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64711 Grant Program—Indians HUD/CPD sets deadline for filing pre-applications for Community Development Block Grant Funds for Indian Tribes and Alaskan Natives for fiscal year 1981

64601 Medicare/Medicaid HHS/FDA exempts those transfusion services and clinical laboratories approved for Medicare/Medicaid reimbursement from FDA's registration and product listing requirements; comments by 10-30-80

64574, 64603 Oil Treasury/IRS provides temporary excise tax regulations in relation to base prices of tier 2 and 3 oil for purposes of windfall profit tax (2 documents)

64864, 64867 Tariffs CAB proposes to allow airlines to file tariffs that state prices as maximum amount; comments by 10-30-80 (Part VII of this issue) (2 documents)

64816 Incorporation by Reference Office of the Federal Register approves certain materials in Titles 42 through 50; effective 10-1-80 (Part III of this issue)

64800 Improving Government Regulations Treasury/IRS publishes semiannual agenda of significant and nonsignificant regulations (Part II of this issue)

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Executive Order 12240 of September 26, 1980

Nuclear Safety Oversight Committee

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide for the extended life of the Nuclear Safety Oversight Committee to the extent that funds are to be made available therefor, it is hereby ordered as follows:

1.101. Section 1-303 of Executive Order No. 12202 is amended by adding thereto the following sentence: "Beginning October 1, 1980, such support shall be provided in accordance with Section 213 of the Independent Offices Appropriations Act, 1945 (31 U.S.C. 696).".

1.102. Section 1-402 of Executive Order 12202 is amended to read, "The Committee shall terminate on September 30, 1981."

1.103. In Section 1-102 of Executive Order No. 12202 the words "The membership of the Committee shall be composed of five persons" is amended to read, "The membership of the Committee shall be composed of six persons.

THE WHITE HOUSE,
September 26, 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 in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

7 CFR Part 929

Cranberries Grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action authorizes expenses and a rate of assessment for the 1980–81 fiscal period, to be collected from handlers to support activities of the Cranberry Marketing Committee which locally administers the Federal marketing order covering cranberries.

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

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington D.C. 20250, telephone 202–447–6376. The Final Impact Statement relative to this final rule is available upon request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures in Secretary’s Memorandum 1955 to implement Executive Order 12044 and has been classified “not significant”. This final rule is issued under Marketing Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in certain specified States. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Cranberry Marketing Committee, and other available information. It is found that the expenses and rate of assessment, as hereafter provided, will tend to effectuate the declared policy of the act.

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

Therefore, a new § 929.221 is added to read as follows: (this section is effective through August 31, 1981, and will not be published in the annual Code of Federal Regulations):

§ 929.221 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the period September 1, 1980, through August 31, 1981, will amount to $75,490.

(b) The rate of assessment for said period payable by each handler in accordance with § 929.41 is fixed at $0.03 per barrel or equivalent quantity of cranberries.

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


D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80–30173 Filed 8–29–80; 8:15 am]

BILLING CODE 3410–03–M

Commodity Credit Corporation

7 CFR Part 1421


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

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the availability dates, the final purchase rates and the discounts under which the Commodity Credit Corporation (CCC) will extend price support to producers on 1980-crop flaxseed. This rule is needed in order to provide a price support program for flaxseed. This supplement also enables eligible flaxseed producers to enter into purchase agreements on their eligible 1980-crop flaxseed.

EFFECTIVE DATE: September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Eloise V. Mauck, Price Support and Loan Division, ASCS, Room 3748 South Building, P.O. Box 2415, Washington, D.C. 20013 (202) 447–7923. This regulation contains necessary operating provisions needed to implement the 1980-crop flaxseed purchase program and the national average support rate for flaxseed which was announced March 28, 1980. A Final Impact Statement has been prepared and is available on request from Harry Sullivan, Program Specialist, Production Adjustment Division, ASCS, Room 3611, South Building, P.O. Box 2415, Washington, D.C. 20013 (202) 447–7951.

SUPPLEMENTARY INFORMATION: 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 those criteria.

In compliance with Secretary’s Memorandum No. 1955 and “Improving USDA Regulation” (43 FR 50098), initiation of review of the regulations contained in 7 CFR 1421.175–177 for need, currency, clarity, and effectiveness will be made within the next five years.

The title and number of the federal assistance program that this Final Rule
and Purchase Program regulations and the General Regulations Governing Price Support for 1978 and Subsequent Crops, and any amendments to such regulations, set forth the requirements with respect to purchases of 1980-crop flaxseed.

§ 1421.176 Availability.  
Producers desiring to offer eligible flaxseed for purchase by CCC must complete a purchase agreement (Form CCC-514) in the ASCS office on or before May 31, 1981, for flaxseed in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and on or before April 30, 1981, for flaxseed in all other States. Purchases will be made by CCC from producers with completed purchase agreements after the above dates.

§ 1421.177 Purchase rates and discounts.  
(a) Basic purchase rates (counties).  
Basic purchase rates per bushel are established for flaxseed grading No. 1 containing 9.1 to 9.5 percent moisture and are as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Rate per bushel</th>
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<tbody>
<tr>
<td>Becker</td>
<td>$4.57</td>
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<tr>
<td>Beltrami</td>
<td>4.64</td>
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<tr>
<td>Big Stone</td>
<td>4.61</td>
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<tr>
<td>Blue Earth</td>
<td>4.67</td>
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<tr>
<td>Brown</td>
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<tr>
<td>Carlton</td>
<td>4.71</td>
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<tr>
<td>Carver</td>
<td>4.69</td>
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<tr>
<td>Chippewa</td>
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<tr>
<td>Clay</td>
<td>4.57</td>
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<tr>
<td>Clearwater</td>
<td>4.61</td>
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<tr>
<td>Cottonwood</td>
<td>4.63</td>
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<tr>
<td>Dakota</td>
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<td>Dodge</td>
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<td>Douglas</td>
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<td>Faribault</td>
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<td>Fillmore</td>
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<td>Freedom</td>
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<td>Goodhue</td>
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<td>Grant</td>
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<td>Hankein</td>
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<td>Hubbard</td>
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<td>Itasca</td>
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<td>Jackson</td>
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<td>Kittson</td>
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<td>Koochingning</td>
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<td>Lake of the Woods</td>
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<td>Le Sueur</td>
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<td>Lincoln</td>
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<td>Lyon</td>
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<td>McLeod</td>
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<td>Norton</td>
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<td>Climsted</td>
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<td>Oiler Trail</td>
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<td>Pennington</td>
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<td>Pope</td>
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<td>Ramsey</td>
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(b) Additional purchase rates (counties).  
Additional purchase rates per bushel in excess of the basic rate are as follows:

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<thead>
<tr>
<th>County</th>
<th>Rate per bushel</th>
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<tr>
<td>Adams</td>
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<td>Bannet</td>
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<td>Benson</td>
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<td>Botanin</td>
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<td>Brown</td>
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<td>Burke</td>
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<td>Burleigh</td>
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<td>Cusco</td>
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<td>Carver</td>
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<td>Dickson</td>
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<td>Diveda</td>
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<td>Dunn</td>
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<td>Eddy</td>
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<td>Emmann</td>
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<td>Foster</td>
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<td>Golden Valley</td>
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<td>Grant</td>
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<td>Griggs</td>
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<td>Hastings</td>
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<td>Kietler</td>
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<td>LeMoure</td>
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<td>Logan</td>
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<td>Metcalfi</td>
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<td>McKeone</td>
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<td>McKeen</td>
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<td>Mercer</td>
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<td>Morton</td>
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<td>Mounine</td>
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<td>Nelson</td>
<td>4.49</td>
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<td>Oliver</td>
<td>4.38</td>
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<td>Pembena</td>
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<td>Pierce</td>
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<td>Remey</td>
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<td>Ranse</td>
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<td>Sioux</td>
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<td>Stark</td>
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<td>Sircle</td>
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<td>Sedaman</td>
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<tr>
<td>Towell</td>
<td>4.39</td>
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<td>Trail</td>
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</table>
(b) Discounts. The basic purchase rate shall be adjusted, as applicable by the following discounts.

(1) Test weight. Three cents for each pound under 49 pounds to 42 pounds and 4 cents for each ½ pound under 42 pounds.

(2) Heat damage. One-half cent for each .1 of one percent over .2 of one percent.

(3) Moisture. Two cents for each ½ of one percent over 9.5 percent to 11 percent, and 3 cents for each ½ of one percent over 11 percent.

(4) Weed control law (where required by § 1421.25). Fifteen cents per bushel.

(5) Other factors. Flaxseed that is (i) weedy, (ii) musty, or (iii) sour, shall not be eligible for purchase. In the event quantities of flaxseed exceeding the limits shown in paragraph (b) of this section are inadvertently accepted by CCC, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes. Such discount will be established not later than the time of delivery of the flaxseed to CCC and will be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the expiration of their purchase agreement.


Ray Fitzgerald,
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-30003 Filed 9-29-80; 8:15 a.m.]
§ 82.3 Areas quarantined.

(a) • • •

(2) California. • • •

(ii) The premises of David Mohilef, 735 East Hyde Park Blvd., Inglewood, Los Angeles County.

• • •

(3) Texas. The premises of Pet Shop and Bird Clinic, Inc., 3116 Smith, Houston, Harris county.

• • •

(4) Missouri. The premises of Midwest Pels, 1527 Grand, Kansas City, Jackson County.

• • •

(5) Minnesota. The premises of Far-Vu Feathera, Route 1, La Crescent, Hoka T., sec. 2, P1 SW¼, NE¼, Houston County.


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

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

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

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

Done at Washington, D.C., this 24th day of September 1980.

J. K. Atwell,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-20234 Filed 9-29-80; 8:45 am]
BILLING CODE 3410-34-M

9 CFR Part 82

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine an additional portion of Harris County in Texas because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Harris County, Texas, on September 19, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected area.

EFFECTIVE DATE: September 24, 1980.

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

SUPPLEMENTARY INFORMATION: This amendment quarantines an additional portion of Harris County in Texas because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in § 82.3 in Part 82, as amended, will apply to the quarantined area.

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

In § 82.3 relating to the State of Texas, a new paragraph (ii) relating to Harris County is added to read:

§ 82.3 Areas quarantined.

(a) • • •

(3) Texas. • • •

(ii) The premises of Dr. R. Ann Mayes, 110 Carl Street, Lot 7, Block 62, Allen J., Austin Subdivision, Houston, Harris County.


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

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

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

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

Done at Washington, D.C., this 24th day of September 1980.

J. K. Atwell,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-20234 Filed 9-29-80; 8:45 am]
BILLING CODE 3410-34-M

9 CFR Part 82

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of San Diego County in California, a portion of Summit County and a portion of Barberton County in Ohio, a portion
of Du Page County in Illinois, and a portion of Maricopa County in Arizona because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of San Diego County, California, on September 20, 1980; Summit County, Ohio, on September 21, 1980; Barberton County, Ohio, on September 19, 1980; Du Page County, Illinois, on September 22, 1980; and Maricopa County, Arizona, on September 19, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected areas.

**EFFECTIVE DATE:** September 24, 1980.

**FOR FURTHER INFORMATION CONTACT:**
C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20720, 301-436-8073.

**SUPPLEMENTARY INFORMATION:** These amendments quarantine a portion of San Diego County in California, a portion of Summit and Barberton Counties in Ohio, a portion of Du Page County in Illinois, and a portion of Maricopa County in Arizona because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, are contained in sections 82.3, as amended, and apply to the quarantined areas.

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

1. In § 82.3(a)(2)(iii) on the introduction portions of [a][6], [a][7], and [a][8] are added to read:

   **§ 82.3 Areas quarantined.**
   (a)   * * *
   (2) **California.** * * *
   (iii) The premises of Blue Pacific Pet Shop, 4628 Newport Avenue, San Diego, San Diego County.
   * * * * *
   (6) **Ohio.** (i) The premises of Birds of Paradise, 1718 Adelaide, Akron, Summit County.
   (ii) The premises of Petland, 3200 Greenwich Road, Norton, Barberton County.
   * * * * *
   (7) **Illinois.** The premises of Bird Mart, 7701 S. Grant Avenue, Burr Ridge, Du Page County.
   * * * * *
   (8) **Arizona.** The premises of Scottsdale Bird Sales, 8403 North 76th Street, Scottsdale, Maricopa County.


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

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

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

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

   Done at Washington, D.C., this 24th day of September 1980.

   J. K. Atwell,
   Acting Deputy Administrator, Veterinary Services.

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**SMALL BUSINESS ADMINISTRATION**

**13 CFR Part 108**

**Section 503 Development Company Program Implementation**

**AGENCY:** Small Business Administration.

**ACTION:** Final SBA procedures.

**SUMMARY:** The Small Business Administration is publishing its procedures to implement § 113(a) of Public Law 95-302 (94 STAT. 833). The procedures state the rules under which the Small Business Administration will implement the Section 503 development company program enacted on July 2, 1980. The regulations define the section 503's certification and application process, the program's eligibility and operational requirements, and the terms and conditions under which financing will be made available to participating 503 companies.

**EFFECTIVE DATE:** October 1, 1980.


**SUPPLEMENTARY INFORMATION:** On August 13, 1980, SBA published (45 FR 53835) its proposed procedures. Public comment was invited to September 11, 1980. A total of 60 comments on the various provisions were received.

There were many comments concerning the membership requirements and area of operation of a 503 development company, and these were changed to permit greater participation by small communities.

Many comments were critical of the portfolio and utilization of funds requirements placed on state development companies participating in the program. These requirements have been deleted to permit broader participation by state development companies.

It was suggested that language was too restrictive regarding proof of inability to obtain credit elsewhere. After due consideration, the provision was amended to liberalize the Agency's requirements of such proof.

Some comments suggested increasing the servicing fee which development companies may charge. These comments were primarily from development companies servicing rural communities. This provision was changed to permit some flexibility in unusual circumstances, after written approval by SBA.

The proposed provision regarding partial tax-exempt financing of development company projects was based on the Agency's interpretation of the intent of Congress as expressed in the conference report accompanying Public Law 95-302. Many comments were received and all were favorable. The proposed provision has not been amended.

The proposed provision prohibiting 503 development companies' participation in other SBA programs
received some unfavorable comment. It remains unchanged to prevent administrative problems associated with conflicting regulations from program to program. It does not prohibit participation by associate concerns in such other programs.

Other technical changes have been made in the final regulations in response to public comments received on this program.

Pursuant to authority contained in section 308(c) of the Small Business Investment Act of 1958 (SBIA), 15 U.S.C. 697, the following regulations to Chapter I, Part 108 of Title 13, of the Code of Federal Regulations, is being amended by adding §§108.503 through 108.503–6 to read as follows:

§ 108.503 Statutory provisions.

The relevant statutory provisions will be found at 15 USC 697 (94 Stat. 887). (Sec. 308(c) of the Small Business Investment Act of 1958, 15 USC 697, as amended)

§ 108.503–1 Eligibility requirements.

SBA is authorized to guarantee the timely payment of all principal and interest as scheduled on any debenture issued by any qualified state or local development company. The full faith and credit of the United States is pledged to the payments of all amounts so guaranteed. Such debentures (herein sometimes referred to as "503 debentures") will be issued within certain limits solely for the purpose of assisting identifiable small business concerns to finance plant acquisition, construction, conversion, or expansion, including the acquisition of land. Plant construction includes the acquisition and installation of machinery and equipment. For the purpose of this section, state and local development companies qualified to participate in this program (herein sometimes referred to as "503 companies") shall be formally certified by SBA on the terms and conditions contained herein, consistent with the intent of Congress. To qualify, a development company must demonstrate to the satisfaction of SBA that it has:

(a) Capability. Capability will include:

(1) a full-time professional staff as required by such company, with capability to package, process, close and service its loans; (2) professional management ability, including adequate accounting, legal and business-servicing abilities. Business-servicing ability means the ability to provide management advice and services to small business concerns. Such capabilities as set forth under (1) and (2) of this subsection may be drawn from the staff, the board or membership of the development company or acquired on a contractual basis, from qualified individuals or organizations who reside or do business in the development company's defined area of operation, subject to SBA approval; and (3) a board of directors, or membership, which meets on a regular basis to make management decisions for such company including decisions relating to the making and servicing of loans by such company. A 503 company must have at least five directors who meet at least once in every other month and must be representative of the region or community as stated in subsection (b) below.

(b) Membership. (1) The 503 company must be representative of the region or community in which the company operates. Evidence of such representation shall include participation by at least 2 of the following 4 groups:

(i) Local Government
(ii) A Private Sector Lending Institution
(iii) Community Organization
(iv) Business Organization

(2) The 503 company must have at least 25 individual members or stockholders, and a defined area of operation which must be less than state-wide for a local development company.

(3) A state development company is a corporation organized under or pursuant to a special legislative act to operate on a state-wide basis. The capital for a state-wide development company must be derived from corporate holders or corporate members, each of whom may not have more than 10% of the voting control of the state development company.

(c) Good character and reputation. A proposed 503 company must possess good character and reputation. Such company will be deemed to possess good character and reputation if all the holders of its voting power and all members of its management possess good character and reputation. Good character and reputation shall be presumed absent if such holders or management are currently incarcerated, on parole or probation following conviction of a serious offense, or when probation or parole is lifted solely for qualification under this program.

(d) Sole Purpose Intention. A 503 company shall operate pursuant to Title V of the Small Business Investment Act (Loans to State and Local Development Companies) and shall not participate in any other SBA program.

§ 108.503–2 Application procedures.

Applications for certification as a 503 company should be submitted on Form 503, which is hereby made a part of these regulations, to the SBA field office serving the area in which the prospective 503 company is located. The field office will forward the application, along with its recommendation, to the Associate Administrator for Financial Assistance, Washington, D.C., for final determination of eligibility. Qualified 503 companies shall receive a certificate evidencing eligibility for participation in this program.

§ 108.503–3 Operational requirements.

(a) Participation by the Development Company. (1) A 503 company will ordinarily be required to inject into the project an amount equal to 10 percent of the funds necessary to complete a given project. The 10% injection may come from any source, including the project concern. [SBA may permit a lesser amount in extreme hardship cases, where a project important to the community would otherwise be lost to the community.] For the purpose of this section, the 503 company may inject cash and property at a fair market value received in exchange for shares of stock issued by the 503 company, or cash and such property contributed to the 503 company without conditions, or cash and such property for which the development company is indebted on a subordinated basis.

(2) Subject to paragraph (1) of this subsection, a 503 company's injection may also be derived, by way of example and not of limitation, from money contributed to the 503 company by state or local government, banks, or other financial institutions, or the small business concern (or such small business concern's owners, stockholders or affiliates) receiving assistance from the 503 company.

(3) Contributions or loans to the 503 company for inclusion in such company's participation in the cost of a given project may not be conditioned on the granting of voting rights, stock options, or any other type of financial interest in or control of the 503 company or the small business concern being assisted.

(b) Place of Business. Each 503 company shall maintain a reasonably accessible place of business which will display the section 503 development company certificate, shall have a separately listed telephone number, and shall be open to the public during normal business hours.

(c) Level of Activity. In order to meet the needs of the small business
community in its defined area of operation a 503 company shall be required to conduct active operations. For the purposes of this section, a 503 company shall be presumed to be inactive if, during any full fiscal year, it has not been of significant assistance to at least one small business concern: Provided, however, that written justification for inactivity promptly filed by the 503 company and acceptable to SBA may rebut the presumption. "Significant", for purposes of this subsection, means assistance utilizing a 503 debenture or Section 501 or 502 Financing.

(d) Records and Reports. (1) A 503 company shall submit to SBA, within 90 days after the end of each fiscal year, an annual report containing financial statements, management information (including a summary of the minutes from meetings of the board of directors), a full activity report in narrative form and data that analyze the impact of its assistance on small business concerns. When requested by SBA, interim reports of a similar nature may be required. The reports are to be prepared in accordance with the Guide for the Preparation of the Annual Report. The annual report shall be filed in duplicate with the SBA field office serving the area in which the 503 company is located, on or before the last day of the third month following the end of the fiscal year, and in the case of interim reports, within the period stated in the SBA request therefor.

(2) The financial statement contained in the annual report shall be audited by an independent public accountant satisfactory to SBA. Where this may cause an undue hardship to the 503 company, SBA may grant an appropriate waiver of this requirement. SBA reserves the right to request additional information or explanations on the reports required by this subsection.

(3) Changes to be reported. Any change in stockholdings or membership in a 503 company or in its board of directors shall be reported to SBA in the report required by paragraph (1) of this subsection, or at an earlier time when an application pursuant to § 108.503-4 is filed.

(e) Examination. Each 503 company shall be subject to the same examination requirements, and the fee payment therefor, as are established for Subsection (b) Lenders in § 120.7 of these regulations. Upon a showing of undue hardship, the examination fee may be waived by SBA.

(f) Restrictions. (1) A 503 company is prohibited from owning any interest in a small business concern which has received section 503 assistance.

(2) Proceeds from the sale of a section 503 debenture may not be used for working capital purposes.

(3) A 503 company’s injection pursuant to § 108.503-3(a) may be repaid at a faster rate than the repayment on SBA’s guaranteed 503 debenture.

(4) No officer, director, or person or group of persons controlling as much as 10 percent of the voting power of the 503 company, may be an officer, director, or in control of a small business concern receiving assistance, or a close relative of such persons. For definitions of “control,” see § 121.3-2(a), and of “close relative,” see § 120.1(d)(3)(i) of these regulations.

§ 108.503-4 Financing.

(a) Method and Amount. Upon application to the field office described in § 108.503-2, and subject further to the provisions of § 108.503-6, SBA may guarantee 503 debentures to be sold by 503 companies with such guarantees under the following conditions:

(1) Such debenture is issued for the purpose of assisting an identifiable small business concern in accomplishing a sound business purpose in compliance with the regulations of this Chapter. A 503 company that has demonstrated management ability, adequate financial capacity, and has shown an active use of this program may, with SBA Central Office prior approval, be allowed to have multiple loans from each 503 debenture.

(2) Each loan to be made from the debenture proceeds is approved by SBA.

(3) The aggregate amount of such debenture does not exceed the amount of the loan or loans to be made from the proceeds of such debenture (other than any excess attributable to the administrative cost of such loan).

(4) The amount of any loan to be made from such debenture proceeds does not exceed an amount equal to 50 percent of the total cost of the project with respect to which the loan is made. The maximum possible private participation will be required in each project, but at least 50 percent of each project cost must be provided from non-Federal sources, which may not include assistance under Sections 501 and 502 of the Act.

(b) Collateral. All loans to small business concerns provided from the proceeds of the sale of 503 debentures shall be so secured as SBA determines reasonably to assure repayment. SBA shall require that the 503 company’s injection pursuant to § 108.503-3(a) be subordinated to the loan made from the proceeds of the 503 debenture. In the event of default on the debenture, the liability of the 503 company to SBA as guarantor shall be limited to all payments made by the small business concern to the 503 company that have not yet been transmitted to SBA and the collateral securing the defaulted loan. A pledge of additional collateral may be required from the small business concern when SBA determines that such additional collateral is necessary. In the event personal guarantees are obtained from one or more principals of a small business concern, such guarantee agreement shall waive any right of recovery from the 503 company. All collateral shall be insured against such hazards and risks as SBA may require.

(c) Participation with tax-exempt obligations. SBA may participate in projects whose other sources of financing include, or are collateralized by, tax-exempt obligations. Further, loans made with the proceeds of 503 debentures may be subordinated to such obligations.

(d) Interest rate. The interest rate on section 503 debentures shall not be less than a rate determined from time-to-time by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable U.S. obligations with comparable maturities. Such rate can be obtained from the field office described in § 108.503-2.

(e) Debenture conditions. The maturity of any section 503 debenture shall not exceed 25 years. The 503 company shall require the small business concern to make the requisite payments in sufficient time to ensure timely payment by the 503 company. In the case of a lease agreement between the 503 company and a small business concern, SBA shall generally require a lease term no shorter than the term of the debenture.
(f) Use of proceeds. At the time of disbursement to the 503 company, such company shall submit evidence satisfactory to SBA that the proceeds will be used in accordance with the statutory purpose. Such evidence shall include, but not be limited to, proof that the small business concern has the right to use the Plant for at least as long as the term of the debenture, whether (1) by lease of the Plant, (2) by lease of the Plant with option in the small business concern to purchase such Plant, or (3) by loan of the proceeds for the acquisition of the Plant by the small business concern.

§ 108.503-5 Cost of money to small business concerns.

(a) Contract Terms. The contract between the 503 company and the small business concern shall set forth terms acceptable to such concern that will provide the 503 company with total funds not to exceed those necessary:

(1) to repay with interest the section 503 debenture;

(2) to pay taxes and insurance on the Plant;

(3) to cover administrative costs of the loan; these costs may be recovered by charging a reasonable processing fee, not to exceed one and one-half (1.5) percent of the amount of the debenture, payable at closing, and a periodic service charge not to exceed 2 percent (2.0) per annum on the outstanding balance of the debenture, provided however that a service charge in excess of one-half of one (0.5) percent may not be charged without the prior written approval of SBA. Such approval must be based on evidence of substantial need, satisfactory to SBA.

(b) Disclosure of Charges. The debenture application and the annual report submitted to SBA by the 503 company shall disclose the full amount of all fees and charges, together with names of the recipients and a description of the services rendered therefor.

§ 108.503-6 Availability of financing from private sources.

(a) Other lenders. (1) Application for financial assistance will not be accepted for processing and no assistance may be extended unless the 503 company can demonstrate to the satisfaction of SBA that the desired financing is not available from non-Federal sources on reasonable terms. Such evidence shall include a written certification from the first mortgage lender and the small business concern's bank of account stating that such financing is not available to the small business concern at the interest rate and terms prevalent in that community.

(b) Principals of concern receiving assistance. The availability of personal resources of the owner or owners of the small business concern shall not disqualify a project for this program.

§ 108.503-7 Compliance with other laws.

All projects financed with federal assistance are subject to all applicable laws, including (without limitation) the civil rights laws (see Part 112 and 113 of these regulations, as well as Part 117 when adopted).

§ 108.503-8 Suspension and revocation of eligibility.

(a) Violations. SBA reserves the right to revoke the eligibility of any 503 company or to suspend temporarily the eligibility of any 503 company in the case of a violation of law, SBA regulations, any agreement with SBA, or of any failure to comply with operational requirements (§ 108.503-2): Provided, however, That such revocation or suspension shall not invalidate any guarantee previously issued by SBA.

(b) Notification of suspension or revocation. SBA shall serve notice on the 503 company of its intention to revoke or suspend such company's eligibility (Notice). Such Notice shall set forth in detail the basis for SBA's Intention. The Notice shall be served upon the 503 company by registered or certified mail, return receipt requested, addressed to the said company's principal business office.

(c) Service of papers other than the Notice. Papers other than the Notice may be served upon a 503 company as provided in paragraph (b) of this section, or by service in the manner provided therein upon an attorney at law or other agent designated by such company.

(d) Service of papers upon SBA. Papers in connection with the suspension or revocation of a 503 company's eligibility shall be served upon SBA by:

(1) Delivery to the Associate Administrator for Financial Assistance, SBA, 1441 L Street, NW., Washington, D.C. 20416; or

(2) Registered or certified mail, return receipt requested, addressed to the Associate Administrator for Financial Assistance at the above listed address.

(e) Effect of failure to respond. The revocation or temporary suspension of a 503 company's eligibility to participate shall become effective as of the close of business on the tenth day following receipt of the Notice unless, prior to the expiration of the aforementioned time period, SBA shall receive notice of such company's intention to submit an answer.

(f) Answer. A 503 company that has notified SBA of its intention to file an answer shall be given twenty additional days to submit to SBA such answer, including briefs and affidavits, showing why its eligibility should not be suspended or revoked. SBA may, in its sole discretion, extend the period permitted hereunder for the filing of an answer. Suspension or revocation of the eligibility of any 503 company that has filed an answer shall be held in abeyance pending final determination by SBA.

(g) Initial decision. SBA's Notice, together with the said company's answer thereto, including briefs and affidavits, shall be referred by the Associate Administrator for Financial Assistance to an SBA employee designated by him/her (designee) for initial determination of any material issues of fact or of law. No person who has participated in the preparation or approval of the notice to such company, or in any investigation or other fact-finding procedure in connection therewith shall participate in the preparation of the initial determination; and no person who has participated in such company's case, as aforesaid, shall communicate with, or otherwise attempt to influence the initial decision of the designee, who shall as soon as possible prepare proposed findings and conclusions and present them to the Associate Administrator for Financial Assistance.

(h) Final decision. The decision of the Associate Administrator for Financial Assistance shall give appropriate weight to the recommended findings and conclusions of the designee and shall, without further proceedings, be the final decision of SBA.

(i) Effect of decision. Suspension or revocation of a 503 company's eligibility to participate with SBA shall become effective upon such company's receipt of notification of the SBA's decision, but shall not relieve that company from its obligation to service any loan made in participation with SBA, nor any other obligation arising out of, or out of the breach of, any agreement with SBA, or any regulation promulgated by SBA.

(Catalog of Federal Domestic Assistance No. 51.013 State and Local Development Company Loans)

Dated: September 25, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-29068 Filed 9-30-80; 0:15 am]
BILLING CODE 6025-01-M
FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3037]

Claude M. Blair; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, an individual whose principal place of business is located at the National City Corporation in Cleveland, Ohio, from serving simultaneously as a director of two or more competing companies, any one of which has capital, surplus, and undivided profits aggregating more than one million dollars and revenues that exceed the lesser of ten million dollars, or one percent of the corporation's total revenues.

DATES: Complaint and order issued August 21, 1980.¹


SUPPLEMENTARY INFORMATION: On Thursday, June 12, 1980, there was published in the Federal Register, 45 FR 39884, a proposed consent agreement with analysis In the Matter of Claude M. Blair, an individual, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

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

Carol M. Thomas, Secretary.
[FR Doc. 80-3006 Filed 9-29-80; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3035]

Midland-Ross Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Cleveland, Ohio corporation from having as a director any individual who also serves as a director of a competitive company whose revenues exceed the lesser of ten million dollars, or one percent of the company's total annual revenues.

DATES: Complaint and order issued August 21, 1980.¹


SUPPLEMENTARY INFORMATION: On Thursday, June 12, 1980, there was published in the Federal Register, 45 FR 39884, a proposed consent agreement with analysis In the Matter of Midland-Ross Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

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

Carol M. Thomas, Secretary.
[FR Doc. 80-3006 Filed 9-29-80; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3036]

Narco Scientific, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Fort Washington, Pa. corporation from having as a director any individual who also serves as a director of a competitive company whose revenues exceed the lesser of ten million dollars, or one percent of the company's total annual revenues.

DATES: Complaint and order issued August 21, 1980.¹


SUPPLEMENTARY INFORMATION: On Thursday, June 12, 1980, there was published in the Federal Register, 45 FR 39884, a proposed consent agreement with analysis In the Matter of Narco Scientific, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

1 Copies of the Complaint and the Decision and Order filed with the original document.
SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, activities. The prohibited activities include the creation of business opportunities that exceed the lesser of ten million dollars or one percent of the corporation's total revenues.

DATES: The order provides for the submission of comments by August 21, 1980. No comments having been received, the Commission has ordered the Final Order issued Sept. 4, 1980.


SUPPLEMENTARY INFORMATION: On Thursday, June 12, 1980, was published in the Federal Register, 45 FR 39504, a proposed consent agreement with an analysis of the Matter of William C. Musham, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions. The proposed agreement includes provisions similar to those found in the settlement.

The proposed agreement requires the submission of comments by August 21, 1980. The Commission has ordered the Final Order issued Sept. 4, 1980.


The Final Order is as follows:

Final Order

On June 12, 1980 the Commission stayed the effective date of the unapeed Initial Decision in this matter, pending a determination whether or not the matter should be docketed for review. After further consideration, the Commission has decided not to place the case on its docket, but instead to lift the stay and allow the Initial Decision to become the decision of the Commission.

It is hereby ordered that the Initial Decision become the decision of the...
Commission, and that the order to cease and desist be entered.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 80-30069 Filed 9-29-80; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3039]

Pay Less Drug Stores Northwest, Inc.;
Prohibited Trade Practices, and
Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, Pay Less Drug Stores Northwest, Inc. ("Northwest"), a Beaverton, Oregon, chain drug, to divest itself of Pay Less Drug Stores ("Pay Less"), located in the California communities of Lodi, Salinas and Livermore, and to refrain from acquiring any other Pay Less drug stores in that area. Further, the order requires Northwest to maintain the stores as ongoing concerns until divestiture is accomplished and restricts sales of assets to "persons" approved in advance by the Commission.

DATES: Complaint and order issued September 2, 1980.¹


SUPPLEMENTARY INFORMATION: On Friday, June 13, 1980, there was published in the Federal Register, 45 FR 41650, a proposed consent agreement with analysis In the Matter of Pay Less Drug Stores Northwest, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—

¹ Copies of the Complaint and the Decision and Order filed with the original document.
No. 191

strength supplements in effervescence or ingested more than the equivalent of a half-strength tablet would have to ingest a minimum of two half tablets (an amount equal to the equivalent of one single-strength tablet), half tablet of “K-Lyte” double-strength tablets (an amount equal to approximately half of a double-strength “K-Lyte” tablet). The use of these data is appropriate since “K-Lyte” double-strength does not differ from the lower strength does not differ from the lower strength “K-Lyte” tablet). The use of these data is appropriate since “K-Lyte” double-strength does not differ from the lower strength tablets before accidental ingestion by a child of one-half to one tablet. The Commission notes that while ingestion of potassium at a certain level will produce physiological effects, the Commission has information indicating that it is unlikely that children will ingest the effervescent tablets in large amounts. As to children putting the tablets in a liquid and drinking it, the Commission notes that, while definitive information on this possibility is not available, the general reluctance of children to handle the drug appears to preclude this likelihood. The six members who recommended granting the exemption pointed to the evidence showing children’s distaste for the product and the lack of adverse effects reported on the lower strength potassium supplements. Two members recommended granting the exemption for unflavored forms of the drug only. The Commission notes that the tests conducted by Mead Johnson included unflavored tablets and more was ingested there (1½ tablets) than in one of the flavored forms (orange at ¾ tablet).

Response to Comment

The Commission received one comment from the American Society of Hospital Pharmacists, in response to the proposed exemption. While supporting the exemption for potassium supplements in individually-packaged effervescent tablets, each tablet containing no more than 50 mEq. of potassium, on the basis of minimal risk from ingestion of the drug by children, the Society reiterated its recommendation that the Commission establish exemptions based upon determination of the maximum quantity of a drug which can be ingested by a child without significant effect. The Commission does not believe that in considering exemptions it should normally go beyond a petitioner’s request or beyond the amount of a substance in a commercial preparation and exempt the maximum amount of a drug which can be safely ingested by a child. The Commission believes that exemptions from special packaging requirements should only be granted on a limited basis where there is a definite need for the exemption. (It should be noted in this regard that the Commission’s regulations regarding petitioning for exemption under the PPPA (16 CFR Part 1702) place the burden on the petitioner to submit all available information concerning the drug and to provide the justification for the requested exemption.) As a general rule, the Commission believes that it would be an inefficient use of the Commission’s limited resources to attempt to set higher exemption levels than those requested by petitioners or otherwise available commercially where, as in the case of potassium supplements, there is no apparent need for an exemption other than that requested.

The Commission points out, in addition, that any attempt at setting a maximum allowable level would be complicated because there is no established method of determining such maximum levels with any reasonable degree of certainty. For example, while median lethal dose (LD 50) data may be used to approximate a range of doses that could be considered fatal, such data do not provide information on how much of a drug may be ingested with impunity.

Powered Potassium Chloride

One manufacturer of a non-effervescent powdered form of potassium chloride (Berlex Laboratories) has also corresponded with the Commission concerning the proposed exemption for effervescent potassium supplements. This manufacturer had petitioned (PP 75-11) the Commission for an exemption from special packaging for its powdered form of potassium chloride. That petition was filed on August 21, 1975. That denial was based upon data available to the Commission which indicated that potassium chloride powder ingested by rabbits in amounts equivalent to ingestion of one to 3 packets of the drug by a 10 kg child had caused dose-responsive gastric hemorrhagic lesions and necrosis, as well as on the lack of human experience data with this drug.

In the recent correspondence, this manufacturer claims there is an inconsistency in denial of its earlier petition and the recent proposal of an exemption for the 50 milliequivalent effervescent tablet. The Commission

and one-half years of marketing experience.

The Mead-Johnson findings as to the lack of past adverse experience with “K-Lyte” single strength tablets were confirmed by the Commission staff at the time of the proposal. There has been no additional incidence of injury in reports available to the Commission since then. A search of the data sources available to the Commission staff, including the National Electronic Injury Surveillance System; Department of Health, Education, and Welfare (DHEW) National Clearinghouse for Poison Control Centers [data from 1969 to 1978]; in-depth investigations; the Commission’s Poison Control Center Contract Data Base; and death certificates and consumer complaints on file with the Commission revealed only 4 cases where “K-Lyte” or similar tablets containing potassium salts were ingested. No hospitalization or symptom was reported in any of the 4 cases.

The Commission staff also conducted a toxicologic evaluation of “K-Lyte” double-strength. The staff used the Mead-Johnson data showing that no child among 302 children ingested more than one-half tablet of the single-strength “K-Lyte” (most ingested considerably less) and Dorsey Laboratories data on testing of 200 children where only 1 child ingested more than ¼ of its 20 mEq potassium tablets (an amount equal to approximately half of a double-strength “K-Lyte” tablet). The use of these data is appropriate since “K-Lyte” double-strength does not differ from the lower strength tablets in effervescence or taste, the properties which are said to inhibit ingestion. The staff estimated that approximately 10 percent of an ingested dose of the drug is absorbed into the bloodstream. Based on these data, the staff concluded that if accidental ingestion by a child of one-half tablet of “K-Lyte” double-strength should occur (i.e., approximately the equivalent of one single-strength tablet), the plasma concentration would not reach a level which would be hazardous.

Furthermore, based upon staff calculations, a 10 kg. child (22 lbs) would have to ingest a minimum of two double-strength tablets before physiological effects such as listlessness and muscular weakness of extremities might be expected. However, as noted earlier, no child ingested more than the equivalent of half of a double-strength tablet, and only 4 percent of 500 children ingested more than the equivalent of a quarter tablet.

The Commission also solicited the opinion of the Food and Drug Administration (FDA) on the exemption request. Based on the lack of adverse human experience and the deterrent qualities of the effervescence, FDA concluded that the exemption should be granted.

The Commission also solicited comments from the Technical Advisory Committee on Poison Prevention Packaging. Of the ten members that made recommendations on the petition, 6 recommended granting the exemption and 2 recommended denial, expressing concern for the toxic potential of potassium salts and the possibility that a child would put the drug in a liquid and drink it. The Commission notes that while ingestion of potassium at a certain level will produce physiological effects, the Commission has information indicating that it is unlikely that children will ingest the effervescent tablets in large amounts. As to children putting the tablets in a liquid and drinking it, the Commission notes that, while definitive information on this possibility is not available, the general reluctance of children to handle the drug appears to preclude this likelihood. The six members who recommended granting the exemption pointed to the evidence showing children’s distaste for the product and the lack of adverse effects reported on the lower strength potassium supplements. Two members recommended granting the exemption for unflavored forms of the drug only. The Commission notes that the tests conducted by Mead Johnson included unflavored tablets and more was ingested there (1½ tablets) than in one of the flavored forms (orange at ¾ tablet).
notes that the proposal for effervescent tablets as well as this final exemption are based on a finding of low toxicity for the minimal amounts of potassium likely to be ingested, on test data indicating that the effervescence inhibits ingestion in dangerous amounts, and on the absence of serious sequelae in the children who had ingested portions of the tablets. The Commission staff replies to this recent correspondence from Berlex point out that denial of the manufacturer's petition was not based on a risk of serious illness from systemic toxicity (which is low for both the powder and the effervescent tablets), but on a finding of risk of injury from severe gastric irritation as revealed by laboratory animal studies conducted by the Commission.

Despite the earlier denial of the petition on potassium chloride powder, however, the correspondence from Berlex has prompted Commission staff to investigate further the issue of exemption for potassium chloride powder. The staff now believes an exemption may be warranted. The staff's view is based on the following factors:

1. Rabbit studies may be too sensitive to show gastric or esophageal irritation in humans. Some common foods, which are not known to be irritants to humans, cause irritation in rabbits.

2. The amounts of potassium supplements, either powders or effervescent tablets, taken medically or likely to be ingested accidentally, are at levels normally ingested in a routine daily diet and contain less than is present in some foods or would be available in a home, if potassium-containing salt substitutes are used.

3. At the time of denial of the petition, little human experience data were available. Examination of National Clearinghouse for Poison Control Center (NCPCC) data for the period 1969-1978 reveals no reported ingestions in children under 5 of any of the powdered potassium supplement brands which comprise the majority of the marketplace. NCPCC data involving the ingestion of generic potassium chloride (dosage form and trade name not specified) reveals a total of 37 ingestions in children under 5 between 1969-1978; one of which resulted in symptomatology. There was no hospitalization.

The Commission believes that the staff's view has merit and has directed the staff to reopen the issue of an exemption for powdered potassium supplements as well as other forms (e.g., liquid) of potassium supplements. The Commission has instructed the staff to prepare for Commission consideration a draft proposal for an amended exemption covering all unit dose forms of potassium supplements.

Finding

Based on the lack of adverse human experience reported on the lower strength potassium supplements and the test data indicating that the effervescence of the drug inhibits ingestions by children, the Commission finds that this drug in the dosage and form specified does not pose a risk of serious personal illness or injury to children. The Commission notes that while the available potassium is double that of the single-strength product, the effervescence properties of the tablets are the same. The Commission emphasizes that this exemption is limited to potassium supplements in individually packaged effervescent tablets, containing not more than 50 mEq of potassium and containing no other substance subject to the requirements for special packaging under 16 CFR 1700.14(a)(10).

