hydrographic divide between the Squirrel River and Noatak River drainages in sections 13 and 24, T. 26 N., R. 12 W., Kateel River Meridian, where the drainages for the Noatak, Squirrel, Agashashok, and Eli Rivers come together;

Thence southerly, along the hydrographic divide between the Squirrel River and Agashashok River drainages, approximately 60 miles to a point on the line between sections 17 and 18, T. 20 N., R. 15 W., Kateel River Meridian;

Thence southerly, between sections 17 and 18, 19 and 20, 29 and 30, approximately 2½ miles to the corner of sections 29, 30, 31 and 32, T. 20 N., R. 15 W., Kateel River Meridian;

Thence westerly, between sections 30 and 31, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 20 N., Rs. 15, and 16 W., Kateel River Meridian;

Thence southerly, between Rs. 15 and 16 W., approximately 4 miles to the corner of sections 13, 18, 19, and 24, T. 19 N., Rs. 15 and 16 W., Kateel River Meridian;

Thence westerly, between sections 13 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 19 N., R. 16 W., Kateel River Meridian;

Thence northerly, between sections 13 and 14, 11 and 12, approximately 2 miles to the corner of sections 1, 2, 11 and 12, T. 19 N., R. 16 W., Kateel River Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10, and 11, T. 19 N., R. 16 W., Kateel River Meridian;

Thence northerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 19 and 20 N., R. 16 W., Kateel River Meridian;

Thence westerly, between Tps. 19 and 20 N., approximately 6 miles to the corner of sections 2, 3. 34, and 35, Tps. 19 and 20 N., R. 17 W., Kateel River Meridian;

Thence northerly, between sections 34 and 35, 26 and 27, approximately 2 miles to the corner of sections 22, 23, 26, and 27, T. 20 N., R. 17 W., Kateel River Meridian;

Thence easterly, between sections 23 and 26, approximately 1 mile to the corner of sections 23, 24, 25, and 26, T. 20 N., R. 17 W., Kateel River Meridian;

Thence northerly, between sections 23 and 24, 13 and 14, 11 and 12, 1 and 2, approximately 4 miles to the closing corner of sections 1 and 2, T. 20 N., R. 17 W., Kateel River Meridian;

Thence westerly, on the Fifth Standard Parallel North, approximately 5 miles to the closing corner of T. 20 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence southerly, between Rs. 17 and 18 W., approximately 1 mile to the corner of sections 1, 6, 7, and 12, T. 20 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence westerly, between sections 1 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12 T. 20 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 1 and 2, approximately 1 mile to the closing corner of sections 1 and 2, T. 20 N., R. 18 W., Kateel River Meridian;

Thence westerly, on the Fifth Standard Parallel North, approximately ½ mile to the standard corner of T. 21 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence northerly, between Rs. 17 and 18 W., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 21 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, approximately 2 miles to the corner of sections 28, 29, 32, and 33, T. 21 N., R. 17 W., Kateel River Meridian;

Thence northerly, between sections 28 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 21 N., R. 17 W., Kateel River Meridian;

Thence easterly, between sections 21 and 28, 22 and 27, approximately 2 miles to the corner of sections 22, 23, 26, and 27, T. 21 N., R. 17 W., Kateel River Meridian;

Thence northerly, between sections 22 and 23, 14 and 15, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 21 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 10 and 15, 9 and 16, 8 and 17, approximately 3 miles to the corner of sections 7, 8, 17, and 18, T. 21 N., R. 17 W., Kateel River Meridian;

Thence northerly, between sections 7 and 8, approximately 1 mile to the corner of sections 5, 6, 7, and 8, T. 21 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 6 and 7, approximately 1 mile to the corner of sections 1, 6, 7, and 12, T. 21 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence northerly, between Rs. 17 and 18 W., approximately 2 miles to the corner of sections 25, 30, 31, and 36, T. 22 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence westerly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 22 N., R. 18 W., Kateel River Meridian;

Thence northerly between sections 25 and 26, 23 and 24, approximately 2 miles to the corner of sections 13, 14, 23, and 24, T. 22 N., R. 18 W., Kateel River Meridian;

Thence westerly, between sections 14 and 23, 15 and 22, 16 and 21, approximately 3 miles to the corner of sections 16, 17, 20, and 21, T. 22 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 16 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 22 N., R. 18 W., Kateel River Meridian;

Thence westerly, between sections 8 and 17, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 22 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 7 and 8, 5 and 6, approximately 2 miles to the corner of sections 5, 6, 31 and 32, Tps. 22 and 23 N., R 18 W., Kateel River Meridian;

Thence easterly, between Tps. 22 and 23 N., approximately 3 miles to the corner of sections 2, 3, 34 and 35, Tps. 22 and 23 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 34 and 35, 26 and 27, approximately 2 miles to the corner of sections 22, 23, 26 and 27, T. 23 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 23 and 26, 24 and 25, approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 23 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence northerly, between Rs. 17 and 18 W., approximately 6 miles to the corner of sections 19, 24, 25 and 30, T. 24 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, approximately 2 miles to the corner of sections 22, 23, 26 and 27, T. 24 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 26 and 27, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 24 N., R. 18 W., Kateel River Meridian;

Thence westerly, between sections 27 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 24 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 33 and 34, 3 and 4, 9 and 10, 15 and 16, approximately 4 miles to the corner of sections 15, 16, 21 and 22, T. 23 N., R. 18 W., Kateel River Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 23 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 16 and 17, approximately 1 mile to the corner of sections 8, 9, 16, and 17, T. 23 N., R. 18 W., Kateel River Meridian;

Thence westerly, between sections 8 and 17, 7 and 18, approximately 2 miles to the corner of sections 7, 12, 13, and 18, T. 23 N., Rs. 18 and 19 W., Kateel River Meridian;

Thence northerly, between Rs. 18 and 19 W., approximately 2 miles to the corner of Tps. 23 and 24 N., Rs. 18 and 19 W., Kateel River Meridian;

Thence westerly, between Tps. 23 and 24 N., Approximately 2 miles to the corner of sections 2, 3, 34 and 35, Tps. 23 and 24 N., R. 19 W., Kateel River Meridian;

Thence northerly, between sections 34 and 35, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 24 N., R. 19 W., Kateel River Meridian;

Thence westerly, between sections 27 and 34, 28 and 33, approximately 2 miles to the corner of sections 28, 29, 32 and 33, T. 24 N., R. 19 W., Kateel River Meridian;

Thence northerly, between sections 28 and 29, 20 and 21, approximately 2 miles to the corner of sections 16, 17, 20 and 21, T. 24 N., R. 19 W., Kateel River Meridian;

Thence easterly, between sections 16 and 21, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 24 N., R. 19 W., Kateel River Meridian;

Thence northerly, between sections 15 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 24 N., R. 19 W., Kateel River Meridian;

Thence easterly, between sections 10 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 24 N., R. 19 W., Kateel River Meridian;

Thence northerly, between sections 10 and 11, 2 and 3, approximately 2 miles to the closing corner of sections 2 and 3, T. 24 N., R. 19 W., Kateel River Meridian:

Thence easterly, on the Sixth Standard Parallel North, approximately 1½ miles to the standard corner of sections 31 and 32, T. 25 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 31 and 32, 29 and 30, 19 and 20, approximately 3 miles to the corner of sections 17, 18, 19 and 20, T. 25 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 17 and 20, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 25 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 16 and 17, 8 and 9, 4 and 5, approximately 3 miles to the corner of sections 4, 5, 32 and 33, Tps. 25 and 26 N., R. 18 W., Kateel River Meridian;

Thence easterly, between Tps. 25 and 26 N., approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 25 and 26 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 26 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, 13 and 24, approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 26 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence northerly, between Rs. 17 and 18 W., approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 26 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence easterly, between sections 7 and 18, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 26 N., R. 17 W., Kateel River Meridian;

Thence northerly, between sections 7 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 26 N., R. 17 W., Kateel River Meridian;

Thence, easterly, between sections 5 and 8, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 26 N., R. 17 W., Kateel River Meridian;

Thence northerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 26 and 27 N., R. 17 W., Kateel River Meridian;

Thence easterly between Tps. 26 and 27 N., approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 26 and 27 N., R. 17 W., Kateel River Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 27 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 27 N., R. 17 W., Kateel River Meridian;

Thence northerly, between sections 28 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 27 N., R. 17 W., Kateel River Meridian;

Thence easterly, between sections 21 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 27 N., R. 17 W., Kateel River Meridian;

Thence northerly, between sections 21 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 27 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, 18 and 19, approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 27 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence southerly, between Rs. 17 and 18 W., approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 27 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence westerly, between sections 24 and 25, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 27 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 25 and 26, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 27 N., R. 18 W., Kateel River Meridian;

Thence westerly, between sections 26 and 35, 27 and 34, 28 and 33, approximately 3 miles to the corner of sections 28, 29, 32 and 33, T. 27 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 28 and 29, 20 and 21, 16 and 17, 8 and 9, approximately 4 miles to the corner of sections 4, 5, 8 and 9 T. 27 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 4 and 9, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 27 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 27 and 28 N., R. 18 W., Kateel River Meridian, and being a point on the boundary of the Noatak National Monument;

Thence easterly, along the boundary of Noatak National Monument to the point of beginning.

4. Federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this order and which are subject to valid existing rights are hereby withdrawn and reserved as set forth in paragraphs 1 and 2 of this order; Provided that, if that valid existing right should be construed as presently forbidding Bureau of Land Management administration in accordance with this order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this order, as of the date when the valid existing right is relinquished or otherwise extinquished.

6. The withdrawal and resevation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

Cecil D. Andrus

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5709

Withdrawal for Wrangells-St. Elias Natural Resource Area

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

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters

within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, for the purposes of conserving outstanding scenic, natural, historic, cultural, wildlife and recreational values by such means as will leave them available for continued public enjoyment. This area shall be known as the Wrangells-St. Elias Natural Resource Area and shall be administered by the Bureau of Land Management under FLPMA (43 U.S.C. §§ 1701 et seq.) and other applicable law. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn and reserved by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

WRANGELL-ST. ELIAS

Beginning on the International Boundary between Alaska and Canada at the point for the closing corner of sections 5 and 8, T. 7 N., R. 24 E., Copper River Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, 1 and 12, 2 and 11, approximately 3 1/2 miles to the corner of sections 2, 3, 10 and 11, T. 7 N., R. 23 E., Copper River Meridian;

Thence northerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 7 and 8 N., R. 23 E., Copper River Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 1 1/4 miles to a point due South of horizontal control station "Wellesley" located in section 33, T. 8 N., R. 23 E., Copper River Meridian;

Thence due North, approximately 1/4 mile to horizontal control station "Wellesley";

Thence westerly, along the crest of a ridge between the drainages of Wellesley Lakes and Snag Creek, approximately 9 miles to the summit of a mountain located in section 30, T. 8 N., R. 22 E., Copper River Meridian, approximate elevation 3,575 feet;

Thence due West, approximately 500 feet to a point between sections 25 and 30, T. 8 N., Rs. 21 and 22 E., Copper River Meridian;

Thence northerly, between Rs. 21 and 22 E., approximately 1/4 mile to the corner of sections 19, 24, 25 and 30, T. 8 N., Rs. 21 and 22 E., Copper River Meridian;

Thence westerly, between sections 24 and 25, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 8 N., R. 21 E., Copper River Meridian;

Thence northerly, between sections 23 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 8 N., R. 21 E., Copper River Meridian;

Thence westerly, between sections 14 and 23, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 8 N., R. 21 E., Copper River Meridian;

Thence northerly, between sections 14 and 15, 10 and 11, approximately 2 miles to the corner of sections 2, 3, 10 and 11, T. 8 N., R. 21 E., Copper River Meridian;

Thence westerly, between sections 3 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 8 N., R. 21 E., Copper River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the closing corner of sections 3 and 4, T. 8 N., R. 21 E., Copper River Meridian;

Thence westerly, on the Second Standard Parallel North, approximately 37 1/2 miles to the standard corner of T. 9 N., Rs. 14 and 15 E., Copper River Meridian;

Thence northerly, between Rs. 14 and 15 E., approximately 1/2 mile to a point between sections 31 and 36, T. 9 N., Rs. 14 and 15 E., Copper River Meridian, on the crest of a ridge between the drainages of Cheslina River and Platinum Creek, approximate elevation 7,100 feet;

Thence northwesterly, along the crest of a ridge between the drainages of the Cheslina River and Platinum Creek, approximately 11 miles to the point of intersection of ridges between the Tetlin River, Cheslina River and Platinum Creek, a point on the southerly boundary of the Tetlin Indian Reservation, located in section 36, T. 10 N., R. 13 E., Copper River Meridian;