Effective Date

Since this rule grants an exemption, the delayed effective date provisions of the Administration Procedure Act are inapplicable. (5 U.S.C. 553(d)(1)). Accordingly, this exemption becomes effective on September 30, 1980.

Environmental Considerations

The Commission's interim rules for carrying out its responsibilities under the National Environmental Policy Act (see 16 CFR Part 1021; 42 FR 25494) provide that exemptions to an existing standard that do not alter the principal purpose or effect of the standard normally have no potential for affecting the environment and environmental review of exemptions from such regulations is, therefore, generally not required. (§ 1021.5(b)(1)). The rules also state that environmental review of rules requiring poison prevention packaging is generally not required. (§ 1021.5(b)(3)).

With respect to this exemption of potassium supplements in effervescent tablet form from poison prevention packaging, the Commission finds that the rule will have no significant effect on the human environment and that no environmental review is necessary.

Conclusion and Pronouncement

Having considered the petition, the studies of child behavior submitted by the petitioner, Poison Control Statistics from the DHEW National Clearinghouse for Poison Control Centers, other human experience data and medical and scientific literature, and the comment on the proposal; and having consulted, pursuant to section 6 of the Poison Prevention Packaging Act (PPPA) of 1970, with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the Act, the Consumer Product Safety Commission concludes that an exemption from the special packaging requirements for potassium supplements in effervescent tablet form each containing not more than 50 mEq of potassium should be issued as set forth below. Accordingly, pursuant to the provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, secs. 2(4), 3, 5; 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Consumer Product Safety Act (Pub. L. 92-572, sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends 16 CFR 1700.14 by revising paragraph (a)(10)(vi), as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) Prescription Drugs. Any drug for human use that in a dosage form intended for oral administration and that is required by Federal Law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of section 1700.15 (a), (b), and (c) except for the following:

* * * * *


* * * * *

Dated: September 25, 1980.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 80-30728 Filed 9-25-80; 8:15 am]
BILLING CODE 4365-81-M
April 1, 1980.

The Department of Commerce, Room 1126, Washington, D.C. 20230 (202-377-3477).

SUMMARY: This notice is to inform the public that, as a result of a negative injury determination by the International Trade Commission, the Department of Commerce is revoking the countervailing duty order on canned hams and shoulders from the European Communities ("the EC"), which consist of Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom. The table in Part 355, Annex III of the Commerce Regulations is amended to reflect this revocation.

EFFECTIVE DATE: January 1, 1980.


SUPPLEMENTARY INFORMATION: A notice of "Final Countervailing Duty Determination," T.D. 75–300, was published in the Federal Register of December 1, 1975 (40 Fed. Reg. 55639). The notice stated that the Treasury Department had determined that imports of canned hams and shoulders from the EC were provided bounties or grants, within the meaning of section 203 of the Tariff Act of 1930 (19 U.S.C. 1920).

Concurrently with that determination, T.D. 75–301 (40 Fed. Reg. 55639) was published waiving the imposition of those duties under the authority of section 309 (f) of the Tariff Act of 1930. On January 1, 1980, Title I of the-Trade Agreements Act of 1979 (93 Stat. 150) went into effect. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Treasury Department to the Department of Commerce ("the Department"). Since the member states of the EC were "count(r)ies under the Agreement" (as defined in section 701(b) of the Tariff Act of 1930) as of January 1, 1980, the Department referred this case to the International Trade Commission ("the ITC") for a material injury determination in accordance with section 104(a)(1)(A) of the TAA. Section 105 of the TAA continued the waiver pending the ITC determination. Liquidation continued throughout the period. The ITC published a negative material injury decision in the Federal Register of July 16, 1980 (45 Fed. Reg. 47763).

As a result, the Department hereby revokes T.D. 75–300 and T.D. 75–301 with respect to all entries of canned hams and shoulders from the EC. The Department will instruct Customs officers to continue with the liquidation of all such entries without regard to countervailing duties.


This revocation and notice publication are in accordance with section 104(a)(3)(B) of the TAA (93 Stat. 191, 19 U.S.C. 1671 note).

John D. Greenwald,
Deputy Assistant Secretary for Import Administration.
September 25, 1980.

VESSELS IN FOREIGN AND DOMESTIC TRADES; FOREIGN REPAIRS TO, AND EQUIPMENT PURCHASES BY, AMERICAN VESSELS

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to clarify and make more specific the procedures for the reporting and entry of foreign repairs to, and equipment purchases by, American vessels, and makes conforming amendments to take account of a consolidation of the Customs forms used in the reporting and entry procedures. The document also provides that vessel repair and equipment purchase entries shall be liquidated in New York, New Orleans, and San Francisco depending upon the port where the entry was made.

EFFECTIVE DATE: December 1, 1980.


SUPPLEMENTARY INFORMATION:

Background

The owner or master of an American vessel is required by section 468, Tariff Act of 1930, as amended (19 U.S.C. 1468), to declare, enter, and pay a special 50 percent duty on the cost of all repairs (including purchases of equipment, repair parts, or materials) made to the vessel outside the United States. Section 468 also provides for remission of the duty if (1) the repairs or purchases were necessary to correct damage caused by stress of weather or other casualty while the vessel was in the regular course of its voyage and to
secure the safety and seaworthiness of the vessel to enable it to reach its port of destination; (2) the equipment, repair parts, or materials purchased were of American origin and installed by the vessel's crew or U.S. residents; or (3) the equipment, repair parts, or materials purchased, including the labor cost involved, were used as dunnage for cargo, or for the erection of temporary bulkheads or similar devices for the control of cargo.

Section 466 also provides that in the case of any vessel designed and used primarily for purposes other than transporting passengers or property in the foreign or coastwise trade (a so-called "special purpose vessel") which arrives in the United States two years or more after its last departure from a United States port, the duties shall apply only with respect to fish nets and netting and other equipment, and parts thereof, whenever purchased, and to repair parts and materials purchased, or repairs made, during the first six months after the last departure of the vessel from the United States.

A notice published in the Federal Register on April 4, 1978 (43 FR 14060), proposed to amend §§ 4.7 and 4.14, Customs Regulations (19 CFR 4.7, 4.14), which relate to reporting and entry procedures established to implement 19 U.S.C. 1466. Written comments were to have been received by May 4, 1978. However, at the request of American-flag vessel operators, a notice extending the comment period to June 2, 1978, was published on May 5, 1978 (43 FR 19417), and pursuant to another request, by notice published on May 19, 1978 (43 FR 21693), the comment period was further extended to June 30, 1978. A discussion of the proposed amendments, the substance of each of the 29 comments received, and Customs position on each comment follows:

Discussion of Comments

Requirement That Either the Master or Owner Make the Declaration

Several commenters supported the proposed amendment to § 4.7(1) to permit either the master or the owner of a vessel subject to the provisions of 19 U.S.C. 1466 to declare the purchase of any equipment, repair parts, or materials, or the cost of any repairs, in a foreign country for the vessel. One commenter recommended that the vessel master be freed from any requirement for reporting this data.

Under 19 U.S.C. 1466, the owner or the master is permitted to make the required declaration. Customs does not have the authority to relieve the master of this responsibility. However, the amendment would enable the owner to relieve the master of the responsibility and to delegate that responsibility to some other person.

Dutiability of Foreign Repairs and Equipment Purchases

Applicability of Statute

Proposed § 4.14(a)(1) would incorporate a revision of footnote 26 to Part 4 (also referred to in footnote 16b to Part 4) to provide that: "For the purposes of this section, a repair or purchase made in American Samoa, the Canal Zone, the Guantanamo Bay Naval Station, Guam, Puerto Rico, and the U.S. Virgin Islands is not considered to be incurred outside the United States". One commenter suggested that Customs should except fish nets or netting from this section, and contended that the proposed revision is contrary to the intent of the 1971 amendment to 19 U.S.C. 1460 (Pub. L. 91-654).

Pub. L. 91-654 added paragraph (c) to 19 U.S.C. 1466 and excepted fish nets and netting from the exemption from duty on purchases of equipment for, and foreign repairs to, "special purpose vessels" in certain circumstances. The amendment did not relate to Customs position that certain U.S. territories and possessions and the Commonwealth of Puerto Rico are not considered "foreign countries" for purposes of 19 U.S.C. 1466.

American Samoa, the Guantanamo Bay Naval Station, Guam, Puerto Rico, and the U.S. Virgin Islands are subject to the jurisdiction of the United States. Therefore, none is considered to be a "foreign country" within the meaning of 19 U.S.C. 1460. Accordingly, the last sentence of proposed § 4.14(a)(1) is retained in the final rule except that the reference to the Canal Zone is deleted.

Footnote 26 to Part 4, which is incorporated into proposed § 4.14(a)(1), was revised to remove the reference to the Canal Zone by T.D. 7567, published in the Federal Register on October 29, 1979 (44 FR 66154), because the Canal Zone was transferred to Panama effective October 4, 1979, by the Panama Canal treaty of 1977.

Footnote 26 to Part 4 accordingly is deleted, and to conform to the deletion, footnote 16b to Part 4 is revised to read "16b See § 4.14(a)(1)."

"Special Purpose Vessels"

1. One commenter stated that the proposed amendments fail to provide for "special purpose vessels".

The term "special purpose vessel" is defined in proposed § 4.14(a)(2)(iii), and the dutiability of foreign repairs to, and equipment purchases for, "Special purpose vessels" is set forth in that section.

2. Another commenter suggested that the definition of "special purpose vessels" be expanded to encompass more fully support vessels used in the offshore oil industry and to conform to the legislative intent of 19 U.S.C. 1466(c) (redesignated as 1466(e), pursuant to Pub. L. 95-410). This commenter recommended that the interpretation of the term "special purpose vessel" be clarified through administrative guidelines issued to the liquidation units.

"Customs believes that the definition of "special purpose vessel" in proposed § 4.14(a)(2)(iii) is fully consistent with the legislative intent of 19 U.S.C. 1466(e) and requires no change.

3. A commenter recommended that the requirement in proposed § 4.14(a)(2)(iii) that the master or owner of a "special purpose vessel" declare and enter all repairs and equipment purchases be modified to require only the declaration and entry of repairs and purchases made during the first six months of the vessel's voyage. The reason stated for this recommendation is that under 19 U.S.C. 1466(e), only the repairs and equipment purchases made during the first six months of the vessel's voyage will be subject to the requirements of this section.

This comment has merit. Therefore, proposed § 4.14(a)(2)(iii) has been revised to provide that if the vessel previously has been held to be a "special purpose vessel" by Customs, only those items (with the exception of fish nets and netting) purchased, and repairs made, within the United States during the first six months after the vessel's last departure from the United States on a voyage of at least two years or more are dutiable.

Deposit of Estimated Duties or Filing Bond Before Vessel Departure

1. Several commenters suggested that proposed § 4.14(b)(4), which would require estimated duties to be deposited, or a bond on Customs Form 7367 or 7599 to be filed, before the departure of a vessel from the port of arrival, be modified to provide that the bonding provisions apply only to the net dutiable amount, rather than to the gross dutiable amount. These commenters contended
that the requirement of a bond for the gross dutiable amount results in a substantial bond premium on items that clearly are nondutiable.

Proposed § 4.14(b)(1) does not require that the bond must be taken on the gross dutiable amount. Section 113.14(m), Customs Regulations (19 CFR 113.14(m)), provides that Customs Form 7567 or 7569, the single entry and term versions of the Vehicle, or Aircraft Bond, may be taken in any amount deemed necessary by the district director. To avoid any misunderstanding, a sentence is being added at the end of proposed § 4.14(b)(1) to clarify that the bond shall be in an amount required by the district director, as provided in § 113.14(m).

2. One commenter claimed that proposed § 4.14(b)(1), in requiring estimated duties to be deposited, or a bond on Customs Form 7567 or 7569 to be filed, before the departure of a vessel, effects a change in the current procedure of determining estimated duty on the basis of information submitted on Customs Form 7535 (now Customs Form 226) within two working days after arrival at the first United States port. This commenter recommended that the current procedure be incorporated into proposed § 4.14(b)(1) to prevent any delay in departure of the vessel from the port of arrival.

Proposed § 4.14(b)(1) does not change the current procedure for determining estimated duties. Both the current procedure and the proposed section provide that if the vessel clears port before filing an entry on Customs Form 226, the bond or estimated duties shall be computed on the basis of information on the declaration submitted on Customs Form 226.

Time for Submitting Cost Evidence

Many commenters were concerned that the time period provided in proposed § 4.14(b)(2)(iii) for submitting evidence of cost is inadequate. Several viewed the proposal as a reduction in the amount of time currently allowed for the submission of this evidence.

Present § 4.14(d) provides no time limitation on the submission of proper evidence of cost. Proposed § 4.14(b)(2)(iii) provides for a 60-day period from the date of the vessel’s arrival within which to submit evidence of cost of each item listed on the repair entry. An additional 30-day extension may be granted to the applicant by the appropriate vessel repair liquidation unit upon request, and further requests for extensions of time may be granted by Customs Headquarters. There is no absolute limit as to the amount of time that may be granted to an applicant for submission of evidence of cost.

Remission or Refund of Duty

Two commenters noted that the paragraph in proposed § 4.14 titled “Remission or refund of duty” is incorrectly designated with an upper case letter “R” instead of a lower case letter “r”. The paragraph has been redesignated accordingly.

Vessel Repair Liquidation Units

Almost all commenters objected to the proposal in § 4.14(c)(1) to centralize all vessel repair liquidation in two units located in Customs Region II (New York) and Region VIII (San Francisco). These commenters noted that much of the American shipbuilding industry is concentrated in the Gulf of Mexico, and suggested that the absence of a vessel repair liquidation unit in this area would cause undue expenses and delays and reduce the industry’s ability to communicate effectively with Customs. Many commenters specifically requested that a liquidation unit be located in Region V (New Orleans). Customs believes this point is well taken. Accordingly, proposed § 4.14(c)(1) has been revised to establish three vessel repair liquidation units, under the supervision of the respective Regional Commissioners, in Region II, to process entries made in Regions I (Boston), II (New York), III (Baltimore), and IX (Chicago); Region V, to process entries made in Regions IV (Miami), V (New Orleans), and VI (Houston); and Region VIII, to process entries made in Regions VII (Los Angeles) and VIII (San Francisco).

Authority To Approve or Deny Applications for Relief

A number of commenters were concerned with proposed § 4.14(c)(2), which authorizes the regional commissioner in the regions in which liquidation units are established to approve or deny applications for relief from duties assessed on vessel repair entries only if a clearly applicable precedent for a decision exists and any remission or refund of duty as a result of the decision is less than $1,000. All other applications for relief would be referred to Customs Headquarters. These commenters suggested that the $1,000 ceiling on remission or refund of duty for this purpose be increased to enable more applications to be decided at the regional level. Two commenters believed that this ceiling should be raised to $10,000.

The primary purpose of proposed § 4.14(c)(2) is to achieve a more consistent method of rendering decisions in vessel repair cases and to eliminate the time consuming and costly consideration of relatively minor cases at Customs Headquarters. Raising the $1,000 ceiling to $10,000 would preclude a central review of minor or isolated cases. However, in view of the increased costs of vessel repairs and equipment, Customs has decided to raise the $1,000 ceiling to $2,500. Consideration may be given to further raising the ceiling at a later time if experience under the proposed procedure warrants doing so.

Stress of Weather or Other Casualty as a Basis for Remission or Refund of Duties

1. Several commenters objected to proposed § 4.14(c)(3)(i), concerning the remission or refund of duty on foreign equipment purchased, or repairs made, outside the United States as a result of stress of weather or other casualty and necessary to secure the seaworthiness of the vessel to enable it to reach its port of destination in the United States.

A number of commenters objected to the proposal that only the duty on the cost of minimal repairs needed for the safety and seaworthiness of the vessel is subject to remission or refund. One commenter contended that the requirement that only minimal repairs be considered for remission or refund introduces a subjective element into the processing of repair entries. Another commenter claimed that this requirement would force owners to accomplish only minimal repairs overseas and to return their vessels to the United States in an unserviceable condition. This commenter stated that vessels that returned to the United States in an unserviceable condition would violate U.S. Coast Guard and classification society requirements and may cause the vessels to lose insurance coverage. Another commenter suggested that the term “minimal repairs” either be removed from the proposal or be defined to include such purchases or repairs as are necessary to allow a vessel to continue on its intended voyage with full operational capabilities.

Based upon the legislative history of 19 U.S.C. 1466(d)(1), Customs believes that only the duty on the cost of minimal repairs needed for the safety and seaworthiness of the vessel is subject to remission or refund. This proposal does not force owners to return their vessels to the United States in an unserviceable condition and Customs has no authority to insert the Coast Guard and classification society requirements into the regulations. The term “minimal repairs” has been interpreted in administrative rulings and court cases to determine the extent to which remission may be granted, and Customs is of the opinion that no broader definition of this term is necessary.
2. Some commenters took issue with the interpretation of the term "casualty" in proposed § 4.14(c)(3)(i). As defined, "casualty" does not include any repairs or equipment purchases necessitated by ordinary wear and tear, but does include a part's failure to function if satisfactory evidence shows that the specific part was repaired or serviced immediately before starting the voyage from the United States and that the part failed to function within six months of that repair or servicing. 

Two commenters argued that Customs should recognize that a "casualty" is the result and not the cause of an emergency at sea. One of these commenters proposed that § 4.14(c)(3)(i) provide for the refund or remission of duty on repairs or equipment replacement resulting from any casualty (other than one caused by ordinary wear and tear) which so affects the safety of the vessel that without these repairs or replacements it would not be able to safely complete the voyage. 

Alternatively, this commenter stated that if the term "casualty" is defined to refer to the cause and not the result of an emergency, Customs should specify those causes which render foreign vessel repairs or equipment purchases duty-free. The commenter recommended the adoption of the exceptions from liability set forth in section 4(2) of the Carriage of Goods by Sea Act (46 U.S.C. 1304(2)). The interpretation of the term "casualty" has been the subject of numerous Headquarters administrative rulings. Customs has considered carefully these suggestions and does not believe a change in its interpretation of the scope of the term "casualty" is appropriate.

3. One commenter contended that the six month period limiting remission of duty should be extended to three years to allow defects in a newly-repaired propulsion system to surface. This commenter also argued that Customs should not condition the remission of duty for foreign repair or service upon the repair of service of the part immediately before starting the voyage from the United States because this forces the owner to examine all the ship's gear before each foreign voyage. Two commenters contended that the repair of vital electronic navigation devices should be free of duty except for failure due to ordinary wear and tear. Proposed § 4.14(c)(5)(i) is intended merely to relieve the vessel owner or master from liability for duty on repairs or equipment purchases required for a part which was repaired or serviced immediately before starting a foreign voyage and which failed to function within six months of that repair or servicing. This proposal is not intended to force vessel owners to examine all the ship's gear before each foreign voyage, and it would not be feasible to broaden this rule simply to allow latent defects in specific parts to surface.

4. One commenter suggested that proposed § 4.14(c)(3)(i) be modified to take into account the features of liquefied natural gas vessel operations. The commenter suggested that the term "casualty" include a part's failure to function if satisfactory evidence shows that the part was repaired or serviced immediately before starting a voyage from the United States and that the part failed to function within six months of such repair or service, irrespective of the fact that the vessel had an intervening call or calls at United States ports during this six month period.

This suggestion would broaden the "one round voyage" rule set out in T.D. 71-85(30), which provides that it is reasonable to assume that a part of a vessel which has been repaired and/or serviced just before commencement of a voyage from the United States is seaworthy for a round-trip voyage and return, and failure of that part to function within six months after its repair in the United States may be considered a casualty within the meaning of 19 U.S.C. 258(1) (now 19 U.S.C. 1466(d)(1)). Customs does not believe a further extension of this rule is appropriate.

5. A commenter argued that proposed § 4.14(c)(3)(i) should be modified to provide that all foreign repairs and equipment purchases required in order for American vessels to enter the United States by the vessel owner, as well as all United States-origin equipment purchased in the United States, is nondutiable even if installed in a foreign shipyard.

T.D. 75-257 does not provide that United States-origin equipment purchased in the United States by the vessel owner is nondutiable even if installed in a foreign shipyard. However, upon a review of the background of T.D. 75-257 and subsequent rulings, Customs has decided that proposed § 4.14(c)(3)(ii) is overly broad. The proposed language has been changed to indicate that remission or refund of duty is authorized if good and sufficient evidence is furnished which shows that the equipment, equipment parts, or materials used on the vessel were manufactured or produced in the United States and purchased by the owner of the vessel in the United States, and the labor necessary to install such equipment or make such repairs was performed by residents of the United States or by members of the regular crew of the vessel.

Procedure For Remission or Refund of Duties—Application For Relief

One commenter claimed that the requirement in proposed § 4.14(d)(1)(i) of certification that all foreign equipment, parts, or materials purchased for, and all foreign repairs made to, the vessel on prior voyages have been declared non-dutiable or other governmental regulations are not subject to remission or refund of duty unless they otherwise qualify under 19 U.S.C. 1466(d).

United States Parts and Equipment Installed With American Labor

1. Two commenters requested that proposed § 4.14(c)(3)(ii) be changed to clarify that the work performed by crew labor or by United States residents is nondutiable in accordance with 19 U.S.C. 1466(a). Because the nondutiability of the work performed by crew labor or by United States residents is provided for in 19 U.S.C. 1466(a), and these regulations are issued pursuant to 19 U.S.C. 1466(a), it is unnecessary to specify statutory authority in § 4.14(c)(3)(ii).

2. A number of commenters suggested that proposed § 4.14(c)(3)(ii) be amended to comply with T.D. 75-257 and provide that United States-origin equipment purchased in the United States by the vessel owner is nondutiable even if installed in a foreign shipyard.
repairs made within one year immediately preceding the application have been duly accounted for is contained in 19 U.S.C. 1466(d). However, Customs recognizes that the certification contained in proposed § 4.14(d)(1)(ii) is broader than the statutory requirement and therefore the section has been revised to conform to 19 U.S.C. 1466(d).

Place and Time of Filing

Several commenters were concerned that the provision in proposed § 4.14(d)(1)(ii) for a 60-day period in which to file an application for relief, with a 30-day extension for good cause, is inadequate. One commenter recommended that this provision be modified to conform to proposed § 4.14(b)[2][ii] and allow a further extension for filing the application for relief upon good cause.

Customs believes that it is not necessary to extend the period for filing the application for relief beyond the maximum period of 90 days. While the compilation of evidence of cost of repairs may require further extensions of time, the filing of an application for relief involves purely legal issues, and a 60-day period with a 30-day extension for good cause should be sufficient.

Supporting Evidence

1. Two commenters suggested that the requirement of certification by the master or other responsible party with personal knowledge of the facts relating to relief in proposed § 4.14(d)(1)(iii) should be expanded to permit certification by the owner or any officer or representative of the owner knowledgeable of the facts. Another commenter requested that proposed § 4.14(d)(1)(iii) be revised to permit certification by a responsible party in the company in case of absence or nonavailability of shipboard personnel.

Customs believes that in order to ensure the veracity of evidence on the facts and circumstances surrounding the vessel repair or equipment purchase, it is necessary to require certification by the master or other responsible vessel officer with personal knowledge of the facts.

2. One commenter stated that the requirement in proposed § 4.14(d)(1)(iii)(3), for a certification by the master as to whether the repairs or equipment purchased were necessary for the safety and seaworthiness of the vessel to enable it to reach its port of destination in the United States, should be considered optional because of the provision in proposed § 4.14(d)(1)(iii)(C) requiring the submission of classification society reports requiring the repairs.

Customs believes that the responsibility and professional detachment required of a master of a vessel lends weight to a certification by that officer that is valuable in assessing the legitimacy of a claim for remission under the vessel repair statute. Customs does not believe that certification of this evidence by the master can be replaced with a classification society report.

3. A commenter suggested that proposed § 4.14(d)(1)(iii)(f) be expanded to permit the written description of the circumstances involved in the case of the use of American equipment, labor, and damage to be submitted over the signature of any responsible person in the company.

Customs believes that this suggestion would erode the quality of the documentary evidence submitted. However, proposed § 4.14(d)(1)(iii) has been revised to provide that the applicant may submit any additional documents in support of his application.

Documentary Evidence

One commenter objected to the requirement in proposed § 4.14(d)(1)(iv) that English translations for any documents written in a foreign language be certified for accuracy by the translator. This commenter stated that in view of the high costs of preparing verbatim translations, the certification by the translator should not be required and the current requirement that a translation be certified to be accurate should be sufficient.

Customs considers this objection to be without merit because it would be impossible to accept a translated document as evidence if it were not certified to be accurate by the translator.

Liquidation of Vessel Repair Entries—Time Limits

One commenter suggested that the regulations provide that the entrant declare at the time of entry whether an application for relief will be filed, with a 60-day period in which to amend this declaration. The substance of this suggestion is incorporated in proposed § 4.14(e).

Documented LASH Barges

One commenter objected to the fact that the proposed regulations do not take documented Lighter-Abord-Ship (LASH) barges into account. This commenter suggested that documented LASH barges are not subject to the duty imposed by 19 U.S.C. 1466, but that if the statute does apply, a different type of reporting system should be set up, allowing for a provisional entry at the time of arrival, with later supplemental reporting of repairs and equipment purchases.

The Customs Service has held in numerous decisions (see e.g., C.S.D. 79-3) that LASH barges are subject to the provisions of 19 U.S.C. 1466. Customs believes that the extensions of time provided by § 4.14(b)[2][ii] at the regional level and, when justified, at Headquarters, allow vessel operators sufficient time to obtain documentation and evidence of foreign repairs equipment purchases and that a different type of reporting system for documented LASH barges is not necessary. To clarify this point, paragraph [a][2][iv] has been added to § 4.13(a) to state that foreign repairs to, and equipment purchases by, LASH barges are subject to declaration and entry.

Change in Penalty Provisions

To reflect the amendment of 19 U.S.C. 1466 by section 206 of Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act", proposed § 4.14(g) has been revised to provide for the recovery from the owner of a monetary amount up to the value of the vessel as an alternative to seizure and forfeiture of the vessel in the event of a failure to report, make entry, and pay duties, as required.

Editorial and Conforming Changes

In accordance with the notice published in the Federal Register on March 21, 1979 (44 FR 17250), amendments have been made to §§ 4.7 and 4.14, Customs Regulations, to provide for the use of Customs Form 220, "Record of Vessel/Aircraft Foreign Repair or Equipment Purchase", in place of Customs Form 3415, "Declaration of Foreign Repairs to Vessels or Aircraft", and Customs Form 7335, "Vessel/Aircraft Foreign Repair or Equipment Purchase Entry". A similar conforming change to § 6.7, Customs Regulations, was set forth in a proposed rule published in the Federal Register on January 6, 1980 (45 FR 6).

To further clarify certain sections of the proposed rule, other nonsubstantive editorial changes also have been made.

Inapplicability of Executivo Order 12044

This document is not subject to the Treasury Department directive implementing Executive Order 12044, "Improving Government Regulations", because the regulation was in process before May 22, 1978, the effective date of the directive.

Drafting Information

The principal author of this document was Laurie Strassberg Amster,
Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendments to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below. William T. Archey, Acting Commissioner of Customs.

Approved: September 13, 1980.

Richard J. Davis, Assistant Secretary of the Treasury.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.14 [Amended]

1. Footnotes 26 and 27 to § 4.14(a) are deleted.

2. Section 4.7(d)(1) (including footnote 16b) is amended to read as follows:

§ 4.7 Inward foreign manifest; production on demand; contents and form.

•

(d)(1) The master or owner of—

(i) A vessel documented under the laws of the United States to engage in the foreign or coasting trade, or intended to be employed in such trade, or

(ii) An American fishing vessel licensed and enrolled for the fisheries which has a permit to touch and trade (see section 4.15), or an American fishing vessel documented for the fisheries which lacks a permit to touch and trade but which is intended to engage in trade, or registered vessels which are intended to engage in the fisheries, are subject to this section.

(ii) Government-owned or chartered vessels. Vessels owned or chartered by the United States Government, if documented for, or intended to engage in, the foreign or coasting trade, are subject to this section.

(iii) Special purpose vessels. (A) Defined. A vessel which is documented for the foreign or coasting trade, but is designed and used primarily for purposes other than transporting passengers or merchandise, is considered to be a "special purpose vessel."

(B) Requirements for declaration and entry. The owner or master of a special purpose vessel shall declare and enter all items purchased, or repaired made, outside the United States unless Customs previously has ruled the vessel is a special purpose vessel and the vessel arrives in a port of the United States two years or more after its last departure from a port of the United States. Under these circumstances, only those items (with the exception of fish nets and netting) purchased, or repaired made, outside the United States during the first six months after the vessel's last departure from the United States shall be declared and entered. Fish nets and netting purchased or repaired outside the United States shall be declared and entered whether or not purchased or repaired during the first six months after departure. A copy of the applicable Customs ruling and a certification from the owner or master that the vessel was used during its last voyage primarily for purposes other than transporting passengers or merchandise shall be furnished with the declaration and entry.

(C) Dutiable items. If the special purpose vessel is operated in international or foreign waters two years or more after its last departure from the United States, the only dutiable items are fish nets and netting whenever purchased and any other items purchased or repairs made during the first six months after the vessel's last departure from the United States.

(iv) LASH Barges. Lighter-aboard-ship (LASH) barges (see sections 4.81 and 4.81a) and similar vessels documented for, or intended to engage in, the foreign or coasting trade are subject to this section.

(b) Declaration and repair entry. (1) Declaration. Upon first arrival of the vessel in the United States, the owner or master shall declare on Customs Form 226 all equipment, parts, or materials purchased or repairs made, outside the United States. Except as provided in § 4.14(a)(2)(iii)(B), the declaration is required regardless of the dutiable status of such items or expenses. The declaration shall be ready for production on demand and for inspection by the boarding officer and shall be presented as part of the original manifest when formal entry of the vessel is made. Estimated duties shall be deposited or a bond on Customs Form 7567 or 7569 shall be filed before the departure of the vessel, except as provided in subparagraph (2)(i) of this paragraph. The amount of the bond shall be determined by the district director as provided in § 113.14(m) of this chapter. See paragraph (g) of this section for applicable penalties.

(2) Entry. All equipment, parts, or materials purchased for, and all repairs made outside the United States to, any vessel subject to the provisions of this section shall be entered on Customs Form 226 by the master or owner of the vessel. The entry shall be filed with the appropriate Customs officer at the port of first arrival within five working days after arrival. The Customs officer with whom the entry is filed shall forward it to the appropriate vessel repair liquidation unit. The party filing the entry shall mark it to indicate whether it is a full and complete account or an incomplete account. See paragraph (g) of this section for applicable penalties.

(i) Entry procedures for vessels owned or chartered by the United States. Whenever the appropriate Customs
officer determines that a Government-owned or chartered vessel subject to the provisions of this section (see paragraph (a)(2)(iii)) is being operated by an agency of the United States, or that a Government-owned or chartered vessel is being operated by a private party for an agency of the United States under an agreement that obligates the Government agency to pay any duty on the costs of repairs or purchases of the vessel shall be allowed to depart the port of first arrival without depositing estimated duties or furnishing a bond to cover estimated duties. In all other cases, the vessel shall be treated as though private.

(ii) Time period for submitting evidence of cost. Whenever a repair entry is submitted as a full and complete account, the entry papers shall include evidence showing the cost of each item listed on the entry. If a repair entry is submitted as an incomplete account, the evidence must be submitted within 60 days from the date of the vessel's arrival. If the entry is not submitted within the 60-day period, the party that is required to furnish the evidence of cost submits a written request for an extension of time beyond the 60-day period, together with a satisfactory explanation of the delay, to the appropriate vessel repair liquidation unit, that unit may grant an additional 30-day extension of time to submit cost evidence. Any request for a further extension of time to furnish evidence of cost shall be submitted to the appropriate vessel repair liquidation unit, which shall transmit the request to Headquarters, U.S. Customs Service, Attention: Carrier Rulings Branch, for approval. If the costs shown on the complete account differ from the costs declared on the entry, the appropriate Customs officer may permit amendment of the entry.

(A) Investigation to obtain evidence. If the required evidence is not furnished timely, or is of doubtful authenticity, the appropriate regional commissioner shall use all available means to obtain the necessary information and may refer the matter to the Office of Investigations. If an investigation is conducted, the Office of Investigations shall obtain all available evidence on the cost of the repairs and any evidence with respect to the reason for the party's failure to submit the evidence in a timely fashion.

(B) Concurrent time period for submission of costs and filing application for relief. The 60-day time period to submit evidence of cost on the entry is concurrent with the 60-day time period to submit an application for relief under paragraph (d)(1)(ii) of this section and will not operate to provide additional time to submit an application for relief. A request for additional time to submit evidence of cost may include a request for additional time to submit an application for relief.

(c) Remission or refund of duty. (1) Vessel repair liquidation units. Vessel repair liquidation units under the supervision of the Regional Commissioner of Customs are established at New York,т N.Y. (Region II), New Orleans, Louisiana (Region V), and San Francisco, California (Region VIII). The Region II unit shall process and liquidate each vessel repair entry filed at ports in Regions I (Boston), II (New York), III (Baltimore), and IX (Chicago). The Region V unit shall process and liquidate each vessel repair entry filed at ports in Regions IV (Miami), V (New Orleans), and VI (Houston). The Region VIII unit shall process and liquidate each vessel repair entry filed at ports in Regions VII (Los Angeles) and VIII (San Francisco). After processing and liquidation of the entries, the bulletin notices of liquidation shall be returned to the respective ports of entry for posting.

(2) Authority. If clearly applicable precedent for a decision exists and any remission or refund of duty as a result of a decision will be less than $2,500, the Regional Commissioners of Regions II, V, and VIII may approve or deny any application for relief on vessel repair entries filed at the ports within their respective jurisdictions. If there is no clearly applicable precedent on which to base a decision, or if the decision may result in a remission or refund of $2,500 or more in duty, the respective Regional Commissioner shall refer the matter to Headquarters, U.S. Customs Service, Attention: Carrier Rulings Branch, for advice before acting on the application for relief.

(3) Basis for remission or refund. Remission or refund of duty is authorized if good and sufficient evidence is furnished which shows any of the following circumstances exist:

(I) Stress of weather or other casualty. The vessel, while in the regular course of its voyage, was compelled, by stress of weather or other casualty, while outside the United States, to purchase such equipment or make such repairs, to secure the safety and seaworthiness of the vessel to enable it to reach its port of destination in the United States. However, only the duty on the cost of the minimal repairs needed for the safety and seaworthiness of the vessel is subject to remission or refund. For the purposes of this section, the term "casualty" does not include any purchases or repairs necessitated by ordinary wear and tear, but does include a part's failure to function if satisfactory evidence shows that the specific part was repaired or serviced immediately before starting the voyage from the United States port, but the part failed to function within six months of such repair or servicing.

(ii) United States parts and equipment installed with American labor. The equipment, equipment parts, repair parts or materials used on the vessel were manufactured or produced in the United States and purchased by the owner of the vessel in the United States, and the labor necessary to install such equipment or to make such repairs was performed by residents of the United States or by members of the regular crew of the vessel.}

(iii) Dunnage. The equipment, equipment parts, materials or labor were used as dunnage for cargo, or for the packing or shoring thereof, or in the erection of temporary bulkheads or other similar devices for the control of bulk cargo, or in the preparation (without permanent repair or alteration) of tanks for the carriage of liquid cargo.

(d) Procedure for remission or refund of duties. (1) Application for relief. (i) Form and contents. The application for relief need not be in any particular form. The application for relief should allege that an item or a repair expense covered by the entry is not subject to duty under paragraph (a) of this section, or that the articles purchased or the repair expenses are within the provisions of paragraph (c) of this section, or that both conditions are present. The application for relief also shall certify that all foreign equipment, parts, or materials purchased for, and all foreign repairs made to, the vessel within one year immediately preceding the application have been declared as required by this section, or the application shall be deemed incomplete. The application for relief shall be signed by the master, owner, or operator of the vessel, or their authorized agent. If the application for relief is filed by a corporation, it shall be signed by an authorized corporate officer.

(ii) Place and time of filing. The application for relief shall be filed with the appropriate Customs officer at the port where the vessel repair entry was made or with the appropriate vessel repair liquidation unit (see paragraph (c)(1) of this section). If filed at the port where the entry was made, the Customs officer who receives the application shall promptly forward it, together with his comments, if any, to the appropriate vessel repair liquidation unit. The application for relief, with supporting evidence, shall be filed within 60 days from the date of first arrival of the
vessel. However, if good cause is shown, the appropriate vessel repair liquidation unit may authorize one 30-day extension of time to file beyond the 60-day period.

(iii) Supporting evidence. Unless such evidence is already filed with Customs, each application for relief shall include duplicate copies of the following evidence, in addition to any other documents the applicant wishes to submit in support of the application:

(A) All itemized bills, receipts, and invoices covering items specified in paragraph (a)(1) of this section, segregating the cost of those items for which relief is sought from all other items listed in the vessel repair entry.

(B) Full and complete photocopies of the relevant parts of the vessel's logs.

(C) Photocopies of any American Bureau of Shipping or other classification society report of the cause and type of damage and the nature of the remedial action taken, together with photocopies of any certifications of seaworthiness.

(D) A certification by the master or other responsible vessel officer with personal knowledge of the facts relating to the repair sought, including, but not limited to, details of the claimed stress of weather or other casualty, when and where it occurred, the damages due to such stress of weather or other casualty, and the place and date where the vessel was repaired or the equipment for the vessel was purchased.

(E) A certification by the master as to whether the repairs or equipment purchases were necessary for the safety and seaworthiness of the vessel to enable it to reach its port of destination in the United States.

(F) A written description of the circumstances involved by the master or other responsible vessel officer having knowledge of the facts when remission or refund is sought under the provisions of paragraph (c)(3)(ii) (relating to the use of American equipment and labor) or (c)(3)(iii) (relating to damage) of this section.

(iv) Documentary evidence. All documents submitted in support of an application must be certified by the master or owner of the vessel to be originals or copies of originals. If a vessel is owned or operated by a corporation, the master or an authorized corporate officer shall certify the documents. Documents in a foreign language shall be accompanied by an English translation that is certified for accuracy by the translator.

(v) Action. Within 60 days after receipt of an application for relief by a vessel repair liquidation unit, the appropriate regional commissioner shall either approve or deny the application for relief or forward it to Headquarters, U.S. Customs Service, Attention: Carrier Rulings Branch, for advice, as provided in paragraph (c)(2) of this section. The appropriate regional commissioner shall give prompt written notice of any final decision to the party who submitted the application. The notice shall advise the party of its right to petition for review of the decision under paragraph (d)(2) of this section. If the decision involves remission of duty under paragraph (c) of this section and the entry has been liquidated, reliquidation is not required. If any other relief is granted and the entry has been liquidated, reliquidation is required.

(vi) Suspension of liquidation. If an application for relief has been filed within the time period provided in paragraph (d)(1)(ii) of this section, liquidation of the vessel repair entry shall be suspended until 30 days after the date of the written notice provided for in paragraph (d)(1)(v) of this section.

(2) Petition for review on a denial of an application for relief.

(i) Form. If an applicant is dissatisfied with the decision on its application for relief, the applicant may file a petition for review of that decision. The petition for review must be in any particular form. The petition for review must identify the decision on the application for relief and must detail the exceptions taken to that decision. The petition shall be signed by the master, owner, or operator of the vessel, or their authorized agent. If the petition for review is filed by a corporation, it must be signed by a duly authorized corporate officer.

(ii) Place and time of filing. The petition for review shall be addressed to the Commissioner of Customs and shall be filed with the appropriate vessel repair liquidation unit within 30 days after the date of the written notice to the party of the decision on the application for relief, as provided in paragraph (d)(1)(v) of this section. However, if good cause is shown, the appropriate vessel repair liquidation unit may authorize one additional 30-day extension of time.

(iii) Action. The appropriate regional commissioner promptly shall transmit a copy of the petition for review, any comments and recommendations he may have on the petition for review, and the entire file on the application for relief to Headquarters, U.S. Customs Service, Attention: Carrier Rulings Branch, for decision. After notification of the decision by Headquarters, the appropriate regional commissioner shall give written notification of that decision to the party who filed the petition for relief. The notice will inform the party of his right to submit a supplemental petition for review and that no further suspension of liquidation will be permitted.

(iv) Suspension of liquidation. If an original petition for review is filed within the time provided for in paragraph (d)(2)(ii) of this section, liquidation of the vessel repair entry shall be suspended further until the regional commissioner notifies the party who filed the petition of the decision on the petition. Following notification of the Headquarters decision to the party who filed the petition, the vessel repair liquidation unit shall promptly initiate liquidation of the entry in accordance with that decision even if a supplemental petition for review is filed.

(e) Liquidation of vessel repair entries, time limits. If evidence of cost is available and the appropriate vessel repair liquidation unit receives written notification from the master, owner, or operator of the vessel, or their authorized agent, that an application for relief will not be filed, the vessel repair liquidation unit shall promptly initiate liquidation of the entry. In all other cases in which the evidence of cost is available, the entry may be liquidated 60 days after arrival of the vessel, or at the expiration of any extension of time granted under paragraph (b)(2)(ii) of this section to furnish evidence of cost, unless an application for relief is filed timely as provided in paragraph (d)(1)(ii) of this section. If an application for relief is filed timely, the vessel repair entry may be liquidated 30 days after the date of the written notice to the party who filed the application for relief, as provided in paragraph (d)(1)(v), unless a petition for review is filed timely under paragraph (d)(2)(ii) of this section. If a petition for review is filed timely, the vessel repair entry may be liquidated after the date of the notification of the decision on the petition to the party who filed the petition even though a supplemental petition for review is filed.

(f) Petitions. Following liquidation of an entry, a protest under Part 174 of this chapter may be filed against the decision to treat an item or a repair as dutiable under paragraph (a) of this section.

(g) Penalties. (1) Failure to report, enter, or pay duty. If the owner or master of a vessel subject to the provisions of paragraph (a) of this section willfully or knowingly neglects or fails to report, make entry, and pay duties as required, or if he makes any false statement in respect of the purchases or repairs described in this section without reasonable cause to believe the truth of the statements, or
providing for sterile chloramphenicol, 11788), Federal Register of March 2, 1979, corrected May 8, 1979 (44 FR 26900), FDA proposed to amend the antibiotic drug regulations by deleting the histamine test from certain chloramphenicol monographs for human and veterinary use. This test is unnecessary because of changes in the method of producing these antibiotic drugs.

Effective Date: October 30, 1980.

For further information contact: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

Supplementary Information: In the Federal Register of March 2, 1979 (44 FR 11778), corrected May 8, 1979 (44 FR 26900), FDA proposed to amend the antibiotic drug regulations by deleting the histamine test from the monographs providing for sterile chloramphenicol, sterile chloramphenicol succinate, and chloramphenicol injection for both human and veterinary use.

As discussed in the proposal, the histamine test has been a certification requirement for chloramphenicol in order to detect histaminelike substances that may be present in this antibiotic drug if improperly purified. However, because a change in the manner of production of chloramphenicol from all sources has eliminated the formation of histaminelike substances, this test has become no longer necessary. So that the regulations may reflect only the most appropriate methods of assay, FDA proposed that the histamine test for both human and veterinary use be deleted from the appropriate monographs. This action is consistent with the objectives of Executive Order 12044 "Improving Government Regulations."

Interested persons were given until May 1, 1979, to submit written comments. Only one comment was received in response to the proposal, and it favored the proposed change. Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 59 Stat. 463 as amended, 52 Stat. 350-351 [21 U.S.C. 357, 360b(n)]) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 436, 455, and 555 are amended as follows:

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

§ 436.35 [Amended]
1. Part 436 is amended in § 436.35.

"Histamine test by deleting the items "Chloramphenicol" and "Chloramphenicol sodium succinate" from the table in paragraph (a)."

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

2. Part 455 is amended:

a. In § 455.10a by deleting and reserving paragraphs (a)(1)(v) and (b)(5) and by revising paragraph (a)(3)(i) to read as follows:

§ 455.10a Sterile chloramphenicol.

(a) * * *

(b) * * *

(c) * * *

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, and specific rotation.

(b) * * *

5. [Reserved]

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

3. Part 555 is amended in § 555.210 by revising paragraphs (a)(1) and (3)(i)(b), and by deleting and reserving paragraph (b)(5), to read as follows:

§ 555.210 Chloramphenicol Injection.

(a) Requirements for certification—(1) Standards of identity, strength, quality, and purity. Chloramphenicol Injection is chloramphenicol, with or without one or more suitable and harmless buffer substances, dissolved in one or more suitable and harmless solvents. Each milliliter contains 250 milligrams of chloramphenicol. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its pH is not less than 4.7 and not more than 5.0. The chloramphenicol used conforms to the standards prescribed by § 455.10a(a)(4).
solvent vehicle. Each milliliter contains 100 milligrams of chloramphenicol. The chloramphenicol content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of chloramphenicol that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its pH is not less than 6.5 and not more than 8.5. The chloramphenicol used conforms to the standards prescribed by §455.10(a)(1) of this chapter.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before October 30, 1980, a written notice of participation and request for hearing, and (2) on or before December 1, 1980, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20. All submissions under this order must be filed in four copies, identified with the heading of this order and filed with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5800 Fishers Lane, Rockville, MD 20857.

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

Effective date. This amendment shall become effective October 30, 1980.

[Secs. 507, 512(n), 59 Stat. 463 as amended, 82 Stat. 359-351 (21 U.S.C. 357, 368(a))]


William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

For the Food and Drug Administration.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new antibiotic dosage form, amoxicillin trihydrate chewable tablets. The manufacturer has supplied sufficient data and information to establish the drug’s safety and efficacy.

DATES: Effective September 30, 1980; comments by October 30, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5800 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5800 Fishers Lane, Rockville, MD 20857, 301-443-4200.

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

The agency has determined pursuant to 21 CFR 201.15(b) (223) (proposed December 11, 1975; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a sufficient impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 440 is amended by adding new §440.103c as follows:

§ 440.103c Amoxicillin trihydrate chewable tablets.

(a) Requirements for certification—

(1) Standards of identity, strength, quality, and purity. Amoxicillin trihydrate chewable tablets are composed of amoxicillin trihydrate with or without one or more suitable lubricants, diluents, preservatives, drying agents, flavorings, and colorings. Each tablet contains amoxicillin trihydrate equivalent to either 125 or 250 milligrams of amoxicillin. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of amoxicillin that it is represented to contain. Its moisture content is not more than 6.0 percent. It passes the identity test. The amoxicillin trihydrate used conforms to the standards prescribed by §440.3[a](1).

(2) Labeling. In addition to the labeling requirements prescribed by §432.5 of this chapter, this drug shall be labeled “amoxicillin tablets.”

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

(i) Results of tests and assay on:

(a) The amoxicillin trihydrate used in making the batch for potency, safety, moisture, pH, remaining and total impurities, concordance, crystallinity, and identity;

(b) The batch for potency, moisture, and identity;

(ii) Samples required:

(a) The amoxicillin trihydrate used in making the batch: 12 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 30 tablets.

(b) Tests and methods of assay—

(1) Potency. Assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) Microbiological agar diffusion assay. Proceed as directed in §436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 0.1M potassium phosphate buffer, pH 8.0 [solution 3], to obtain a stock solution of convenient concentration. Blend for 3 to
5 minutes. Remove an aliquot and dilute with solution 3 to the reference concentration of 0.1 microgram of amoxicillin per milliliter (estimated).

(ii) Iodometric assay. Proceed as directed in §430.204 of this chapter, preparing the sample as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 5 minutes. Further dilute with solution 1 to the prescribed concentration.

(2) Moisture. Proceed as directed in §430.201 of this chapter.

(3) Identity. Proceed as directed in §430.311 of this chapter, preparing the sample as follows: Using a mortar and pestle, grind a representative number of tablets into a fine powder. Dissolve an accurately weighed amount of this powder in 0.1 N hydrochloric acid to give a solution containing 4 milligrams of amoxicillin per milliliter.

Because the conditions that must be met prior to providing for certification of this drug have been complied with, because the matter is noncontroversial, and because the marketing of this drug by other manufacturers would be delayed without good cause, the Food and Drug Administration finds that the delayed effective date is unnecessary and impractical, and that the amendment may become effective upon the date of publication in the Federal Register. However, interested persons may, on or before October 30, 1980, submit to the Hearing Clerk (HFA-285), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this regulation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the Hearing Clerk’s office between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before October 30, 1980, a written notice of participation and request for hearing, and (2) on or before December 1, 1980, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20. All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order, with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Because the conditions that must be met prior to providing for certification of this drug have been complied with, because the matter is noncontroversial, and because the marketing of this drug by other manufacturers would be delayed without good cause, the Food and Drug Administration finds that the delayed without-good-cause, the Food and Drug Administration finds that the delayed effective date is unnecessary and impractical, and that the amendment may become effective upon the date of publication in the Federal Register. However, interested persons may, on or before October 30, 1980, submit to the Hearing Clerk (HFA-285), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this regulation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the Hearing Clerk’s office between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective September 30, 1980.

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

Mary A. McEniry,
Assistant Director for Regulatory Affairs,
Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTAL INFORMATION: On April 15, 1980, the United States became a party to the Convention on Psychotropic Substances, 1971. In order to comply with the obligation imposed thereby, two substances, pipradrol and SPA, which are in Schedule IV of the treaty, must be controlled under the Controlled Substances Act of 1970.

Section 102(c) of the Psychotropic Substances Act of 1976 (21 U.S.C. 612) states that “with respect to pipradrol and SPA (also known as (-)-1-dimethylamino-1,2-diphenylethane), the Attorney General shall by order, made without regard to sections 201 and 222 of the Controlled Substances Act, place such drugs in Schedule IV of such Act.” These substances have no accepted medical use in the United States.

EFFECTIVE DATES: 1. Registration. Any person who manufactures, distributes, imports or exports pipradrol and SPA or who engages in research or conducts instructional activities with respect to these substances, or who proposes to engage in such activities, shall submit an application for registration to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations on or before December 1, 1980.

2. Security. Pipradrol and SPA must be manufactured, distributed, and stored in accordance with §§1301.71, 1301.72 (b)-(d), 1301.73, 1301.74(a)-(d), 1301.75(b)-(e) and 1301.76 of Title 21 of the Code of Federal Regulations on or before December 29, 1980. In the event this effective date imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time submitted to it on or before the required date of compliance.

3. Labeling and Packaging. All labels and labeling for commercial containers of pipradrol and SPA, packaged after December 1, 1980, shall comply with the requirements of §§1302.03–1302.05 and 1302.07–1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any "manufacturer," as defined in Section 102(14) of the Controlled
Substances Act (21 USC 802(14)), the Drug Enforcement Administration will entertain any justified requests for extensions of time submitted to it on or before the required date of compliance.

4. Inventory. Every registrant required to keep records, who possesses a quantity of pipradrol or SPA, shall take an inventory, pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of these substances on hand on December 1, 1980.

5. Records. All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall maintain records on pipradrol and SPA commencing on the date on which the inventories of these substances are taken.

6. Importation and Exportation. All importation and exportation of pipradrol and SPA on and after December 1, 1980, shall be in compliance with Part 3312 of Title 21 of the Code of Federal Regulations.

7. Criminal Liability. The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to pipradrol and SPA not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after December 1, 1980, shall be unlawful, except that any person who is not now registered to handle these substances but who is entitled to registration under such Acts may continue to conduct normal business or professional practice with these substances between the date on which the Rule is published and the date which he obtains or is denied registration; provided, that the application for such registration is submitted on or before December 1, 1980.


Peter B. Bensinger,
Administrator, Drug Enforcement Administration.

Under the authority vested in the Attorney General by Section 102(c) of the Psychotropic Substance Act of 1978 (21 U.S.C. 812), and delegated to the Administrator of the Drug Enforcement Administration pursuant to Sec. 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that Title 21 of the Code of Federal Regulations be amended by adding (e) [4] and (f) to § 1308.14:

§ 1308.14 Schedule IV.

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(e) * * * * * *
7. Reports. All registrants required to file reports on sufentanil and tilidine with the Drug Enforcement Administration pursuant to §§ 1304.37-1304.44 of Title 21 of the Code of Federal Regulations shall report on the inventory taken under paragraph 5 above and on all subsequent transactions.

8. Order Forms. Each distribution of sufentanil and tilidine on or after December 1, 1980, shall utilize an order form pursuant to Part 1305 of Title 21 of the Code of Federal Regulations.

9. Importation and Exportation. All importation and exportation of sufentanil and tilidine on and after December 1, 1980 shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. Criminal Liability. The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to sufentanil and tilidine not authorized by, or in violation of, the controlled substances Act or the Controlled Substances Import and Export Act, conducted after December 1, 1980, shall be unlawful, except that any person who is not now registered to handle these substances but who is entitled to registration under such Acts may continue to conduct normal business or professional practice with these substances between the date on which this Rule is published and the date on which he obtains or is denied registration; provided, that the application for such registration is submitted on or before December 1, 1980.

Peter B. Bensinger, Administrator, Drug Enforcement Administration.

Therefore, under the authority vested in the Attorney General by Section 201(d)(1) of the Controlled Substances Act [21 USC 812(d)(1)] and delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that Part 13 of Title 21 of the Code of Federal Regulations be amended as follows:

In § 1308.11, paragraph (b)(43) is redesignated as paragraph (b)(46) and new paragraphs (b)(48) and (b)(49) are added to read as follows:

§ 1308.11  Schedule I.

.....

(b) ..... Sufentanil, 9740.

(44) Tilidine, 9750.


[FR Doc. 90-20722 Filed 9-29-90; 9:05 am]
BILLING CODE 4110-64-M

21 CFR Part 1308
Exempt Chemical Preparation
Containing Controlled Substances

AGENCY: Drug Enforcement Administration.
ACTION: Final rule.

SUMMARY: By this rule, the below listed chemical preparations and mixtures which contain controlled substances have, as indicated, either been added to or deleted from the list of exempt chemical preparations set forth in Title 21, Code of Federal Regulations, § 1308.24. Those which are included in the list are exempted from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and from certain Drug Enforcement Administration regulations. This action is in response to DEA's periodic review of the exempt chemical preparation list and of applications for exemptions filed with DEA, and is consistent with the needs of researchers, chemical analysts, and suppliers of these products.

DATES: This rule is effective December 1, 1980, subject to being suspended, reinstated, revoked or amended by the Administrator; upon consideration of any comments or objections timely filed on or before December 1, 1980, which raise significant issues on any finding of fact or conclusion of law supporting this rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, telephone (202) 633-1366.

SUPPLEMENTARY INFORMATION: The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations (CFR) which ask that several chemical preparations containing controlled substances be granted the exemptions provided for in 21 CFR 1308.24.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to man or animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, or (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts and suppliers of these products.

Therefore, pursuant to the Act, the regulations of the Department of Justice and the Drug Enforcement Administration, the Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as hereinafter appears.

(See 201, 202, 501(b), Controlled Substances Act, 21 U.S.C. 811, 812, 871(b)).

Dated: September 24, 1980.
Peter B. Bensinger, Administrator.

a. Section 1308.24(i) is amended by deleting the following:

§ 1308.24 [Amended]

(i) *

Manufacturier or supplier: [Abbott Laboratories]
Product name and supplier's catalog No.: Thyroid Preparations, Diagnostic kit 500 tests.
Form of product: Kits 500 tests, 100 tests, 50 tests.
Date of application: July 8, 1977.

American Hospital Supply Corp. (Dado Division)


DATA-Topix CT 125-4. Buffered 1 Thyroxine Bottles 55 ml.

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(Milipore Corp. (Washington Diagnostics Division)

[Delete this company and all products listed under it]
Federal Register / Vol. 45, No. 191 / Tuesday, September 30, 1980 / Rules and Regulations
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b. Section 1308.24(i) is amended by amending the table in paragraph (i) by
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. D-80-621]

Revision of Programmatic Redegulations of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of withdrawal of delegation of authority.

SUMMARY: The Assistant Secretary for Housing—Federal Housing Commissioner is revising and updating the programmatic rededegations of authority setting forth the responsibilities for programs and functions authorized by the various Housing Statutes, Executive Orders and Intergovernmental Agreements. These rededegations are published in general Notice format in the Federal Register. These revised rededegations of authority supersede all previously published programmatic rededegations of authority, for Headquarters, to administer the particular Housing programs. This Notice, therefore, is necessary to revoke the present, obsolete delegations to particular Positions published under Title 24 of the Code of Federal Regulations.

EFFECTIVE DATE: September 12, 1980.

FOR FURTHER INFORMATION CONTACT: Barbara Hunter, Office of Management, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6623. This is not a toll free number.

SUPPLEMENTAL INFORMATION: The revisions to the rededegations of authority do not alter program policy or procedure but rather realign programmatic authority to reflect organizational lines of responsibility. Since this withdrawal involves only internal matters of agency management, it does not require comment and public procedure.

24 CFR, Subpart D, Chapter II, Part 200, is amended by revoking §§200.51 through 200.84a.

[Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 5355(d)); Secretary’s authority to redelgate published at 35 FR 5005 (1971); 38 FR 5007 (1971); 41 FR 32655 (1976); and 41 FR 24755 (1976)]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

24 CFR Part 150

[T.D. 7721]

Base Prices of Tier 2 and Tier 3 Oil

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary excise tax regulations relating to base prices of tier 2 and tier 3 oil for purposes of the windfall profit tax on oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. These base prices are generally determined under a formula calculated by reference to the actual removal price of oil rather than posted prices, which are used only for oil removed before October 1, 1980. The prices are those for oil removed during the base period, December 1979. The regulations also establish minimum base prices calculated by multiplying a property’s May 1979 upper tier ceiling price by 1.1 (for tier 2 oil) or 1.2 (for tier 3 oil).

This document also amends the rules relating to withholding of the windfall profit tax in the absence of current data on an effective operator’s certificate. In addition, the text of the temporary regulations set forth in this document serves as the text of proposed regulations cross-reference in the Proposed Rules section of this issue of the Federal Register.

DATES: The temporary regulations relating to base prices are effective with respect to liability for windfall profit tax upon crude oil removed from the premises after September 30, 1980. However, persons required to withhold or deposit the windfall profit tax may, at their option, continue to withhold or deposit under the old base price rules through November 30, 1980. Similarly, the amendment to the rules relating to operators’ certificates is effective on the later date unless the purchaser chooses an earlier date.


SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations under section 4996(d) of the Internal Revenue Code of 1954, relating to base prices for tier 2 and tier 3 oil. On April 4, 1980, temporary and proposed regulations under the Crude Oil Windfall Profit Tax Act of 1980 were published in the Federal Register. (45 FR 23394). The original temporary regulations (Treasury Decision 7720, published in the Federal Register for September 24, 1980) to clarify what constitutes a valid posted price. The interim rule expires on October 1, 1980 (or on an earlier date if a permanent rule is provided by regulations effective before that date). The new temporary regulations in this document provide a permanent rule for determining base prices, effective with respect to tax liability for crude oil removed from the premises after September 30, 1980. However, persons required to withhold or deposit the tax may, at their option, use the interim rule through November 30, 1980. Adjustments to withholding for prior inaccuracies in withholding, taking into account the new rules in the case of oil removed after September 30, 1980, shall be made pursuant to paragraph (c) of §450.4995-1.

The temporary regulations prescribed in this document are also proposed to be prescribed as final excise tax regulations (26 CFR Part 150) under sections 4996(d) and 4995 of the Internal Revenue Code of 1954.

Base Prices

These temporary regulations provide new excise tax regulations under Code section 4996(d), relating to base prices of tier 2 and tier 3 crude oil for purposes of the windfall profit tax. The windfall profit tax is imposed upon the windfall profit, defined as the difference between the removal price of the barrel of crude oil and the sum of the adjusted base price of the barrel of oil plus a
severance tax adjustment. The adjusted base price is the base price adjusted by an inflation adjustment formula provided in section 4996(b).

Under section 4988 (d) (1), the permanent base prices for tier 2 and tier 3 oil are prices determined pursuant to the method prescribed by regulations. The method prescribed by the regulations must be designed so as to yield, with respect to oil of any grade, quality, and field, a base price approximating the price at which such oil would have sold in December 1979 if it is assumed that all domestic crude oil was uncontrolled and the average removal price for all domestic crude oil (excluding Sadlerochit oil) was $15.20 a barrel (for tier 2 oil) and $16.55 a barrel (for tier 3 oil). The regulations provide a formula for determining base prices for tier 2 and tier 3 crude oil. The formula assumes that the same grade, quality, and location factors that caused a certain uncontrolled domestic crude oil to sell for more or less than the actual average uncontrolled price of all domestic crude oil (excluding Sadlerochit oil) in the base period would cause similar crude oil to sell for proportionately more or less than the applicable statutory average uncontrolled price of $15.20 or $16.55.

For purposes of the formula, the temporary regulations establish that the actual average removal price for uncontrolled domestic crude oil during the base period was $35.80.

Base Period Uncontrolled Sales

The temporary regulations in § 150.4989-1 (c) (4), provide rules relating to uncontrolled base period sales, which produce the variable price rules designed to approximate the price that oil would have sold in December 1979 if it is assumed that all domestic crude oil was uncontrolled and the average removal price for all domestic crude oil was $15.20 a barrel (for tier 2 oil) and $16.55 a barrel (for tier 3 oil). The term "base period" is defined as December 1979, pursuant to the statutory mandate in section 4989 (d) (1).

Constructive Uncontrolled Base Period Price

The temporary regulations, in § 150.4989-1 (c) (3), provide rules for determining the base price for tier 2 and tier 3 oil produced from a reservoir that did not produce oil sold by or for the purchaser in uncontrolled base period sales. In the case of a transfer of a property after November 30, 1979, the taxpayer takes the base price of the taxpayer's transferee. The taxpayer must obtain a statement of such base price from the transferee, the operator, or the first purchaser. In a case where no such transfer took place, the taxpayer's constructive uncontrolled base period sales price is determined by reference to the following prices (stated in the order of priority): The representative market or field price of oil of similar grade and quality produced from the same reservoir during the base period; or base period prices of oil of similar grade and quality purchased or sold by the taxpayer from the nearest reservoir that produced such oil during the base period; or the representative market or field price of such oil from the nearest reservoir (from which no oil was purchased or sold by the taxpayer in uncontrolled base period sales). If none of these rules apply, the tax shall be computed on the basis of the minimum base price under § 150.4989-1 (c) (6) of the temporary regulations. Similarly, if the taxpayer's particular facts and circumstances cause similar crude oil to sell for more or less than the actual selling price of certain oil during the base period did not reflect its value relative to other oil. The minimum base price rule is prescribed because the Treasury Department has determined that the actual selling price of certain oil during the base period did not reflect its value relative to other oil. The minimum base price rule is prescribed in response to a clear Congressional intention reflected in the legislative history of the windfall profit tax. The Conference Report (H. R. Rep. No. 95-477, 95th Cong., 2d Sess. 97 (March 7, 1979)) states: "The interim rule may lead to inequities in the case of oil produced in California and certain other areas because its December 1979 price was much lower, relative to the national average, than it had been in prior years and is likely to be in the future". The conferees noted that they had given "the Secretary enough flexibility to devise a permanent solution to this problem."

Absence of Complete and Current Operator's Certificate

The temporary regulations also amend the withholding rules under § 150.4989-1 (b) (2) that apply when the purchaser has not received the operator's certificate under paragraph (a) (8) or when the purchaser has reason to believe that certain information provided by the operator is not correct. The new rules provide that the purchaser may continue to rely on the portion of the certified information that there is no reason to believe is not correct. The rules also set forth assumptions that are to be substituted for the item of information that is missing or that the purchaser has reason to believe is not correct. These rules would apply, for example, when the effective date for the new rules for withholding on the permanent base price rule has passed and the purchaser has not yet received a revised base price certificate.

Waiver of Procedural Requirements of Treasury Directive

There is need for expeditious adoption of the provisions contained in this document because of the need to provide a permanent base price rule before the expiration of the interim base price rules on September 30, 1980, and because of the necessity of allowing sufficient time for those who must compute or withhold the windfall profit tax to ascertain the applicable base price. For this reason, Jerome Kurtz, Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

Drafting Information

The principal author of these regulations was Eileen Murphy of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, Part 150, Temporary Excise Tax Regulations under the Crude Oil Windfall Profit Tax Act of 1980, is amended as follows:

Paragraph 1. Paragraph (c) of § 150.4989-1 is revised to read as follows:

§ 150.4989-1 Adjusted base price.

(c) Base prices for tier 2 and tier 3 oil—(1) In general. Except as otherwise provided in the minimum base price and interim rules set forth in paragraph (c) (8) and (9) of this section, the base prices for tier 2 oil and tier 3 oil shall be determined under paragraph (c) (2) (3). Paragraph (c) (2) and (3) provides rules designed to approximate the price at which oil would have sold in December 1979, taking into account
quality, grade, and field, if it is assumed that all domestic crude oil was uncontrolled and the average removal price of all domestic crude oil (other than Sadlerochit oil) was $15.20 a barrel for tier 2 and $16.55 a barrel for tier 3 oil. The rules of paragraphs (c) (2) apply to oil produced from a reservoir that produced oil sold by or for the taxpayer in uncontrolled base period sales. The rules of paragraphs (c) (3) generally apply to all other tier 2 or tier 3 oil. For definitions relating to uncontrolled base period sales, see paragraph (c) (4). For effective date provisions, see paragraph (c) (7).

(2) Oil produced from a reservoir that produced oil sold by or for the taxpayer in uncontrolled base period sales. The base price for tier 2 or tier 3 oil produced from a reservoir that produced oil sold by or for the taxpayer in uncontrolled base period sales (see paragraph (c) (3)(i)) is determined by multiplying the uncontrolled base period price per barrel by the tier 2 multiplier in the case of tier 2 oil or by the tier 3 multiplier in the case of tier 3 oil. See paragraph (c) (3) for the definitions of the tier 2 multiplier and the tier 3 multiplier. The uncontrolled base period price per barrel of oil from a reservoir is the weighted average removal price per barrel of oil from the reservoir sold by or for the taxpayer in uncontrolled sales during the base period, determined without regard to any price adjustments made after February 29, 1980. The weighted average is obtained by multiplying the number of barrels sold at each price by the price at which the barrels were sold, adding the products, and dividing by the number of barrels sold in such sales.

(3) Oil produced from a reservoir that did not produce oil sold by or for the taxpayer in uncontrolled base period sales—(i) In general. The base price for tier 2 or tier 3 oil produced from a reservoir that did not produce oil sold by or for the taxpayer in uncontrolled base period sales is determined by multiplying the constructive uncontrolled base period price by the tier 2 multiplier in the case of tier 2 oil or by the tier 3 multiplier in the case of tier 3 oil. However, in the case of a transfer of a property to the taxpayer after November 30, 1979, if the taxpayer’s transferor sold production from the reservoir from which the taxpayer’s oil is produced in uncontrolled base period sales, the taxpayer’s base price shall be—

(A) If the taxpayer obtains a written statement under the penalties of perjury from the transferor, or the transferor’s operator or first purchaser, setting forth the transferor’s base price for tier 2 or tier 3 oil and all facts bearing on the correctness of that base price, the base price of the taxpayer’s transferor; and

(B) If the taxpayer does not obtainsuch a statement, the minimum base price provided in paragraph (c)(6) of this section.

(ii) Constructive uncontrolled base period price. For purposes of paragraph (c)(3)(i), the constructive uncontrolled base period price is the price that would have been obtained for the oil if it had been sold in uncontrolled sales by or for the taxpayer during the base period. In making this determination of constructive uncontrolled base period price:

(A) If oil of similar grade and quality was produced from the same reservoir and sold in uncontrolled sales during the base period, then the taxpayer’s constructive uncontrolled base period price is the representative market or field price of such oil.

(B) If paragraph (c)(3)(ii)(A) does not apply and oil of similar grade and quality (1) was sold or purchased by or for the taxpayer in uncontrolled sales during the base period, and (2) was produced from the nearest reservoir from which oil of similar grade and quality was sold by or for any producer in uncontrolled sales during the base period, then the taxpayer’s constructive uncontrolled base period price is the weighted average removal price per barrel of such oil.

(C) If paragraph (c)(3)(ii)(A) and (B) does not apply, then the taxpayer’s constructive uncontrolled base period price is the representative market or field price of oil of similar grade and quality from the nearest reservoir from which such oil was produced and sold (by or for a producer other than the taxpayer) in uncontrolled sales during the base period.

(iii) Exception. If the taxpayer does not make the determination required by paragraph (c)(3)(ii)(A), (B) or (C) of this section (whichever is applicable under the circumstances of the taxpayer) the tax shall be computed on the basis of a base price that is the minimum base price determined under paragraph (c)(6) of this section. For purposes of this subdivision, the term “representative market or field price” has the same meaning as the meaning with which that term is used in the regulations under section 613. Also, prices shall be determined without regard to any price adjustment made after February 29, 1980.

(iv) Uncontrolled base period sales. For purposes of paragraph (c) (1), (2), and (3) of this section, the term “uncontrolled sales” means sales in arms-length transactions at prices not subject to price controls imposed by the energy regulations. The term “base period” means December 1979.

(i) Tier 2 multiplier and tier 3 multiplier. For purposes of this section—

(A) The tier 2 multiplier is 0.42458 (the number representing the ratio of $15.20, the statutory average removal price for uncontrolled domestic crude oil to be used in the case of tier 2 oil, to $35.80, the actual average removal price for all uncontrolled domestic crude oil (except Sadlerochit oil) sold during the base period), and

(ii) The tier 3 multiplier is 0.40229 (the number representing the ratio of $16.55 to $35.80).

(B) Minimum base prices for tier 2 and tier 3 oil. The base price determined under paragraph (c) (1) through (5) of this section for tier 2 or tier 3 crude oil shall not be less than the product of—

(i) The ceiling price which would have applied to such oil under the March 1979 energy regulations if it had been produced and sold in May 1979 as upper tier oil, multiplied by

(ii) (A) 1.1 in the case of tier 2 oil, or

(B) 1.2 in the case of tier 3 oil.

For purposes of this determination, the grade and quality of the oil produced from the property in May 1979 shall be used.

(ii) Effective dates. The rules of paragraph (c) (1) through (6) of this section are effective with respect to tax liability for crude oil removed from the premises after September 30, 1980. However, persons required by §150.4995-1 to withhold windfall profit tax or by §150.4995-3 to deposit payments of that tax may, at their option, continue to use through November 30, 1980, the temporary rule set forth in paragraph (c) (6) of this section for purposes of determining the amount to be withheld or deposited. After November 30, 1980, withholding and depositing under the new rules are mandatory and adjustments to withholding for prior inaccuracies in withholding, taking account of the new rules in the case of oil removed after September 30, 1980, shall be made pursuant to paragraph (c) of §150.4905-1.

(C) Interim rule. (i) This subparagraph applies to oil removed during a month before October 1980. Except as provided in paragraph (c) (8)(ii) of this section, the base prices for tier 2 oil and tier 3 oil, respectively, shall be the product of—

(A) The highest posted price for December 31, 1979, for uncontrolled crude oil of the same grade, quality, and field, or, if there is no such posted price, the highest posted price for such date for uncontrolled crude oil at the nearest
domestic field for which prices for oil of the same grade and quality were posted for such date, multiplied by

(B) A fraction the denominator of which is $35, and the numerator of which is $15.50 for purposes of determining base prices of tier 2 oil and $16.55 for purposes of determining base prices of tier 3 oil.

In determining the base price for tier 2 or tier 3 oil, the grade and quality of the oil produced in December 1979 shall be used. For purposes of determining the highest posted price for December 31, 1979, "posted price" means a written statement of crude oil prices constituting an offer to purchase oil at that price circulated publicly among sellers and buyers of crude oil in a particular field in accordance with historic practices.

Although the formality of a printed price bulletin such as is published by major purchasers is not necessary for a price to be a valid posted price, the format of a publicly circulated written offer is necessary. The requirement that the offer be in writing and publicly circulated eliminates oral offers and offers made only to specified producers. Accordingly, other than the published price bulletins of the type traditionally issued by major oil companies, written offers to purchase constitute a "posted price" only if they are bona fide public offers of general applicability to crude oil producers in the field. For example, a letter from a purchaser to all crude oil producers in a field or in an area would constitute a posted price if the letter was a bona fide offer to purchase from all producers in that field or area. A written contract, of course, would not qualify as a posted price because it represents an agreement between a buyer and specific producer, not a bona fide offer to purchase from all producers.

Accordingly, in determining the "highest posted price," a producer should first determine which offers qualify as posted prices for December 31, 1979. Because a posted price must constitute an offer to purchase oil at that price, offers made only to specified producers are presumed to be applicable to every field within the named area, unless a particular field is specifically excluded. However, the existence of a price bulletin stating a higher price for specifically named fields within the same area supersedes the area-wide price bulletin for the named field only. Finally, posted prices do not include either offers to buy at a price not specified in a sum certain (e.g., a price "determined by the purchaser to be competitive") or premiums above posted prices which may have been paid for crude oil purchased on December 31, 1979.

(ii) Minimum interim base price. The base price determined under paragraph (b)(1) of this section for tier 2 oil or tier 3 oil shall not be less than the sum of—

(A) The ceiling price which would have applied to such oil under the March 1979 energy regulations if it had been produced and sold in May 1979 as upper tier oil, plus

(B) $1 in the case of tier 2 oil or $2 in the case of tier 3 oil.

For purposes of this determination, the grade and quality of the oil produced from the property in May 1979 shall be used.

Par. 2. Paragraph (b)(2) of § 150.4995-1 is revised to read as follows:

§ 150.4995-1 Requirement of withholding.

(b) Amount to be deducted and withheld. * * *

(2) Absence of complete and current operator's certification. (i) In general. This subparagraph applies if the purchaser has not received the certification required to be furnished by the operator to section 6050C and § 150.6050C-1, or if the certification does not contain all the information necessary for the purchaser to compute the amount to be withheld under paragraph (b)(1) of this section, or if the purchaser has reason to believe that any information contained in that certification that affects the tax computation is not correct (including information that was correct when provided but that has become incorrect, such as a base price that was correct under the interim rule of § 150.4999-1(c)(8) after that rule ceases to apply). In such a case, the amount of tax to be deducted and withheld under paragraph (a) of this section is the amount of tax imposed by section 6066 (without regard to the net income limitation provided in section 6066(b)) based on the information, if any, provided in the operator's certification that the purchaser has no reason to believe is not correct, and on the substitution of the following assumptions for any item of information that is absent from the certification or that the purchaser has reason to believe is not correct:

(A) If the item that is absent or that the purchaser has reason to believe is not correct is the tax tier of the oil, the amount equal to $12.11 multiplied by the inflation adjustment provided under section 4996(b)(1) for the calendar quarter in which the oil was removed,

(B) If the item that is absent or that the purchaser has reason to believe is not correct is the tax tier of the oil, the amount equal to $11.01 multiplied by the inflation adjustment provided under section 4996(b)(1) for the calendar quarter in which the oil was removed,

(C) If the item that is absent or that the purchaser has reason to believe is not correct is the tax tier of the oil, the amount equal to $12.11 multiplied by the inflation adjustment provided under section 4996(b)(1) for the calendar quarter in which the oil was removed,

(D) If the item that is absent or that the purchaser has reason to believe is not correct is the tax tier of the oil, the amount equal to $11.01 multiplied by the inflation adjustment provided under section 4996(b)(1) for the calendar quarter in which the oil was removed,

(E) If the item that is absent or that the purchaser has reason to believe is not correct is the tax tier of the oil, the amount equal to $13.21 multiplied by the inflation adjustment provided under section 4996(b)(1) for the calendar quarter in which the oil was removed,

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice
and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 4689(d)(1), 4965, 4967(b), and 7605 of title 28 of the United States Code and section 101 of the Crude Oil Windfall Profit Tax Act of 1980.

Jerome Kurtz,
Commissioner of Internal Revenue.
Approved: September 24, 1980.

Donald C. Lubick,
Assistant Secretary of the Treasury.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Processing of Employment Discrimination Charges


ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on designation of certain State and local fair employment practices agencies so that they may process employment discrimination charges filed with the Commission, within their jurisdiction.

EFFECTIVE DATE: September 30, 1980.


SUPPLEMENTARY INFORMATION: Publication of this amendment to Sec. 1601.74(a) effectuates the designation of the following agency as a 706 Agency: Huntington (WV) Human Relations Commission.

With the addition of the above mentioned agency 29 CFR § 1601.74 (a) and (b) are amended as follows:

Alaska Commission for Human Rights
Alexandria (Va.) Human Rights Office
Allentown (Pa.) Human Relations Commission
Anchorage (Alaska) Equal Rights Commission
Arizona Civil Rights Division
Augusta/Richmond County (Ga.) Human Relations Commission
Austin (Tex.) Human Relations Commission
Baltimore (Md.) Community Relations Commission
Bloomington (Ill.) Human Relations Commission
Bloomington (Ind.) Human Rights Commission
Broward County (Fla.) Human Relations Commission
California Department of Fair Employment and Housing
Charleston (W. Va.) Human Rights Commission
Clearwater (Fla.) Office of Community Relations
Colorado Civil Rights Commission
Colorado State Personnel Board
Commonwealth of Puerto Rico
Department of Labor
Connecticut Commission on Human Rights and Opportunity
Corpus Christi (Tex.) Human Relations Commission
Dade County (Fla.) Fair Housing and Employment Commission
Delaware Department of Labor
District of Columbia Office of Human Relations
East Chicago (Ind.) Human Relations Commission
Evansville (Ind.) Human Relations Commission
Fairfax County (Va.) Human Rights Commission
Florida Commission on Human Relations
Fort Wayne (Ind.) Metropolitan Human Relations Commission
Fort Worth (Tex.) Human Relations Commission
Gary (Ind.) Human Relations Commission
Georgia Office of Fair Employment Practices
Howard County (Md.) Human Rights Commission
Hawaii Department of Labor and Industrial Relations
Huntington (WV) Human Relations Commission
Idaho Commission on Human Rights
Illinois Department of Human Rights
Indiana Civil Rights Commission
Iowa Commission on Civil Rights
Jacksonville (Fla.) Community Relations Commission
Kansas Commission on Human Rights
Kentucky Commission on Human Rights
Lexington-Fayette (Ky.) Urban County Human Rights Commission
Lincoln (Neb.) Commission on Human Rights
Madison (Wl.) Equal Opportunities Commission
Maine Human Rights Commission
Maryland Commission on Human Relations
Massachusetts Commission Against Discrimination
Michigan Civil Rights Commission
Minnesota Department of Civil Rights
Missouri Commission on Human Rights
Montana Commission for Human Rights
Montgomery County (Md.) Human Rights Relations Commission
Nebraska Equal Opportunity Commission
Nevada Commission on Equal Rights of Citizens
New Hampshire Commission for Human Rights
New Hanover (NC) Human Relations Commission
New Jersey Division of Civil Rights, Department of Law and Public Safety
New Mexico Human Rights Commission
New York City (N.Y.) Commission on Human Rights
New York State Division on Human Rights
North Dakota Department of Labor
Ohio Civil Rights Commission
Oklahoma Human Rights Commission
Omaha (Neb.) Human Relations Commission
Oregon Bureau of Labor
Orlando (Fla.) Human Relations Commission
Pennsylvania Human Relations Commission
Philadelphia (Pa.) Commission on Human Relations
Pittsburgh (Pa.) Commission on Human Rights
Prince George's County (Md.) Human Relations Commission
Rhode Island Commission for Human Rights
Rockville (Md.) Human Rights Commission
St. Louis (Mo.) Civil Rights Enforcement Agency
St. Paul (Mn.) Department of Human Rights
St. Petersburg (Fla.) Office of Human Rights
Seattle (Wn.) Human Rights Commission
Sioux Falls (S.D.) Human Relations Commission
South Carolina Human Affairs Commission
South Dakota Division of Human Rights
Springfield (Oh.) Human Relations Commission
Tacoma (Wa.) Human Rights Commission
Tennessee Commission for Human Development
Utah Industrial Commission
Vermont Attorney General's Office, Civil Rights Division
Virginia Islands Department of Labor
Washington Human Rights Commission
West Virginia Human Rights Commission
Wheeling (W.Va.) Human Rights Commission
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[FRL 1619-8; PP OF2328/R275] 30 FR 27009; (42 USC 346a-[e])

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on raw Agricultural Commodities; N,N-Diethyl-2-(1-naphthalenylxoy)Propionamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the herbicide N,N-diethyl-2-(1-naphthalenylxoy)propionamide in or on the raw agricultural commodity pistachio nuts at 0.1 part per million (ppm). The regulation was requested by Stauffer Chemical Co. This regulation will establish the maximum permissible level for residues of the herbicide on pistachio nuts.

DATE: Effective on September 30, 1980.

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


SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of April 22, 1980 (45 FR 27009) that Stauffer Chemical Co., 1220 S. 47th St., Richmond, CA 94804, had filed a pesticide petition (OF2328) with the EPA. This petition proposed that a tolerance be established for residues of the herbicide N,N-diethyl-2-(1-naphthalenylxoy)propionamide in or on the raw agricultural commodity pistachio nuts at 0.1 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted included an acute oral lethal dose (LD₅₀) in rats of 4.64 grams (g)/kilogram (kg); an acute dermal LD₅₀ in rabbits of 4.64 g/kg; an eye irritation (rabbits)—non-irritating; an inhalation study in rats with an LD₅₀ greater than 9.5 milligrams (mg)/liter (l)/hour (hr); acute oral LD₅₀ in rats with an LD₅₀ greater than 5,000 mg/kg; acute dermal LD₅₀ with an LD₅₀ of greater than 2,000 mg/kg; an eye irritation (rabbits) non-irritating using 10 mg/eye; acute oral LD₅₀ (guinea pigs) with an LD₅₀ of 2,710 mg/kg; acute LD₅₀ (male mice) with an LD₅₀ greater than 4,640 mg/kg; a 90-day rat feeding study with a no-observed-effect-level (NOEL) of 25 mg/kg of body weight (bw)/day (reduced uterine weight); dog feeding study with a NOEL of 40 mg/kg of bw/day (loss of bw and effect on liver).

Information on data that are desirable or lacking are: submission of teratogenicity and mutagenicity data; and final review of a 2-year rat study; a 3-generation rat reproduction study; and a 2-year mouse study. Preliminary review of these studies show a NOEL of 10 mg/kg of bw/day.

Tolerances of 0.1 ppm have previously been established for N,N-diethyl-2-(1-naphthalenylxoy)propionamide in almond hulls and figs, and the crop groups: citrus fruits, pome fruits, small fruits, stone fruits, fruiting vegetables, and nuts. The allowable daily intake (ADI), maximal permissible intake (MPI), and theoretical maximal permissible intake (TMRC), cannot be calculated until completion of review of the long-term studies. Because a tolerance of 0.1 ppm has been previously established on the crop grouping-nuts, there is no additional risk to humans or the environment from establishment of this tolerance.

There are no regulatory actions pending against registration of this product. The nature of the residues are adequately understood and an adequate analytical method (gas chromatography using a nitrogen-specific Coulson Conductivity detector) is available for enforcement purposes. Because pistachios are not feed items and the label prohibits grazing, there is no reasonable expectation of secondary residues in meat, milk, poultry, or eggs, as a result of this tolerance. The tolerance will protect the public health.

Any person adversely affected by registration of this pesticide may, October 30, 1980 file written objections with the Hearing Clerk, Rm. M-3708, (A-110), EPA, 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective on: September 30, 1980.