Thence northwesterly, along the southerly boundary of the Tetlin

Indian Reservation, to the summit of Noyes Mountain, located in section 16, T. 10 N., R. 12 E., Copper River Meridian;

Thence westerly and northerly, departing from the Tetlin Indian Reservation boundary, along the crest of a ridge between the drainages of Tanada Creek and Suslota Creek, approximately 13 miles to the summit of a peak located in sections 11 and 12, T. 10 N., R. 10 E., Copper River Meridian, approximate elevation 5,050 feet;

Thence northerly, between sections 11 and 12, 1 and 2, approximately 1 1/2 miles to the corner of sections 1, 2, 35 and 36, Tps. 10 and 11 N., R. 10 E., Copper River Meridian;

Thence westerly, between Tps. 10 and 11 N., approximately 13 1/2 miles to a point between sections 3 and 34, Tps. 10 and 11 N., R. 8 E., Copper River Meridian, on the southerly easement line of the Nabesna Road, and being a point on the northerly boundary of Wrangell-St. Elias National Monument;

Thence southeasterly, along the boundary of Wrangell-St. Elias National Monument to its intersection with the International Boundary between Alaska and Canada;

Thence northerly, along the International Boundary between Alaska and Canada, to the point for the closing corner of sections 5 and 8, T. 7 N., R. 24 E., Copper River Meridian, the point of beginning.

4. Federally owned or controlled lands (including submerged lands), in lands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn and reserved as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding Bureau of Land Management administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation.

7. This Order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this order shall not be affected thereby.

FEB 11 1980

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5710

Withdrawal for Alaska Marine Resources

National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska

Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Alaska Marine Resources National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Alaska Marine Resources National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent and purposes of international treaty obligations of the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

ALASKA MARINE RESOURCES NATIONAL WILDLIFE REFUGE

CAPE LISBURNE UNIT

Beginning at the meander corner between sections 1 and 6, T. 7 S., Rs. 58 and 59 W., Umiat Meridian, at the line of mean high tide of the Arctic Ocean;

Thence southerly, between Rs. 58 and 59 W. approximately 11 1/2 miles to the standard corner of T. 8 S., Rs. 58 and 59 W., Umiat Meridian;

Thence westerly, along the Second Standard Parallel South, approximately 2 3/4 miles to the closing corner of sections 2 and 3, T. 9 S., R. 60 W., Umiat Meridian;

Thence southerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 9 S., R. 60 W., Umiat Meridian;

Thence westerly, between sections 3 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 9 S., R. 60 W., Umiat Meridian;

Thence southerly, between sections 9 and 10, 15 and 16 approximately 2 miles to the corner of sections 15, 16, 21 and 22, T. 9 S., R. 60 W., Umiat Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 9 S., R. 60 W., Umiat Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 9 S., R. 60 W., Umiat Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 9 S., R. 60 W., Umiat Meridian;

Thence southerly, between sections 29 and 30, approximatley 1 mile to the corner of sections 29, 30, 31 and 32, T. 9 S., R. 60 W., Umiat Meridian;

Thence westerly, between sections 30 and 31, 25 and 36, approximately 2 miles to the corner of sections 25, 26, 35 and 36, T. 9 S., R. 61

W., Umiat Meridian;

Thence southerly, between sections 35 and 36, approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 9 and 10 S., R. 61 W., Umiat Meridian;

Thence westerly, between Tps. 9 and 10 S., approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 9 and 10 S., R. 61 W. Umiat Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, 34 and 35, approximately 6 miles to the corner of sections 2, 3, 34 and 35, Tps. 10 and 11 S., R. 61 W., Umiat Meridian;

Thence westerly, between Tps. 10 and 11 S., approximately 3 1/2 miles to the meander corner between sections 6 and 31, Tps. 10 and 11 S., R. 61 W., Umiat Meridian, at the line of mean high tide of the Chukchi Sea;

Thence northerly and easterly, along the line of mean high tide of the Chukchi Sea and the Arctic Ocean, respectively, to the meander corner between sections 1 and 6, T. 7 S., Rs. 58 and 59 W., Umiat Meridian, the point of beginning,

CAPE THOMPSON UNIT

Beginning at the meander corner between sections 4 and 33, Tps. 33 and 34 N., R. 33 W., Kateel River Meridian, at the line of mean high tide of the Chukchi Sea;

Thence easterly, between Tps. 33 and 34 N., approximately 9 miles to the corner of Tps. 33 and 34 N., Rs. 31 and 32 W., Kateel River Meridian;

Thence northerly, between Rs. 31 and 32 W., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 34 N., Rs. 31 and 32 W., Kateel River Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, 28 and 33, 27 and 34, approximately 4 miles to the corner of sections 26, 27, 34 and 35, T. 34 N., R. 31 W., Kateel River Meridian;

Thence southerly, between sections 34 and 35, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 33 and 34 N., R. 31 W., Kateel River Meridian;

Thence easterly, between Tps. 33 and 34 N., approximately 3 miles to the corner of sections 5, 6, 31 and 32, Tps. 33 and 34 N., R. 30 W., Kateel River Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, approximately 2 miles to the corner of sections 7, 8, 17 and 18, T. 33 N., R. 30 W., Kateel River Meridian;

Thence easterly, between sections 8 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 33 N., R. 30 W., Kateel River Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, approximately 2 miles to the corner of sections 20, 21, 28 and 29, T. 33 N., R. 30 W., Kateel River Meridian;

Thence easterly, between sections 21 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 33 N., R. 30 W., Kateel River Meridian;

Thence southerly, between sections 27 and 28, 33 and 34, approximately 2 miles to the standard corner of sections 33 and 34, T. 33 N., R. 30 W., Kateel River Meridian;

Thence easterly, on the Eight Standard Parallel North, approximately 1 3/4 miles to closing corner of sections 4 and 5, T. 32 N., R. 30 W., Kateel River Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 32 N., R. 30 W., Kateel River Meridian;

Thence easterly, between sections 4 and 9, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 32 N., R. 30 W., Kateel River Meridian;

Thence southerly, between sections 9 and 10, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 32 N., R. 30 W., Kateel River Meridian;

Thence easterly, between sections 10 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 42 N., R. 30 W., Kateel River Meridian;

Thence southerly, between sections 14 and 15, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 32 N., R. 30 W., Kateel River Meridian;