(Sec. 406(d)(2), 86 Stat. 512, (21 US.C. 346a[e])


Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting "pistachio nuts" in the table under § 180.328 to read as follows:

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Parts per million</th>
<th>ppm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pistachio nuts</td>
<td>* * * * *</td>
<td>0.1</td>
</tr>
</tbody>
</table>

[FR Doc. 80-20209 Filed 9-30-80; 8:45 am]

BILLING CODE 6570-81-M
DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5767

Alaska; Public Land Order No. 5707; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This document will correct an error in the land description of Public Land Order No. 5707 of February 11, 1980.

EFFECTIVE DATE: September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Beau McClure 202-343-6511.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 50 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

In FR Doc. 80-4707 appearing at 45 FR 9502 published on February 12, 1980, the last line of the second paragraph on page 9504 is corrected by replacing "32 W" with "83 W" immediately before the words "Seward Meridian." That paragraph shall now read:

Thence easterly, on the First Standard Parallel North approximately 12½ miles to the standard ¼ section corner of section 33, T. 5 N., R. 33 W., Seward Meridian; September 22, 1980.

Guy R. Martin, Assistant Secretary of the Interior.

[FR Doc. 80-50757 Filed 9-25-80; 8:45 am]

BILLING CODE 4310-54-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 6

Rules Pertaining to Systems of Records Exempt From Certain Requirements of the Privacy Act of 1974

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the Federal Emergency Management Agency, hereby adopts a rule exempting certain systems of records under subsections (j) and (k) of the Privacy Act. The systems are proposed to be exempted to maintain confidentiality of data obtained from various sources which are investigative in nature and are used for law enforcement purposes. Exempted are records in any of the systems of records maintained by FEMA which contain any information properly classified under Executive Orders and which are required by the Executive Order to be kept secret in the national defense or foreign policy.


DATE: This rule is effective September 30, 1980.

SUPPLEMENTARY INFORMATION:
Reorganization Plan No. 3 of 1978 established the Federal Emergency Management Agency. The Plan was activated effective April 1, 1979, by Executive Order 12127 "Federal Emergency Management Agency," 44 FR 19307. The Plan, Executive Order 12127 and Executive Order 12148 "Federal Emergency Management Agency," effective July 15, 1979, 44 FR 45339, together transferred to the new agency functions of five existing agencies in four departments of parent agencies. Because the records were transferred to the Federal Emergency Management Agency, it is necessary for us to now exempt these systems under FEMA regulations rather than the predecessor departments' parent agencies' regulations. The systems were all existing exempt systems of records prior to the creation of FEMA. On August 1, 1980, at 45 FR 51426, FEMA published a notice of proposed rulemaking. Comments were due September 2, 1980. None has been received. This rule is procedural and hence can be made effective immediately.

In accordance with the above, Part 6 of Chapter 1 of Title 44 CFR is amended:

(1) By adding § 6.86 and 6.87 to the Table of Contents under Subpart G.

Subpart G—Exempt Systems of Records

Sec.
6.86 General exemptions.
6.87 Specific exemptions.

(2) By adding at the end of Subpart G as follows:

Subpart G—Exempt Systems of Records
§ 6.86 General exemptions.
(a) Whenever the Director, Federal Emergency Management Agency, determines it to be necessary and proper, with respect to any system of records maintained by the Federal Emergency Management Agency, to exercise the right to promulgate rules to exempt such systems in accordance with the provisions of 5 U.S.C. 552a (j) and (k), each specific exemption, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for each exemption shall be published in the Federal Register as part of FEMA’s Notice of Systems of Records.

(b) Exempt under 5 U.S.C. 552a(j)(2) from the requirements of 5 U.S.C. 552a(e) (3) and (4), (d), (e)(1), (c), (d), (e)(4)(G), (H), and (f) (e) (6) and (f)(1) and (g) of the Privacy Act.

(1) Exempt systems. The following systems of records, which contain information of the type described in 5 U.S.C. 552a(j)(2), shall be exempt from the provisions of 5 U.S.C. 552a listed in paragraph (b) of this section.

General Investigative Files (FEMA/IG-2)—Limited Access
(2) Reasons for exemptions. (i) 5 U.S.C. 552a(e)(4)(G) and (f)(1) enable individuals to be notified whether a system of records contains records pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed system of records would give individuals an opportunity to learn whether they are of record either as suspects or as subjects of a criminal investigation; this would compromise the ability of the Federal Emergency Management Agency to complete investigations and identify or detect violators of laws administered by the Federal Emergency Management Agency or other Federal agencies.

Individuals would be able (A) to take steps to avoid detection, (B) to inform co-conspirators of the fact that an investigation is being conducted, (C) to learn the nature of the investigation to which they are being subjected, (D) to learn the type of surveillance being utilized, (E) to learn whether they are only suspects or identified law violators, (F) to continue to resume their illegal conduct without fear of detection upon learning that they are not in a particular system of records, and (G) to destroy evidence needed to prove the violation.

(ii) 5 U.S.C. 552a (d)(1), (e)(4)(H) and (f)(2), (3) and (5) enable individuals to gain access to records pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed system of records would compromise its ability to complete or continue criminal investigations and to detect or identify violators of laws administered by the Federal Emergency Management Agency or other Federal agencies. Permitting access to records contained in the above-listed system of records would provide individuals with significant information concerning the nature of the investigation, and this could enable them to avoid detection or apprehension in the following ways: (A) By discovering the collection of facts.
which would form the basis for their arrest, (B) by enabling them to destroy evidence of criminal conduct which would form the basis for their arrest, and (C) by learning that the criminal investigators had reason to believe that a crime was about to be committed, they could delay the commission of the crime or change the scene of the crime to a location which might not be under surveillance. Granting access to ongoing or closed investigative files would also reveal investigative techniques and procedures, the knowledge of which could enable individuals planning criminal activity to structure their future operations in such a way as to avoid detection or apprehension, thereby neutralizing law enforcement officers' established investigative tools and procedures. Furthermore, granting access to investigative files and records could disclose the identity of confidential sources and other informers and the nature of the information which they supplied, thereby endangering the life or physical safety of those sources of information by exposing them to possible reprisals for having provided information relating to the criminal activities of those individuals who are the subjects of the investigative files and records; confidential sources and other informers might refuse to provide criminal investigators with valuable information if they could not be secure in the knowledge that their identities would not be revealed through disclosure of either their names or the nature of the information they supplied, and this would seriously impair the ability of the Federal Emergency Management Agency to carry out its mandate to enforce criminal and related laws. Additionally, providing access to records contained in the above-listed system of records could reveal the identities of undercover law enforcement personnel who compiled information regarding individual's criminal activities, thereby endangering the life or physical safety of those undercover personnel or their families by exposing them to possible reprisals.

(iii) 5 U.S.C. 552a(d) (2), (3) and (4), (e)(4)(H) and (f)(4), which are dependent upon access having been granted to records pursuant to the provisions cited in paragraph (b)(iii) of this section, enable individuals to contest (seek amendment to) the content of contents contained in a system of records and require an agency to note an amended record and to provide a copy of an individual's statement (of disagreement with the request to amend the record) to persons or other agencies to whom the record has been disclosed. The Federal Emergency Management Agency believes that the reasons set forth in paragraph (b)(ii) of this section are equally applicable to this paragraph and, accordingly, those reasons are hereby incorporated herein by reference.

(iv) 5 U.S.C. 552a(c)(3) requires that an agency make accounting of disclosures of records available to individuals named in the records at their request; such accounting must state the date, nature and purpose of each disclosure of a record and the name and address of the recipient. The Federal Emergency Management Agency believes that application of this provision to the above-listed system of records would impair the ability of other law enforcement agencies to make effective use of information provided by the Federal Emergency Management Agency in connection with the investigation, detection and apprehension of violators of the criminal laws enforced by those other law enforcement agencies. Making accounting of disclosure available to violators or possible violators would alert those individuals to the fact that another agency is conducting an investigation into their criminal activities, and this could reveal the geographic location of the other agency's investigation, the nature and purpose of that investigation, and the dates on which that investigation was active. Violators possessing such knowledge would thereby be able to take appropriate measures to avoid detection or apprehension by altering their operations, by transferring their criminal activities to other geographic areas or by destroying or concealing evidence which would form the basis for their arrest. In addition, providing violators with accounting of disclosure would alert those individuals to the fact that the Federal Emergency Management Agency has information regarding their criminal activities and could inform those individuals of the general nature of that information; this, in turn, would afford those individuals a better opportunity to take appropriate steps to avoid detection or apprehension for violations of criminal and related laws.

(v) 5 U.S.C. 552a(e)(4) requires that an agency inform any person or other agency about any correction or notation of dispute made by the agency in accordance with 5 U.S.C. 552a(d) of any record that has been disclosed to the person or agency if an accounting of the disclosure was made. Since this provision is dependent upon an individual's having been provided an opportunity to contest (seek amendment to) records pertaining to him/her, and since the above-listed system of records is proposed to be exempt from those provisions of 5 U.S.C. 552a relating to amendments of records as indicated in paragraph (b)(iii) of this section, the Federal Emergency Management Agency believes that this provision should not be applicable to the above system of records.

(vi) 5 U.S.C. 552a(e)(4)(I) requires that an agency publish a public notice listing the categories of sources for information contained in a system of records. The categories of sources of this system of records have been published in the Federal Register in broad generic terms in the belief that this is all that subsection (e)(4)(I) of the Act requires. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in this system, exemption from this provision is necessary in order to protect the confidentiality of the sources of criminal and other law enforcement information. Such exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(vii) 5 U.S.C. 552a(e)(4) requires that an agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The term "maintain" as defined in 5 U.S.C. 552a(3) includes "collect" and "disseminate." At the time that information is collected by the Federal Emergency Management Agency, there is often insufficient time to determine whether the information is relevant and necessary to accomplish a purpose of the Federal Emergency Management Agency; in many cases information collected may not be immediately susceptible to a determination of whether the information is relevant and necessary, particularly in the early stages of an investigation, and in many cases, information which initially appears to be irrelevant or unnecessary may, upon further evaluation or upon continuation of the investigation, prove to have particular relevance to an enforcement program of the Federal Emergency Management Agency. Further, not all violations of law discovered during a criminal investigation fall within the investigative jurisdiction of the Federal Emergency Management Agency; in order to promote effective law enforcement, it often becomes necessary and desirable to disseminate information pertaining to such violations to other law enforcement agencies.
which have jurisdiction over the offense to which the information relates. The Federal Emergency Management Agency should not be placed in a position of having to ignore information relating to violations of law not within its jurisdiction when that information comes to the attention of the Federal Emergency Management Agency through the conduct of a lawful FEMA investigation. The Federal Emergency Management Agency, therefore, believes that it is appropriate to exempt the above-listed system of records from the provisions of 5 U.S.C. 552a(e)(1).

(ix) 5 U.S.C. 552a(e)(2) requires that an agency collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual in the determination. Since the individual is made available to an agency, the individual is made available to the agency in the determination.

(x) 5 U.S.C. 552a(e)(3) requires that an agency make reasonable effort to serve notice on an individual when any record on the individual is made available to any person under compulsory legal process when such process becomes a matter of public record. The Federal Emergency Management Agency believes that the above-listed system of records should be exempt from this provision in order to avoid revealing investigative techniques and procedures outlined in those records and in order to prevent revelation of the existence on an on-going investigation where there is a need to keep the existence of the investigation secret.

(xi) 5 U.S.C. 552a(g) provides civil remedies to an individual for an agency's refusal to amend a record or to make a review of a request for amendment; for an agency's refusal to grant access to a record; for an agency's failure to maintain accurate, relevant, timely and complete records which are used to make a determination which is adverse to the individual; and for an agency's failure to comply with any other provision of 5 U.S.C. 552a in such a way as to have an adverse effect on an individual. The Federal Emergency Management Agency believes that the above-listed system of records should
be exempted from this provision to the extent that the civil remedies provided therein may relate to provisions of 5 U.S.C. 552a from which the above-listed system of records is proposed to be exempt. The provisions of 5 U.S.C. 552a enumerated in paragraphs (i) through (xi) of this section are proposed to be inapplicable to the above-listed systems of records for the reasons stated therein, there should be no corresponding civil remedies for failure to comply with the requirements of those provisions to which the exemption is proposed to apply. Further, the Federal Emergency Management Agency believes that application of this provision to the above-listed system of records would adversely affect its ability to conduct criminal investigations by exposing to civil court action every stage of the criminal investigative process in which information is compiled or used in order to identify, detect, or otherwise investigate suspected or known to be engaged in criminal conduct.

(xiii) Individuals may not have access to another agency’s records, which are contained in files maintained by the Federal Emergency Management Agency, when that other agency’s regulations provide that such records are subject to general exemption under 5 U.S.C. 552a(f). If such exempt records are within a request for access, FEMA will advise the individual of their existence and of the name and address of the source agency. For any further information concerning the record and the exemption, the individual must contact that source agency.

§ 6.87 Specific exemptions.

(a) Exempt under 5 U.S.C. 552a(k)(1).

Records in any of the systems of records maintained by the Federal Emergency Management Agency which contain any information properly classified under Executive Order 12205 or subsequent Executive Orders and which are required by the Executive Order to be kept secret in the national defense or foreign policy are exempt from requirements of (d) and (f) of the Act. This exemption which conceivably could be applicable to individual records in any of the systems of records for which FEMA has published a system’s notice is necessary because certain records in a system not specifically designated could contain isolated items of information which have been properly classified and which cannot be disclosed.

(b) Exempt under 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (e)(3), (d), (e)(1), (e)(4), (G), (H), and (l), and (f). The Federal Emergency Management Agency will not deny individuals access to information which has been used to deny them a right, privilege, or benefit to which they would otherwise be entitled.

(1) Exempt systems. The following systems of records, which contain information of the type described in 5 U.S.C. 552a(k)(2), shall be exempt from the provisions of 5 U.S.C. 552a listed in paragraph (b) of this section.

General Investigative Files (FEMA/IG-2)—Limited Access

Equal Employment Opportunity complaints of discrimination files (FEMA/EO-1)—Limited Access

Claims (litigation), (FEMA/GC-1)—Limited Access

FEMA Enforcement (Compliance), (FEMA/GC-2)—Limited Access

Operating Personnel Folder Files (FEMA/SUP-1)—Limited Access

(2) Reasons for exemptions. (i) 5 U.S.C. 552a(e)(4)(G) and (f)(1) enable individuals to be notified whether a system of records contains records pertaining to them. The Federal Emergency Management Agency believes that application of these provisions to the above-listed systems of records would impair the ability of FEMA to successfully complete investigations and inquiries of suspected violators of civil and criminal laws and regulations under its jurisdiction. In many cases investigations and inquiries into violations of civil and criminal laws and regulations involve complex and continuing patterns of behavior. Individuals, if informed, that they have been identified as suspected violators of civil or criminal laws and regulations, would have an opportunity to take measures to prevent detection of illegal action so as to avoid prosecution or the imposition of civil sanctions. They would also be able to learn the nature and location of the investigation or inquiry, the type of surveillance being utilized, and they would be able to transmit this knowledge to co-conspirators. Finally, violators might be given the opportunity to destroy evidence needed to prove the violation under investigation or inquiry.

(ii) 5 U.S.C. 552a(d)(1), (e)(4)(H) and (f)(2), (3) and (5) to the above-listed systems of records would provide violators with significant information concerning the nature of the civil or criminal investigation or inquiry. Knowledge of the facts developed during an investigation or inquiry would enable violators of criminal and civil laws and regulations to learn the extent to which the investigation or inquiry has progressed, and this could provide them with an opportunity to destroy evidence that would form the basis for prosecution or the imposition of civil sanctions. In addition, knowledge gained through access to investigatory material could alert a violator to the need to temporarily postpone commission of the violation or to change the intended point where the violation is to be committed so as to avoid detection or apprehension. Further, access to investigatory material would disclose investigative techniques and procedures which, if known, could enable violators to structure their future operations in such a way as to avoid detection or apprehension, thereby neutralizing investigators’ established and effective investigative tools and procedures. In addition, investigatory material may contain the identity of a confidential source of information or other informer who would not want his/her identity to be disclosed for reasons of personal privacy or for fear of reprisal at the hands of the individual about whom he/she supplied information. In some cases mere disclosure of the information provided by an informer would reveal the identity of the informer either through the process of elimination or by virtue of the nature of the information supplied. If informers cannot be assured that their identities (as sources for information) will remain confidential, they would be very reluctant in the future to provide information pertaining to violations of criminal and civil laws and regulations, and this would seriously compromise the ability of the Federal Emergency Management Agency to carry out its mission. Further, application of 5 U.S.C. 552a(d)(1), (e)(4)(H) and (f)(2), (3) and (5) to the above-listed systems of records would make available the work product and other documents which contain evaluations, recommendations, and discussions of on-going civil and criminal legal proceedings; the availability of such documents could have a chilling effect on the free flow of information and ideas within the Federal Emergency Management Agency which is vital to the agency’s predecisional deliberative process, could seriously prejudice the agency’s or the Government’s position in a civil or criminal litigation, and could result in the disclosure of investigatory material...
which should not be disclosed for the reasons stated above. It is the belief of the Federal Emergency Management Agency that, in both civil actions and criminal prosecutions, due process will assure that individuals have a reasonable opportunity to learn of the existence of, and to challenge, investigatory records and related materials which are to be used in legal proceedings.

(iii) 5 U.S.C. 552a (d)(2), (3) and (4), (e)(4)(H) and (f)(4) which are dependent upon access having been granted to records pursuant to the provisions cited in paragraph (b)(ii) of this section, enable individuals to contest (seek amendment to) the content of records contained in a system of records and require an agency to note an amended record; and to provide a copy of an individual’s statement of disagreement with the agency’s refusal to amend a record) to persons or other agencies to whom the record has been disclosed. The Federal Emergency Management Agency believes that the reasons set forth in paragraphs (b)(i) and (b)(ii) of this section are equally applicable to this subenragraph, and, accordingly, those reasons are hereby incorporated herein by reference.

(iv) 5 U.S.C. 552a(c)(3) requires that an agency make accountings of disclosures of records available to individuals named in the records at their request; such accountings must state the date, nature, and purpose of each disclosure of a record and the name and address of the recipient. The Federal Emergency Management Agency believes that application of this provision to the above-listed systems of records would impair the ability of the Federal Emergency Management Agency and other law enforcement agencies to conduct investigations and inquiries into civil and criminal violations under their respective jurisdictions. Making accountings available to violators would alert those individuals to the fact that the Federal Emergency Management Agency or another law enforcement authority is conducting an investigation or inquiry into their activities, and such accountings could reveal the geographic location of the investigation or inquiry, the nature and purpose of the investigation or inquiry and the nature of the information disclosed, and the date on which that investigation or inquiry was active. Violators possessing such knowledge would thereby be able to take appropriate measures to avoid detection or apprehension by altering their operations, transferring their activities to other locations or destroying or concealing evidence which would form the basis for prosecution or the imposition of civil sanctions.

(v) 5 U.S.C. 552a(e)(1) requires that an agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The term “maintain” as defined in 5 U.S.C. 552a(a)(3) includes “collect” and “disseminate.” At the time that information is collected by the Federal Emergency Management Agency there is often insufficient time to determine whether the information is relevant and necessary to accomplish a purpose of the Federal Emergency Management Agency; in many cases information collected may not be immediately susceptible to a determination of whether the information is relevant and necessary, particularly in the early stages of investigation or inquiry, and in many cases information which initially appears to be irrelevant or unnecessary may, upon further evaluation or upon continuation of the investigation or inquiry, prove to have particular relevance to an enforcement program of the Federal Emergency Management Agency. Further, not all violations of law uncovered during a Federal Emergency Management Agency inquiry fall within the civil or criminal jurisdiction of the Federal Emergency Management Agency; in order to promote effective law enforcement, it often becomes necessary and desirable to disseminate information pertaining to such violations to other law enforcement agencies which have jurisdiction over the offense to which the information relates. The Federal Emergency Management Agency should not be placed in a position of having to ignore information relating to violations of law not within its jurisdiction when that information comes to the attention of the Federal Emergency Management Agency through the conduct of a lawful FEMAs civil or criminal investigation or inquiry. The Federal Emergency Management Agency therefore believes that it is appropriate to exempt the above-listed systems of records from the provisions of 5 U.S.C. 552a(e)(1).

Dated: September 24, 1980.

John W. Macy, Jr.,
Director.

[FR Doc. 80-30221 Filed 9-30-80; 8:45 am]
BILLING CODE 6710-01-M

44 CFR Part 205
[Docket No. DR-205E]
Disaster Assistance; Public Assistance (Subpart E) Amendment
ACTION: Final rule.

SUMMARY: This rule adds material concerning snow removal assistance under the Disaster Relief Act of 1974 by amending portions of 44 CFR Part 205, Subpart E (Public Assistance). The existing rule is expanded to incorporate certain material published previously in FEMAs Guidelines on Snowstorm Emergencies. Portions of the material were revised to clarify snow removal policy and procedures.

EFFECTIVE DATE: October 30, 1980.


SUPPLEMENTARY INFORMATION: A notice issued in the Federal Register on May 2, 1979, establishing CFR Title and Chapter for FEMA regulations (Title 44, Chapter L, Federal Emergency Management Agency, with Subchapters A-E) indicated that Disaster Assistance would be Subchapter D, Parts 200-299. On September 28, 1979, FEMA published a Notice of Transfer and Redesignation that transferred the Federal Disaster Assistance Regulations from 24 CFR Parts 2200-2205 to 44 CFR Part 200 et seq. The regulations implementing the Disaster Relief Act of 1974, Pub. L. 93-288 (44 CFR Part 205), are in the process of reorganization and revision. On November 1, 1979, the then Acting Director for Disaster Response and Recovery published in the Federal Register (44 FR 63061) a proposed rule to revise and recodify the material concerning eligibility for public assistance in the existing 44 CFR 205 as a new Subpart E. The rule was expanded to incorporate material previously published in the FEMA Eligibility Handbook, DRR-2 and portions were revised to clarify existing policy and procedures. Comments were invited to December 31, 1979. Ninety-four responses to the proposed rulemaking commented on FEMA's emergency snow removal policy. These included 20 from State officials; 68 from local officials; five from members of Congress; and one from the Federal Highway Administration. Sixty-six of the sixty-eight local responses were
from Illinois and most were very similar in phraseology and content to a sample letter sent to heads of local governments by the Illinois Director of Emergency Services. Considering these numerous comments and the fact that the 1979–1980 winter season had passed, the Associate Director decided to reserve paragraphs 44 CFR 205.72(f); 44 CFR 205.74[c](6); and 44 CFR 205.76[d](4) pending further consultation with individuals representing local and State governments who have participated in past Federal programs of emergency snow removal assistance or who have raised many of the issues in the comments. The final rule with the snow removal assistance policy deleted was published on August 13, 1980 (45 FR 53856).

Subsequently, the proposed FEMA snow removal assistance policy was revised following further FEMA consultations with the Federal Highway Administration and the U.S. Army Corps of Engineers, plus discussions with State and local officials on August 14, 1980. Changes were made to (1) modify the proposed definitions of streets and roads etc., in 44 CFR 205.75(o)(6)(i) to conform to the terminology used by the Federal Highway Administration; (2) provide that States are eligible applicants under Section 205.72(f); (3) establish a basis for, in some instances, waiving the requirement for an applicant to cost share under Section 205.76(f)(4)(i) when it is financially impossible to do so; and (4) allow certain mobilization/demobilization costs as eligible for reimbursement under Section 205.76[d](4)(iv)(c). The above changes are responsive to the major objections registered against the proposed rule.

A Finding of No Significant Impact has been made in accordance with FEMA Environmental Assessment regulations 44 CFR Part 10.9(e).

Interested parties may obtain and inspect copies of this Finding of No Significant Impact at the Office of the Associate Director, Federal Emergency Management Agency, Washington, D.C. 20573.

The regulation is in consonance with the provisions of the Executive Order dated November 16, 1979, and does not impose an unnecessary burden on the small business sector of the economy.

The regulation does not impact adversely on the central cities, suburban communities, or non-metropolitan communities. As provided in Executive Order 12094 dated March 23, 1980, the regulation does not have any significant economic consequences on the general economy, individual industries, geographic regions, or levels of government.

Also, certain renumbering is necessary in Subpart A of Part 205. Accordingly, 44 CFR Part 205 is amended by renumbering Section 205.501 and 205.602 as 205.17 and 205.18, respectively, and the Table of Contents to Subpart A is amended by adding these sections with appropriate title. The renumbering is effective September 30, 1980.

Accordingly, 44 CFR Part 205 of the Federal Disaster Assistance Regulations is amended by adding Sections 205.72(f), 205.74[c](6) and 205.76[d](4) to Subpart E (Public Assistance) as follows:

Subpart E—Public Assistance

§ 205.72 Applicability.

* * * * *

(f) Eligibility of applicants for emergency snow removal assistance. (1) To qualify as an eligible applicant, any State or local government (as defined in section 102(4) or (6), of the Act) must have adequately documented responsibility for emergency snow removal from thru public roads or thru public streets. (2) Private non-profit organizations are not eligible.

§ 205.74 Emergency work.

* * * * *

(c) Emergency protective measures. * * * * *

(6) Emergency snow removal assistance.

(1) Definitions: (A) “Local roads and streets” means local county roads and city streets which do not serve thru traffic and are of only local interest. Their main function is to provide access to abutting property. (B) “Collector roads and streets” means local collector roads and streets which serve thru traffic and provide access to higher type roads and facilitate community activities but are primarily of local interest. One of their major functions is to provide access of abutting property. (C) “Minor arterial roads and streets” means roads and streets which serve thru traffic and provide access to higher type roads, connecting communities in nearby areas in addition to serving adjacent property. (D) “Principal arterials” means roads and streets which serve thru traffic and are of statewide interest. They carry high volumes of traffic between population centers and are designed to facilitate traffic movement with limited land access. It also means roads and streets which serve thru traffic only and provide no access to abutting property. (For further clarification, refer to the functional classifications for highways as determined pursuant to 23 CFR 470.107(b)(3)).

(ii) Eligible work. When approved by the Regional Director, the following types of facilities are eligible: (A) Thru traffic lanes of collector roads and streets; minor arterial roads and streets and principal arterials. (B) Tracks and rights-of-way of urban mass transit systems only when necessary for the resumption of urban high volume traffic.

(iii) Ineligible work. The following types of facilities are not eligible: (A) Local roads and streets (these normally will include alleys and cul-de-sacs and residential streets where 24-hour parking is permitted during snow emergencies). (B) Other facilities including: (1) parking lots (except where needed and used for emergency snow removal operations) (2) playgrounds (3) recreational or park facilities (4) airports (except for emergency road access) (5) public housing authorities (except for emergency entrance to housing areas) (6) cultural facilities (7) hospitals and other medical care facilities (except for emergency access).

§ 205.76 Eligibility of costs.

* * * * *

(d) Emergency work. * * * * *

(1) Snow removal. (i) FEMA reimbursement will be made to eligible applicants (see Part 44 CFR 205.72(f)(1)) in an amount not to exceed one half of the eligible costs incurred for eligible work performed in designated areas during the established incidence period, except in those unusual cases when the applicant and the State are financially unable to cost share as determined by the FEMA Associate Director, OD&R.

(ii) Any applicant which requested direct Federal assistance for emergency snow removal shall reimburse FEMA for one half of the eligible costs incurred for eligible work performed in designated areas during the established incidence periods including any overhead or administrative expenses paid by FEMA to the Federal agency performing the mission assignment, except in those unusual cases as indicated in Section 205.76[d](4)(i), above.

(iii) The following types of costs may be eligible when approved by the Regional Director: (A) Costs of equipment operations to perform eligible emergency snow removal. Only those types of equipment are eligible that are listed in the
DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Ch. I

[CGD 80-123]

Approval of Incorporation by Reference Material and Editorial Changes

AGENCY: Coast Guard, DOT.

ACTION: Editorial changes.

SUMMARY: This document announces editorial and format changes to Title 46, Chapter I, of the Code of Federal Regulations made necessary by new publication procedures required by the Office of the Federal Register. These procedures are intended to make it easier for the public to identify incorporated material and to ensure that only material currently enforced by an agency is incorporated by reference.

Additionally, this document announces editorial changes made necessary by the Panama Canal Treaty of 1977. Regulations in the chapter no longer apply to Panama Canal Zone for lack of territorial jurisdiction. Therefore, references to the Panama Canal Zone are being deleted.

This document also corrects the mailing address (zip code) of U.S. Coast Guard Headquarters.

EFFECTIVE DATE: These changes are effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce P. Novak, Marine Safety Council (G-CMC), Room 2410, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1429.

Issued at Washington, D.C.

Dated: September 25, 1980.

William H. Wilcox,
Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-30210 Filed 9-29-80; 8:45 a.m.]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of the Moosehorn National Wildlife Refuge, Maine, to Hunting

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to hunting of Moosehorn National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: November 8, 1980, through November 29, 1980. Saturday, November 8, will be open for Maine resident hunters only.

FOR FURTHER INFORMATION CONTACT: Douglas Mullen, Moosehorn National Wildlife Refuge, P.O. Box X, Calais, Maine 04619, Telephone No. 207-454-3521.

SUPPLEMENTARY INFORMATION: The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which
Moosehorn National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Section 32.32 is added as set forth below.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted except on areas designated by signs as closed during the State firearms season. This open area is shown on maps available at Refuge Headquarters, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

Hunting shall be in accordance with State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR, Part 14.


Howard N. Larsen,
Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-33099 Filed 9-29-80; 8:45 am]
BILLING CODE 4310-55-M
This section of the Federal Register contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 416

Pea Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule prescribes procedures for insuring peas effective with the 1981 and succeeding crop years. This rule combines previous regulations for insuring peas into one shorter, clearer, and simpler document which will be easier to understand and to administer. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions must be submitted not later than December 1, 1980, in order to be sure of consideration.

ADDRESS: All written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT:

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

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


In addition to shortening and simplifying the regulations to make them easier to read and understand, the proposed 7 CFR Part 416 provides (1) for a premium adjustment table that affords up to a 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience in place of the present premium discount system, (2) that any premium not paid by the termination for indebtedness date will be increased by a 9 percent charge, with a 9 percent simple interest applying to any unpaid balance at the end of each subsequent 12-month period thereafter, (3) that the termination date for nonpayment of premium will be March 31 (changed from April 15 in Minnesota and Wisconsin, March 15 in Oregon, and April 1 in all other States), (4) for three coverage level options in each county, (5) that the actuarial table will provide the level of insurance which will be applicable to contracts unless a different level is elected by the insured, and (6) for additional price elections per pound for green peas in certain instances to compensate for variations in contract prices.

All previous regulations applicable to insuring peas as found in 7 CFR Part 416 will remain in effect for Federal Crop Insurance Corporation pea insurance policies issued for crop years prior to 1981.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Manager during regular business hours, 9:15 a.m. to 4:45 p.m., Monday through Friday.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation proposes to revise and reissue the Pea Crop Insurance Regulations (7 CFR 416) effective for the 1981 and succeeding crop years to read as follows:

PART 416—PEA CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

§ 416.1 Availability of pea insurance.

Insurance shall be offered under the provisions of this subpart on peas in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which pea insurance will be offered.

§ 416.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for peas which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 416.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 416.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien,
Section 416.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the pea insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $25,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured person's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

Section 416.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the pea crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

Section 416.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the pea crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity would result during the period of such extension: Provided, however, That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1981 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a pea contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Pea Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Pea Insurance Policy are as follows:

U.S. Department of Agriculture, Federal Crop Insurance Corporation, Application for 19—and Succeeding Crop Years, PEA, Crop Insurance Contract

<table>
<thead>
<tr>
<th>Contract No.</th>
<th>(Identification No.)</th>
<th>(Name and address)</th>
<th>(ZIP Code)</th>
<th>(County)</th>
<th>(State)</th>
<th>TYPE OF ENTITY</th>
<th>Applicant is over 18—Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called “Corporation”), hereby applies to the Corporation for insurance on the applicant’s share in the peas planted on insurable acreage as shown on the county actuarial table for the above-slated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed, except that for green peas, if the price election exceeds the processor contract price for the applicable tenderometer reading or sieve size shown on the actuarial table the applicable election will be the highest election available that does not exceed the processor contract price. The premium rates and production guarantees shall be those shown on the applicable county actuarial table filed in the office for the county for each crop year.</td>
<td></td>
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</tr>
<tr>
<td>Level election</td>
<td>Price election</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Example: For the 19— Crop Year Only (100 pct Share)

<table>
<thead>
<tr>
<th>Location</th>
<th>Guaranty No.</th>
<th>Premium per acre</th>
<th>Practice</th>
</tr>
</thead>
</table>

*Your guarantee will be on a unit basis (acres < per acre guarantee x share).*

*Your premium is subject to adjustment in accordance with section 5(c) of the policy.*

B. When notice of acceptance of this application is mailed to the applicant by the corporation, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, and shall continue for each succeeding crop year until canceled or terminated as provided in the contract. This accepted application, the following per insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation. Signature of applicant

Date: Code No./ witness to signature

Address of Office for County:

Phone

Location of farm headquarters:

Phone

Pea Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. Causes of loss. (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) green pea acreage not being timely harvested unless the Corporation determines that, because of unusual weather conditions, a substantial percentage of such acreage in an area was ready for harvest at the same time, (2) the neglect or malfeasance of the insured, any member of the insured’s household, the insured’s tenants or employees, (3) failure to follow recognized good farming practices, (4) damage resulting from the backing up of water by any governmental or public utilities
dam or reservoir project, or (5) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. Crop and acreage insured. (a) The crop insured shall be green or dry peas which are planted for harvest as peas and which are grown on insured acreage and for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage planted to peas on insured acreage, as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. Provided, That insurance shall not attach or be considered to have attached, as determined by the Corporation, to any acreage (1) of green peas not grown under a processor contract or excluded from such contract for the crop year pursuant to the terms thereof, (2) which was planted to peas the previous two crop years, (3) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (4) not reported for insurance as provided in section 3 if such acreage is irrigated and an irrigated practice is not provided for such acreage on the actuarial table, (5) which is destroyed and after such destruction, it was practical to replant to peas of the same type of green peas or the same varietal group of dry peas as shown on the actuarial table and such acreage was not replanted, (6) initially planted after the date on file in the office for the county which has been established by the Corporation, as being too late to initially plant and expect a normal crop to be produced, (7) of volunteer peas, (8) planted to a type or variety of peas not established as adapted to the area or shown as noninsurable on the actuarial table, (9) planted with another crop, or (10) planted for the development or production of hybrid seed or for experimental purposes.

(c) An instrument in the form of a "lease" under which the insured grower retains control of the acreage on which the insured peas are grown and which provides for delivery of the peas under certain conditions and at a stipulated price(s) shall, for the purpose of this contract, be treated as a processor contract under which the insured has a share in the peas.

3. Responsibility of insured to report acreage and share. The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of peas planted in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time of planting. Such report shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. Production guarantees, coverage levels, and prices for computing indemnities. (a) For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table. Where the actuarial table shows a guarantee for both green and dry peas the applicable guarantee for any acreage shall be determined by the type of green peas or varietal group of dry peas shown on the acreage report.

(b) If any acreage shown on the acreage report as green peas is harvested as dry peas, the guarantee for such acreage shall be reduced 40 percent.

(c) The production guarantee per acre shall be reduced by 20 percent for any unharvested acreage.

5. Annual premium. (a) The annual premium is earned and payable at the time of planting and the amount thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the applicable premium adjustment percentage in subsection (e) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted separately for green peas and for dry peas as shown in the following tables.

BILLING CODE 3410-08-M
### % Adjustments for Favorable Continuous Insurance Experience

<table>
<thead>
<tr>
<th>Loss Ratio 1/ Through Previous Crop Year</th>
<th>Percentage Adjustment Factor For Current Crop Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>.00 - .20</td>
<td>100 95 95 90 90 85 80 75 70 65 60 60 65 50</td>
</tr>
<tr>
<td>.21 - .40</td>
<td>100 100 95 95 90 90 85 80 75 70 65 60 60 65 50</td>
</tr>
<tr>
<td>.41 - .60</td>
<td>100 100 95 95 95 95 95 90 90 90 85 80 80 75 70</td>
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<tr>
<td>.61 - .80</td>
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</tr>
<tr>
<td>.81 - 1.09</td>
<td>100 100 100 100 100 100 100 100 100 100 100 100</td>
</tr>
</tbody>
</table>

### % Adjustments for Unfavorable Insurance Experience

<table>
<thead>
<tr>
<th>Loss Ratio 1/ Through Previous Crop Year</th>
<th>Percentage Adjustment Factor For Current Crop Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.10 - 1.19</td>
<td>100 100 100 102 104 106 108 110 112 114 116 118 120 122 124 126</td>
</tr>
<tr>
<td>1.20 - 1.39</td>
<td>100 100 100 104 106 112 116 120 124 128 132 136 140 144 148 152</td>
</tr>
<tr>
<td>1.40 - 1.69</td>
<td>100 100 100 108 116 124 132 140 148 156 164 172 180 188 196 204</td>
</tr>
<tr>
<td>1.70 - 1.99</td>
<td>100 100 100 112 122 132 142 152 162 172 182 192 202 212 222 232</td>
</tr>
<tr>
<td>2.00 - 2.49</td>
<td>100 100 100 116 128 140 152 164 176 188 200 212 224 236 248 260</td>
</tr>
<tr>
<td>2.50 - 3.24</td>
<td>100 100 100 120 134 149 162 176 190 204 218 232 246 260 274 288</td>
</tr>
<tr>
<td>3.25 - 3.99</td>
<td>100 100 105 124 140 156 172 188 204 220 236 252 268 284 300 300</td>
</tr>
<tr>
<td>4.00 - 4.99</td>
<td>100 100 110 128 146 164 182 200 218 236 254 272 290 300 300 300</td>
</tr>
<tr>
<td>5.00 - 5.99</td>
<td>100 100 115 132 152 172 192 212 232 252 272 292 300 300 300 300</td>
</tr>
<tr>
<td>6.00 - Up</td>
<td>100 100 120 136 158 180 202 224 246 268 290 300 300 300 300 300</td>
</tr>
</tbody>
</table>

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

BILLING CODE 3410-98-C
(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid. Provided, When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; however, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid balance which was unpaid after such date.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured pursuant to a Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. Insurance period. Insurance on insured acreage shall attach at the time the peas are planted and shall cease upon the earliest of:
(a) Final adjustment of a loss, (b) combining, vining, or removal of the peas from the field,
(c) total destruction of the insured pea crop, or (d) September 15 of the calendar year in which peas are normally harvested. Provided, however, That if any acreage of green peas is not timely harvested, insurance shall be deemed to have ceased when the acreage should have been harvested, as determined by the Corporation.

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

(b) Notice shall be given promptly if (1) during the period before harvest, the peas on any unit are damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or (2) the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has given written consent to put acreage to another use.

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

(d) In addition to the notices required in subsection (b) and (c) of this section, if an indemnity is to be claimed on any unit of green peas, notice shall be given (1) no later than the earlier of the harvest of the peas has been discontinued on a unit, before all the acreage is harvested, or (2) before harvest would normally start if any acreage on a unit is not to be harvested.

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

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

8. Claim for Indemnity. (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of peas on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of insurance as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by subtracting the crop year total production of peas for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: Provided, That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

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

(1) The pounds of the production to be counted for green peas shall be determined as follows for harvested production, the dollar value received from the processor shall be divided by the processor contract price per pound for the tenderometer reading or sieve size shown on the actuarial table or if the Corporation determines that any acreage of green peas was not timely harvested, the production to count will be the greater of the appraised production with no adjustment for quality or the processor payment divided by the processor price per pound for the applicable tenderometer reading or sieve size shown on the actuarial table.

(2) The pounds of the production to be counted for mature dry peas which do not grade No. 3 or better, or lentils which do not grade No. 2 or better, shall be determined in accordance with United States Standards for dry peas and lentils because of poor quality due to insured causes occurring within the insurance period, shall be reduced by (i) dividing the value per pound of the damaged peas, as determined by the Corporation, by the price per pound for the quality of dry peas grading No. 3 (No. 2 for lentils) and (ii) multiplying the result thus obtained by the pounds of such peas. The applicable price of No. 3 dry peas (No. 2 lentils) shall be the price for such peas on the earlier of the day the loss is adjusted or the day the damaged peas were sold.

(3) Appraised production to be counted shall include: (i) the greater of the appraised production or 40 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is planted before pea harvest becomes general in the current crop year to any other crop insurable on such acreage (excluding crop(s) maturing for harvest in the following calendar year), (ii) any appraisals by the Corporation for potential production on harvested acreage, for uninsured causes, and for poor farming practices, (iii) net loss from the applicable guarantee for any acreage which is abandoned, put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause, and (iv) only the excess in excess of 20 percent of the production guarantee for all other unharvested acreage.

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. However, if consent is given to put acreage to another use and the Corporation determines that any such acreage is not put to another use before harvest of peas becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

9. Dispresentation and Proof. The Corporation may void the contract without affecting the insured’s liability for premiums or waiving any right, including the right to collect any unpaid premium if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud or any act or omission relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. Transfer of Insured Share. If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. Records and Access to Farm. The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all peas produced on each unit including separate records showing the same for production in an uninsured acreage. Any persons designated by the Corporation shall have access to such
records and the farm for purposes related to the contract.

12. Life of Contract, Cancellation and Termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Therefore, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year:

Provided, That the date or payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State.—All others.

Cancellation date.—Dec. 31.

Termination date for indebtedness.—Mar. 31.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix (Additional Terms and Conditions)

1. Meaning of Terms

For the purposes of pea crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding pea insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the pea crop is normally grown and shall be designated by the calendar year in which the pea crop is normally harvested.

(d) "Harvest" as to any dry pea acreage means the harvesting of peas which are or could be marketed as dry peas.

(e) "Insurable acreage" means the land classified as insurable by the Corporation as shown on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(h) "Pees" means (1) canning and freezing peas [herein called green peas] grown under a covered or protected growing season, or (2) any peas planted in the fall and grown under a processor by the time the acreage to be insured is reported or (2) all spring-planted smooth green and yellow, and wrinkled varieties of dry peas and lentils [herein called dry peas].

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured pea crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured:

Provided, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share of the pea crop or proceeds therefrom.

(k) "Tenant" means a person who rents land from another person for a share of the pea crop or proceeds therefrom.

(l) "Unit" means all insurable acreage of any one of the types of green peas or varied groups of dry peas as shown on the actuarial table in the county on the date of planting for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the pea crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines established by the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having a bona fide share.

2. Acreage insured.

(a) The Corporation reserves the right to limit the insurable acreage of peas to any acreage limitations established under any Act of Congress. Provided, the insured is so notified in writing prior to the planting of peas.

(b) If the insured does not submit an acreage report on or before the acreage reporting date shown in the office for the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be zero. If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report as indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. Irrigated Acreage. (a) Where the actuarial table provides for irrigated or any insurable cause occurring after the beginning of planting, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdowns of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. Annual Premium. (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 6 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; however, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

5. Claim for and Payment of Indemnity. (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled shall be allocated to such units in proportion to the number of units.

(c) There shall be no abandonment to the Corporation of any insured pea acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of U.S.C. 1580(c): Provided, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the peas are planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the
7 CFR Part 701

Conservation and Environmental Programs; Public Meeting

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Notice of public meeting.

SUMMARY: This document announces a public meeting at which comments and suggestions may be presented by any interested persons concerning the procedure governing the Conservation and Environmental Programs administered by the Agricultural Stabilization and Conservation Service (ASCS).

DATES: Public meeting dated November 5, 1980.


FOR FURTHER INFORMATION CONTACT: John R. Henry, Chief, Conservation Programs Branch, Conservation and Environmental Protection Division, ASCS, U.S. Department of Agriculture, Room 3096, South Building, Washington, D.C. 20013, (202) 447-7333

SUPPLEMENTARY INFORMATION: The Agricultural Stabilization and Conservation Service (ASCS) will hold a public meeting at which comments and suggestions may be presented by any interested persons concerning the procedure governing the Conservation and Environmental Programs administered by ASCS. The meeting is scheduled to be held from 10:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 3:00 p.m. on November 5, 1980 in Room 2-W, U.S. Department of Agriculture, 12th and Independence Ave. SW., Washington, D.C. Meeting sessions will be open to the public. The agenda will include a review of the programs and an opportunity for the presentation of comments on the programs. The Agricultural Conservation Program (ACP) will be discussed from 10:00 a.m. to 12:00 p.m. The Emergency Conservation Program (ECP), Forestry Incentives Program (FIP), the Water Bank Program (WBP), and the Rural Clean Water Program (RCWP) will be discussed from 1:00 p.m. to 3:00 p.m. The meeting may also include discussion of current procedures, criteria, and guidelines relevant to the implementation of these programs. Because of the limitations on space available, persons desiring to attend the meeting should call Mr. John R. Henry (202) 447-7333 to reserve a seat.

John W. Goodwin, Acting Administrator, Agricultural Stabilization and Conservation Service.

7 CFR Part 725

Flue-Cured Tobacco; 1981 National Marketing Quotas for Flue-Cured Tobacco

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture must announce by December 1, 1980, the national marketing quotas for flue-cured tobacco for the 1981-82 marketing year. The public is invited to comment on the amount of the national marketing quota and other factors set forth in this proposed rule.

DATE: Written comments must be received by October 24, 1980.

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

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, Price Support and Loan Division, ASCS, Room 3754 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447-8733.

The draft impact analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Robert L. Tarczy, the above named individual.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12044 and has been classified “significant.” In compliance with Secretary’s Memorandum No. 1955 and “Improving USDA Regulations” (43 FR 50989) It is...
determined after review of these and related regulations contained in 7 CFR 725.2 for need, currency, clarity, and effectiveness that no additional changes be proposed at this time. Any comments which are offered during the public comment period on any of these regulations, however, will be evaluated in development of the final rule.

Jerome F. Sitter has determined that an emergency situation exists which warrants less than a 60-day comment period on this proposed action because producers need to know as soon as possible the amount of the 1981 national marketing quota for flue-cured tobacco so that they can make plans for next year’s crop.

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

The Agricultural Adjustment Act of 1933 (hereinafter referred to as the “Act”), as amended, requires the Secretary to determine and announce by December 1, 1980, the amount of the national marketing quota, the national average yield goal, and the national acreage allotment for the 1981–82 marketing year.

The Act (7 U.S.C. 1301) defines the “reserve supply level” as 5 percent greater than the “normal supply.” The “normal supply” is defined as a normal year’s domestic consumption and exports plus 65 percent of a normal year’s domestic use and 65 percent of a normal year’s exports. A “normal year’s domestic consumption” is defined as the average quantity produced and consumed in the United States during ten marketing years immediately preceding the marketing year in which the quota must be announced, adjusted for current trends in such consumption.

A “normal year’s exports” is defined as the average quantity produced in and exported from the United States during the ten marketing years immediately preceding the marketing year in which the quota must be announced, adjusted for current trends in such consumption.

The reserve supply level for the 1980–81 marketing year was determined to be 2,523 million pounds. This was based on a normal year’s domestic consumption of 555 million pounds and a normal year’s exports of 539 million pounds (44 FR 68804). The proposed reserve supply level for the 1981–82 marketing year is 2,605 million pounds, based on a normal year’s domestic consumption of 590 million pounds and a normal year’s exports of 537 million pounds.

The Act (7 U.S.C. 1301(b)) defines “total supply” as the carryover at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1980–81 marketing year is 3,100 million pounds based on carryover of 1,965 million pounds and estimated production of 1,135 million pounds.

The Act (7 U.S.C. 1314c(a)) defines the “National Marketing Quota” for any kind of tobacco for a marketing year as the amount of that kind of tobacco produced in the United States which the Secretary estimates will be used domestically and exported during the marketing year, adjusted upward or downward in an amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. The maximum downward adjustment is 15 percent of estimated domestic use and exports.

The amount of flue-cured tobacco produced and utilized domestically during the 1979–80 marketing year was 554 million pounds, and the amount exported was 520 million pounds, farm sales weight basis. The amount of the national marketing quota for the 1980–81 marketing year is 1,065 million pounds, based upon estimated domestic utilization of 555 million pounds and exports of 500 million pounds. For the 1981–82 marketing year utilization in the United States is estimated to be about 550 million pounds and exports are estimated to be about 500 million pounds. The total supply for the 1980–81 marketing year is 495 million pounds more than the proposed reserve supply level, but the amount of the adjustment desirable for maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level is still being considered. The Act defines the “National Average Yield Goal” for any kind of tobacco as the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant. The national average yield goal for the 1966–66 and each subsequent marketing year was determined to be 1,534 pounds, and no change is proposed for the 1981–82 marketing year.

The Act defines the “National Acreage Allotment” as the acreage determined by dividing the national marketing quota by the national average yield goal. The national acreage allotment for the 1980–81 marketing year was determined to be 590,614.89 acres (44 FR 68804).

A national acreage factor for apportioning the national acreage allotment to old farms will be determined by dividing the national acreage allotment, less the reserve for new farms and old farms corrections and adjustments by the sum of the 1990 allotments for 1981 old farms prior to adjustments for overmarketings or undermarketings and reductions required for violations.

The national acreage factor for the 1980–81 marketing year was 1.0 (44 FR 68804). A national yield factor will be obtained by dividing the national average yield goal by the national average yield. The national average yield is computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined for the farm prior to adjustments for overmarketings, undermarketings, or reductions required for violations, adding the products, and dividing the sum of the products by the national acreage allotment. The national yield factor for the 1980–81 marketing year was .9307 (44 FR 68804).

The Act (7 U.S.C. 1314c(e)) provides that for each marketing year for which acreage-pounds quota are in effect a reserve may be established from the national acreage allotment in an amount equivalent to not more than one percent of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which no tobacco was produced or considered produced during the immediately preceding five years. A reserve of 200 acres was established for the 1980–81 marketing year (44 FR 68804). A similar reserve is proposed for the 1981–82 marketing year.

The Act (7 U.S.C. 1314c(j)) provides that if the Secretary, in his discretion, determines it is desirable to encourage the marketing of grade N2 tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco without the payment of penalty or deduction from subsequent quotas to the extent of 5 percent of the marketing quota for the farm on which
SUMMARY: This action concerns the revision of REA Bulletin 181-3 to include an additional accounting interpretation on the accounting for legal expenses. It is intended to clarify the circumstances under which legal expenses may be capitalized.

DATE: Public comments must be received by REA no later than December 1, 1980.

ADDRESS: Persons interested in the proposed revision may submit written data, views, suggestions, or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4307, South Building, Washington, D.C. 20250, Telephone number (202) 447-7221.

Supplementary Information: Many borrowers have incurred substantial legal fees for a variety of legal services. A problem arose when borrowers began capitalizing the entire legal fee, or a portion thereof, when the fee did not pertain to construction activities. In order to remedy this situation, we are proposing an accounting interpretation which will outline the proper accounting treatment of fees which may be capitalized or deferred and those fees that require being expensed.

Proposed Interpretation

I. General: Borrowers may incur legal expenses which pertain to construction activities, loan activities, or general services.

II. Questions and Answers:

1. Question: What is the proper accounting treatment for legal expenses?
   Answer:
   a. Legal fees incurred in connection with a construction project, including the court costs directly related thereto, which can be identified and supported as such, shall be capitalized in Account 107, Construction Work-in-Progress as a cost of construction.
   b. Legal fees specifically identified and properly supported as resulting from activities designed to obtain long-term debt shall be deferred in Account 181, Unamortized Debt Expense.
   c. Legal fees for all other services and fees which cannot be properly identified and supported will require expensing to either Account 417.1, Expenses of Nonutility Operations or Account 923, Outside Services Employed, as appropriate.

2. Question: What type of identification and support is required in order to capitalize or defer legal fees?
   Answer: The attorney should provide the borrowers with an itemization of his services performed and the corresponding costs. Only those costs specifically identified by the attorney as being related to construction or loan activities may be capitalized or deferred as described above.

This proposal 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. A Draft Impact Analysis has been prepared and is available from Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4307, South Building, Washington, D.C. 20250.

The amount of the national acreage factor and the national yield factor are not considered issues in these determinations because they result from mathematical computations based on the determinations outlined in issues (1) through (4) in the preceding paragraph. The community average yields as computed in 1965 (30 FR 8207, 9875, 14497), will be used for the 1980-81 marketing year.

All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741-South Building, 14th and Independence Avenue, S.W., Washington, D.C.

John W. Goodwin, Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-29005 Filed 9-20-80; 8:45 am]
BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Revision of REA Bulletin 181-3; Accounting Interpretations for Rural Electric Borrowers

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: This action concerns the revision of REA Bulletin 181-3 to include an additional accounting interpretation on the accounting for legal expenses. It is intended to clarify the circumstances under which legal expenses may be capitalized.

DATE: Public comments must be received by REA no later than December 1, 1980.

ADDRESS: Persons interested in the proposed revision may submit written data, views, suggestions, or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4307, South Building, Washington, D.C. 20250, Telephone number (202) 447-7221.

Supplementary Information: Many borrowers have incurred substantial legal fees for a variety of legal services. A problem arose when borrowers began capitalizing the entire legal fee, or a portion thereof, when the fee did not pertain to construction activities. In order to remedy this situation, we are proposing an accounting interpretation which will outline the proper accounting treatment of fees which may be capitalized or deferred and those fees that require being expensed.

Proposed Interpretation

I. General: Borrowers may incur legal expenses which pertain to construction activities, loan activities, or general services.

II. Questions and Answers:

1. Question: What is the proper accounting treatment for legal expenses?
   Answer:
   a. Legal fees incurred in connection with a construction project, including the court costs directly related thereto, which can be identified and supported as such, shall be capitalized in Account 107, Construction Work-in-Progress as a cost of construction.
   b. Legal fees specifically identified and properly supported as resulting from activities designed to obtain long-term debt shall be deferred in Account 181, Unamortized Debt Expense.
   c. Legal fees for all other services and fees which cannot be properly identified and supported will require expensing to either Account 417.1, Expenses of Nonutility Operations or Account 923, Outside Services Employed, as appropriate.

2. Question: What type of identification and support is required in order to capitalize or defer legal fees?
   Answer: The attorney should provide the borrowers with an itemization of his services performed and the corresponding costs. Only those costs specifically identified by the attorney as being related to construction or loan activities may be capitalized or deferred as described above.

This proposal 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. A Draft Impact Analysis has been prepared and is available from Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4307, South Building, Washington, D.C. 20250.

The amount of the national acreage factor and the national yield factor are not considered issues in these determinations because they result from mathematical computations based on the determinations outlined in issues (1) through (4) in the preceding paragraph. The community average yields as computed in 1965 (30 FR 8207, 9875, 14497), will be used for the 1980-81 marketing year.

All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741-South Building, 14th and Independence Avenue, S.W., Washington, D.C.

John W. Goodwin, Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-29005 Filed 9-20-80; 8:45 am]
BILLING CODE 3410-05-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 792 3127]

Mobil Oil Corp.; Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 80-28284, appearing on page 63000 make the following corrections:

1. On page 63001, first column, the second line of paragraph "III" should have read: "required by paragraph I above is made in;"

2. On page 63001, the last word in the second line reading "representatives" should have read "representatives'.

BILLING CODE 1505-01-M

16 CFR Part 13

[File No. 792 3215]

Farnam Cos., Inc. et al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require a Phoenix, Ariz. firm and its corporate officer, engaged in the manufacture, advertising, sale and distribution of pesticide products, among other things, to cease representing, through print and broadcast advertising or otherwise, that
their pesticide products are absolutely or unqualifiedly safe, non-toxic or free of hazard to humans, pets, wildlife or the environment; or making any representation that is inconsistent or which detracts from the effectiveness of required warnings or directions for use set forth on pesticide product labels.

The firm is further prohibited, for a period of three years, from disseminating advertising or promotion material which fails to include a warning statement as designated in the order.

DATE: Comments must be received on or before November 28, 1980.

ADDRESSES: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.


SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist has been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

[File No. 792 3215]

Agreement Containing Consent Order To Cease and Desist

In the Matter of Farnam Companies, Inc., a corporation, and Russell W. McCalley, individually and as an officer of said corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Farnam Companies, Inc., a corporation, and Russell W. McCalley, individually and as an officer of said corporation, it now appearing that Farnam Companies, Inc., a corporation, and Russell W. McCalley, individually and as an officer of said corporation, [hereinafter sometimes referred to as proposed respondents] are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Farnam Companies, Inc., a corporation, by its duly authorized officer, and Russell W. McCalley, individually and as an officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Farnam Companies, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Arizona, with its office and principal place of business located at 2230 East Magnolia Street, Phoenix, Arizona 85038.

Proposed respondent Russell W. McCalley is an officer of said corporation. He directs and controls the acts and practices of the corporate respondent and his address is the same as that of said corporate respondent.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

   a) Any further procedural steps;

   b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

   c) All rights to seek judicial review or otherwise to challenge, individually or collectively, the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it together with the draft of complaint contemplated hereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released.

The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in the proceeding and (2) make information public in respect hereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service.

Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service.

Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

It is ordered that Farnam Companies, Inc., a corporation, its successors and assigns, and its officers, and Russell W. McCalley, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of pesticide products in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing directly or by implication, by print or broadcast advertising, other promotional material, or through sales representatives' oral statements, that the pesticide products manufactured, distributed or sold by or through said respondents are absolutely or unqualifiedly safe, non-toxic or free of hazard to adults, children, pets, wildlife or the environment.

2. Making any representation, directly or by implication, by print or broadcast advertising or other promotional
material, which contradicts, is inconsistent with, or detracts from the effectiveness of any warning, caution or direction for use required by law to be set forth as a label on pesticide products.  

3. Representing that the Environmental Protection Agency or any other governmental agency has approved any pesticide product, unless such is the case; or misrepresenting the scope of approval granted any such product by any governmental agency.  

It is further ordered, that for the period of 3 years following the date of service of this order, respondents shall not disseminate or cause the dissemination of:  

(a) Any print advertising or print promotional material for any pesticide product unless the following statement is clearly and conspicuously included in such print advertising or print promotional material:  

ALL PESTICIDES CAN BE HARMFUL TO HEALTH AND THE ENVIRONMENT IF MISUSED. READ THE LABEL CAREFULLY AND USE ONLY AS DIRECTED  

(b) Any television broadcast advertisement for any pesticide product unless such advertisement orally and visually includes the following statement made in a clear and conspicuous manner:  

ALL PESTICIDES CAN BE HARMFUL. READ THE LABEL. USE AS DIRECTED  

(c) Any other broadcast advertisement for any pesticide product unless such advertisement orally includes the following statement in a clear and conspicuous manner:  

ALL PESTICIDES CAN BE HARMFUL. READ THE LABEL. USE AS DIRECTED  

It is further ordered, that respondent, Farnam Companies, Inc., forthwith distribute a copy of this order to all its operating divisions engaged in the sale, advertising, promotion or distribution of pesticide products and to all present and future employees of said respondent responsible for the advertising, promotion, distribution or sale of such products, and that said respondents secure from each such person a signed statement acknowledging receipt of said order.  

It is further ordered, that respondent Farnam Companies, Inc., notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.  

It is further ordered, that the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten (10) years from the date of service of this order, said respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.  

It is further ordered, that each of the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which each has complied with this order.  

It is further ordered, that this order shall become effective upon service.  

Analysis of Proposed Consent Order To Aid Public Comment  

The Federal Trade Commission has accepted an agreement to a proposed consent order from Farnam Companies, Inc. of Phoenix, Arizona and its officer, Russell W. McCalley. The proposed consent order has been placed on the public record for sixty (60) days for the reception of comments from interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.  

The complaint alleges that the respondents disseminated advertisements through magazines, newspapers and television stations in an effort to induce the purchase of the pesticide product "Snail Jail." The advertisements allegedly claimed, either directly or by implication, that:  

1. Snail Jail protects users, pets and children, is completely safe for children and is non-toxic;  
2. Snail Jail’s toxic ingredients are locked inside a plastic container and cannot come in contact with skin no matter how much it is handled; and  
3. The Environmental Protection agency has approved Snail Jail as safe for users, children, pets and the general environment.  

According to the complaint, these claims are not true.  

The order in this matter requires the respondents to cease and desist from claiming through print, broadcast or other material that its pesticide products are absolutely or unqualifiedly safe, non-toxic or free of hazard to adults, children, pets, wildlife or the environment. Additionally, the respondents must not make any statements in advertisements concerning its pesticide products that are inconsistent with warning labels found on the pesticide products.  

When disseminating print advertisements, the order requires that the respondents include the statement:  

ALL PESTICIDES CAN BE HARMFUL TO HEALTH AND THE ENVIRONMENT IF MISUSED. READ THE LABEL CAREFULLY AND USE ONLY AS DIRECTED  

In broadcast advertisements the respondents must state:  

ALL PESTICIDES CAN BE HARMFUL. READ THE LABEL. USE AS DIRECTED

The requirement that respondents place these disclosures in advertisements will expire in three (3) years. This provision will relieve respondents of the obligation to make the required affirmative disclosures endlessly. The time limitation should be adequate to make consumers aware of the true safety aspects of respondents' product. This will aid prospective consumers in making an informed purchasing decision.  

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

-Carol M. Thomas, Secretary.
SECURITIES AND EXCHANGE COMMISSION
17 CFR Part 249
[Release No. 34-17162; File No. S7-852]

Proposed Increase in Filing Fee for Associated Persons of Nonmember Broker-Dealers and Automation of SECO Examination

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing for comment an amendment to Form U-4, a personnel form filed by nonmember broker-dealers concerning their associated persons, to raise the level of the initial registration fee for associated persons of such broker-dealers from $35 to $50. It has been the Commission’s experience that maintaining assessments and fees for nonmembers at rates or levels comparable to those imposed by the National Association of Securities Dealers, Inc. (the “NASD”) upon its members, has generated revenues which have reasonably approximated the costs to the Commission of administering the regulatory program for nonmember broker-dealers. The increase in the Form U-4 filing fee, therefore, will set the level of the initial registration fee for nonmember broker-dealers at the same level as the corresponding fee presently imposed by the NASD on its members.

In addition, the Commission today announced the administration of the SECO General Securities Examination on an automated format. The NASD, which currently administers the SECO examination for the Commission, suggested conversion of the SECO examination to the automated system. The new examination format will begin October 31, 1980. The Commission believes that the conversion will provide substantial advantages over the traditional paper and pencil format.

DATE: Comments must be received by October 29, 1980.

ADDRESSES: All comments should refer to File No. S7-852 and be sent in triplicate to George A. FitzSimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of all written submissions will be made available for public inspection at the Commission’s Public Reference Room, Room 1101, 1101 L Street, N.W., Washington, D.C.


SUPPLEMENTARY INFORMATION: Section 15(b)(8) of the Securities Exchange Act of 1934 (the “Act”) (15 U.S.C. 78o(b)(8)) requires that the Commission, by rule, establish and levy such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to registered broker-dealers who are not members of a registered national securities association ("nonmember broker-dealers" or "SECO broker-dealers") and their associated persons.1 Pursuant to that Section, the Commission adopted Securities Exchange Act Rules 15b8-1 (17 CFR 240.15b8-1) and 15b9-1 (17 CFR 240.15b9-1) which require SECO broker-dealers to file Form U-4 (17 CFR 249.502), a personnel form concerning associated persons engaged in securities activities on behalf of the broker-dealer and to pay to the Commission the fee prescribed by the Form. Rule 15b8-1 also requires that every associated person engaged directly or indirectly in securities activities for or on behalf of a SECO broker-dealer, and every associated person who supervises others engaged in such activities, must successfully complete a general securities examination and pay a reasonable fee to defray the costs of its administration.

Section 15(b)(7) (15 U.S.C. 78o(b)(7)) specifically authorizes the Commission to cooperate with registered securities associations and national securities exchanges in devising and administering tests. In addition, that Section authorizes the Commission to require registered brokers or dealers and persons associated with such brokers or dealers to pass tests administered by or on behalf of any such association or exchange and to pay such association or exchange reasonable fees or charges to defray the costs incurred by such association or exchange in administering such tests.

This release invites comment on a proposed amendment to Form U-4 which would set the level of the initial registration fee imposed by the Commission upon associated persons of SECO broker-dealers at $50, the same level as the corresponding fee presently imposed by the NASD upon its members. This release also provides notice that, as of October 31, 1980, the SECO General Securities Examination (the "SECO examination") will be administered using an automated format.

Proposed Amendment to Form U-4

The initial registration fee imposed upon associated persons of SECO broker-dealers is intended to defray the Commission’s cost of administering the SECO program. Since fiscal year 1976, the levels or rates of SECO fees and assessments have been the same as corresponding fees and assessments levied by the NASD on its members. It has been the Commission’s experience that maintaining annual SECO assessments and specific SECO fees at rates or levels comparable to those imposed by the NASD has generated revenues which have reasonably approximated expenditures incident to the administration of the SECO program.

The Commission, therefore, proposes to amend Form U-4 to set the level of the initial registration fee for associated persons of SECO broker-dealers at $50, the same level as the corresponding fee presently imposed by the NASD on its members.

The Commission has explained, in connection with determining annual assessments for SECO broker-dealers, that there are both legal and pragmatic justifications for setting SECO assessments at the same level as corresponding assessments imposed by the NASD on its members.2 A similar rationale applies generally to specific fees.4 The Commission, of course, recognizes the statutory mandate that SECO fees and assessments be reasonable and that they be used to defray the costs of administering the SECO program. To determine whether the rates of specific fees, which include Form U-4 filing fees, bear a reasonable correlation to the applicable costs incurred by the Commission in administering the SECO regulatory program, the Commission will review the level of such fees when it periodically collects and analyzes cost data on the SECO program. If such a cost analysis discloses a significant variance between the fees collected and the costs incurred in administering the relevant portion of the SECO program,

1A nonmember broker or dealer who is a member of a national securities exchange may, under limited circumstances, be exempt from this provision. See Securities Exchange Act Rules 15b6-1(e) and 15b9- 2(e)(1); 17 CFR 240.15b6-1(e) and 17 CFR 240.15b9- 2(e)(1).
2Section 15(b)(7). Formerly Section 15(b)(8), was redesignated as Section 15(b)(7) by Securities Exchange Act Amendments of 1975, Pub. L. No. 94-29 (June 4, 1975).
the Commission will invoke its authority under the Act to adjust the rates or levels of SECO fees.

The Commission, therefore, believes that an initial registration fee comparable to the corresponding NASD fee is reasonable in order to defray the costs of SECO regulation. Accordingly, the Commission proposes to set the SECO initial registration fee for associated persons of SECO broker-dealers at the same level as that imposed by the NASD on its members, which reflects an increase in the fee from $35.00 to $50.00.

Administration of SECO Examination on the PLATO System

1. Background

Section 15(b)(7) of the Act authorizes the Commission to "cooperate" with the NASD in devising and administering examinations. The Commission in 1985 announced that it had arranged with the NASD to have the NASD administer SECO examinations. This arrangement provides that persons associated with SECO broker-dealers are charged examination fees comparable to those charged for persons associated with NASD members. The current fee is $40 per examination.

The NASD, in a letter to the Commission dated April 3, 1980, suggested conversion of the SECO examination to an automated format, the PLATO system, for which service it will collect the present $40 testing fee without rebating to the Commission any portion of the fee.

The Commission believes that there are significant advantages to be realized in converting the SECO examination to the PLATO system. In particular, the PLATO system provides a substantial improvement in the integrity of the examination process. It also facilitates the process of examination administration. Accordingly, beginning October 1, 1980, the SECO examination will be administered on the PLATO system.

2. System Description

PLATO is a time-sharing system capable of delivering a wide variety of programs to remote visual display terminals located in learning centers owned and operated by Control Data Corporation. The system has been modified to serve as a medium for delivering the types of qualifications examinations utilized by the NASD and other securities industry self-regulatory organizations. The PLATO system enables the NASD to enter a bank of examination questions into the system and to program the computer to generate a unique examination of equivalent difficulty for each candidate.

A more detailed description of the administration on the PLATO system is outlined in the sections which follow.

a. Enrollment. After receiving a candidate's examination request form and appropriate fees, the NASD will enroll the candidate on the PLATO system. Enrollment must occur in order for a candidate to sit for an examination on the system. After a candidate has been enrolled on the system, a confirmation notice will be sent to the sponsoring firm. This notice will identify the candidate, the qualification examination for which the candidate has been enrolled, and the expiration date of the enrollment. The expiration date will be 90 calendar days from the date the enrollment is entered into the system. If a candidate does not sit for the examination during this period, he may be re-enrolled in the system only upon receipt by the NASD of another testing fee and the appropriate request form.

b. Appointment Scheduling. Together with the enrollment confirmation notice sent to the firm, the NASD will include a schedule of CDC learning centers at which the examination can be taken. The candidate must call a learning center in order to make an appointment to sit for the examination. Unless otherwise requested by the candidate, appointments will be scheduled within five business days from the date the appointment request is received by Control Data. An appointment will not be made for a candidate who is not enrolled on the system or for a candidate requesting an appointment date which falls after the expiration date of his enrollment. The sponsoring firm will be charged a penalty fee of $10.

In the event that a candidate does not appear for a scheduled appointment or cancels a scheduled appointment less than 72 hours prior to the appointed time and date. At the discretion of the learning center's administrator, a candidate may be precluded from sitting for an examination if the candidate arrives later than 15 minutes after the start of the examination. In such a case, a penalty fee of $10 also will be levied.

c. Group Reservations. Firms or training organizations that plan training classes may reserve a block of terminals at a learning center by calling the learning center at least one month in advance of the desired testing date. The procedures outlined above with respect to late cancellations, no shows, and late arrivals for appointment sessions will be in effect for individuals scheduled in groups.

d. Examination Presentation on the System. After a candidate is seated at a terminal, the actual examination will be preceded by an introductory lesson designed to familiarize the candidate with the procedures to be followed in answering and reviewing test questions. These procedures are simple and do not require any previous experience with a computer terminal or typing ability. All questions are answered by the candidate, the appropriate location on the terminal screen itself. At the end of the examination or when a candidate voluntarily terminates a testing session, the computer will automatically score the examination and display the score on the terminal. Although a candidate must receive a score of only 70 percent to qualify as an associated person, the computer also will display a notification to candidates that they must receive a score of 80 percent to qualify as a supervisory person. On the first business day following the testing session, a hard copy grade notification will be forwarded by the NASD to the sponsoring firm and to the Commission.

On the basis of the foregoing, the Commission proposes to amend Part 240 of the Code of Federal Regulations to raise the level of the initial registration fee for associated persons of nonmember broker-dealers. The proposed amendment to the special instructions to Form U-4 would be...
adopted pursuant to the Commission's authority in Sections 15(b)(6) and 23a [15 U.S.C. 78e(b)(6), 78w(a)] of the Securities Exchange Act of 1934. The proposed amendment to the instructions reads as follows:

PART 240—FORMS, SECURITIES EXCHANGE ACT OF 1934
§ 240.502 Form U-4, personal form, to be filed by registered brokers or dealers not members of a registered national securities association, for associated persons of such brokers and dealers.

* * * * *

Special Instructions for Completing Form U-4, Uniform Application for Securities and Commodities Industry Representative and/or Agent.

* * * * *

2. A filing fee of $50.00 must accompany this form. A check should be made payable to the Securities and Exchange Commission and mailed along with one (1) copy of this Form to the Office of the Comptroller.

* * * * *

By the Commission.

George A. Fitzsimmons,
Secretary.

September 24, 1980.

[FR Doc. 80-23727 Filed 9-29-80; 8:45 am]
BILLING CODE 5480-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

Proposed Amendment to Customs Regulations Relating to Importation of Motor Vehicles and Motor Vehicle Engines Under the Clean Air Act; Extension of Time for Public Comment

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments with respect to a proposal to amend §12.73, Customs Regulations (19 CFR 12.73), relating to the importation of motor vehicles and motor vehicle engines under the Clean Air Act, as amended (42 U.S.C. 7521). A document inviting the public to comment on this proposal was published in the Federal Register on July 21, 1980 (45 FR 46817). Comments were to be received on or before September 12, 1980. However, in a document published in the Federal Register on September 22, 1980 (45 FR 52651), the Environmental Protection Agency announced the scheduling of a public hearing on, and an extension of time in which to submit comments concerning a proposal to amend their regulations in 40 CFR Part 81, Subpart D. Inasmuch as any changes in EPA regulations may necessitate like changes in the Customs Regulations, this extension, which corresponds to that granted by EPA, will permit the preparation and submission of more detailed comments by interested members of the public.

DATES: Comments must be received on or before December 3, 1980.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 607

[Docket No. 78H-0306]

Establishment Registration and Product Listing for Manufacturers of Human Blood and Blood Products; Exemption of Certain Transfusion Services and Clinical Laboratories From Registration

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to amend the biologics regulations to exempt those transfusion services and clinical laboratories approved for Medicare/Medicaid reimbursement from FDA's registration and product listing requirements. This proposal implements a memorandum of understanding with the Public Health Service (PHS), FDA, and the Health Care Financial Administration (HCFA) in which FDA has agreed to withdraw from the routine inspection of such facilities to avoid unnecessary regulatory duplication.

DATE: Comments by October 30, 1980.

ADDRESSES: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20202.

FOR FURTHER INFORMATION CONTACT: Steven F. Fahten, Bureau of Biologics (HFB-60), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: FDA is proposing to amend §607.65 (21 CFR 607.65) of the biologics regulations to exempt transfusion services and clinical laboratories approved for Medicare/Medicaid reimbursement from FDA's
registration and product listing requirements. A transfusion service is a facility or portion of a facility engaged in the compatibility testing and transfusion of blood and blood components, but which neither routinely collects nor possesses blood and blood components. The affected clinical laboratories are currently subject to registration under Part 607 (21 CFR Part 607) in that they perform test in support of the preparation of blood products by other establishments.

Section 510 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360), as implemented by Part 607 of the biologics regulations, requires that establishments manufacturing human blood and blood products register annually with the Bureau of Biologics, FDA. "Manufacturing" includes the collection, preparation, processing or testing of blood or blood products (21 CFR 607.3(d)). At the time of registration, an establishment must also submit a list of every blood product manufactured by the facility and in commercial distribution. These establishments are then subject to biennial inspection by FDA to ensure that the blood products manufactured by the registrants are in compliance with FDA's technical and scientific standards. Under section 510(g)(4) of the act, however, classes of persons may be exempted by regulation from the registration requirements, including those specifically for blood establishments (21 CFR 607 et seq.). If such registration "* * * is not necessary for the protection of the public health."

In addition to FDA's biennial inspection, clinical laboratories and hospitals, including transfusion services, have been routinely surveyed (inspected) by HCFA, state agencies, or approved accreditation bodies to ensure compliance with the applicable provisions of HCFA's regulations (42 CFR Chapter IV). Many of the applicable regulations, including those concerning recordkeeping requirements, quality control procedures, and personnel standards, are comparable to standards codified under FDA's regulations (21 CFR Part 606).

In early October 1979, a Memorandum of Understanding (MOU) was concluded between PHS/FDA and HCFA. The MOU was approved by the Secretary on January 21, 1980. HCFA agreed to assume sole responsibility for the routine inspection (survey) of certain transfusion services and clinical laboratories certified for Medicare/Medicaid reimbursement. HCFA also agreed to assume responsibility for any other routine compliance activities that are necessary to ensure that these facilities are in compliance with FDA's technical and scientific standards. The Memorandum of Understanding was announced in the Federal Register of March 25, 1980 (45 FR 19310).

To implement this MOU, HCFA and FDA agreed that HCFA would, as soon as possible, assume the primary responsibility for the inspection of the affected transfusion services and clinical laboratories. This decision was based upon the extensive experience of HCFA's delegates in surveying these same facilities for public health concerns similar to FDA's and on the recent history of compliance with FDA's standards by these facilities. Only 2 percent of these facilities required any voluntary corrective action when inspected by FDA and less than 1 percent required any official action (regulatory letter) by FDA. Accordingly, in October and November of 1979, training sessions were conducted jointly by FDA and HCFA at which the personnel responsible for conducting HCFA inspections were informed of the FDA standards not already incorporated in HCFA's regulations and were instructed as to the appropriate means for determining compliance with these standards. Since that time HCFA's inspectors have been surveying these facilities to ensure compliance with both HCFA's and FDA's standards. At that time FDA began the process of identifying those facilities eligible for deregistration and began to end the duplicative inspections deemed unnecessary. If a significant violation of FDA's standards is found, FDA will be notified and may participate in any follow-up investigation or regulatory action. As stated in the MOU, FDA retains its authority for the enforcement of the act, and, in emergency situations, will exercise this authority for the protection of the public health.

To complete the implementation of the MOU, HCFA will amend their regulations to adopt the appropriate FDA standards applicable to blood and blood components in 21 CFR Part 606. However, FDA has concluded that it is not necessary for HCFA to adopt these regulations before FDA exempts these facilities from registration. Based upon these facilities' good compliance history, HCFA's experience in surveying the facilities to ensure compliance with standards similar to FDA's, and the successful transfer of all routine inspection responsibilities to HCFA, FDA has concluded that the public health is adequately protected and the registration of these facilities is no longer necessary. To require continued registration and duplicative inspection during this transition period would defeat the purpose of the MOU by delaying the relief of these firms from an unnecessary regulatory burden.

Therefore, under section 510(g)(4) of the act, FDA is proposing to amend § 607.65 to exempt those facilities defined in the MOU as transfusion services and clinical laboratories from registration and product listing.

This exemption would not apply to blood establishments routinely collecting or processing blood and blood products. "Routine collection and processing" includes the collection of blood for autologous reinfusion and the routine preparation of any blood component, including red blood cells. Exempted facilities may collect or process blood for emergency purposes, provided the person requesting the emergency action documents in writing the circumstances justifying the action.

The drawing of blood or plasma for therapeutic reasons would also be permitted in exempted facilities, provided the blood is not further processed or commercially distributed. To ensure the maximum efficiency in the use of the nation's blood supply, exempted facilities may derive recovered human plasma for further manufacturing use from units of blood or blood products. Under § 806.170(b) (21 CFR 606.170(b)), exempted facilities would remain responsible for promptly reporting any fatal transfusion reaction to the Director, Bureau of Biologics, FDA.

To aid in the implementation of the PHS/FDA-HCFA agreement, Form FDA-2830 (Blood Establishment Registration and Product Listing) has been revised to determine each respondent's eligibility, for exemption. When registering for calendar year 1980, all currently registered blood establishments were requested to complete the initial eligibility questions contained in the revised form.

To allow efficient implementation of the 1981 establishment registration process, the Commissioner has found that there is good cause to shorten to 30 days the usual 60-day comment period for proposed rules. Depending on the comments received, FDA intends to publish these proposed rules as final prior to establishment registration for calendar year 1981, taking place in November, 1980. Upon publication of the final rule, those facilities meeting eligibility requirements will be exempt from registration with FDA.

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979, 44 FR 71742) that this
proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701, 52 Stat. 1040-1042 as amended 1055-1056 as amended, 75 Stat. 794-795 as amended (21 U.S.C. 321, 360, 371)) and 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), it is proposed that Part 607 be amended in § 607.65 by adding new paragraphs (f) and (g), to read as follows:

§ 607.65 Exemptions for blood product establishments.

(f) Transfusion services approved for Medicare/Medicaid reimbursement and engaged in the compatibility testing and transusion of blood and blood components, but which neither routinely collect nor process blood and blood components. The collection and processing of blood and blood components in an emergency situation as determined by a responsible person and documented in writing, the therapeutic collection of blood or plasma, and the preparation of recovering human plasma for further manufacturing use are not acts requiring such transfusion services to register.

(g) Clinical laboratories that are approved for Medicare/Medicaid reimbursement and are engaged in the testing of blood products in support of other registered blood establishments.

Interested persons may, on or before October 30, 1980 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4 62, 5900 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received 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, as amended by Executive Order 12231, 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.


Jere E. Goyan,
Commissioner of Food and Drugs.

[FR Doc. 80-30043 Filed 9-28-80; 8:45 am]
BILLING CODE 4110-53-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 20 and 25

[LR-213-76]

Qualified Disclaimers; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the disclaimer of property conferred by gift or inheritance.

DATES: The public hearing will be held on November 18, 1980, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by November 4, 1980.

ADDRESS: The public hearing will be held in the J.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:TR [LR-213-76], Washington, D.C. 20224.


The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by November 4, 1980. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m. An agenda showing the scheduling of speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for Improving Government regulations appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

Robert A. Bley,
Director, Legislation and Regulations Division.

[FR Doc. 80-30223 Filed 9-29-80; 8:45 am]
BILLING CODE 4850-01-M

26 CFR Part 51

[LR-152-80]

Base Prices of Tier 2 and Tier 3 Oil

AGENCY: Internal Revenue Service.

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this Federal Register, the Internal Revenue Service is issuing temporary excise tax regulations relating to base prices of tier 2 and tier 3 oil for purposes of the windfall profit tax on oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The temporary regulations also amend the rules relating to withholding of the windfall profit tax in the absence of current data on an effective operator's certificate. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by December 1, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:TR [LR-152-80], 1111 Constitution Avenue, N.W. Washington, D.C. 20224.
FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:
Cross Reference
The temporary regulations in the Rules and Regulations portion of this issue of the Federal Register amend 26 CFR Part 150. The final regulations which are proposed to be based on the temporary regulations would amend 26 CFR Part 51.

For the text of the temporary regulations, see FR Doc. 30157 (T.D. 7721) published in the Rules and Regulations portion of this issue of the Federal Register.

Regulatory Analysis
A draft regulatory analysis has been prepared with respect to these proposed regulations and is available for public inspection and copying at the Internal Revenue Service, Room 4219, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

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

Drafting Information
The principal author of these proposed regulations was Eileen Murphy of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

Jerome Kurtz,
Commissioner of Internal Revenue.

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement
30 CFR Parts 884 and 946

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of intent and proposed rule: Receipt of the abandoned mine lands reclamation plan submission from the Commonwealth of Virginia.

SUMMARY: On September 22, 1980, the Commonwealth of Virginia submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State plan.

DATES: Written comments on the plan must be received on or before 9:00 p.m., October 29, 1980. A public hearing will be held on October 29, 1980 from 10:00 a.m. to 12:00 noon and 7:00 p.m. to 9:00 p.m. or until all discussions have been completed. Written comments on whether OSM should hold a public hearing on the plan must be received by 9:00 a.m., October 6, 1980. A public hearing will be held on October 29, 1980 from 10:00 a.m. to 12:00 noon and 7:00 p.m. to 9:00 p.m. or until all discussions have been completed. The hearing may be cancelled, as discussed below.

ADDRESS: The public hearing, if held will be at the Conference Room, Department of Conservation and Economic Development, Powell and River Streets, Big Stone Gap, Virginia. The hearing may be cancelled, as discussed under Supplementary Information, below.

Copies of the full text of the proposed Virginia plan are available for review during regular business hours at the following locations:
Office of Surface Mining Reclamation and Enforcement, Region I, 1st Floor, Thomas Hill Building, 930 Kanawha Blvd., East, Charleston, West Virginia 25301.

Written comments should be sent to:
Patrick B. Boggs, Regional Director, Office of Surface Mining, 1st Floor, Thomas Hill Building, 930 Kanawha Blvd., East, Charleston, West Virginia 25301.

The Administrative Record will be available for public review at the OSM Region I office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT:
Earl R. Cunningham, Assistant Regional Director, AML, Office of Surface Mining, 1st Floor, Thomas Hill Building, 950 Kanawha Blvd., East, Charleston, West Virginia 25301, Telephone (304) 349-7849.

SUPPLEMENTARY INFORMATION: On September 22, 1980, OSM received a proposed abandoned mine reclamation plan from the Commonwealth of Virginia. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Lands (AML) Reclamation Program (30 CFR Chapter 7, Subchapter F) as published in the Federal Register (FR) on October 25, 1978, 44 FR 49932-49952.