Thence easterly, between sections 14 and 23, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 32 N., R. 30 W., Kateel River Meridian;

Thence southerly, between sections 23 and 24, approximately 1 mile to the corner of sections 23, 24, 25 and 25, T. 32 N., R. 30. W., Kateel River Meridian;

Thence easterly, between sections 24 and 25, 19 and 30, 20 and 29, approximately 3 miles to the corner of sections 20, 21, 28 and 29, T. 32 N., R. 29 W., Kateel River Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, 4 and 5, 8 and 9, approximately 4 miles to the corner of sections 8, 9, 16 and 17, T. 31 N., R. 29 W. Kateel River Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 31 N., R. 29 W., Kateel River Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, to the meander corner between sections 9 and 10, T. 30 N., R. 29 W., Kateel River Meridian, at the line of mean high tide of the Chukchi Sea;

Thence northwesterly, along the line of mean high tide of the Chukchi Sea, closing the mouths of all lagoons and creeks to the meander corner between sections 4 and 33, T. 33 and 34 N., R. 33 W., Kateel River Meridian, the point of beginning,

CAPE YORK UNIT

Beginning at the meander corner between sections 13 and 14, T. 1 S., R. 43 W., Kateel River Meridian, at the line of mean high tide on the southerly shore of Cape York;

Thence northerly, between sections 13 and 14, 11 and 12, 1 and 2, approximately 2 1/8 miles to the closing corner of sections 1 and 2, T. 1 S., R. 43 W., Kateel River Meridian;

Thence westerly, along the Kateel River Base Line, approximately 3 miles to the meander corner between sections 4 and 36, Tps. 1 S. and 1 N., R. 43 W., Kateel River Meridian, at the line of mean high tide on the southerly shore of Cape York;

Thence southeasterly, along the line of mean high tide of Cape York to the point of beginning,

KOTEEBUE CREEK UNIT OF CAPE YORK

Beginning at the meander corner between sections 13 and 14, T. 1 S., R. 42 W., Kateel River Meridian, at the line of mean high tide on the Bering Sea.

Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 1 S., R. 42 W., Kateel River Meridian;

Thence westerly, between sections 11 and 14, 10 and 15, 9 and 16,

approximately 2 1/2 miles to the 1/4 section corner of sections 9 and 16, T. 1 S., R. 42 W., Kateel River Meridian;

Thence southerly, along the N-S center line of section 16, approximately 3/4 mile to the meander corner of section 16, T. 1 S., R. 42 W., Kateel River Meridian, at the line of mean high tide on the Bering Sea;

Thence southeasterly, along the line of mean high tide of the Bering Sea to the point of beginning,

TOPKOK HEAD UNIT

Beginning at the meander corner between sections 2 and 3, T. 11 S., R. 27 W., Kateel River Meridian, at the line of mean high tide of Norton Sound;

Thence northerly, between sections 2 and 3, approximately 1/2 mile to the 1/4 section corner of sections 2 and 3, T. 11 S., R. 27 W., Kateel River Meridian;

Thence easterly, along the E-W centerlines of sections 2, 1 and 6, approximately 2 3/4 miles to the meander corner of section 6, T. 11 S., R. 26 W., Kateel River Meridian, at the line of mean high tide of Norton Sound;

Thence southwesterly and northwesterly, along the line of mean high tide of Norton Sound, to the meander corner between sections 2 and 3, T. 11 S., R. 27 W., Kateel River Meridian, the point of beginning,

BLUFF UNIT

Beginning at the meander corner between sections 6 and 31, Tps. 10 and 11 S., R. 25 W., Kateel River Meridian, at the line of mean high tide of Norton Sound;

Thence easterly, between Tps. 10 and 11 S., approximately 11 1/2 miles to the corner of Tps. 10 and 11 S., Rs. 23 and 24 W., Kateel River Meridian;

Thence southerly, between Rs. 23 and 24 W., approximately 4 1/4 miles to the meander corner between sections 25 and 30, T. 11 S., Rs. 23 and 24 W., Kateel River Meridian, at the line of mean high tide of Norton Sound;

Thence northwesterly, along the line of mean high tide of Norton Sound to the meander corner between sections 6 and 31, Tps. 10 and 11 S., R. 25 W., Kateel River Meridian, the point of beginning,

CAPE DARBY UNIT

Beginning at the meander corner between sections 3 and 35, Tps. 12 and 13 S., R. 21 W., Kateel River Meridian, at the line of mean high tide of Norton Sound;

Thence easterly, along the Third Standard Parallel South, approximately 4 miles to an intersection with the Norton Bay Native Reservation;

Thence southerly, following the boundary of the Norton Bay Native Reservation, approximately 1 1/2 miles to a point at the line of mean high tide of Norton Sound;

Thence southwesterly and northerly, along the line of mean high tide of Norton Sound, to the meander corner between sections 3 and 35, on the south boundary of T. 12 S., R. 21 W., Kateel River Meridian, the point of beginning,

CAPE DENBIGH UNIT

Beginning at the meander corner between sections 21 and 28, T. 12 S., R. 14 W., Kateel River Meridian, at the line of mean high tide on Norton Sound;

Thence easterly, between sections 21 and 28, approximately 3/4 mile to the corner of sections 21, 22, 27 and 28, T. 12 S., R. 14 W., Kateel River Meridian;

Thence southerly, between sections 27 and 28, approximately 1/2 mile to the meander corner between sections 27 and 28, T. 12 S., R. 14 W., Kateel River Meridian, at the line of mean high tide on Norton Sound;

Thence southwesterly, northwesterly and easterly, along the line of mean high tide of Norton Sound to the point of beginning,

CAPE STEPHENS UNIT

Beginning at the meander corner between sections 35 and 36, T. 22 S., R. 19 W., Kateel River Meridian, at the line of mean high tide on Cape Stephens;

Thence southerly, between sections 35 and 36, approximately 3/8 miles to the corner of sections 1, 2, 35 and 36, Tps. 22 and 23 S., R. 19 W., Kateel River Meridian;

Thence westerly, between Tps. 22 and 23 S., approximately 1 1/4 miles to the meander corner between Tps. 22 and 23 S., R. 19 W., Kateel River Meridian, at the line of mean high tide on Cape Stephens;

Thence northwesterly and southeasterly, along the line of mean high tide of Cape Stephens to the point of beginning,