This notice describes the nature of the proposed program and sets forth information concerning public participation in the Director's determination of whether or not the submitted plan may be approved. The public participation requirements for the consideration of a State AML Reclamation Plan are found in 30 CFR §§ 884.13 and 884.14 (44 FR 49948). Additional information may be found under corresponding sections of the preamble to OSM's AML Reclamation Program Final Rules (44 FR 149932-149940).

The receipt of the Virginia Reclamation Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Virginia. By submitting a proposed plan, Virginia has indicated that it wishes to be primarily responsible for this program. If the submission is hereafter modified, is approved by the Director of OSM, the Commonwealth will have primary responsibility for the reclamation of abandoned mine lands in Virginia. If the program is disapproved and the Commonwealth does not choose to revise the plan, a Federal AML program will be implemented and OSM will have primary responsibility for these activities.

All written comments must be mailed or hand carried to the Regional Director's Office above or may be hand carried to the public hearing; if a public hearing is found to be necessary and submitted as exhibits to the proceedings.
If the Regional Director finds that the State has given the public adequate notice and opportunity to comment in public hearings, and that the record of such hearing does not reflect major unresolved controversies and there are not a significant number of requests during the 15-day period to comment on the need for a hearing, the hearing will be cancelled by a notice published in the Federal Register cancelling the scheduled hearing.

Written comments on the issue of waiver of the public hearing must be received by 5:00 p.m., October 6, 1980.

The comment period will close at the conclusion of the public hearing, if any, or at 9:00 p.m. on October 27, 1980, whichever is later. Comments received after that time will not be considered. Representatives of the Regional Director’s Office will be available to meet between 9:00 a.m. and 11:00 a.m. and 1:00 p.m. and 4:00 p.m. at the request of members of the public to receive their advice and recommendations concerning the proposed State AML reclamation program.

Persons wishing to meet with representatives of the Regional Director’s Office during this time period may place such request with Richard Leonard, Public Information Officer, telephone 304/342-9125 at the Regional Director’s Office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m. Monday through Friday excluding holidays at the Regional Director’s Office.

The Department intends to continue to discuss the Commonwealth’s plan with representatives of the Commonwealth throughout the review process. All contacts between Departmental personnel and representatives of the Commonwealth will be conducted in accordance with OSM’s guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed program. The approval of State AML reclamation plans does not have significant environmental impact, but is only a procedural change in terms of the governmental entity that will be performing the work.

The Director has determined that this is not a significant rule within the meaning of 43 CFR Part 14 and no regulatory analysis is being prepared on the Director’s decision relating to the Virginia AML plan.

The Virginia AML Reclamation Plan can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.
2. Views of other Federal agencies have been solicited and considered.
3. The State has the legal authority, policies and administrative structure to carry out the plan.
4. The plan meets all the requirements of the OSM, AML Reclamation Program Provisions.
5. The State has an approved Regulatory Program.
6. It is determined that the plan is in compliance with all applicable State and Federal laws and regulations.

The following constitutes a summary of the contents of the Virginia State Reclamation Plan submission:

1. Views of other Federal agencies on the Virginia State Reclamation Plan submission:
   a. Designation of authorized State Agency to administer the program.
   b. State’s Chief Legal Officers opinion of designated Agency to operate the program.
   c. Description of the policies and procedures to be followed in conducting the program including:
      (1) Goals and objectives
      (2) Project ranking and selection procedures
      (3) Coordination with other reclamation programs
      (4) Land acquisition, management and disposal
      (5) Reclamation on private land
      (6) Rights of Entry
      (7) Public participation in the program
      (d) Description of the Administrative and Management structure to be used in the program including:
         (1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the program.
         (2) Personnel staffing policies.
         (3) Purchasing and procurement systems and policies.
         (4) Description of the accounting system including specific procedures for operation of the reclamation fund.
         (e) Description of the public’s participation in preparation of the plan.
         (f) A general description of activities to be conducted under the reclamation plan including:

(1) Known or suspected eligible lands and water requiring reclamation, including a map.
(2) General description of the problems identified and how the plan proposes to deal with them.
(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land use.
(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the plan.
(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:
   (i) The economic base.
   (ii) Sociologic and demographic characteristics.
   (iii) Significant esthetic, historic or cultural, and recreational values.
   (iv) Hydrology including water quality and quantity problems associated with past mining.
   (v) Flora and fauna including endangered or threatened species and their habitat.
   (vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction.
   (vii) Anticipated benefits from reclamation.

Dated: September 24, 1980.
Walter N. Heine, Director.
[FR Doc. 80-32233 Filed 10-20-80; 8:45 am]
BILLING CODE 4310-06-M

30 CFR Part 918
Public Disclosure of Comments Received From Federal Agencies on the Louisiana State Permanent Program Submitted Under Pub. L. 95-87
AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.
ACTION: Public Disclosure of Comments on the Louisiana Program Resubmission.
SUMMARY: Before the Secretary of the Interior may approve permanent State regulatory programs submitted under Section 503(e) or resubmitted under Section 503(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain Federal agencies must be solicited and disclosed. The Secretary has solicited comments from these agencies and is today announcing their public disclosure with regard to the Louisiana State Permanent Program.
ADORICFE: Copies of the comments received are available for public review during business hours at:
Office of Surface Mining Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920
Office of Surface Mining Reclamation and Enforcement, Room 428, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240
Office of Conservation, 625 W. 4th Street, Baton Rouge, Louisiana 70804, Telephone: (504) 342-5510

FOR FURTHER INFORMATION CONTACT:
Richard D. Rieke, Assistant Regional Director, State and Federal Programs, Office of Surface Mining, Room 428, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106 Telephone: (816) 374-3920

SUPPLEMENTARY INFORMATION: The Secretary of the Interior approved in part and disapproved in part the initial Louisiana program submission on September 4, 1980. Comments on the initial submission were solicited from the Federal agencies listed below and the disclosure of their comments appeared in the Federal Register on June 23, 1980 (45 FR 41981).

In the Federal Register notice announcing the Secretary's initial decision, the Secretary also announced that Louisiana had resubmitted its program and made the resubmission available for public review and comment. See 45 FR 58576-58594, September 4, 1980. The Secretary is now considering the resubmitted Louisiana program for approval in accordance with Section 532(b)(1) of SMCRA and 30 CFR 731.13(b)(1). The resubmitted Louisiana program may not be approved until the Secretary has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise relevant to the program as proposed. In this regard, the following Federal agencies were invited to comment on this resubmitted Louisiana program:

Arkansas White River Basin Inter-Agency Committee.
U.S. Army Corps of Engineers.

Of those agencies invited to comment, OSM received comments from the Department of the Interior, Heritage Conservation and Recreation Service. These comments are available for review and copying during business hours at the locations listed above under "Addresses."

Dated: September 25, 1980.
Carl C. Close,
Assistant Director for State and Federal Programs, Office of Surface Mining.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I
[CC Docket No. 80-170; RM-3525]
Authorizing the Communications Satellite Corporation To Provide International Satellite Communications Services Directly to the Public; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.
ACTION: Proposed rule; extension of time to file reply comments.

SUMMARY: On April 22, 1980, the Commission adopted a Notice of Proposed Rulemaking (NPRM) which addresses Comsat's authority to deal directly with the public as a retail carrier. (45 FR 33652, 56115; May 20, August 22, 1980) The NPRM also seeks comments as to which entities may be permitted to deal directly with Comsat in its wholesale capacity. Under the proposed policy revisions, Comsat, through a separate subsidiary, would no longer be limited to serving only as a wholesaler of international satellite services. The Commission tentatively concludes that by authorizing Comsat to enter the retail market, along with permitting separate rates for cable and satellite services, the competition which results will encourage the realization of economies made possible by satellite terminology.

DATE: Reply comments must be received on or before October 7, 1980.


FOR FURTHER INFORMATION CONTACT:

Adopted: September 18, 1980.
Released: September 19, 1980.

By the Common Carrier Bureau:
1. Western Union International, Inc. (WUI), has filed a request for an extension of time from September 23, 1980, until October 7, 1980, to file reply comments in the Notice of Proposed Rulemaking in CC Docket No. 80-170, FCC 80-329, released May 6, 1980, wherein the Commission is proposing to permit the Communications Satellite Corporation (Comsat) to provide international satellite communications services directly to the public. In support of its request, WUI asserts that a two-week extension is warranted because the 590 pages of comments filed by sixteen parties raise numerous and complex questions which cannot be adequately addressed in the allotted time. Also, WUI contends that the public would not be adversely affected by the fourteen-day extension.

2. Due to the numerous and complex issues raised in this proceeding and the benefits to the public and the Commission in having full reply comments submitted, we believe a two-week extension of time is reasonable. In addition, we agree that the public interest will not be harmed by this extension. Thus, we will grant the extension as requested, and the extension will apply to all interested parties.

3. Accordingly, It is ordered, pursuant to authority delegated in Section 0.291 of the Commission's Rules and Regulations, 47 CFR Section 0.291 (1979), that the request by Western Union International, Inc., for an extension of time to file reply comments in CC Docket No. 80-170 is granted, and that interested parties shall file reply comments in this proceeding on or before October 7, 1980.

Federal Communications Commission.
William F. Adler,
International Facilities, Authorization and Licensing Division, Common Carrier Bureau.

FOR FURTHER INFORMATION CONTACT:

Adopted: September 18, 1980.
Released: September 19, 1980.

By the Common Carrier Bureau:
1. Western Union International, Inc. (WUI), has filed a request for an extension of time from September 23, 1980, until October 7, 1980, to file reply comments in the Notice of Proposed Rulemaking in CC Docket No. 80-170, FCC 80-329, released May 6, 1980, wherein the Commission is proposing to permit the Communications Satellite Corporation (Comsat) to provide international satellite communications services directly to the public. In support of its request, WUI asserts that a two-week extension is warranted because the 590 pages of comments filed by sixteen parties raise numerous and complex questions which cannot be adequately addressed in the allotted time. Also, WUI contends that the public would not be adversely affected by the fourteen-day extension.

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3. Accordingly, It is ordered, pursuant to authority delegated in Section 0.291 of the Commission's Rules and Regulations, 47 CFR Section 0.291 (1979), that the request by Western Union International, Inc., for an extension of time to file reply comments in CC Docket No. 80-170 is granted, and that interested parties shall file reply comments in this proceeding on or before October 7, 1980.

Federal Communications Commission.
William F. Adler,
International Facilities, Authorization and Licensing Division, Common Carrier Bureau.


FOR FURTHER INFORMATION CONTACT:

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Federal Communications Commission.
William F. Adler,
International Facilities, Authorization and Licensing Division, Common Carrier Bureau.


FOR FURTHER INFORMATION CONTACT:

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3. Accordingly, It is ordered, pursuant to authority delegated in Section 0.291 of the Commission's Rules and Regulations, 47 CFR Section 0.291 (1979), that the request by Western Union International, Inc., for an extension of time to file reply comments in CC Docket No. 80-170 is granted, and that interested parties shall file reply comments in this proceeding on or before October 7, 1980.

Federal Communications Commission.
William F. Adler,
International Facilities, Authorization and Licensing Division, Common Carrier Bureau.
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Withdrawal of an Expired Proposal for Listing of the Callippe Silverspot Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of withdrawal of an expired proposed rule.

SUMMARY: As amended November 10, 1978, the Endangered Species Act mandates withdrawal of proposed rules to list species which have not been made final within two years of the proposal. The amended Act also authorized a one-year suspension of all withdrawals, until November 10, 1979. The time limit has expired for the Callippe silverspot butterfly (Speyeria callippe callippe), which was originally proposed for listing as Endangered with Critical Habitat on July 3, 1978 (43 FR 28938-45). The Critical Habitat portion of this proposal was withdrawn on March 6, 1979 (44 FR 12388-384), in order to be supplemented to comply with the 1978 Endangered Species Act Amendments. Critical Habitat for the Callippe silverspot butterfly was reproposed on March 28, 1980 (45 FR 20508-05). A final rule was not completed for this species within the two-year limit. This notice constitutes the withdrawal of the Callippe silverspot butterfly listing proposal.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:

Background

Section 4(f)(5) of the Endangered Species Act of 1973, as amended November 10, 1978, states that:

"A final regulation adding a species to any list published pursuant to subsection (c) shall be published in the Federal Register not later than two years after the date of publication of the notice of the regulation proposing listing under paragraph (b)(1). If a final regulation is not adopted within such two year period, the Secretary shall withdraw the proposed regulation and shall publish notice of such withdrawal in the Federal Register not later than 30 days after end of such period. The Secretary shall not propose a regulation adding to such a list any species for which a proposed regulation has been withdrawn under this paragraph unless he determines that sufficient new information is available to warrant the proposal of a regulation. No proposed regulation for the listing of any species published before the date of the Endangered Species Act Amendments of 1973 shall be withdrawn under this paragraph before the end of the one-year period beginning on such date of enactment."

The two-year time limit on proposal and one-year period on suspension of withdrawals which were established in this subsection have expired for the Callippe silverspot butterfly which was proposed July 3, 1978 (43 FR 28938-45).

The Callippe silverspot butterfly is known only from San Bruno Mountain, San Mateo County, California. The main threat to this butterfly is potential housing development in the grassland areas of San Bruno Mountain. Essentially the same areas are inhabited by the Mission blue butterfly (Icaricia icarioides missionensis), a species listed as Endangered on the Federal list on June 1, 1976 (41 FR 22041-44). Due to the existing protection afforded by the Endangered Species Act to the Mission blue butterfly and its habitat, the listing of the Callippe silverspot butterfly received a lower listing priority than several other insect species for which final rulemakings were being completed concurrently.

The County of San Mateo is presently conducting extensive studies on the Callippe silverspot butterfly, as well as other potentially Endangered species on San Bruno Mountain. The County has contracted with Thomas Reid Associates of Palo Alto, California, to perform studies to determine potential effects of development in the San Bruno Mountains, and to formulate a conservation plan for several rare or Endangered species in the area. The Service will consider the information provided by these studies, as well as other available information, in deciding whether to repropose the Callippe silverspot for Federal listing as Threatened or Endangered.

In accord with section 4(f)(5), the Callippe silverspot butterfly was withdrawn on July 3, 1980. This action gives notice of the withdrawal of this species which occurs in the State of California.

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).

The primary author of this notice is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C.
20240, 703/235-1975.

Dated: September 24, 1980.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service.

[FR Doc. 80-20034 Filed 9-26-80; 8:45 am]
BILLING CODE 4310-55-M
Section 22 Import Fees; Determination of Quarterly Import Fees on Sugar

AGENCY: Office of the Secretary.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. This notice announces those determinations for the fourth calendar quarter of 1980.

EFFECTIVE DATE: October 1, 1980.


SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4631, dated December 28, 1978, Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(i) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable is less than 16.0 cents per pound. Paragraph (c)(ii) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the sum of the 33.049 cents average spot price + 0.625 cents duty + .90 cents attributed costs greater than 15.0 cents.

The average of the daily spot (world) price quotations for raw sugar for the applicable period prior to the fourth calendar quarter of 1980 has been calculated to be 33.049 cents per pound. This results in a fee of 0.80 cents per pound for item 956.15, since the sum of the 33.049 cents average spot price + 0.625 cents duty + .90 cents attributed costs is greater than 15.0 cents.

Accordingly, the fee for items 956.05 and 957.15 for the fourth calendar quarter of 1980 is 0.52 cents per pound.

Notice

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the fourth calendar quarter of 1980 shall be as follows:
The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)[iii] of Headnote 4.


Bob Bergland, Secretary of Agriculture.

[FR Doc. 50-917 Filed 9-29-80; 8:65 am]
BILLING CODE 3110-9-D

CIVIL AERONAUTICS BOARD

[Aocket 20244]

Aloha Airlines, Inc.; Subsidy Mail Rates; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding assigned to be held on October 6, 1980 at 10:00 a.m. (FR Doc. 50-917, September 23, 1980) is postponed until October 7, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.


[FR Doc. 50-9223 Filed 9-29-80; 8:65 am]
BILLING CODE 3110-4-D

[Order 80-9-151; Docket 38488]

Application of People Express for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to show cause.

SUMMARY: The Board is proposing to grant a certificate of public convenience and necessity to People Express, subject to a favorable determination of its fitness, to authorize it to provide service in 27 New York/Newark markets. People Express is applying for a certificate of public convenience and necessity for its proposed service to 27 New York/Newark markets.

DATE: October 27, 1980.

ADDRESSES: Notices of Order to show cause proceedings must be served on the Civil Aeronautics Board, Washington, D.C., 20428. They should be served not later than October 27, 1980.

[FR Doc. 50-9280 Filed 9-30-80; 8:45 am]
BILLING CODE 3110-0-D

[Order 80-9-151; Docket 38488]

Application of People Express for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to show cause.

SUMMARY: The Board is proposing to award nonstop air route authority between Boston, on the one hand, and Miami and Ft. Lauderdale, on the other hand, to Trans World Airlines, USAir, Ozark Air Lines, and any other fit, willing and able applicant, to establish such service subject to the Board's final determination of whether such service is in the public interest.

DATES: Objections and proposed requests for information and for evidence, and statements of issues, are due to the Civil Aeronautics Board in writing no later than September 7, 1980.

ADDRESSES: Notices of Order to show cause must be served on the Civil Aeronautics Board, Washington, D.C., 20428. They should be served not later than September 7, 1980.

[FR Doc. 50-9290 Filed 9-30-80; 8:45 am]
BILLING CODE 3110-0-D

[Order 80-9-151; Docket 38488]

Application of People Express for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to show cause.

SUMMARY: The Board is proposing to award nonstop air route authority between Boston, on the one hand, and Miami and Ft. Lauderdale, on the other hand, to Trans World Airlines, USAir, Ozark Air Lines, and any other fit, willing and able applicant, to establish such service subject to the Board's final determination of whether such service is in the public interest.

DATES: Objections and proposed requests for information and for evidence, and statements of issues, are due to the Civil Aeronautics Board in writing no later than September 7, 1980.

ADDRESSES: Notices of Order to show cause must be served on the Civil Aeronautics Board, Washington, D.C., 20428. They should be served not later than September 7, 1980.

[FR Doc. 50-9290 Filed 9-30-80; 8:45 am]
BILLING CODE 3110-0-D

Continental—Western Merger Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 10, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy of all materials to the judge of the prehearing conference in accordance with the notice of prehearing conference issued on September 25, 1980.
of the other parties shall be limited to
points on which they differ with the
Bureau of Consumer Protection, and
shall follow the numbering and lettering
used by the Bureau to facilitate cross-
referencing.

Dated at Washington, D.C., September 24,
1990.

John M. Vittone,
Administrative Judge.

[FR Doc. 80-30227 Filed 9-29-80; 8:45 am]
BILLING CODE 8020-01-M

[DEPARTMENT OF COMMERCE
Bureau of the Census
Census Advisory Committee on the
Asian and Pacific Americans Population
for the 1980 Census; Public Meeting

Pursuant to the Federal Advisory
Committee Act (Pub. L. 94-463), as
amended, notice is hereby given that the
Census Advisory Committee on the
Asian and Pacific Americans Population
for the 1980 Census will convene on
October 30, 1980, at 9:30 a.m. The
Committee will meet in Room 2424,
Federal Building 3, at the Bureau of the
Census in Suitland, Maryland.

This Committee was established in
June 1976 to advise the Director,
Bureau of the Census, during the planning of
the 1980 Census of Population and Housing
on such elements as improving the
accuracy of the population count,
developing definitions and terminology
for improved identification and
classification of the Asian and Pacific
Americans population, suggesting areas
of research, recommending subject
content and tabulations of particular use
to the Asian and Pacific Americans
population, and expanding the
dissemination of census results among
present and potential users of census
data in the Asian and Pacific Americans
community.

The Committee is composed of 21
members appointed by the Secretary of
Commerce. It was established in
February 1975 to advise the Director,
Bureau of the Census, on such 1980
census planning elements as improving
the accuracy of the population count,
developing definitions for classification
of the Spanish origin population,
recommending subject content and
tabulations of special use to the
Spanish origin population, and
expanding the dissemination of census
results among present and potential
users of census data in the Spanish
origin population.

The agenda for the meeting, which is
scheduled to adjourn at 4:30 p.m., is:
(1) Introductory remarks by the Director
of the Census Bureau, (2) Issues relating
to the adjustment of the census
undercount, (3) Committee discussion,
and (4) Affirmative Action Program.

The meeting will be open to the public
and a brief period will be set aside for
public comment and questions.

Extensive questions or statements must
be submitted in writing to the
Committee Control Officer at least 3
days prior to the meeting.

Persons wishing further information
concerning this meeting or who wish to
submit written statements may contact
Clifton S. Jordan, Acting Deputy Chief,
Decennial Census Division, Bureau of
Census, Room 3779, Federal Building
3, Suitland, Maryland. (Mailing address:
Washington, D.C. 20233) Telephone:
(301) 763-5169.

Dated: September 25, 1980.

Vincent P. Barabba,
Director, Bureau of the Census.

[FR Doc. 80-30225 Filed 9-29-80; 8:42 am]
BILLING CODE 3510-07-M

Census Advisory Committee on the
Spanish Origin Population for the 1980
Census; Public Meeting

Pursuant to the Federal Advisory
Committee Act (Pub. L. 92-463), as
amended, notice is hereby given that the
Census Advisory Committee on the
Spanish Origin Population for the 1980
Census will convene on October 27,
1980, at 9:30 a.m. The Committee will
meet in Room 2424, Federal Building 3,
at the Bureau of the Census in Suitland,
Maryland.

The Committee is composed of 21
members appointed by the Secretary of
Commerce. It was established in
February 1975 to advise the Director,
Bureau of the Census, on such 1980
census planning elements as improving
the accuracy of the population count,
developing definitions for classification
of the Spanish original population,
recommending subject content and
tabulations of special use to the
Spanish origin population, and
expanding the dissemination of census
results among present and potential
users of census data in the Spanish
origin population.

The agenda for the meeting, which is
scheduled to adjourn at 4:30 p.m., is:
(1) Introductory remarks by the Director
of the Census Bureau, (2) Issues relating
to the adjustment of the census
undercount, (3) Committee discussion,
and (4) Affirmative Action Program.

The meeting will be open to the public
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Extensive questions or statements must
be submitted in writing to the
Committee Control Officer at least 3
days prior to the meeting.

Persons wishing further information
concerning this meeting or who wish to
submit written statements may contact
Clifton S. Jordan, Acting Deputy Chief,
Decennial Census Division, Bureau of
Census, Room 3779, Federal Building
3, Suitland, Maryland. (Mailing address:
Washington, D.C. 20233) Telephone:
(301) 763-5169.
Dated: September 25, 1980.
Vincent P. Barabba,
Director, Bureau of the Census.
[FR Doc. 80-30255 Filed 8-30-80; 8:45 am]
BILLING CODE 3510-07-M

International Trade Administration

Unrefined Montan Wax From the German Democratic Republic; Initiation of Antidumping Investigation

AGENCY: Department of Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice advises the public that on the basis of a petition filed in proper form, the Department of Commerce is initiating an antidumping investigation to determine whether unrefined montan wax from the German Democratic Republic is being, or is likely to be, sold at less than fair value. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are either less than the prices of such or similar merchandise sold for consumption in the manufacturer's or exporter's home market or to countries other than the United States, or less than the constructed value. Prices of such or similar merchandise sold at less than fair value from state-controlled economy countries are determined with reference to prices and costs of similar merchandise from non-state-controlled economy countries. The Department of Commerce is notifying the International Trade Administration of this action so that, in accordance with the Tariff Act of 1930, as amended, the Commission may determine whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: September 30, 1980.


SUPPLEMENTARY INFORMATION: On September 5, 1980, the Department of Commerce ("Department") received a petition that complies with the requirements of sections 353.36 and 353.37 of the Department Regulations (19 CFR 353.36 and 353.37). Filed by John J. Honslows, President of the American Lignite Products Company, Ione, California, the petition alleges that unrefined montan wax from the German Democratic Republic ("GDR") is being, or is likely to be, sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1677) ("the Act"), and that the U.S. industry is likely to be materially injured.

Unrefined montan wax is classified under item number 494.20 of the Tariff Schedules of the United States. "Unrefined montan wax" is a non-oxidized mineral wax extracted from lignite, not advanced beyond extraction or cleaning by solvent. The product is used primarily as a flow agent in one-time carbon ink formulas.

The petition includes sufficient evidence supporting both the allegations of material injury and of sales at less than fair value. For comparison purposes, the petitioner uses the f.o.b. German port price as the United States purchase price, and, in accordance with section 353.36(b)(3) of the Department Regulations (19 CFR 353.36(b)(3)), Ione, California price as the foreign market value. According to the petitioner, unrefined montan wax is produced only in the German Democratic Republic and in the United States. The petition indicates increased volume of imports and demonstrates actual decline in production, sales and profits. It also indicates personnel layoffs and plant closings. The petition alleges "critical circumstances" in accordance with section 353.36(a)(14) of the Department Regulations (19 CFR 353.36(a)(14)).

In accordance with section 732(c) of the Act (93 Stat. 163, 19 U.S.C. 1673c), I hereby determine that the Department will initiate an investigation to determine whether imports of unrefined montan wax from the German Democratic Republic are being, or are likely to be, sold at less than fair value. Pursuant to section 732(d)(1) of the Act (93 Stat. 163, 19 U.S.C. 1673d), the Department is notifying the U.S. International Trade Commission (ITC) and providing it with a copy of the information on which I based this determination to initiate an investigation. The International Trade Administration will make available to the ITC all nonprivileged and nonconfidential information. It will also make available all privileged and confidential information in its files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673a(a)), the ITC will determine whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of unrefined montan wax from the German Democratic Republic. If that determination is negative, this investigation will be terminated, and the International Trade Administration will publish no further notice. Otherwise, the investigation will proceed to its conclusion.

Section 731(b)(2) of the Act (93 Stat. 163, 19 U.S.C. 1671b(b)) requires that, normally no later than 160 days after the date on which the petition was filed, the International Trade Administration make a preliminary determination whether there is a reasonable basis to believe or suspect that merchandise which is the subject of this investigation is being, or is likely to be, sold at less than fair value. Therefore, unless the investigation is terminated or extended, the International Trade Administration will make a preliminary determination not later than February 12, 1981. This notice is published pursuant to section 732 of the Act (93 Stat. 162, 19 U.S.C. 1673a) and section 353.37(b) of the Department Regulations, (19 CFR 353.37(b), 45 Fed. Reg. 6195).

John D. Greenwald,
Deputy Assistant Secretary for Import Administration.
September 24, 1980.

[FR Doc. 80-30234 Filed 9-20-80; 8:15 am]
BILLING CODE 3510-35-M

Certain Textiles and Textile Mill Products From India; Final Negative Countervailing Duty Determination

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Final negative countervailing duty determination.

SUMMARY: The Department of Commerce has determined that the Government of India does not confer benefits upon the production or export of certain textiles and textile mill products which constitute subsidies within the meaning of the countervailing duty law.


SUPPLEMENTARY INFORMATION:

Procedural Background

On April 2, 1980, the Commerce Department published in the Federal Register a notice of "Initiation of
Countervailing Duty Investigation in this case. By this action Commerce reopened on its own initiative an earlier countervailing duty investigation of certain textiles and textile mill products (hereinafter "textiles") from India which had been concluded on November 16, 1976, with the issuance of a final negative countervailing duty determination. The reopening of that proceeding was necessary to reexamine one of the programs originally investigated in light of statutory changes to the countervailing duty law made by the Trade Agreements Act of 1979. A notice of "Preliminary Countervailing Duty Determination" was published in the Federal Register on June 26, 1980 (45 Fed. Reg. 43240).

On January 1, 1980, Title I of the Trade Agreements Act of 1979 (93 Stat. 190) (the TAA) took effect. The TAA superseded section 303 of the Tariff Act of 1930 (the Act), for countervailing duty cases involving products of any country determined to be a "country under the Agreement," as defined in section 701(b) of the Act (19 U.S.C. 1671(b)). The TAA also amended section 303 of the Act (19 U.S.C. 1303).

India is not presently a "country under the Agreement." This case is, therefore, governed by section 303 of the Act, as amended by section 103(b) of the TAA (19 U.S.C. 1303(b)).

Indian Textile Industry Profile

The textile industry is the largest organized industry in India, accounting for roughly 20 percent by value of India's total industrial production. The industry is composed of both large mills (the "mill sector") and many small enterprises (the "decentralized sector"). The mill sector consists of spinning mills producing yarn and composite mills which are engaged in both spinning and weaving. The decentralized sector, which uses handloom and power looms, depends on the mill sector for its yarn requirements. Over one-half of the power looms are engaged in the manufacture of man-made textiles. Mills are located throughout India and employ over 7 million workers. Maharashtra, Gujarat, Tamil Nadu, Karnataka and West Bengal are the main manufacturing states. U.S. imports of cotton manufactures from India totaled 138 million equivalent square yards in 1978 as against 154 million equivalent square yards in 1977. Other major export markets include the United Kingdom, Japan, Singapore, Australia, South Africa, West Germany, Canada and Japan.

For purposes of this notice, "certain textiles and textile mill products" include yarns, fabrics, household textiles, miscellaneous products of textile mills, and certified hand-loomed and folklore products, made of cotton, wool and man-made fibers as specified in the U.S. bilateral textile agreements and described by the Tariff Schedules of the United States Annotated (TSUSA) set forth in the appendix to the Federal Register notice published on October 13, 1978 (43 Fed. Reg. 47340). The term also refers to men's and boys' apparel described by TSUSA item numbers in this appendix.

Program Investigated

The program under investigation involves Cash Compensatory Support on Export (CCS) payments by the Government of India on the exportation of textile products. The CCS payments vary from 6.0 percent to 15.0 percent of the F.O.B. value of the exports, depending on the product.

This is the third in a series of cases involving CCS payments by Indian on exports to the United States. In both previous cases—Certain Industrial Fasteners from India, published in the Federal Register on July 21, 1980 (45 Fed. Reg. 46807) and Certain Iron Metal Castings from India, published in the Federal Register on August 20, 1980 (45 Fed. Reg. 55502)—we examined in some detail the nature of the CCS program and the specific manner in which it was applied to the products in question. We were unwilling to find that the program, per se, involved subsidies within the meaning of the countervailing duty law. Rather, in each case our affirmative determination rested on the manner in which the program was applied to the specific products under investigation.

The issue in each instance is whether CCS payments on the export of a particular product can be considered bona fide, non-excessive rebates of indirect taxes previously paid on the products, if so, whether the payments are not subsidies within the meaning of the countervailing duty law; if not, they are.

The CCS program was introduced in 1966 and, since then, has been revised periodically. The Government of India has stated that the primary— but not the exclusive— purpose of the CCS program is to compensate exporters for various disadvantageous taxes and indirect taxes paid, and not otherwise rebated, on products that are exported. The CCS payments are designed to support exports in a manner consistent with the competitive needs of Indian producers.

The Government of India determines the CCS rate for a particular product after taking into account the incidence of indirect taxes paid by producers of the product that are not otherwise refunded, the existence of other disincentives to exports, and the competitive needs of the producers.

There is no "right" to CCS payments; none are granted, and, once awarded, they are not otherwise rebated if the Government of India decides that the competitive need of a particular industry does not warrant CCS payments.

In the case of the textiles under investigation, the CCS rate was revised, effective April 1, 1979. In order to establish the new rate the Ministry of Commerce requested, on October 23, 1978, that the Silk and Rayon Textiles Export Promotion Council and the Cotton Textiles Export Promotion Council and other export councils which represent the textile industry submit updated information on indirect taxes levied on textiles and textile mill products, and on other matters affecting their export.

As we stated in our decisions in the fastener and castings cases, the primary considerations in determining whether programs like the CCS program should be considered indirect tax rebates are (1) whether the program operates for the purpose of rebating Indirect taxes; (2) whether there is a clear link between eligibility for payments on export and indirect taxes paid; and (3) whether the Government has reasonably calculated and documented the actual indirect tax incidence relative to the products concerned and has demonstrated a clear link between such tax incidence and the amount paid on export.

In both the fastener and the castings cases, petitioners argued that the general structure of the CCS program precludes a finding that CCS payments constitute indirect tax rebates. We did not agree. In the fastener case we noted that:

Counsel for petitioner has argued that a number of factors require the conclusion that, by its very structure, the CCS program cannot be considered a rebate of indirect taxes.

Counsel has pointed out that the program is designed to serve objectives other than the rebate of indirect taxes, that CCS payments are not available by right to Indian producers, and that the Ministry which operates the program is not the taxing authority.

We do not believe that any of these points is decisive. What the Indian Government may or may not hope to accomplish from the CCS payments does not determine the nature of the payments. There is nothing contradictory about rebating indirect taxes for the purpose of strengthening export performance.

Similarly, the fact that the Government of India reserves the right not to grant CCS payments has no bearing on whether, when made, the payments are or are not indirect tax rebates. Finally, we do not believe that it is appropriate for the Department to
determine the character of CCS payments because they are made by one government agency as opposed to another. The question is not how the funds are distributed but whether the payments constitute bona fide rebates of indirect taxes (45 Fed. Reg. 48006).

Our decision in each of the previous cases turned on a specific analysis of the relationship between the CCS payments and the incidence of indirect taxes borne by the exports in question. In neither case was the necessary link between indirect taxes and CCS payments satisfactorily demonstrated. In both, CCS payments were significantly greater than the level of indirect taxes borne by the products (especially after discounting for various items, e.g. port congestion charges, or steel development surcharge which, while claimed as indirect taxes which may be rebated on export, would not be recognized as such under our countervailing duty law). Further, there was little evidence that the indirect tax incidence borne by producers of fasteners and castings had been calculated with precision. In both cases the indirect tax information supplied to the Government of India came from only a few producers and, even among these, there was no effort to provide a weighted average tax incidence.

In contrast, all major producers of textiles subject to this investigation provided the Indian government (through the relevant export promotion councils) full and detailed information on the incidence of indirect taxes paid in their products. The information provided by individual producers was carefully aggregated by the councils in order to provide the Government an average tax incidence for each product sector. The Government of India has shown that the councils are required to periodically submit updated tax incidence information and that the CCS payment level is evaluated in light of the new information. Finally for each product sector the amount of the CCS payment was equal to or, more often, less than the incidence of indirect taxes borne by the product.

Unlike the fasteners and castings cases, this case satisfies the standards for determining whether the CCS payments constitute indirect tax rebates that has been met. First, the CCS program is an effort by the Government of India to rebate indirect taxes to Indian exporters of textiles. The program has other objectives but, as we said in our decision in the fasteners case, the additional objectives do not make the CCS program any less an effort to rebate indirect taxes. Second, eligibility for CCS payments is, in this case, clearly linked to indirect taxes paid. In order to set CCS payment levels, the Government of India required and received detailed information on indirect taxes paid; the CCS levels were set in light of this information. Finally, in this case the Government has taken care to require full and carefully documented information, on a product sector basis, of indirect taxes borne by textile and textile mill exports and has limited CCS payments to the amount of indirect taxes paid which, under our countervailing duty law, may be rebated on export.

We have, accordingly, concluded that CCS payments on the products subject to this investigation are not subsidies within the meaning of the countervailing duty law.

Verification

Department officials verified the information relied upon in reaching this determination through investigation of Government documents pertaining to the CCS program, examination of other documents, and discussions with officials of the Government of India. Examples of the type of documents examined include official government reports on policies, announcements of government programs, and trade organization reports.

Determination

I hereby determine that the Government of India does not provide bounties or grants (subsidies) within the meaning of section 303 of the Act on the production or export of textiles or textile mill products.

Accordingly, I direct cancellation of the suspension of investigation ordered in the preliminary determination. I further direct Customs officers to liquidate entries without regard to countervailing duties, and to cancel any bonds or other security that had been required.

(Secs. 303 and 706 of the Act (19 U.S.C. 2203, 1671(e)), and section 355.33 of the Department of Commerce regulations (19 CFR 355.33))

Robert E. Harrarstein,
Under Secretary for International Trade.
September 24, 1980.

[FR Doc. 80-30761 Filed 9-29-80; 8:45 a.m.]
BILLING CODE 3510-25-M

Worldwide Information and Trade System (WITS); Request for Information

FEDERAL AGENCY: Department of Commerce.

SUBMITTING OFFICE: International Trade Administration, Deputy Assistant Secretary for Export Development.

SUBJECT: Request for Information.

The Department of Commerce is currently developing a computerized, international marketing information system, known as the Worldwide Information and Trade System (WITS). The objective of WITS is to help increase U.S. exports. The Congress has indicated its intention that the objective be accomplished in a manner which utilizes, to the maximum extent possible, existing sector databases and other information services and does not duplicate or compete with them. Consistent with the Congressional intent and U.S. Government policy, the Department is interested in procuring the required database services for WITS from private sector sources, in preference to developing and maintaining the WITS database in house.

The WITS System contemplates a database of seven discrete files, described briefly below:

1. Marketing information file containing foreign economic, commercial and marketing information on business conditions and U.S. export prospects abroad.

2. Promotional events file containing information on U.S. and overseas export-related trade shows, missions, conferences, etc.

3. Export advisory file containing information on organizations and publications which can provide advice, information and other services to U.S. exporters.

4. Foreign purchase leads file containing specific leads from foreign firms or governments to purchase or distribute U.S. products abroad.

5. Foreign customer file containing information on foreign companies that represent potential customers for U.S. goods and services, including their marketing interests and capabilities vis a vis the U.S.

6. U.S. supplier file containing information on U.S. companies that currently export or are expressly interested in exporting, including their export capabilities, marketing interests and general products and services available for export.

7. U.S. supply leads file containing information specific U.S. products and services available for export, including the characteristics, features, end uses and export status.

- The Department of Commerce requests information on the capabilities and willingness of U.S. firms or organizations to collect, maintain and/ or disseminate, in whole or in part, the data to be contained in the seven WITS files. The Department has a series of specific questions to pose to potential suppliers of this data concerning their
database capabilities. Responses to these questions will be used by the Department to:

a. Design the functional requirements and specifications to be incorporated in a Request for Proposal to procure the needed database services for WITS;

b. Identify currently available or planned private sector databases containing data relevant to WITS and capable of meeting some or all of the WITS requirements;

c. Determine whether any of the computerized data files currently planned for the WITS System would substantially duplicate any existing private sector databases.

Firms potentially interested in supplying database services for the WITS System should write to the Department at the address listed below, within ten (10) days of this announcement, to request a copy of the questions. Please specify which of the seven files you are interested in, so that you may receive the appropriate set of questions. ITA/ED/WITS, The Great Hall, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230

Vernon C. Stansbury, Jr.,
Deputy Director.

[F.R. Doc. 80-30070 Filed 9-29-80; 0:45 am]
BILLING CODE 3510-50-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of Computer Systems Technical Advisory Committee will be held on Wednesday, October 15, 1980, at 1:30 p.m. in Room 8705, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, August 28, 1978, and August 29, 1980, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(a)(1) of the Export Administration Act of 1979, 50 U.S.C.A. App. 2401 et seq., and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee. On October 18, 1978, the Assistant Secretary for Industry and Trade approved the reestablishment of the Subcommittee pursuant to the charter of the Committee. And, on September 19, 1980, the Deputy Assistant Secretary for Export Administration approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of product and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any goods or technology, and (D) exports subject to unilateral and multilateral controls in which the United States establishes or in which it participates, including proposed revisions of any such controls.

The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of the performance analysis forms.

Executive Session

4. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public; a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6317, U.S. Department of Commerce, Telephone: 202-377-4217.

Copies of the minutes of the General Session can be obtained by calling Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: September 29, 1980.

Kent N. Knowles,
Director, Office of Export Administration, International Trade Administration, Department of Commerce.

[FR Doc. 80-20062 Filed 9-29-80; 11:55 am]
BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, October 15, 1980, at 9:30 a.m. in Conference Room A, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, August 28, 1978, and August 29, 1980, the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6317, U.S. Department of Commerce, Telephone: 202-377-4217.

Copies of the minutes of the General Session can be obtained by calling Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: September 29, 1980.

Kent N. Knowles,
Director, Office of Export Administration, International Trade Administration, Department of Commerce.
For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: September 29, 1980.
Kent Knowles,
Director, Office of Export Administration, International Trade Administration, Department of Commerce.

National Oceanic and Atmospheric Administration

Approval of the Louisiana Coastal Zone Management Program

Pursuant to the authority contained in section 306(a) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1455(a)), notice is hereby given that the Assistant Administrator for Coastal Zone Management (on behalf of the Secretary of Commerce) on September 20, 1980 approved the coastal zone management program of Louisiana. Approval activates Federal agency responsibility for being consistent with this program pursuant to the requirements of the Federal consistency provisions of the Coastal Zone Management Act of 1972, as amended. Further information on the responsibilities of affected federal agencies in this regard may be found in 15 CFR Part 930, published in the Federal Register, at page 37142, on June 25, 1979.

A copy of the findings made by the Assistant Administrator in determining that this program meets the requirements of the Coastal Zone Management Act may be obtained upon request from the Office of Coastal Zone Management. Inquiries regarding the Louisiana Program should be addressed to: Ann Berger-Blundon, Gulf/Islands Regional Manager, Office of Coastal Zone Management, Page Building No. 1 Room 354, 3300 Whitehaven Street, NW., Washington, D.C. 20235, (202) 254-7540.

Dated: September 24, 1980.
Michael Glazer,
Assistant Administrator for Coastal Zone Management.

Office of the Secretary

[Department Organization Order 10-11; Amdt. 2; Transmittal 507]

Delegation of Authority; Office of Public Affairs

Effective: September 24, 1980.

This order effective September 24, 1980 further amends as shown below. The purpose of this amendment is to add the Office of Public Affairs.

1. Section 3. Delegation of authority. In pen and ink the existing paragraph .01 and a new paragraph .02 is added to read as follows:

".02 The Office of Public Affairs (DOO 15-3) has responsibility for editorial functions and OMB Circular A-3 to the Office of Publications."