CAPE KUYUYUKAK UNIT

Beginning at the meander corner between sections 25 and 36, T. 37 S., R. 48 W., Seward Meridian, at the line of mean high tide on the easterly shore of Nakalilok Bay;

Thence easterly, between sections 25 and 36, approximately 3/4 miles to the corner of sections 25, 30, 31 and 36, T. 37 S., Rs. 47 and 48 W., Seward Meridian;

Thence northerly, between Rs. 47 and 48 W., approximately 2 miles to the corner of sections 13, 18, 19 and 34, T. 37 S., Rs. 47 and 48 W., Seward Meridian;

Thence easterly, between sections 18 and 19, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 37 S., R. 47 W., Seward Meridian;

Thence northerly, between sections 17 and 18, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 37 S., R. 47 W., Seward Meridian;

Thence easterly, between sections 8 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 37 S., R. 47 W., Seward Meridian;

Thence northerly, between sections 8 and 9, approximately 1/2 mile to the 1/4 section corner of sections 8 and 9, T. 37 S., R. 47 W., Seward Meridian;

Thence easterly, along the E-W centerline of section 9, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 37 S., R. 47 W., Seward Meridian;

Thence northerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 3, 4, 9 and 10, T. 37 S., R. 47 W., Seward Meridian;

Thence easterly, between sections 3 and 10, approximately 3/4 mile to the meander corner between sections 3 and 10, T. 37 S., R. 47 W., Seward Meridian, at the line of mean high tide on the westerly shore of Chiginagak Bay;

Thence southwesterly, westerly and northwesterly, along the line of mean high tide of Cape Kuyuyukak, to the point of beginning,

SEAL BAY UNIT (SEAL CAPE AND CAPE IKTI)

Beginning at the meander corner between sections 33 and 34, T. 47 S., R. 59 W., Seward Meridian, at the line of mean high tide of Sweater Bay;

Thence northerly, between sections 33 and 34, 27 and 28, approximately 1 mile to the 1/4 section corner between sections 27 and 28, T. 47 S., R. 59 W., Seward Meridian;

Thence easterly, along the E-W centerline of section 27, approximately 7/8 mile to the meander corner in section 27, T. 47 S., R. 59 W., Seward Meridian, at the line of mean high tide of Devils Bay;

Thence southeasterly, westerly and northerly, along the line of mean high tide of Devils Bay, Pacific Ocean, Seal Bay, Kuiukta Bay and Sweater Bay to the point of beginning,

and

all other Federal lands under the jurisdiction or control of the Secretary of the Interior which are all named and unnamed islands islets, rocks, reefs, and spires within the State of Alaska except those islands inland of the mouths of any rivers or lakes, islands in the Bering Land Bridge Unit, Nuka Island proper, and any lands within any existing unit of the National Park System or the National Wildlife Refuge System at the time this order is signed.

It is the intent of this description to include all islands, islets, rocks, reefs and spires occurring within all arms, bays, bights, coves, entrances, gulfs, harbors, inlets, lagoons, passages, passes, ports, sounds and straits, but not to include lands inland of the mouths of rivers or lakes on the mainland of Alaska.

4. Federal owned or controlled lands (including submerged lands), interests inlands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U,S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

Cecil D. Andrus

CECIL D. ANDRUS

Secretary of the Interior

Public Land Order 5711

Withdrawal for Arctic National Wildlife Refuge

By virtue of the authority vested in the Secretary of the Interior by Section 204(c) and (j) of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1714(c) and (j), and by the National Wildlife Refuge Administration Act of 1966 as amended, 16 U.S.C. 668dd, it is ordered as follows:

1. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are withdrawn from settlement, sale, location, entry or selection under the operation of the public land laws, including but not limited to the mining laws (30 U.S.C. Chap. 2), Section 6 of the Alaska Statehood Act (72 Stat. 339), and the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. §§ 1601 et seq.).

2. Subject to valid existing rights and except as explicitly provided in paragraph 4 of this Order, federally owned or controlled lands (including submerged lands), interests in lands, and waters within the boundaries set forth in paragraph 3 of this Order are furthermore reserved, including the reservation of appurtenant water reasonably necessary to accomplish the purposes of the reservation, as the Arctic National Wildlife Refuge and transferred to the United States Fish and Wildlife Service for administration in accordance with laws and regulations applicable to the National Wildlife Refuge System. The Arctic National Wildlife Refuge is reserved for the purposes of conserving fish and wildlife resources and their habitats and the ecological systems of which they form a constituent element; supporting the intent and purposes of international treaty obligations of

the United States with respect to fish and wildlife and their habitats; ensuring water quality; and protecting and maintaining special values of the refuge such as archeological, geological, historical, paleontological or other scientific or educational values. Consistent with the above stated purposes and applicable state and federal law, it is the continued policy of the Department of the Interior to provide the opportunity for the continuation of subsistence uses by local rural residents. Such subsistence uses shall be the first priority consumptive use of the wild renewable resources within the area withdrawn and reserved by this Order.

3. Except as explicitly provided in paragraph 4 of this Order, the lands (including submerged lands), interests in lands and waters withdrawn, reserved and transferred by paragraphs 1 and 2 of this Order consist of all areas owned or controlled by the United States within the following boundaries:

ARCTIC NATIONAL WILDLIFE REFUGE ADDITION

Beginning at the point of intersection of the Venetie Indian Reservation and T. 29 N., Rs. 3 and 4 E., Fairbanks Meridian;

Thence northerly, between Rs. 3 and 4 E., approximately 23 1/2 miles to the closing corner of T. 32 N., Rs. 3 and 4 E., Fairbanks Meridian;

Thence easterly, along the Eighth Standard Parallel North, approximately 1/2 mile to the standard corner of T. 33 N., Rs. 3 and 4 E., Fairbanks Meridian;

Thence northerly, between Rs. 3 and 4 E., approximately 6 miles to the corner of Tps. 33 and 34 N., Rs. 3 and 4 E., Fairbanks Meridian;

Thence westerly, between Tps. 33 and 34 N., approximately 28 miles to the corner of sections 4, 5, 32 and 33, Tps. 33 and 34 N., R. 2 W., Fairbanks Meridian;

Thence northerly, between sections 32 and 33, approximately 2 miles to the corner of sections 20, 21, 28 and 29, T. 34 N., R. 2 W., Fairbanks Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 34 N., R. 2 W., Fairbanks Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 34 N., R. 2 W., Fairbanks Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, approximately 2 miles to the corner of sections 13, 14, 23 and 24, T. 34 N., R. 3 W., Fairbanks Meridian;

Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 34 N., R. 3 W., Fairbanks Meridian;

Thence westerly, between sections 11 and 14, 10 and 15, 9 and 16, approximately 3 miles to the corner of sections 8, 9, 16 and 17, T. 34 N., R. 3 W., Fairbanks Meridian;

Thence northerly, between sections 8 and 9, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 34 N., R. 3 W., Fairbanks Meridian;

Thence westerly, between sections 5 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 34 N., R. 3 W., Fairbanks Meridian;

Thence northerly, between sections 5 and 6, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 34 and 35 N., R. 3 W., Fairbanks Meridian;

Thence westerly, between Tps. 34 and 35 N., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 34 and 35 N., R. 4 W., Fairbanks Meridian;

Thence northerly, between sections 35 and 36, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 35 N., R. 4 W., Fairbanks Meridian;

Thence westerly, between sections 26 and 35, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 35 N., R. 4 W., Fairbanks Meridian;

Thence northerly, between sections 26 and 27, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 35 N., R. 4 W., Fairbanks Meridian;

Thence westerly, between sections 22 and 27, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 35 N., R. 4 W.,

Fairbanks Meridian;

Thence northerly, between sections 21 and 22, 15 and 16, approximately 2 miles to the corner of sections 9, 10, 15 and 16, T. 35 N., R. 4 W., Fairbanks Meridian;

Thence westerly, between sections 9 and 16, 8 and 17, 7 and 18, approximately 3 miles to the corner of sections 7, 12, 13 and 18, T. 35 N., Rs. 4 and 5 W., Fairbanks Meridian;

Thence northerly, between Rs. 4 and 5 W., approximately 1/2 mile to the 1/4 section corner of sections 7 and 12, T. 35 N., Rs. 4 and 5 W., Fairbanks Meridian;

Thence westerly, along the E-W centerline of section 12, approximately 1/2 mile to the center 1/4 section corner of section 12, T. 35 N., R. 5 W., Fairbanks Meridian;

Thence northerly, along the N-S centerlines of sections 12 and 1, approximately 1 1/2 miles to the 1/4 section corner of sections 1 and 36, Tps. 35 and 36 N., R. 5 W., Fairbanks Meridian;

Thence westerly, between Tps. 35 and 36 N., approximately 1/2 mile to the corner of sections 1, 2, 35 and 36, Tps. 35 and 36 N., R. 5 W., Fairbanks Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 36 N., R. 5 W., Fairbanks Meridian;

Thence easterly, between sections 24 and 25, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 36 N., Rs. 4 and 5 W., Fairbanks Meridian;

Thence northerly, between Rs. 4 and 5 W., approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 36 N., Rs. 4 and 5 W., Fairbanks Meridian;

Thence westerly, between sections 12 and 13, approximately 1/2 mile to the 1/4 section corner of sections 12 and 13, T. 36 N., R. 5 W., Fairbanks Meridian;

Thence northerly, along the N-S centerline of section 12, approximately 1 mile to the 1/4 section corner of sections 1 and 12, T. 36 N., R. 5 W., Fairbanks Meridian;

Thence westerly, between sections 1 and 12, approximately 1/2 mile to the corner of sections 1, 2, 11 and 12, T. 36 N., R. 5 W., Fairbanks Meridian;

Thence northerly, between sections 1 and 2, approximately 1 mile to

the closing corner of sections 1 and 2, T. 36 N., R. 5 W., Fairbanks Meridian;

Thence westerly, on the Ninth Standard Parallel North, approximately 3/8 mile to the standard corner of sections 35 and 36, T. 37 N., R. 5 W., Fairbanks Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, approximately 1 1/4 miles to the corner of sections 25 and 26 on the North Boundary of the Fairbanks Meridian;

Thence easterly, along the South Boundary of the Umiat Meridian, approximately 1/4 mile to the 1/4 section corner of section 2, T. 17 S., R. 15 E., Umiat Meridian;

Thence northerly, along the N-S centerline of section 2, approximately 1/2 mile to the 1/4 section corner of sections 2 and 35, Tps. 16 and 17 S., R. 15 E., Umiat Meridian;

Thence westerly, between Tps. 16 and 17 S., approximately 1/2 mile to the corner of sections 2, 3, 34 and 35, Tps. 16 and 17 S., R. 15 E., Umiat Meridian;

Thence northerly, between sections 34 and 35, approximately 1/2 mile to the 1/4 section corner of sections 34 and 35, T. 16 S., R. 15 E., Umiat Meridian;

Thence easterly, along the E-W centerline of section 35, approximately 1/2 mile to the center 1/4 section corner of section 35, T. 16 S., R. 15 E., Umiat Meridian;

Thence northerly, along the N-S centerline of section 35, approximately 1/2 mile to the 1/4 section corner of sections 26 and 35, T. 16 S., R. 15 E., Umiat Meridian;

Thence easterly, between sections 26 and 35, approximately 1/2 mile to the corner of sections 25, 26, 35 and 36, T. 16 S., R. 15 E., Umiat Meridian;

Thence northerly, between sections 25 and 26, 23 and 24, 13 and 14, approximately 3 miles to the corner of sections 11, 12, 13 and 14, T. 16 S., R. 15 E., Umiat Meridian;

Thence westerly, between sections 11 and 14, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 16 S., R. 15 E., Umiat Meridian;

Thence northerly, between sections 10 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 16 S., R. 15 E., Umiat Meridian;

Thence westerly, between sections 3 and 10, approximately 1/2 mile to the 1/4 section corner of sections 3 and 10, T. 16 S., R. 15 E.,

Umiat Meridian;

Thence northerly, along the N-S centerline of section 3, approximately 1/2 mile to the center 1/4 section corner of section 3, T. 16 S., R. 15 E., Umiat Meridian;

Thence westerly, along the E-W centerline of section 3, approximately 1/2 mile to the 1/4 section corner of sections 3 and 4, T. 16 S., R. 15 E., Umiat Meridian;

Thence northerly, between sections 3 and 4, approximately 1/2 mile to the corner of sections 3, 4, 33 and 34, Tps. 15 and 16 S., R. 15 E., Umiat Meridian;

Thence westerly, between Tps. 15 and 16 S., approximately 2 miles to the corner of sections 5, 6, 31 and 32, Tps. 15 and 16 S., R. 15 E., Umiat Meridian;

Thence northerly, between sections 31 and 32, approximately 1/2 mile to the 1/4 section corner of sections 31 and 32, T. 15 S., R. 15 E., Umiat Meridian;

Thence westerly, along the E-W centerline of section 31, approximately 1 mile to the 1/4 section corner of sections 31 and 36, T. 15 S., Rs. 14 and 15 E., Umiat Meridian;

Thence northerly, between Rs. 14 and 15 E., approximately 1/2 mile to the corner of sections 25, 30, 31 and 36, T. 15 S., Rs. 14 and 15 E., Umiat Meridian;

Thence westerly, between sections 25 and 36, 26 and 35, approximately 1 1/2 miles to the 1/4 section corner of sections 26 and 35, T. 15 S., R. 14 E., Umiat Meridian;

Thence southerly, along the N-S centerline of section 35, approximately 1/2 mile to the center 1/4 section corner of section 35, T. 15 S., R. 14 E., Umiat Meridian;

Thence westerly, along the E-W centerlines of sections 35, 34 and 33, approximately 2 miles to the center 1/4 section corner of section 33, T. 15 S., R. 14 E., Umiat Meridian;

Thence northerly, along the N-S centerlines of sections 33 and 28, approximately 1 mile to the center 1/4 section corner of section 28, T. 15 S., R. 14 E., Umiat Meridian;

Thence westerly, along the EW centerline of section 28, approximately 1/2 mile to the 1/4 section corner of sections 28 and 29, T. 15 S., R. 14 E., Umiat Meridian;

Thence northerly, between sections 28 and 29, 20 and 21, 16 and 17,

8 and 9, approximately 2 1/2 miles to the point of intersection with the Continental divide between sections 8 and 9, T. 15 S., R. 14 E., Umiat Meridian;

Thence westerly, southwesterly and northwesterly, along the Continental Divide approximately 12 miles to the corner of Tps. 14 and 15 S., Rs. 12 and 13 E., Umiat Meridian;

Thence northerly, between Rs. 12 and 13 E., approximately 12 miles to the closing corner of T. 13 S., Rs. 12 and 13 E., Umiat Meridian;

Thence easterly, on the Third Standard Parallel South, approximately 1 1/8 miles to the standard corner of T. 12 S., Rs. 12 and 13 E., Umiat Meridian;

Thence northerly, between Rs. 12 and 13 E., approximately 6 miles to the corner of Tps. 11 and 12 S., Rs. 12 and 13 E., Umiat Meridian;

Thence easterly, between Tps. 11 and 12 S., approximately 12 miles to the corner of Tps. 11 and 12 S., Rs. 14 and 15 E., Umiat Meridian;

Thence northerly, between Rs. 14 and 15 E., approximately 18 miles to the closing corner of T. 9 S., Rs. 14 and 15 E., Umiat Meridian;

Thence easterly, along the Second Standard Parallel South, approximately 7 miles to the standard corner of T. 8 S., Rs. 15 and 16 E., Umiat Meridian;

Thence northerly, between Rs. 15 and 16 E., approximately 6 miles to the corner of Tps. 7 and 8 S., Rs. 15 and 16 E., Umiat Meridian;

Thence easterly, between Tps. 7 and 8 S., approximately 6 miles to the corner of Tps. 7 and 8 S., Rs. 16 and 17 E., Umiat Meridian;

Thence northerly, between Rs. 16 and 17 E., approximately 6 miles to the corner of Tps. 6 and 7 S., Rs. 16 and 17 E., Umiat Meridian;

Thence easterly, between Tps. 6 and 7 S., approximately 6 miles to the corner of Tps. 6 and 7 S., Rs. 17 and 18 E., Umiat Meridian;

Thence northerly, between Rs. 17 and 18 E., approximately 12 miles to the closing corner of T. 5 S., Rs. 17 and 18 E., Umiat Meridian;

Thence easterly, along the First Standard Parallel South, approximately 7 1/2 miles to the standard corner of T. 4 S., Rs. 18 and 19 E., Umiat Meridian;

Thence northerly, between Rs. 18 and 19 E., approximately 12 miles to the corner of Tps. 2 and 3 S., Rs. 18 and 19 E., Umiat Meridian;

Thence easterly, between Tps. 2 and 3 S., approximately 6 miles to the corner of Tps. 2 and 3 S., Rs. 19 and 20 E., Umiat Meridian;

Thence northerly, between Rs. 19 and 20 E., approximately 6 miles to the corner of Tps. 1 and 2 S., Rs. 19 and 20 E., Umiat Meridian;

Thence easterly, between Tps. 1 and 2 S., approximately 34 miles to an intersection with the Arctic National Wildlife Range;

Thence southeasterly, along the southerly boundary of the Arctic National Wildlife Range to its intersection with the International Boundary between Alaska and Canada;

Thence southerly, along the International Boundary, between Alaska and Canada, approximately 23 miles to the point of intersection with the line between sections 17 and 20, T. 35 N., R. 30 E., Fairbanks Meridian;

Thence westerly, on the Third Latitudinal line through Rs. 30, 29, 28, 27, 26, 25 and 24 E., approximately 37 1/2 miles to the corner of sections 13, 18, 19 and 24, T. 35 N., Rs. 23 and 24 E., Fairbanks Meridian;

Thence northerly, between Rs. 23 and 24 E., approximately 3 miles to the corner of Tps. 35 and 36 N., Rs. 23 and 24 E., Fairbanks Meridian;

Thence westerly, between Tps. 35 and 36 N., approximately 30 miles to the corner of Tps. 35 and 36 N., Rs. 18 and 19 E., Fairbanks Meridian;

Thence northerly, between Rs. 18 and 19 E., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 36 N., Rs. 18 and 19 E., Fairbanks Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 36 N., Rs. 17 and 18 E., Fairbanks Meridian;

Thence northerly, between Rs. 17 and 18 E., approximately 3 miles to the closing corner of T. 36 N., Rs. 17 and 18 E., Fairbanks Meridian;

Thence westerly, on the Ninth Standard Parallel North, approximately 6 miles to the closing corner of T. 36 N., Rs. 16 and 17 E., Fairbanks Meridian;

Thence southerly, between Rs. 16 and 17 E., approximately 24 miles to the standard corner of T. 33 N., Rs. 16 and 17 E., Fairbanks Meridian;