Department Organization Order 10-11 of January 2, 1980 is hereby further amended as shown below. The purpose of this amendment is to add the Office of Public Affairs.

1. Section 3. Delegation of authority. In pen and ink the existing paragraph .01 and a new paragraph .02 is added to read as follows:

".02 The Office of Public Affairs (DOO 15-3) has responsibility for editorial functions and OMB Circular A-3 to the Office of Publications."

Kent Knowles,
Assistant Administrator for Public Affairs.

[FR Doc. 80-21948 Filed 8-29-80; 11:54 am] BILLING CODE 3510-70-M
paragraph 3.l., change the semicolon at the end of paragraph 3.m. to a period, and delete paragraph 3.n.

2. Section 4. Organization. Paragraphs .01 and .03 are revised to read as follows:

".01 The Deputy Director of Public Affairs assists the Director in the performance of responsibilities and performs the duties of the Director in the latter's absence. The Deputy Director is also responsible for reviewing all proposed Departmental publications to ensure the appropriate policy content.

".03 The Print Media Division is responsible for disseminating printed materials, for relationships with the press, and operation of the Commerce News Room. Specifically, the Division shall:

a. Provide liaison with, and assistance to representatives of the press on a day-to-day basis.

b. Review and approve for issuance press releases from operating units.

c. Prepare press releases, articles, and other materials on Department-level matters.

d. Advise and assist the public information staffs in the operating units in preparation and distribution of releases and material.

3. Amendment 1 dated July 17, 1978 is hereby superseded.

Elsa A. Porter, Assistant Secretary for Administration.

[FR Doc. 80-20152 Filed 8-30-80; 0:45 am]
BILLING CODE 3510-17-M

[Department Organization Order 25-5B; Transmittal 506]

Organization Order; National Oceanic and Atmospheric Administration

Effective: August 16, 1980.

This order effective August 18, 1980 supersedes the materials appearing at 43 FR 51439 of November 3, 1978, 44 FR 3303 of January 16, 1979, 44 FR 15522 of March 14, 1979, 44 FR 24623 of April 25, 1979, 44 FR 63128 of November 2, 1979, 45 FR 19226 of March 25, 1980 and 45 FR 22479 of May 19, 1980.

Section 1. Purpose.

.01 This order prescribes the internal organization, management structure, and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA). The scope of authority and functions of NOAA are set forth in Department Organization Order 25-5A.

.02 The purpose of this revision is to:

a. Remove from the Executive Secretariat (Section 3) the responsibility to serve as primary contact and coordinating point for audits. This function is now performed by the Assistant Administrator for Management and Budget.

b. Transfer the National Climate Program Office to the Assistant Administrator for Policy and Planning (Section 6) and set forth the organization structure under the Assistant Administrator.

c. Change the title of the Office of Resource Use Assessment and Coordination under the Assistant Administrator for Coastal Zone Management (Section 8) to the Office of Ocean Resource Coordination and Assessment.

d. Remove from the Office of Management and Computer Systems (Section 10) the reference to the Federal planning program for environmental telecommunications system. This program has been eliminated by the Executive Office of the President.

e. Eliminate the listing of the organizational substructure under the Office of Ocean Engineering, and Environmental Research Laboratories in Section 10, and National Weather Service, National Ocean Survey, and Environmental Data and Information Service in Section 11. These listings did not serve a useful purpose, and increased the administrative burden on NOAA when changes were required.

f. Rename the National Environmental Satellite Service as the National Earth Satellite Service and elevate it from a Major Program Element reporting to the Assistant Administrator for Oceanic and Atmospheric Services to a major line component reporting to the Administrator (Section 12); and incorporate outstanding amendments.

Section 2. Organization Structure.

The organization structure of NOAA shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Section 3. Office of the Administrator.

.01 The Administrator of NOAA formulates policies and programs for achieving the objectives of NOAA and directs the execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating policies and programs and in managing NOAA.

.03 The Associate Administrator assists the Administrator and the Deputy Administrator in formulating policies and programs and in managing NOAA.

.04 The Executive Secretariat shall provide management and control of all correspondence addressed to or from the Administrator, Deputy Administrator and Associate Administrator; follow-up on action items assigned by the Administrator; advise NOAA officials regarding the Administrator's position on issues and on actions or decisions affecting their areas of responsibility; maintain the schedule for and coordinate the NOAA weekend duty officer system; and provide administrative and logistic support to the Office of the Administrator, the special staff offices, and such other offices as may be assigned.

Section 4. Special Staff Offices.

.01 The Office of Congressional Affairs shall coordinate contacts with Congress involving NOAA (except for budgetary matters involving the Appropriations Committees); identify and track all legislation of interest to NOAA; develop positions setting forth NOAA's views as to the merits of proposed or pending legislation; receive all requests for NOAA testimony before Congress (except for budgetary matters) and coordinate preparation of testimony; and assist the NOAA Office of General Counsel in clearing legislative positions and testimony through the appropriate Departmental offices. The activities shall be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Affairs and Office of General Counsel.

.02 The Office of Public Affairs shall recommend objectives and policies relating to public affairs; plan and conduct an information and education program to insure that the public, Congress, user groups, and employees are properly informed on NOAA's activities; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Public Affairs.

.03 The Office of Naval Deputy shall insure coordination and joint planning with the Navy on programs of mutual organizational interest.

.04 The Office of NOAA Corps shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the recruitment, commissioning, training, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

.05 The Office for Civil Rights shall develop, direct and coordinate programs, policies and activities throughout NOAA to insure the effective fulfillment of NOAA's responsibilities in...
the areas of equal employment opportunity (EEO), including affirmative action, for employees and job applicants, and nondiscrimination in activities and projects sponsored by NOAA Programs. The Office shall develop program policy, recommend legislative change and assist NOAA elements in the performance of their EEO and civil rights responsibilities; monitor and evaluate the effectiveness of NOAA in the areas of EEO and civil rights; monitor and evaluate compliance with civil rights or EEO statutes, executive orders or regulations; and administer NOAA's internal and external discrimination complaint systems, Race Relations Training Program, and Special Emphasis Programs. It shall work in close cooperation with the Office of Management and Budget with respect to EEO and affirmative action within NOAA, so that policy direction and guidance may be provided to the personnel offices on EEO and affirmative action matters. The activities of this Office shall be carried out in cooperation with the Departmental Office of Civil Rights and the Departmental and NOAA General Counsels.

06 The Office of University Affairs shall develop policies and programs designed to improve NOAA's relations with the academic and research communities. It shall serve as the focal point and assist managers in locating and attracting highly-qualified academic scientists to work in NOAA. The Office shall maintain cognizance of university research, studies, curriculum and personnel applicable to NOAA programs.

Section 5. General Counsel

The General Counsel shall provide the full range of legal services for all components of NOAA; review and process claims against NOAA; be responsible for the drafting of legislation and the legal review of legislative positions and testimony to be given before Congress; and, in cooperation with the NOAA Office of Congressional Affairs, clear legislative positions and testimony through appropriate Departmental offices. These activities shall be carried out subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6. Legislative activities shall be carried out in accordance with and in recognition of the responsibilities of the Departmental Office of General Counsel and the Office of Congressional Affairs.

Section 6. Assistant Administrator for Policy and Planning

The Assistant Administrator for Policy and Planning shall provide staff advice to the Administrator to achieve NOAA's goals through program planning and development of appropriate agency policies. The Assistant Administrator shall formulate and recommend long-range plans and policies for new initiatives and modification of existing programs; conduct economic and scientific studies in support of its activities; identify major issues affecting NOAA's programs and direct studies to provide recommendations for their solution; serve as NOAA's representative on the interagency committees and as NOAA's liaison with the National Advisory Committee on Oceans and Atmosphere; and provide assistance in solving special programs and articulating policy on matters of immediate concern to the Administrator. In addition, the Assistant Administrator shall develop policy and provide management coordination in four areas:

- All NOAA activities relating to the implementation by NOAA of the National Environmental Policy Act and related ecological and environmental conservation matters;
- NOAA's responsibilities under Section 4 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978;
- NOAA's responsibilities to coordinate the government-wide National Climate Program under the National Climate Program Act; and
- NOAA's Marine Minerals programs, acting as NOAA's focal point in developing and coordinating these programs in relation to programs and requirements of other agencies, industry and other elements of the private sector.

To carry out these responsibilities, the Assistant Administrator shall manage the following units:

01 The Policy Analysis Office shall provide staff support to the Assistant Administrator in providing advice to the Administrator. To this end it will:

- Formulate and recommend long-range plans and policies for new program initiatives and modification of existing programs;
- Conduct economic and scientific studies and operations analysis in support of policy and planning activities;
- Identify major national and international issues and problems affecting NOAA's programs and direct and coordinate studies and analysis to provide recommendations for their solution;
- As directed by the Administrator, serves as NOAA's representative on designated interagency committees; and
- Provide assistance in solving special problems and articulating policy on matters of immediate concern to the Administrator.

02 The Ecology and Conservation Office shall:

- Act as the Administrator's focal point for policy review of all NOAA activities relating to ecology and environmental conservation;
- Review all NOAA activities to ensure full compliance with the purposes and provisions of Sections 102 and 103 of the National Environmental Policy Act of 1969 (Public Law 91-190), as implemented by Department Administrative Order 210-6; provide final review of NOAA environmental statements required by Section 102 of the Act; and coordinate, within NOAA and with DOC and other appropriate agencies, the preparation of environmental comments by that section;
- Represent NOAA in discussions with the Council on Environmental Quality and the Environmental Protection Agency on matters related to the functioning of the National Environmental Policy Act and serve as appropriate on interagency councils, and in interagency discussions, on matters that involve ecology or environmental quality issues, and as the Administrator's principal liaison with private organizations concerned with environmental issues.

03 The National Marine Pollution Program Office, to fulfill the responsibilities assigned to NOAA by Section 4 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 (OPRDM), shall:

- Prepare on a biennial basis the five-year Federal plan on ocean pollution research, development, and monitoring (OPRDM) called for by the Act;
- Consult with Federal, State and local agencies, and private sector experts, and conduct studies and analyses, to determine national OPRDM needs and problems, current levels of Federal and non-Federal OPRDM activities, priority problem areas for action during the plan period, areas of overemphasis or underemphasis in the current Federal program, and recommendations for improved efficiency and effectiveness in the Federal OPRDM effort;
- Exercise an overall interagency coordination role to ensure implementation of recommendations in the current Federal plan and develop, in consultation with the Office of
Management and Budget and officials of concerned Federal agencies, methods to coordinate the Federal budget review process for OPORDM programs; d. Serve as primary staff support for the Interagency Committee for OPORDM, chaired by the Deputy Administrator, NOAA; and e. Evaluate the effectiveness of the Act and its implementation.

.05 The National Climate Program Office shall act as the focal point within the Federal Government to administer the National Climate Program in accordance with the National Climate Act (Public Law 95-237). In order to coordinate, plan, and serve national efforts in climate, the office shall: a. Develop the National Climate Program, including preparation of national climate plans and the Annual Report; b. Define the roles of various Federal departments and agencies in the National Climate Program and provide for Program coordination through interagency groups and advisory committees or other mechanisms; c. Cooperate and participate with other Federal agencies, including the Department of State, and foreign, international and domestic organizations and agencies involved in international or domestic climate-related programs; d. Assist the Administrator in establishing an intergovernmental program for Federal and State cooperative activities in climate studies and advisory services; e. Administer and monitor grants for research to public or private educational institutions, state agencies, and other persons or institutions qualified to conduct climate-related studies or provide climate-related services; f. Coordinate with and assist the Office of Management and Budget in the preparation of a horizontal budget for the National Program; and g. Evaluate the effectiveness of the Act and its implementation and develop recommendations for changes to further the national objectives in this area.

.06 The Marine Minerals Office shall: a. Coordinate, plan, and implement, in cooperation with other NOAA components, all NOAA activities pertaining to the development and authorization of marine hard mineral resources and the establishment of associated environmental safeguards for the marine and coastal environments; b. Assist the Assistant Administrator in the establishment of NOAA policies, program goals and objectives for marine hard minerals; and c. Act as NOAA's focal point for communication and coordination of the program with all concerned interests, including other Federal agencies, and the private sector.

Section 7. Assistant Administrator for Fisheries

The Assistant Administrator for Fisheries shall administer an integrated program of management, research, and services for the protection and rational use of living marine resources for their aesthetic, economic, and recreational value by the American people. The Assistant Administrator shall administer programs to determine the consequences of the naturally varying environment and human activities on living marine resources; to provide knowledge and services to foster their efficient and judicious use; and to achieve domestic and international management, use and conservation of living marine resources. To carry out these responsibilities, the Assistant Administrator shall have and direct the following units:

.01 The Office of the Assistant Administrator shall formulate, recommend, and execute basic policies relative to living marine resources and manage the National Marine Fisheries Service (NMFS). The Assistant Administrator shall be immediately assisted by a Deputy Assistant Administrator and an Executive Director. The Assistant Administrator, Deputy Assistant Administrator, and the Executive Director shall function as the Director, NMFS, Deputy Director, NMFS, and Associate Director, NMFS, respectively.

.02 The Office of Utilization and Development shall provide oversight for, and serve as the Assistant Administrator's principal source of advice on, all matters related to NMFS' fisheries management and marine recreational fisheries responsibilities. The Office shall develop national standards and operational guidelines for fisheries management programs, including the State-Federal Fisheries Management Program; shall review and recommend action on fisheries management plans; shall prepare implementing regulations as necessary; shall process applications and issue fishing permits; shall coordinate programs involving the enforcement of laws and regulations promulgated to protect fisheries resources, marine mammals and endangered species; and shall coordinate the provision of funding and such other administrative and technical support as may be required by the Regional Fisheries Management Councils. The Office shall also coordinate the planning and development of multidisciplinary programs in marine recreational fisheries.

.03 The Office of Resource Conservation and Management shall provide oversight for, and serve as the Assistant Administrator's principal source of advice on, all matters related to NMFS' fisheries management and marine recreational fisheries responsibilities. The Office shall develop national standards and operational guidelines for fisheries management programs, including the State-Federal Fisheries Management Program; shall review and recommend action on fisheries management plans; shall prepare implementing regulations as necessary; shall process applications and issue fishing permits; shall coordinate programs involving the enforcement of laws and regulations promulgated to protect fisheries resources, marine mammals and endangered species; and shall coordinate the provision of funding and such other administrative and technical support as may be required by the Regional Fisheries Management Councils. The Office shall also coordinate the planning and development of multidisciplinary programs in marine recreational fisheries.

.04 The Office of International Fisheries Affairs shall serve as the Assistant Administrator's principal source of advice on all matters related to international fisheries. The Office shall develop policy positions on international fisheries issues; shall acquire data and provide analyses regarding the status and impact of present and projected foreign fishing, industry activity and government attitudes and policies regarding fishing; shall participate in negotiations within, and the operations of, international forums, commissions and agreements, as
requested; shall manage NOAA's international fisheries training program; and shall monitor and coordinate activities with regard to the U.S. Fisheries Attaché Program.

08 The Office of Science and Environment shall provide oversight for, and assist the Assistant Administrator's principal source of advice on, all aspects of the NMFS research program. The Office shall develop policy and guidelines and provide national coordination for the planning and development of a multidisciplinary program of biological and socio-economic research necessary to provide information on fisheries management options to the appropriate Regional Fisheries Management Councils, to support national and regional programs including those related to utilization technology, marine mammals and endangered species and habitat protection, and to respond to the needs of various user groups; shall review and advise the Assistant Administrator on the research plans of the Fisheries Centers; and shall advise the Assistant Administrator on the needs for oceanic research and services which should be undertaken by the Office of Research and Development and Oceanic and Atmospheric Services to meet the special needs of the fisheries industry. As the principal headquarters focus for scientific expertise, the Office shall serve as the primary liaison with other government agencies and the scientific community on the national level regarding scientific and technical matters.

06 The Office of Marine Mammals and Endangered Species shall serve as the Assistant Administrator's principal source of advice on all matters related to the conservation and protection of those marine mammals and endangered species under the jurisdiction of the Secretary of Commerce. The Office shall advise the Assistant Administrator and the Office of Science and Environment on the need for research related to habitat protection, and to respond to the needs of various user groups; shall review and advise the Assistant Administrator on the research plans of the Fisheries Centers; and shall advise the Assistant Administrator on the needs for oceanic research and services which should be undertaken by the Office of Research and Development and Oceanic and Atmospheric Services to meet the special needs of the fisheries industry. As the principal headquarters focus for scientific expertise, the Office shall serve as the primary liaison with other government agencies and the scientific community on the national level regarding scientific and technical matters.

08 The Office of Habitat Protection shall serve as the Assistant Administrator's principal source of advice on all matters related to the environmental impact of human activities on the Nation's commercial fisheries and living marine resources and their habitats. The Office shall advise the Assistant Administrator and the Office of Science and Environment on the need for research related to habitat protection; shall review and advise the Assistant Administrator on the habitat protection research plans of the Fisheries Centers; and shall coordinate such plans with other habitat protection programs of the Office. The Office shall advise the Assistant Administrator on the effect that energy production efforts, outer continental shelf development activities, coastal zone planning and development programs and other similar activities have on commercial fishery and living marine resources and their habitats; shall coordinate the preparation of NMFS comments on construction and waste discharge permits, Federal water projects and other agencies' Environmental Impact Statements; shall determine the degree to which such activities comply with national policies; and shall be the NMFS focus for NOAA and interagency liaison on all matters related to habitat protection.

08 The Field Structure shall consist of the following organizational elements: A copy of Exhibit 2 is on file with the original of this document in the Office of the Federal Register.

a. Five Regional Offices as shown in Exhibit 2. Regional Offices shall serve as the regional representative of the Assistant Administrator with state conservation agencies, recreational interests, the fishing industry, other constituencies and the general public. In cooperation with appropriate headquarters offices and in accordance with the policies, guidelines and procedures provided by the Assistant Administrator, the Regional Offices shall plan, organize and manage regional programs in fisheries management, including the administration of grant programs, the provision of administrative and technical support to the Regional Fisheries Management Councils within the geographic area of responsibility, and initial review of fishery management plans; in fisheries development and industry assistance, including the administration of financial assistance programs; in recreational fisheries; and in other service areas throughout the program range of NMFS. The Regional Offices shall coordinate the planning and implementation of these programs with the Regional Fisheries Centers and with other nations and agencies as appropriate. They shall provide administrative support to other NMFS components within their geographic boundaries. The Director of each Regional Office shall report and be responsible to the Assistant Administrator.

b. Four Fisheries Centers as shown in Exhibit 2. In cooperation with appropriate headquarters offices and in accordance with the policies and guidelines provided by the Assistant Administrator, the Fisheries Centers shall plan, develop and manage multidisciplinary biological and socio-economic research programs necessary to provide fisheries management information and management options to the Regional Fisheries Management Councils, to support national and regional programs of the NMFS, and to respond to the needs of various user groups. The Centers shall develop the scientific base for status of stocks, status of fisheries including both socio-economic and biological aspects, environmental assessment and environmental impact statements; shall collect, document and interpret scientific and economic data as technical support for management plans, international negotiations, fishery development and food engineering programs; shall provide technical review and monitoring of fisheries plans and grant programs; shall pursue fundamental and applied research on specified topics such as marine mammals, endangered species, food science, fishing, oceanography, and aquaculture; and shall maintain liaison with the scientific community at the regional level. The Director of each Fisheries Center shall report and be responsible to the Assistant Administrator.

Section 8. Assistant Administrator for Coastal Zone Management

The Assistant Administrator for Coastal Zone Management shall administer and establish policy for NOAA's Coastal Zone Management

Field Structure:

- Four Fisheries Centers
- Five Regional Offices
activity which includes the following programs: State Programs of Coastal Zone Management; Marine and Estuarine Sanctuary Programs; Coastal Energy Impact Programs; and closely related programs. The Assistant Administrator for Coastal Zone Management shall serve as the primary Office of the Assistant Administrator for Coastal Zone Management shall manage and, where possible, the Access programs, and shall administer Estuarine Sanctuary and Shorefront Zone Acts of the Nation’s coastal and ocean areas. The Office of the Assistant Administrator for Coastal Zone Management shall serve as the primary point for Federal interagency programs and the execution of federal regulations, and implement procedures necessary for Federal review and consultation efforts on all matters relating to the development of and coordination and Assessment of the Office of the Assistant Administrator for Coastal Zone Management shall manage and direct the Office of Coastal Zone Management; formulate, recommend, and execute basic policies relative to Coastal Zone and Ocean Management; and provide advice to the Administration on NOAA’s coastal zone and ocean area management effort. The Office shall develop NOAA policy, promulgate regulations, and implement procedures necessary for Federal review and approval of state coastal management programs and the execution of federal consistency provisions which then come into force. It shall serve as the focal point for Federal interagency coordination and Federal-State consultation efforts on all matters relating to the management of the Nation’s coastal and ocean areas. The Office shall serve as the Federal Government focal point regarding the operation of the Federal programs affecting the Nation’s coastal zone and the consistency of these programs with the policies contained in the Coastal Zone Acts of 1972 and 1976. The Office shall develop policies and guidelines, and administer the Marine and Estuarine Sanctuary and Shorefront Access programs, and shall administer and monitor grants to States in support of these programs. It shall serve as NOAA’s focal point, direct and coordinate assessments of the impact of alternative uses for intensively used ocean and adjacent areas, and develop and recommend policies on actions which will result in maximum benefit for the Nation.

0.02 The Office of Coastal Zone Management Programs shall develop policies and guidelines on a continuing basis to assist State and local governments in the effective management and, where possible, the restoration and enhancement of the land and water resources of the coastal zone of the Nation. The Office shall administer and monitor grants to states in support of the development and administration of coastal zone management programs.

0.03 The Office of Coastal Energy Impact Programs shall develop policies and guidelines on a continuing basis to assist State and local governments in planning for the consequences of, and impacts on, the Nation’s coastal zones due to accelerated energy development activities. The Office shall administer and monitor an energy impact financial assistance program consisting of loans, bond guarantees, planning grants, environmental grants, and formula grants, each subject to specified conditions, for the purpose of meeting needs of State and local governments resulting from new or expanded energy activity in, or affecting, the coastal zone.

0.04 The Office of Sanctuary Programs shall develop policies and guidelines on a continuing basis to assist States and other governmental entities in the effective acquisition, conservation and protection of marine and estuarine sanctuary, wetlands, and waterfront areas. The Office shall administer and monitor grants to states in support of the development of and administration of sanctuary and waterfront access programs.

0.05 The Office of Ocean Resource Coordination and Assessment shall identify and assess impacts of present or propose uses of critical ocean and adjacent areas, and develop and recommend policies or proposals which will result in optimum benefit for the Nation. It directs and coordinates assessment of potential impacts of proposed human activity including outer continental shelf use, deep water ports, offshore oil and gas development, power generation, ocean dumping and recreation.

Section 9. Assistant Administrator for Management and Budget

The Assistant Administrator for Management and Budget shall provide administrative management support services and the means of management control over program and budget operations and program evaluation for all components of NOAA, except for elements of such services that appropriate components are directed to provide for themselves, exercise functional supervision over such decentralized services, and provide advice and guidance on the utilization of NOAA resources. To carry out these responsibilities, the Assistant Administrator shall have and direct the following units.

0.01 The Office of the Assistant Administrator shall formulate and execute the basic policies of the Office of Management and Budget.

0.02 The Office of Administrative Operations shall administer programs in procurement and grants management; property and supply management; forms, correspondence, records, and files management; space and facilities management; travel and traffic management; mail, messenger, and related office services; graphic services; safety; and security.

0.03 The Office of Program Evaluation and Budget shall provide NOAA with the means of management control over program and budget operations and program evaluations, and shall coordinate Integrated Program Management (IPM) activities. This Office, through the Assistant Administrator for Management and Budget, shall be the focal point for contacts with the Department and the Office of Management and Budget in these areas. The Office shall specifically be responsible for the planning and management of the annual NOAA Program review; the consolidation and integration of program guidance developed by the Assistant Administrator for Management and Budget, the coordination and development of issue studies; Zero Base Budget materials, and other supporting documentation required in the program/budget cycle; the development of the NOAA budget; the allocation and budgetary control of funds; the review and monitoring of fiscal plan execution; the design and implementation of program impact and efficiency evaluations; and the coordination of Departmental and Office of Management and Budget requirements and reporting activities necessary to the operation of the Office.

0.04 The Office of Management and Computer Systems shall conduct studies and provide analytical assistance to develop or improve the organization and staffing structure and other management systems within NOAA; provide management staff services in the application of advanced management principles and techniques; carry out the NOAA committee, reports and directives management functions; develop and maintain a central system for collecting, analyzing, presenting, and disseminating information on program status and performance; provide guidance and develop systems for measuring productivity and performance; exercise overall management, planning and coordination of NOAA’s automatic data processing systems.
and telecommunications needs and facilities including serving as the focal point within NOAA for intra- and interagency matters, and the review and evaluation of proposals for automatic data processing and telecommunications requirements and systems; and engage in research into advanced system concepts and apply or provide guidance in the application of these concepts. The Office shall provide systems analysis and programming support to NOAA's executive and administrative management functions and to other NOAA functions as requested, and shall operate and provide automatic data processing facilities and systems and special software support for all NOAA components except where separate facilities are approved.

.05 The Office of Personnel shall administer a program of personnel management services including conducting recruitment, employment, classification and compensation, employee relations and assistance, labor relations, incentive awards, and career development activities for civilian personnel. This shall include, in coordination with the Office for Civil Rights on EEO and civil rights matters, upward mobility and cooperative education student programs, equal employment opportunity programs, and affirmative action plans.

.06 The Office of Finance shall provide centralized financial accounting and payroll for all components of NOAA, determine needs of managers for accounting data, and maintain a financial reporting system that will facilitate effective management of NOAA's financial resources.

.07 The Office of Radio Frequency Management shall, as a Departmentwide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations of the Department of Commerce.

.08 The Northwest Administrative Service Office shall provide administrative services responsive to the requirements of the NMFS Northwest, Southwest, and Alaska Regions, the NMFS Northwest and Alaska Fisheries Center and Southwest Fisheries Center, the NOS Pacific Marine Center, and such other NOAA organizational units which can be accommodated. These services shall include personnel administration, finance, procurement and contracting, property management, motor vehicle pool operation, and office services.

Section 10. Assistant Administrator for Research and Development

The Assistant Administrator for Research and Development shall administer an integrated program of research, technology and advanced engineering development and transfer relating to the oceans, the Great Lakes, the United States' coastal waters, the lower and upper atmosphere and the space environment, so as to increase understanding of the environment and human impact thereon, and thus provide the scientific basis for improved services. The Assistant Administrator for Research and Development shall serve as the principal advisor to the Administrator on all research, technology and engineering matters. To carry out these responsibilities the Assistant Administrator shall have and direct the following duties:

.01 The Office of the Assistant Administrator shall formulate, recommend, and execute basic policies and manage the Office of Research and Development; provide advice to the Administrator on NOAA's total research and technology development effort; and advise the National Marine Fisheries Service and the Offices of Coastal Zone Management, National Earth Satellite Service, and Oceanic and Atmospheric Services on research and technology development effort; and advise the National Marine Fisheries Service and the Office of Coastal Zone Management, and Ocean and Atmospheric Services on the research and technology development undertaken within their organizations to meet their special needs. It shall serve as NOAA's focal point for coordination with the Office of Science and Technology Policy; the Federal Council for Science, Engineering, and Technology; National Science Foundation; National Academy of Sciences; National Academy of Engineering; universities; interagency groups and international scientific bodies on matters affecting research and technology programs. The Office shall discharge those coordinating and management functions for research and technology development which are assigned to NOAA for the Global Atmospheric Research Program, and others as may be assigned by the Administrator; provide a focal point for NOAA's research activities in support of international environmental programs such as the United Nations Environment Program (UNEP), United Nations Intergovernmental Oceanographic Commission, bilateral agreements with other nations, and such others as the Administrator may assign; and promote the transfer of research information and new technology to other components of NOAA and to other scientific organizations outside of NOAA.

.02 The Office of Sea Grant (SG) shall develop and administer an academically-based program of grants and contracts for research, education, and advisory services aimed at the development, utilization, and management of the resources of the seas and the Great Lakes of the United States.

.03 The Office of Ocean Engineering (OCE) shall develop policy and plans for NOAA's ocean engineering and instrumentation program and promote the development of technology to meet future needs of the marine community; conduct an integrated program of research, technology development, and services related to ocean engineering instrumentation and measurement standards, ocean buoy systems, and underwater operations; manage the NOAA diver program; conduct studies of underwater diving techniques and equipment suitable for protection of human safety and improvement of diver performance; and serve as a national focal point for transfer of knowledge related to civilian ocean engineering, a catalyst for industrial ocean engineering development, and a mechanism for technology transfer from military and space fields.

.04 The Environmental Research Laboratories (ERL) shall conduct research to describe, understand and improve the prediction of oceanic processes and phenomena, ocean-atmosphere interactions, and the environmental processes of coastal areas; conduct research on the physics and chemistry of the atmosphere; conduct research on the dynamics and physics of geophysical fluids systems to describe, understand and improve predictions of the state of atmosphere and oceans, and their processes; develop techniques and maintain facilities to support the conduct of research and monitoring activities; measure and monitor the atmospheric composition for use in predicting and validating trends in atmospheric conditions; and conduct research to describe, understand and improve predictions of environmental processes in the Great Lakes and their watershed. The Office shall also conduct research in the field of solar-terrestrial physics; provide monitoring and forecasting of the space environment; and improve techniques for forecasting of solar disturbances and their effects on the earth's environment.

.05 The Office of Marine Pollution Assessment provides the focus for and
coordinates NOAA's programs and activities in marine pollution research and development, monitoring, assessment, and provides the interface between NOAA marine pollution related programs and the NOAA staff office charged with developing the Comprehensive Federal Plan Relating to Ocean Pollution. It develops and implements comprehensive, integrated and continuing programs to assess short-term and long-term impacts of pollution and other people-induced changes of marine ecosystems, including those from ocean dumping; disseminates results developed from such programs to appropriate agencies and persons, and provides advice upon request; and ensures that information regarding ocean pollution research and development and monitoring programs are disseminated in a timely manner and useful form. It implements research necessary to design monitoring programs in marine environments, and provides information on pollution impacts, alternatives, and mitigating measures for resource management decisions when marine ecosystems are subjected to pollution or people-induced alterations. It recommends and advises the Assistant Administrator for Research and Development on policy, programmatic priorities, emphasis and direction, and other issues concerned with marine pollution and its effects.

Section 11. Assistant Administrator for Oceanic and Atmopheric Services

The Assistant Administrator for Oceanic and Atmospheric Services shall administer programs which entail monitoring and predicting the state of the physical environment, to provide a wide variety of meteorologic, hydrologic, climatologic, map and chart, geodetic, and oceanographic data and services to government, industry, the scientific and engineering communities, and the general public. To carry out these responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The Office of the Assistant Administrator shall formulate, recommend, and execute basic policies and programs; with appropriate support of other offices, act as the NOAA focal point for participation in international meteorological, hydrologic, oceanic, and climatological activities, including the international exchange of data, service, products and forecasts, of the World Meteorological Organization, the National Ocean Survey (NOS) shall provide charts for the safety of marine and air navigation; provide a basic work network of geodetic control; provide basic geodetic, gravimetric, bathymetric, hydrologic, circulatory current, and tidal data for engineering, scientific, commercial, industrial, and defense needs; monitor the marine environment to assess human impacts, including those from ocean dumping; and undertake a program of marine technology development to observe, measure, and chart oceanic phenomena and resources. In performance of these functions, it shall conduct surveys, investigations, analyses, and research and technology development; and shall disseminate data in the fields of geodesy, gravity, astronomy, aeronautical charting, hydrography and nautical charting, oceanography, and marine technology.

.03 The National Weather Service (NWS) shall observe and report the meteorological, hydrological, and ocean conditions of the United States, its possessions, and adjacent waters; issue forecasts and warnings of weather and climate, flood, and physical ocean conditions that affect the Nation's safety, welfare and economy; develop the National Meteorological, Hydrologic and Oceanic Service Systems provide forecasts for domestic and international aviation and for coastal areas and shipping on the high seas; and operate a tsunami warning system. There shall be six National Weather Service regions, as shown in Exhibit 4, with field stations and forecast centers. A copy of Exhibit 4 is on file with the original of this document in the Office of the Federal Register.

.04 The Environmental Data and Information Service (EDIS) shall acquire and disseminate global environmental data (marine, atmospheric, solid earth, and solar-terrestrial) and information tailored to meet the needs of users in commerce, industry, agriculture, the scientific and engineering communities, the general public, and Federal, State, and local governments; provides experiment design, data management, and analysis support to national and international environmental programs; assess the impact of environmental fluctuations on food and energy, environmental quality, and telecommunications; manage and/or provide factual guidance for NOAA's scientific and technical publications and library activities; operate a network of specialized service centers, a field and a comprehensive data and information referral service; and operate related World Data Centers A facilities and participate in other international data and information exchange programs.

Section 12. Assistant Administrator for Satellites

The Assistant Administrator for Satellites shall administer an integrated program of management, research, and services for the development and use of all civilian satellite-based, earth remote sensing operations. This program shall include the design, development, and operation of a series of civilian satellite systems for the purpose of observing land, ocean, and atmospheric conditions and the sun; stimulating the maximum utilization of the resulting data and information by users in Federal, State, local, and foreign governments, international organizations, and private organizations; and assuring the eventual operation by the private sector of the land remote sensing program by developing appropriate financing, management, pricing, and regulatory arrangements.

.01 The Office of Assistant Administrator shall manage and direct the National Earth Satellite Service (NESS). It shall formulate, recommend, and execute basic policies for the
operation of civilian satellite-based earth remote sensing programs, coordinate actions on personnel, organization, budget, and financial management, and provide advice to the Administrator on NOAA's satellite activities. The Office shall direct the formulation of long-range plans, and the design of future satellite-based earth remote sensing systems. It shall serve as the focal point for coordinating Federal policy on these satellite systems and shall develop relations with other domestic, foreign, and international government entities and users of the data and information produced by these satellite systems. The Office shall establish user requirements and priorities, ensure adequate development of data applications, design appropriate institutional and legal mechanisms to facilitate the implementation of Federal policies, and develop mechanisms for system financing and cost recovery.

.02 The Office of Operations shall manage and direct the operation of NOAA satellites and the delivery of processed data. The Office shall manage and control the operation of the satellites, the ground stations to receive the satellite data, and the central facilities and field stations to produce and distribute satellite products and services to domestic and foreign users. The Office is responsible for the collection of environmental data from remote platforms and broadcast of data products to remote receiving stations via NOAA satellites. The Office shall provide training and consultation to users regarding the application of data from the NOAA operational satellites, and apply research results to produce new and improved products and services. It shall serve as the primary focal point in NESS for operational coordination with NASA and DoD.

.03 The Office of Systems Integration shall conduct system definition and alternative concepts studies, coordinate overall system planning, establish new system performance and cost criteria, ensure the development of major system elements, and integrate them into the operational system. It works closely with the Office of the Assistant Administrator for satellites in the evaluation of user requirements, especially with regard to technical options and potential costs to meet requirements. In accomplishing its mission, the Office uses the technical capabilities of other NESS offices, other NOAA elements, especially ERL, other Federal agencies, particularly NASA and DoD, and industry. The Office shall serve as the principal source of technical advice to the Assistant Administrator and other NESS Office directors on general satellite technology and systems. It shall serve as the primary focal point in NESS for non-operational aspects of space systems coordination with NASA and DoD.

.04 The Office of System Engineering shall develop and implement plans and specifications for acquiring the ground equipment necessary to support the command and data acquisition, ground data processing, and data distribution functions of the NESS. As its engineering arm, it supports the Assistant Administrator for Satellites by (a) evaluating new engineering approaches to ground system functions, (b) conducting engineering studies and analyses of requirements for new or modified satellite ground systems, (c) preparing work statements and technical specifications for contracts to industry, and (d) designing and overseeing the technical execution of such contracts, including the design, fabrication, installation, and checkout phases.

.05 The Office of Research shall conduct the research needed to permit the continued refinement and improvement of existing satellite products and services and the development of new instruments and techniques, new products or new applications of existing products. The Office shall respond to research requirements placed upon NOAA and NESS and to the needs of the Office of Operations and the Office of Systems Integration. The Office will maintain or arrange for the availability of laboratories, equipment and facilities needed to carry out its mission. The Office will ensure the validation of proposed new remote sensing techniques prior to recommending inclusion in the operational satellite program. As principal focus in NESS for remote sensing research, the Office shall:

a. Ensure adequate liaison with NASA and other government agencies regarding remote sensing research, and associated cooperative programs or special user applications;

b. Provide the primary interface with the academic and international scientific communities for cooperative programs and developments of mutual interest;

c. Maintain cognizance of the state-of-the-art of remote sensing technology and applications to NESS programs;

d. Provide expertise, technical advice and assistance to the Assistant Administrator and other components of NESS on problems, proposals and new sensing technology.

Elia A. Porter,
Assistant Secretary for Administration.
[FR Doc. 80-10801 Filed 8-30-80; 8:46 am]
BILLING CODE 3510-17-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls and Amending a Level of Restraint for Certain Wool Textile Products From Colombia

September 24, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling women's, girls' and infants' wool costs in Category 435 at the designated consultation level of 5,558 dozen and increasing the level of restraint for women's, girls' and infants' wool suits in Category 444 to the newly established specific ceiling of 4,302 dozen during the agreement year which began on July 1, 1980 and extends through June 30, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 73172), as amended on April 24, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53506)).

SUMMARY: The Governments of the United States and Colombia have exchanged letters dated July 31 and August 30, 1980 amending the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 3, 1979, as amended, to establish a specific ceiling for wool textile products in Category 444, produced or manufactured in Colombia, at the increased level of 4,302 dozen during the twelve-month period which began on July 1, 1980. Pursuant to the terms of the bilateral agreement, as amended, the Government of the United States has decided also to control imports of wool textile products in Category 435 at the designated consultation level of 5,556 dozen during the same agreement period.

EFFECTIVE DATE: October 1, 1980.


SUPPLEMENTARY INFORMATION: On July 3, 1980, there was published in the Federal Register (45 FR 45541) a letter dated June 30, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the
Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Colombia, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on July 1, 1980 and extends through June 30, 1981.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of wool textile products in Categories 435 and 444 in excess of the designated levels of restraint. The level of restraint established for Category 435 has not been adjusted to account for any imports after June 30, 1980. Imports during July 1980 totaled 1,331 dozen and will be charged to the new level. As the data become available, further charges will be made to account for the period which began on August 1, 1980 and extends to the effective date of this action.


Committee for the Implementation of Textile Agreements
Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on June 30, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Colombia.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as amended, between the Governments of the United States and Colombia; and in accordance with the provisions of Executive Order 11851 of March 3, 1973, by Executive Order 11951 of January 6, 1977, you are hereby directed, effective on October 1, 1980, to amend the directive of June 30, 1980 to prohibit entry for consumption, or withdrawal from warehouse for consumption of wool textile products in Categories 435 and 444, produced or manufactured in Colombia, in excess of the following levels of restraint:

<table>
<thead>
<tr>
<th>Category</th>
<th>12-month level of restraint (dozen)</th>
</tr>
</thead>
<tbody>
<tr>
<td>435</td>
<td>6,558</td>
</tr>
<tr>
<td>444</td>
<td>4,502</td>
</tr>
</tbody>
</table>

1 The levels of restraint have not been adjusted to reflect any imports after June 30, 1980. Imports in Category 435 totaled 1,331 dozen during July 1980.

textile products in Category 435 which have been exported to the United States prior to July 1, 1980 shall not be subject to this directive.

textile products in Category 435 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1466(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 19172), as amended on April 23, 1980 (45 FR 27463) and August 15, 1980 (45 FR 53556).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Colombia and with respect to imports of wool textile products from Colombia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions fall within the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel, Acting Chairman, Committee for the Implementation of Textile Agreements.


SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the Federal Register (44 FR 78573) a letter dated December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Category 604, produced or manufactured in the Republic of Korea, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In accordance with the terms of the bilateral agreement, as amended, the United States Government has decided also to control imports of textile products in Categories 319 and 443 at the agreed levels, produced or manufactured in the Republic of Korea and exported during the twelve-month period which began on January 1, 1980, and is also implementing an agreed increase in the ceiling previously established for Category 604 during the same time period. Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption and withdrawal from warehouse for consumption, of textile products in Categories 319, 443 and 604 in excess of the designated levels of restraint. The levels of restraint have not been adjusted to account for imports in categories 319 and 443 after December 31, 1979. Imports in Category 319 during the period January-July 1980 have amounted to 3,143,050 square.
yields, and in Category 443, to 13,609 dozen, and will be charged. As the data become available, further charges will be made for the period which began on August 1, 1980 and extends through the effective date of this directive.

Paul T. O'Day,
Chairman, Committee for the Implementation of Textile Agreements

September 25, 1980.

Committee for the Implementation of Textile Agreements
Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 20, 1979 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea.

Under the terms of the Agreement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the two governments which will eliminate the need for further control of these categories by the United States.

Accordingly, import controls previously established on Categories 314, 320, 331, 350, 410, 459pt., 460, 461, 463, 631, and 665 are being canceled.

EFFECTIVE DATE: September 25, 1980.


SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the Federal Register (44 FR 78573) a letter dated December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea, including Categories 314, 320, 331, 350, 410, 459pt., 460, 461, 463 and 665 which may be entered into the United States for consumption or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to cancel the import controls in effect on the aforementioned categories.

Paul T. O'Day,
Chairman, Committee for the Implementation of Textile Agreements


AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Canceling import controls on certain cotton, wool, and man-made fiber textile products from the Republic of Korea.