Thence easterly, on the Eighth Standard Parallel North, approximately 79 1/4 miles to the intersection with the International Boundary between Alaska and Canada;

Thence southerly, along the International Boundary, between Alaska and Canada, approximately 24 miles to the point of intersection with the Seventh Standard Parallel North, Fairbanks Meridian;

Thence westerly, on the Seventh Standard Parallel North, approximately 12 1/2 miles to the closing corner of T. 28 N., Rs. 28 and 29 E., Fairbanks Meridian;

Thence southerly, between Rs. 28 and 29 E., approximately 12 miles to the corner of Tps. 26 and 27 N., Rs. 28 and 29 E., Fairbanks Meridian;

Thence westerly, between Tps. 26 and 27 N., approximately 6 miles to the corner of Tps. 26 and 27 N., Rs. 27 and 28 E., Fairbanks Meridian;

Thence southerly, between Rs. 27 and 28 E., approximately 12 miles to the corner of T. 25 N., Rs. 27 and 28 E., Fairbanks Meridian;

Thence westerly, along the Sixth Standard Parallel North, approximately 8 1/4 miles to the closing corner of T. 24 N., Rs. 26 and 27 E., Fairbanks Meridian;

Thence southerly, between Rs. 26 and 27 E., approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 24 N., Rs. 26 and 27 E., Fairbanks Meridan, a point on the boundary of Yukon Flats National Monument;

Thence westerly and northwesterly, along the boundary of Yukon Flats National Monument to its intersection with the Venetie Indian Reservation;

Thence northerly, westerly, and wouthwesterly, along the boundary of the Venetie Indian Reservation, to the point of beginning;

4. Federal owned or controlled lands (including submerged lands), interests inlands, and waters within the boundaries set forth in paragraph 3 of this Order which have been previously withdrawn for other federal agency purposes are not currently subject to the withdrawal and reservation set forth in paragraphs 1 and 2 of this Order.

5. Lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now owned or controlled by the United States but which become the property of the United States in the future are hereby withdrawn and reserved, as set forth in paragraphs 1 and 2 of this Order, as of the date when such lands, interests in lands or waters become the property of the United States. Federally owned or controlled lands (including submerged lands), interests in lands or waters within the boundaries set forth in paragraph 3 of this Order which are not now "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the lands, interests in lands, or waters become "public lands" as defined in FLPMA. It is the intent of this Order that "public lands", as that term is defined in FLPMA (43 U.S.C. 1702(e)), within the boundaries set forth in paragraph 3 of this Order and which are subject to valid existing rights are hereby withdrawn, reserved and transferred as set forth in paragraphs 1 and 2 of this Order; Provided that, if that valid existing right should be construed as presently forbidding United States Fish and Wildlife Service administration in accordance with this Order, the affected lands (including submerged lands), interests in lands or waters are hereby withdrawn, reserved and transferred, as set forth in paragraphs 1 and 2 of this Order, as of the date when the valid existing right is relinquished or otherwise extinguished.

6. The withdrawal and reservation made herein is in addition to any existing withdrawals made under Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1), Section 204(e) of FLPMA, 43 U.S.C. 1714(e), or other authorities, but the withdrawal and reservation made herein shall be the dominant withdrawal and reservation; Provided that, previous Public Land orders affecting the lands covered by this Order are hereby amended to the extent necessary to give the Secretary discretion to allow oil and gas leasing under the Mineral leasing Act of 1920 as amended (30 U.S.C. 181 et. seq.) when the Secretary determines such leasing to be compatible with the purposes of the Refuge.

7. This order shall be effective February 11, 1980.

8. In the event of a final order of a court of competent jurisdiction invalidating any paragraph of this Order or portion thereof, or invalidating any geographical area or land use from the operation of this Order, the remainder of this Order shall not be affected thereby.

FEB 11 1980

Cecil D. Andrus

CECIL D. ANDRUS

Secretary of the Interior

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. 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

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

DEFENSE DEPARTMENT

Air Force Department—

3030 1–16–80 / Industrial labor provisions activities; protection of Air Force interests

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Government National Mortgage Association—

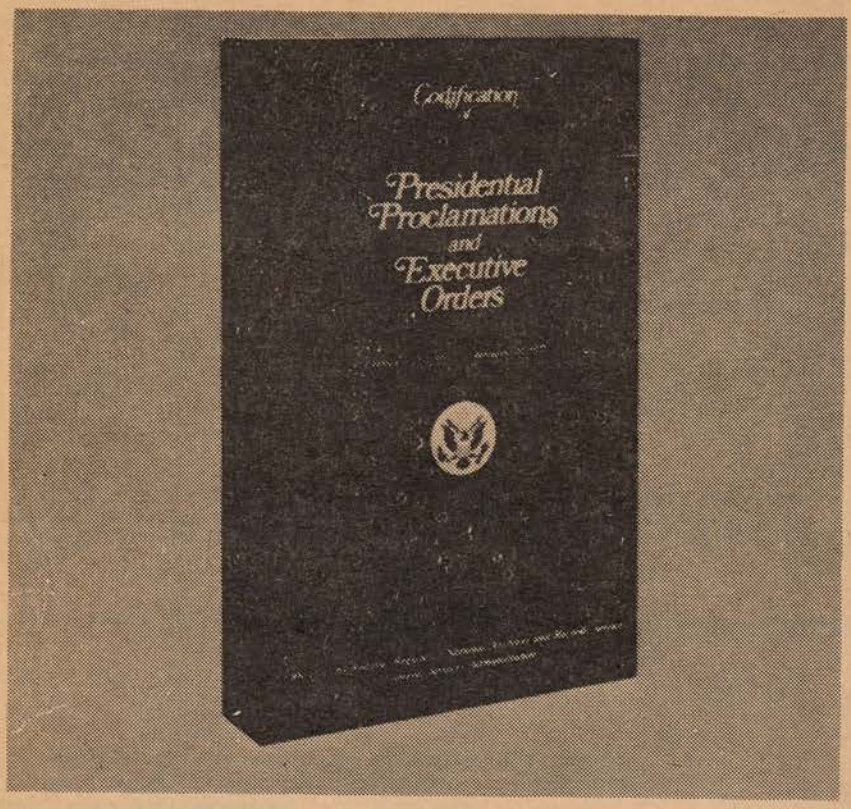
3029 1–16–80 / Updating of list of attorneys-in-fact

List of Public Laws

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.**

Last Listing January 31, 1980

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