Canceling Import Controls on Certain Cotton, Wool, and Man-Made Fiber Textile Products From the Republic of Korea

September 25, 1960.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Canceling the import controls established on cotton, wool and man-made fiber textile products in Categories 314, 320, 331, 350, 410, 459pt., 460, 461, 612, 612pt., B14, 631, and 665; (tents), 666pt. (fblankets); produced or manufactured in the Republic of Korea and exported to the United States during the agreement year which began on January, 1, 1960 and extends through December 31, 1980.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1960 (45 FR 13172), as amended on April 23, 1960 (45 FR 27463) and August 12, 1960 (45 FR 53560).

SUMMARY: In discussions between the Governments of the United States and the Republic of Korea, it has been agreed to establish an export recommendation system pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the two governments which will eliminate the need for further control of these categories by the United States.

Accordingly, import controls previously established on Categories 314, 320, 331, 350, 410, 459pt., 460, 461, 463, and 665 are being canceled.

EFFECTIVE DATE: September 25, 1960.


SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the Federal Register (44 FR 78573) a letter dated December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea, including Categories 314, 320, 331, 350, 410, 459pt., 460, 461, 463 and 665 which may be entered into the United States for consumption or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to cancel the import controls in effect on the aforementioned categories.

Paul T. O'Day,
Chairman, Committee for the Implementation of Textile Agreements

September 25, 1960.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Canceling import controls on certain cotton, wool, and man-made fiber textile products from the Republic of Korea.

Canceling Import Controls on Certain Cotton, Wool, and Man-Made Fiber Textile Products From the Republic of Korea

September 25, 1960.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Canceling the import controls established on cotton, wool and man-made fiber textile products in Categories 314, 320, 331, 350, 410, 459pt., 460, 461, 612, 612pt., B14, 631, and 665; (tents), 666pt. (fblankets); produced or manufactured in the Republic of Korea and exported to the United States during the agreement year which began on January, 1, 1960 and extends through December 31, 1980.

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SUMMARY: In discussions between the Governments of the United States and the Republic of Korea, it has been agreed to establish an export recommendation system pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23,
DEPARTMENT OF ENERGY

National Petroleum Council, Exploration Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Exploration Task Group of the Committee on Arctic Oil and Gas Resources will meet in October 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas. The Committee on Arctic Oil and Gas Resources will analyze various issues bearing on the development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Task Group meeting follows:

The Task Group meeting will be on Tuesday, October 7, 1980, starting at 9:00 a.m., 3rd Floor Conference Room, Chevron U.S.A., Inc., 575 Market Street, San Francisco, California.

The tentative agenda for the meeting follows:

1. Review Task Group Assignment from the NPC Committee on Arctic Oil and Gas Resources.
2. Discuss Task Group study approach and individual assignments.
3. Discuss schedule of Task Group.
4. Discuss any other matters pertinent to the overall assignment of the Exploration Task Group.

The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8838, prior to the meeting; reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 24, 1980.

R. D. Langenkamp,
Deputy Assistant Secretary, Resource Development and Operations, Resource Applications.

National Petroleum Council, Resource Assessment Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Resource Assessment Task Group of the Committee on Arctic Oil and Gas Resources will meet in October 1980. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas. The Committee on Arctic Oil and Gas Resources will analyze various issues bearing on the development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Task Group meeting follows:

The Task Group meeting will be on Thursday, October 9, 1980, starting at 9:00 a.m., in Room 202, Anaconda Tower, 555 Seventeenth Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Review Task Group Assignment from the NPC Committee on Arctic Oil and Gas Resources.
2. Discuss Task Group study approach and individual assignments.
3. Discuss schedule of Task Group.
4. Discuss any other matters pertinent to the overall assignment of the Resource Assessment Task Group.

The meeting is open to the public. The Chairman of the Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform L. A. Vickers, Office of Oil and Natural Gas, Resource Applications, 202/633-8838, prior to the meeting; reasonable provision will be made for their appearance on the agenda.

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Issued at Washington, D.C., on September 24, 1980.

R. D. Langenkamp,
Deputy Assistant Secretary, Resource Development and Operations, Resource Applications.
The Economic Regulatory Administration has issued to Carmel Energy, Incorporated a Proposed Decision and Order modifying the Decision and Order issued to Carmel on April 23, 1980. That order was substantially identical with the Proposed Decision and Order published in the Federal Register on March 31, 1980 (45 FR 15598). Under the provisions of 10 CFR 205.98, such a Proposed Decision and Order must be published in the Federal Register. A copy is provided below. Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the docket number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20585, Attention: Manager, Tertiary Enhanced Recovery Program.

In addition to the copy supplied below, the Proposed Decision and Order is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays) and in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

## III. Comment Procedures

10 CFR 205.98 requires this Proposed Decision and Order to be published in the Federal Register and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated Office within thirty calendar days from the date of publication in the Federal Register of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room 5B-100, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays), and in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

## V. Order

Ordering paragraph number 1 of the Decision and Order issued to Carmel Energy, Inc. on April 23, 1980, for its enhanced oil recovery projects known as Alvord South and Deaver Units both located in Wise County, Texas. The Proposed Decision and Order was published in the Federal Register on July 25, 1980, (45 FR 49637). No comments were received during the prescribed period. Accordingly, a final Decision and Order, substantially as proposed, has been issued.

A copy of the final Decision Order is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays), and in the DOE Reading Room, Room 5B-100, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on September 23, 1980.

Doris J. Dewton, Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

## Olin Corp.; Acceptance of Petition for Exemptions

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of acceptance of petitions for exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

**SUMMARY:** On August 25, 1980, the Olin Corporation (Olin) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order which would exempt Olin from ten leased, oil and gas-fired packaged boilers (hereafter oil/gas-fired boilers) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 et seq.). Title II of FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new major fuel burning installations (MFBI's). Pertinent procedures and criteria for petitioning for exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published

Under the provisions of 10 CFR 503.43(c), Olin has petitioned for ten separate scheduled equipment outages exemptions, one for each oil/gas-fired boiler it proposes to lease and use. By letter dated August 11, 1980, ERA on August 11, 1980. By letter dated respectively on June 6, 1980 at 45 FR


SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum as a primary energy source in certain new MFBI’s unless an exemption for such use has been granted by ERA.

Prior to the filing of its petition, Olin had discussed its past use of MFBI’s with ERA at a prepetition conference on December 17, 1979, at which Olin discussed its past and intended future use of leased, oil/gas-fired boilers during periods of scheduled equipment outages at its Pisgah Forest, North Carolina, facility. A question was raised at the prepetition conference concerning the applicability of the permanent scheduled equipment outages exemption to permit the annual use of leased oil/gas-fired boilers during periods of scheduled outages. By letter dated April 15, 1980, Olin was advised by ERA that under Section 212(j) of FUA, ERA’s authority to grant an exemption for scheduled equipment outages is unit-specific; that is, a permanent exemption may be granted by order for a single installation, permanently exempting that individual unit from applicable prohibitions of FUA. Accordingly, Olin was advised that to petition for exemption for the use of a series of leased, oil/gas-fired boilers, it would be required to seek a separate exemption for each such unit. To provide Olin with greater long-term certainty in meeting scheduled outages, ERA also advised in that letter that it would permit Olin to file a petition for up to ten exemptions which could cover scheduled outages of its main boilers for a period of up to ten years.

Pursuant to the provisions of 10 CFR 503.43(c), Olin has petitioned ERA for ten separate scheduled equipment outages exemptions to permit the use of ten oil/gas-fired packaged boilers during the annual scheduled shut-down of its largest main boiler during the years 1980 through 1989. As stated by Olin in its petition, each of the packaged boilers will be of equivalent size, with a maximum design heat input rate requirement of 155 million Btu’s per hour, and will be equipped with a combination burner for No. 2 fuel oil and natural gas. Natural gas will be the preferred fuel when it is available.

10 CFR 503.43(c) provides for a certification alternative if the use of a proposed unit for scheduled equipment outages is not to exceed an average of 28 days per year over a three-year period. Olin has used the certification alternative, and has included in its petition the following duly executed certifications, for each of the ten requested exemptions:

(1) Its routine maintenance schedule does not permit, or could not be adjusted to permit continuing production or other activity carried on at its Pisgah Forest facility unless ERA grants this exemption;

(2) The use of the proposed unit will not exceed an average of 28 days per year over a three-year period;

(3) The unit will be used only during those periods when other units are not in operation for reasons of scheduled outages, in accordance with a schedule of operation submitted simultaneously which contains an estimate of the annual number of days used and fuel consumed. (Such schedule of operation was filed by Olin with its petition);

(4) Use of a mixture of petroleum or natural gas and an alternate fuel is not commercially and technically feasible;

(5) Pursuant to 10 CFR 503.35(b), Olin will prior to operating the unit under the exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Resource Conservation and Recovery Act; and

(6) Information required by the Environmental Checklist pursuant to 10 CFR 503.16(b).

Additionally, Olin has duly certified that it agrees, upon grant of each of the requested ten exemptions, to the following terms and conditions specified in 10 CFR 503.43(c):

(1) The MFBI will only be operated for use necessary to meet scheduled equipment outages;

(2) Use of the MFBI will not exceed an average of 28 days per year over a three-year period;

(3) All steam pipes must be insulated and all steam traps properly maintained;

(4) The quality of any petroleum to be burned in the installation as a primary energy source will be of the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

(5) It will comply with any terms and conditions which may be imposed pursuant to environmental requirements of 10 CFR 503.35(b).

ERA hereby gives notice that Olin’s petition for exemptions for the ten leased, oil/gas-fired package boilers it proposes to use sequentially for annual scheduled equipment outages during the years 1980 through 1989 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d),
acceptance of a petition and its supporting documents does not constitute or even suggest an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. However, failure to provide the additional information could ultimately result in the denial of the request for exemption.

A public file containing documents on this proceeding is available for inspection upon request at: Economic Regulatory Administration, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.--4:30 p.m.


Robert L. Debose,
Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-20531 Filed 9-26-80; 8:45 am]
BILLING CODE 6450-01-M

Petro-Lewis Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: August 23, 1980.

COMMENTS BY: December 1, 1980.

ADDRESS: Send comments to: Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, 1075 South Yukon Street, Lakewood, Colorado, 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, 1075 South Yukon Street, Lakewood, Colorado, 80226, telephone (303) 234-3195.

SUPPLEMENTARY INFORMATION: On August 23, 1980, the Office of Enforcement of the ERA executed a Consent Order with Petro-Lewis Corporation (Petro-Lewis) of Denver, Colorado, under 10 CFR 205.100(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, ordinarily becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withhold its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Petro-Lewis is a firm that acquired an ownership interest in three (3) plants that process natural gas and is engaged in the sale of condensate, natural gas liquids (NGL’s) and natural gas liquid products (NGLP’s), 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 sales of condensate, natural gas liquids and natural gas liquid products, the Office of Enforcement, ERA, and Petro-Lewis, entered into a Consent Order, the significant terms of which are as follows:

1. Petro-Lewis, as successor in interest, is a "gas plant owner" as defined by 10 CFR 212.162 of the three (3) natural gas processing plants acquired on August 15, 1977.

2. The period covered by the Consent Order is August 15, 1973 through June 30, 1980.

3. During the period August 15, 1973 through June 30, 1980, the pricing of NGL’s NCLP’s and condensate sales was controlled under Cost of Living Council regulations (6 CFR 150.1 et seq.) and successor regulations (10 CFR 212.1 et seq.), hereinafter referred to as the "DOE Price Control Regulations".

4. As a result of its audit of the operations of the subject natural gas processing plants, the ERA alleged that certain volumes of condensate (crude oil) from subject plants were sold in violation of the ceiling price rule contained in 10 CFR 212.73 (previously 6 CFR 150.354, as amended), the ERA also alleged that certain sales of NGL’s and NCLP’s from subject plants were in violation of 10 CFR 212.83, 212.183 and 212.184 (previously 6 CFR 150.355 and 150.359).

5. Petro-Lewis desires to resolve all disputes arising from the ERA’s audit concerning compliance with all applicable pricing rules and regulations of the DOE pertaining to the sale of condensate (crude oil), NGL’s and NCLP’s from subject natural gas processing plants for the period August 19 through June 30, 1980, without any further formal compliance proceeding or litigation. Similarly, the DOE desires to resolve such disputes by entering into this Consent Order, which it believes to be in the public interest. Therefore, in order to resolve this matter, the DOE and Petro-Lewis have agreed to a settlement in the amount of $5,900,000 plus $100,000 in civil penalties.

6. The provisions of 10 CFR 205.190], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Petro-Lewis 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 covered by this Consent Order, the sum of $5,900,000 on or before 10 days following the effective date of this Consent Order. Refunded overcharges will be 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.

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 device such as the "DOE Price Control Regulations" Program, 10 CFR 212.67.

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 205.350(e).

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 should provide written notification of the claim to the ERA at this time. Proof of claims is not 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 a 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: Kenneth E. Merica, District Manager of Enforcement, Rocky Mountain District, Department of Energy, 1075 South Yukon Street, Lakewood, Colorado, 80228. You may obtain a free copy of this Consent Order by writing to the same address or by calling (303) 524-3195.

You should identify your comments or written notification of a claim on the outside of your envelope and on documents you submit with the designation, “comments on Petro-Lewis Corp., Consent Order.” We will consider all comments received by 4:30 p.m., local time, on December 1, 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 Lakewood, Colorado, on the 28th day of August, 1980.

Kenneth E. Merica,
District Manager, Rocky Mountain District of Enforcement, Economic Regulatory Administration.

Concurrence:
Charles F. Deway,
Regional Counsel.

[FR Doc. 80-20240 Filed 8-29-80; 8:45 am] BILLING CODE 6450-01-M

Terra Chemicals International, Inc., Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On August 22, 1980, Terra Chemicals International, Inc. (Terra), P.O. Box 1628, Sioux City, Iowa 51103, filed an application pursuant to 10 CFR Part 595 for recertification of an eligible use of approximately 3,500 Mcf of natural gas per day, when available, to displace 2,500,000 gallons (59,524 barrels) of No. 2 fuel oil per year at its Port Neal Plant located in Port Neal, Iowa, with the Administrator of the Economic Regulatory Administration (ERA). The certificated daily volumes are only expected to be available on an intermittent basis. The eligible seller of the natural gas is Centennial Gas Corporation and Terra is negotiating for transportation of this gas with Northern Natural Gas Company, the Colorado Interstate Gas Company, the Western Slope Gas Company, and the Iowa Public Service Company. Notice of that application was published in the Federal Register (45 FR 59360, September 9, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On October 2, 1979, Terra received the original certification (ERA Docket No. 79-CERT-088) of an eligible use of natural gas purchased from Centennial Gas Corporation, and Yates Drilling Company and Martin Yates III for use at these facilities for a period of one year. The original certificate expires on October 1, 1980. Terra has requested the recertification only to include Centennial Gas Corporation as an eligible seller.

The ERA has carefully reviewed Terra's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Terra's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission.

The Attorney General states that (1) the Attorney General is authorized to represent the State in all matters, (2) the State's interests are not precisely co-extensive with the interests of any other intervenor, and (3) the Attorney General has the power to speak for the State regarding legal issues pertaining to consumer questions, environment issues, and questions concerning interpretation of the laws of the State of Vermont.

Pursuant to § 375.302 of the Commission's regulations, 45 Fed. Reg. 21216 (1980), amending 18 CFR 3.5(a) (1979), the State of Vermont is permitted to intervene in this proceeding subject to the Commission's Rules and Regulations under the Federal Power Act. Participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene. The admission of the Intervenor shall not be construed as recognition by the

Federal Energy Regulatory Commission
[Project No. 2756]

Burlington Electric Department; Notice Granting Intervention

September 22, 1980.

The Attorney General of the State of Vermont has filed a petition to intervene respecting the application of the Burlington Electric Department for a license to construct and operate the proposed Chace Mill Project No. 2756.

The Attorney General states that (1) the Attorney General is authorized to represent the State in all matters, (2) the State's interests are not precisely co-extensive with the interests of any other intervenor, and (3) the Attorney General has the power to speak for the State regarding legal issues pertaining to consumer questions, environment issues, and questions concerning interpretation of the laws of the State of Vermont.
Commission that it might be aggrieved by any order entered in this proceeding.
Lois D. Cashell,
Acting Secretary.

[Docket No. EC80-9]

CP National Corp. and Utah Power & Light Co.; Application

September 22, 1980.
The filing Company submits the following:
Take notice that on September 5, 1980, CP National Corporation (CP) and Utah Power & Light Company (UP&L) filed a joint application pursuant to Section 203 of the Federal Power Act for authorization for CP to sell, and UP&L to buy, CP's electric properties in southern Utah and Fredonia, Arizona.

CP is incorporated in the State of California and is engaged in the electric, telephone, natural gas distribution and water utility business in parts of Arizona, California, Nevada, Oregon and Utah.

UP&L is a Utah corporation and is principally engaged in the generation, transmission and distribution of electric energy in parts of Idaho, Utah and Wyoming.

CP proposes to sell to UP&L its electric system in southern Utah and Fredonia, Arizona, which serves approximately 10,000 customers and consists of several small generating facilities approximately 418 miles of transmission line ranging from 14.5 to 230 kv, and distribution facilities. The purchase price is $20 million, with adjustments at the closing date.

Under the CP/UP&L Agreement of Purchase and Sale, CP will assume and perform all contracts and other agreements relating to the electric system to which CP is a party as of the closing date. UP&L will sell all of CP's existing customers after the closing date. The CP/UP&L Agreement requires all necessary regulatory approvals prior to closing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Commission and are available for public inspection.
Lois D. Casbell,
Acting Secretary.

[Docket No. CP80-517]

Cities Service Gas Co.; Application

September 23, 1980.
Take notice that on August 27, 1980, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP80-517 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap on its 16-inch transmission pipeline in Sedgwick County, Kansas, and measuring, regulating, and appurtenant facilities as an additional town meter site in North Wichita, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to tap its 16-inch pipeline presently serving Kansas Gas and Electric Company's Gordon Evans plant near Wichita and construct and operate metering and appurtenant facilities to sell gas to The Gas Service Company (Gas Service) as an additional town border for resale in North Wichita, Kansas.

Applicant proposes to locate the tap approximately 8.2 miles from the beginning of the existing 16-inch pipeline in the northwest section of Gas Service's Wichita distribution area, which it states has undergone rapid development and requires an additional supply of gas. It is asserted that peak day deliveries through this tap for the third year of operation are approximately 3,000 MCF and that Gas Service anticipates deliveries would eventually reach 5,000 MCF per day.

Applicant estimates that the cost of tapping the 16-inch pipeline and installing a new meter setting as an additional town border station would be $23,640 which would be reimbursed by Gas Service. Because, Applicant states, it would save considerable amounts of money by utilizing existing facilities, Applicant requests authorization to include the depreciated value of this 8.2-mile portion of the existing 16-inch pipeline in its rate base in all future rate filings. This facility was previously excluded from the rate base by order issued in Docket No. CP67-150 (37 FPC 522), it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should serve a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.
Lois D. Cashell,
Acting Secretary.

[Docket No. 3309]

Arthur E. Cohen; Application for Preliminary Permit

September 22, 1980.
Take notice that Arthur E. Cohen (Applicant) filed on August 11, 1980, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. § 797(a)-823(f) for proposed Project No. 3309 to be known as the Nash Mill Project located on the Ashuelot River in Cheshire County, New Hampshire.
Hampshire. Correspondence with the Applicant should be directed to: Mr. Arthur E. Cohen, 44 Hanover Street, Keene, New Hampshire 03431.

Project Description—The proposed project would consist of: (1) the Nash Mill Dam, a 9-foot high and approximately 115-foot long rockfill dam built in the late 1800's and creating no significant powerhouse; (2) a small 20-foot square powerhouse containing a 250-kW generating unit; (3) and 1600-foot long penstock leading to the powerhouse and providing up to 55 feet of head and; (4) appurtenant facilities. Applicant estimates that annual generation would average 1,000,000 kWh.

Purpose of Project—Project energy would be sold to the public Service Company of New Hampshire.

Proposed Scope and Cost of Studies under Permit—The work proposed under this preliminary permit would include preliminary designs, an engineering analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to rehabilitate and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $10,000.

The proposed term of the requested permit is 24 months.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 28, 1980, either the competing application itself or a notice of intent to file a competing application no later than January 27, 1981. Submission of a timely notice of intent allows an interested person to file the application for license no later than January 27, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 FR 61323, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (as amended, 44 FR 61323, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest of comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 28, 1980. The Commission's address is: 825 North Capitol St., NE, Washington, D.C. 20426. The application if on file with the Commission and is available for public inspection.

Lois D. Cashell, Acting Secretary.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 24, 1980.

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission October 14, 1980.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb, Secretary.

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**Oklahoma Corporation Commission**

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**UTAH DIVISION OF OIL, GAS, & MINING**

**CREASEA RESOURCES (USA) LIMITED**

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**OTHER PURCHASERS**

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[PR Doc 60-30120 Filed 9-29-80-8:15 am]
BILLING CODE 6450-85-C
Hydro Corp. of Pennsylvania; Application for Preliminary Permit

September 22, 1980.

The notice that Hydro Corporation of Pennsylvania (Applicant) filed on August 25, 1980, an application of preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(f)] for proposed Project No. 3367 to be known as the Cowanesque Project located on the Cowanesque River in Tioga County, Pennsylvania. Correspondence with the Applicant should be directed: Fred Fiechter, President and Treasurer, P.O. Box 34, Chatham, Pennsylvania 18618.

**Project Description**—The proposed project would utilize the existing U.S. Army Corps of Engineers' Cowanesque Dam and would consist of: (1) a 250-foot-long penstock located along the left (north) bank; (2) a powerhouse containing a generating unit having a rated capacity of 2,270-kW; (3) a short tailrace; and (4) appurtenant facilities. Project energy would be transmitted over existing power lines serving the dam or to Pennsylvania Electric Company's 115-kV transmission lines within seven miles of the project. Applicant estimates the annual generation would average about 9,090,000 kWh.

**Purpose of Project**—Project energy would be sold to Pennsylvania Electric Company.

**Proposed Scope and Cost of Studies under Permit**—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $65,000.

**Purpose of Preliminary Permit**—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Competing Applications**—Anyone desiring to file a competing application must submit to the Commission, on or before November 29, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 27, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended, 44 FR. 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (as amended, 44 FR. 61328, October 25, 1979.)

**Comments, Protests, or Petitions to Intervene**—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR. § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 29, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20423. The application is on file with the Commission and is available for public inspection.

Lois D. Casbell,
Acting Secretary.

[FR Doc. 80-30215 Filed 9-29-80; 8:45 a.m.]
for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 28, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 27, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), as amended, 44 FR 61328, October 28, 1979. A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), as amended, 44 FR 61328, October 28, 1979.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission’s Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission’s Rules. Any comments, protest, or petition to intervene must be filed on or before November 28, 1980. The Commission’s address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ST80-294]

Louisiana Gas Purchasing Corp.; Application for Approval of Rates

September 23, 1980.

Take notice on August 18, 1980, Louisiana Gas Purchasing Corporation (Applicant), 890 Dresser Towers, Houston, Texas 77002, filed in docket No. ST80-294 an application pursuant to Subpart C of Part 284 of the Commission’s Regulations for approval of rates charged for the transportation of natural gas for Texas Gas Transmission Corporation (TGT), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on March 21, 1980, it entered into an agreement with TGT whereby Applicant agreed to transport on behalf of TGT up to a maximum of 26 billion Btu’s of gas per day. Applicant further states that for these transportation services TGT has agreed to pay Applicant an initial amount of 11.5 cents per million Btu subject to escalation but not to exceed 20.0 cents per million Btu of gas transported.

Applicant now seeks Commission approval of the rates negotiated with TGT in the March 21, 1980, agreement. Applicant asserts that the proposed rates represent reasonable compensation to it for the transportation services rendered.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20428, 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 a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s Rules.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP78-482]

Massachusetts Municipal Wholesale, Electric Co.; Granting Intervention

September 22, 1980.

On August 14, 1980, the County of Franklin, Massachusetts (Petitioner) filed a petition to intervene in the proceeding upon the above application for a preliminary permit for Project No. 3123.

Petitioner states that it has general governmental responsibilities in the territory of the County, wherein the proposed project is located. The Towns of Conway and Deerfield have asked Petitioner to intervene.

No answer or objection to the petition has been received. It appears that the public interest may be served by granting the petition to intervene in this proceeding.

Pursuant to § 375.302 of the Commission’s regulations, 45 FR 21210 (1980), amending 18 CFR 3.3(a) 1979, as promulgated by Federal Energy Regulatory Commission rulemaking RM78-19 [issued August 14, 1978], the Petitioner is permitted to intervene in this proceeding subject to the Commission’s Rules and Regulations under the Federal Power Act, 16 U.S.C. 791 (a)-825(f). Participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene. The admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

Lois D. Cashell,
Acting Secretary.
the Commission and open to public inspection.

Petitioner states that by order issued November 22, 1978, it was authorized to exchange natural gas with Transco on a thermally equivalent basis in accordance with an exchange agreement between Petitioner and Transco dated June 15, 1978.

Petitioner states that Transco has contracted with Texaco Inc. (Texaco) to purchase the natural gas reserves attributable to the Reeves "AU" Fee #2 well in Reeves County, Texas. Because such reserves are remote from Transco's system, Petitioner and Transco have amended the exchange agreement by an April 24, 1980, letter to add another point of receipt at the interconnection of Texaco's treating facilities with those of Petitioner in Reeves County, Texas, it is asserted.

Petitioner further states that the amended agreement provides for the addition of a balancing point at the existing interconnection of Petitioner's and Transco's facilities in Calcasieu Parish, Louisiana, for the delivery by Transco of imbalanced gas due to Texaco.

It is stated that no increase in daily exchange volumes is proposed as exchange volumes would not exceed 3,000 Mcf per day maximum.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 15, 1980, file with the Commission Rules of Practice and Procedure (18 CFR 1.6 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 19 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the certificate is required by the public convenience and necessity, and if a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Lois D. Cashell, Acting Secretary.
[FR Doc. 80-30319 Filed 9-29-80; 8:45 am] BILLING CODE 6450-05-M

[Docket No. CP80-521]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Application

September 23, 1980.

Take notice that on August 28, 1980, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1942, Houston, Texas 77001, filed in Docket No. CP80-521 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Transcontinental Gas Pipe Line Corporation (Trunkline) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants propose pursuant to a transportation and exchange agreement dated August 6, 1980, to transport and deliver to Transco natural gas purchased by Transco from Union Gas Limited of Canada (Union). It is asserted that Panhandle would receive the gas for Transco's account from Union at an existing interconnection with Union near River Rouge, Michigan. Applicants further state that the subject gas would be redelivered by Trunkline at an existing interconnection between the facilities of Trunkline and Transco near Ragley in Beauregard Parish, Louisiana, or the terminus of the U-T Offshore System in Cameron Parish, Louisiana.

Applicants assert that Transco has made arrangements to purchase natural gas from Union pursuant to an April 16, 1980, gas service agreement for the sale and importation of such gas.

Applicants state that the quantity of gas to be transported would be a firm transportation quantity of 30,000 Mcf per day. For this transportation service, Transco would pay Panhandle a monthly charge of $32,500, subject to adjustment, based on the firm quantity of 30,000 Mcf per day with a reduction of 5.75 cents per Mcf if Panhandle were unable to receive gas at the point of receipt for any reason other than the failure of Transco to deliver gas, it is stated. Applicants further state that if Panhandle receives more than 30,000 Mcf of gas on any day the monthly charge would be increased 5.75 cents for each additional Mcf, and the monthly charge would be also subject to increases or decreases as a result of Trunkline or Panhandle rate proceedings.

Applicants submit that Panhandle would pay Trunkline for its pro rata share of the transportation service. The term of such transportation service would be thirteen years from the date of first delivery, it is said.

In order to accomplish these objectives, Panhandle proposes to modify its existing measurement facilities and install chromatograph and telemetering equipment. It is asserted that these proposed facilities would cost approximately $100,000 and that Transco would reimburse Panhandle for the cost of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 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 1.6 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 19 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the certificate is required by the public convenience and necessity, and if a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Lois D. Cashell, Acting Secretary.
[FR Doc. 80-30319 Filed 9-29-80; 8:45 am] BILLING CODE 6450-05-M

[Docket No. CP80-531]

Southern Natural Gas Co.; Application

September 23, 1980.

Take notice that on September 3, 1980, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP80-531, a petition pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain turbine compressor units and for

a certificate of public convenience and necessity authorizing the construction and operation of a reciprocating compressor unit, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon two 2500 horsepower Cooper-Bessemer turbine-driven compressor units located at Applicant’s Franklinton Compressor Station in Washington Parish, Louisiana. Applicant asserts that at the time of their installation turbine-compressor units were viewed as a low cost method of adding additional compressor horsepower for low load factor use. It is further asserted that because they are relatively less efficient to operate than reciprocating compressors, this type of turbine compressor is being phased out of operations. Applicant states that it has experienced increasingly higher maintenance and repair costs for these turbine units and that replacement parts have become more difficult to obtain. Because of its belief that the subject turbine compressors are an essential component of the required compressor horsepower at its Franklinton Compressor Station, Applicant further proposes to replace them with a reciprocating compressor unit of the same total horsepower as the two turbine compressor units. It is asserted that because of the greater efficiency and reliability associated with reciprocating compressors, Applicant’s customers would benefit from the anticipated lower cost of service with the reciprocating compressor.

The total estimated cost of the facilities proposed herein is $4,274,500 which cost would be financed initially by short term financing and/or cash, from current operations and ultimately from permanent financing, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 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, 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own motion finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

Southwest Gas Corp; Application

September 23, 1980.

Take notice that on September 3, 1980, Southwest Gas Corporation (Applicant), P.O. Box 15016, Las Vegas, Nevada 89114, filed in Docket No. CP80-528 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of one high pressure tap facility, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a high pressure tap to be located on its South Lake Tahoe Lateral near Heavenly Valley, Nevada, in order to enable it to deliver volumes of gas to a small commercial customer in Douglas County, Nevada.

Applicant states that the volumes to be delivered through the proposed tap would be solely for Priority 1 or 2 use with the average daily requirements estimated to be approximately 12 Mcf. Applicant further states that peak day requirements would be approximately 38 Mcf and that the estimated annual delivery would total approximately 4,200 Mcf.

The cost of the proposed tap is estimated to be approximately $1,219 which would be financed by an advance made to Applicant by the customer, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 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, 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission’s Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own motion finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

Texas Eastern Transmission Corp. and Columbia Gas Transmission Corp.; Application

September 23, 1980.

Take notice that on September 8, 1980, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 25325, Houston, Texas 77025, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP80-538 a joint application
pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities by Texas Eastern for a new delivery point for the sale of gas to Columbia on Texas Eastern’s line in Butler County, Ohio, and for an additional point of delivery from Columbus to Cincinnati Gas and Electric Company (Cincinnati), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Eastern proposes herein to construct and operate interconnecting facilities to provide a new delivery point to Columbus in Butler County, Ohio. In addition, in Cincinnati proposes an additional point of delivery to Cincinnati at the new Texas Eastern point of interconnection. It is asserted that the proposed delivery point is required by Columbia to meet the projected market requirements of its customer, Cincinnati, for the 1980-81 winter period.

It is stated that the proposed delivery point is designed to deliver up to 7,327 dekatherms equivalent of natural gas per day to Columbus. Deliveries at the point proposed herein would not result in an increase in total daily deliveries by or in contract quantities available from Texas Eastern, it is asserted. It is further asserted that deliveries by Columbia to Cincinnati at the proposed point would not result in an increase in Columbia’s currently authorized level of sales to Cincinnati.

It is stated that the tap proposed herein would be installed on Texas Eastern’s existing line and that the metering station would be located on land purchased by Texas Eastern which is adjacent to its existing right-of-way. The estimated cost of the proposed construction is approximately $700,000, it is asserted. It is submitted that Columbia would reimburse Texas Eastern for such cost and that Columbia would be reimbursed by Cincinnati for certain of the costs and would finance the remainder from funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s Rules.

The estimated cost of the proposed delivery point is $170,000, as is asserted. It is submitted that the proposed point would not result in a change in the established gas sales to Cincinnati for the winter period. It is asserted. It is submitted that the proposed point would not result in an increase in the established gas sales to Cincinnati for the winter period.

Petitioner states that on January 31, 1979, the Kerr plant at Concord was destroyed by fire and natural gas deliveries were suspended until other arrangements could be made. Although transportation service had been discontinued because of the fire, it is stated that Kerr continued to pay for gas purchased from Trinidad Petroleum Corporation. It is stated that on April 30, 1980, Kerr had accumulated approximately 122,500 Mcf of natural gas for which it had paid and continued to accumulate at the rate of 250 Mcf per day through July 16, 1980.

Petitioner asserts Kerr has obtained a new facility in Travelers Rest, South Carolina, and transferred its Concord operations there. Petitioner, therefore, proposes to resume deliveries to Kerr under the authorization in the instant docket.

Petitioner states that natural gas would be delivered for a term of one year from the date of resumption of deliveries. It is stated that natural gas would be delivered to Petitioner at an existing meter station owned by Kerr and operated by Petitioner on its Bastrop-Eunice 26-Inch pipeline in La Salle Parish, Louisiana. Petitioner would transport and deliver up to 400 Mcf per day received for Kerr’s account to Transco for ultimate delivery to Kerr’s Travelers Rest plant.

Petitioner would collect an initial charge of 6.0 cents for each MCF delivered to Transco for the account of Kerr, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s Rules.

Lois C. Cashell, Acting Secretary.
I. Applications

On November 21, 1979, Trailblazer Pipeline Company, Overthrust Pipeline Company, and Colorado Interstate Gas Company (Applicants) filed an application, as amended, on May 25, 1979, and February 12, 1980, for a certificate of public convenience and necessity authorizing the construction and operation of facilities to be known as the Trailblazer system (Docket No. CP79-80). The Trailblazer system will extend 600 miles from the Rocky Mountain Overthrust Belt region to points of interconnection with Natural Gas Pipeline Company of America (Natural) and Northern Natural Gas Company (Northern) at or near Beatrice, Nebraska, and will consist of three segments: Overthrust, Colorado Interstate, and Trailblazer. 1 The estimated cost of the Trailblazer system is $335,122,000. The principal shippers of natural gas through the segments of the Trailblazer system include Colorado Interstate Gas Company (CIG), Columbia Gas Transmission Company (Columbia), Natural, and Northern.

Two other applications are related to the Trailblazer proposal. On October 1, 1979, Mountain Fuel Supply Company (Mountain Fuel) filed an application, as amended, on March 27, 1980, for a certificate of public convenience and necessity authorizing the construction and operation of facilities at an estimated cost of $19,600,000 and the transportation of natural gas in interstate commerce in amounts up to 100 MMcfd for each of Columbia, Natural, and Northern. These facilities will allow Mountain Fuel to transport gas to the Colorado Interstate segment of the Trailblazer system (Docket No. CP80-7). On May 23, 1980, Northern filed an application for a certificate of public convenience and necessity authorizing the construction and operation of facilities at an estimated cost of $5,411,000 in order to interconnect its facilities with the Trailblazer segment.

II. Discussion

The Rocky Mountain region, of which the Overthrust Belt is a part, has been one of the most promising areas in the United States for natural gas exploration and development activity in recent years. The Congress, in enacting the NGPA, and the Commission, in implementing that statute, have recognized the importance of providing sufficient incentives for producers to explore and develop these natural gas reserves. Amoco and Chevron, two producers who have dedicated reserves to Trailblazer system shippers, have made and are making significant investments, not only in exploration and development, but also in processing and treatment, on the strength of the incentive prices provided in Title I of the NGPA.

The Commission must also act to assure the development of sufficient interstate pipeline transportation capacity to move natural gas from the Rocky Mountain area to market. In recent years, the Commission has approved numerous projects for that purpose, including the Rollins-Heston pipeline of Cities Service Gas Company (Cities Service Gas Company, Docket No. CP76-500, September 1, 1978) and an expansion of Northwest's facilities (Northwest Pipeline Corporation, Docket No. CP79-150, August 29, 1980). The Trailblazer project is the largest of several additional transportation networks, including the Trans-Anadarko Pipeline System (Docket No. CP80-17) and the Rocky Mountain Project (Docket No. CP79-424), which are pending before the Commission and which involve natural gas transportation from the Rocky Mountain area. Key issues in the Commission's consideration of the Trailblazer project include the adequacy of natural gas reserves, the economic feasibility and environmental effects of the project and appropriate alternatives, and the proper tariff and rate treatment for the project.

Because of the significance of the Trailblazer proposal, the Commission scheduled an oral presentation on August 5, 1980, for the purpose of exploring these issues and determining the most appropriate procedures for establishing a record adequate for decision. At the close of the oral presentation, the Commission requested that the parties, including staff, file, by August 20, 1980, statements indicating issues that legally require a hearing and issues that deserve a hearing.

The primary contested issues in this proceeding: gas supply, rate and tariff treatment, and alternatives to the project, appear to be so interrelated that it would be inadvisable in the absence of sworn initial and reply testimony, to attempt to resolve issues at this time. Moreover, Applicants, as well as intervenor Kansas-Nebraska, acknowledge that further proceedings will be required on disputed issues, particularly those related to alternative means of transportation.

Notwithstanding this determination, the procedures we have specified below are designed to provide maximum flexibility to the ALJ and to ensure that a final decision in this case can be made in an expeditious fashion. Thus, the ALJ is specifically urged to request the appointment of a settlement judge for resolving issues if there is a reasonable likelihood that that procedure will expedite the proceeding. Moreover, the ALJ is advised that with respect to any issues which he may determine can be decided on the basis of the sworn testimony, he should dispense with cross-examination, and set a briefing schedule for those issues, if this will expedite resolution of the case.

A number of cases, which have arisen after the Supreme Court's decision in United States v. Florida East Coast Railway Co., 410 U.S. 224 (1973), both before this Commission and other agencies, have emphasized the procedural flexibility which the Commission has in compiling an adequate record for decision-making. In this case, there may indeed be certain issues which require the crucible of cross-examination for purposes of testing the value of the testimony and

1The distance cost and design capacity for the three segments are as follows: Overthrust (88 miles, 400 MMcfd; $66,732,000); Colorado Interstate (294 miles, 670 MMcfd; $186,802,000); Trailblazer (465 miles, $25 MMcfd; $280,593,000).

2To the extent the Applicants have not filed any necessary related applications, we cannot and do not intimate whether such applications will raise additional material issues of fact.
for further supplementing and illuminating the record. By the same token, there may be other issues where a decision can be reached based on the filed sworn testimony alone and other materials in the record, without the need for cross-examination. The procedures which we prescribe for this case are designed to provide the ALJ with this flexibility in the interests of expediting decision. In this regard, we expect that the initial testimony to be filed simultaneously by the Applicants and other parties will fully and adequately address all issues which have been raised or which the parties deem relevant to the decision and that the reply testimony be limited accordingly. At the same time, such reply testimony should be sufficiently complete to limit, if not avoid, the need for cross-examination.

We contemplate that the ALJ will use his full authority to ensure expedition. For example, we anticipate that the ALJ will strike answering testimony to the extent it goes beyond its proper scope or addresses for the first time matters which have previously been raised in this case and, thus, which should properly have been the subject of initial testimony. This will guarantee that a party's full direct case is in its initial testimony and, hence, subject to critique by answering testimony. By this example, we do not intend to preclude other means of expedition of which the ALJ may avail himself during these proceedings. We do seek to emphasize the importance we place in expediting the hearing, while ensuring that each party has the opportunity to address issues material to whether the Trailblazer project is in the public interest.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the applications for certificates of public convenience and necessity in Docket Nos. CP79-80, CP80-7, and CP80-380 be consolidated and set for hearing in accordance with the procedures prescribed below.

(2) Participation in the proceeding by the petitioners listed in the appendix may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, a hearing shall be held in the applications in Docket Nos. CP79-80, CP80-7, and CP80-380 and these applications are hereby consolidated.

(B) The Chief Administrative Law Judge or a Presiding Administrative Law Judge designated by the Chief Administrative Law Judge shall preside at a prehearing conference, and any subsequent hearing in these proceedings, with authority to establish and change all procedural dates and to rule on all motions, as provided by the Rules of Practice and Procedure.

(C) Written testimony shall be filed simultaneously on the issues designated in this order and other issues as the parties, including Commission staff, may determine are relevant to this proceeding in accordance with the following schedule:


(D) On or before November 18, 1980, the Presiding Administrative Law Judge shall convene a prehearing conference and, within ten days after the prehearing conference, shall:

(1) Set procedural dates for evidentiary hearing on those issues which in his judgement, consistent with legal standards, require evidentiary proceedings, and

(2) Reserve those issues which he determines may be decided on the basis of the filed testimony and other record information without further proceedings and may set a separate briefing schedule for those issues.

(E) The Presiding Administrative Law Judge shall report to the Commission on the procedures adopted and the schedule for decision.

(F) The Presiding Administrative Law Judge is authorized and encouraged to request the appointment of a settlement judge for purposes of resolving, in whole or in part, issues in controversy, if the judge determines that there is a reasonable likelihood that this could expedite the proceeding. In such circumstances, the Presiding Administrative Law Judge may defer the schedule for the remainder of the case and shall report this to the Commission.

(G) Petitioners to intervene listed in the appendix are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission; Provided, however, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and Provided, further, that the admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission, Commissioner Sheldon, concurring, filed a separate statement appended hereto. Commissioner Hall dissenting, filed a separate statement appended hereto.

Kenneth F. Plumb, Secretary.

Appendix—Interventions Granted

UGI Corporation
Iowa Southern Utilities Company
Northern Illinois Gas Company
The Peoples Gas Light and Coke Company & North Shore Gas Co.
Mississippi River Transmission Corporation
Chevron U.S.A. Inc.
Central Illinois Light Company
United Gas Pipe Line Company
Northwest Pipeline Corporation
Mountain Fuel Supply Company
Kansas Nebraska Natural Gas Company, Inc.
Michigan Wisconsin Pipeline Company
City of Chicago, Illinois
Iowa-Illinois Gas and Electric Company
Northern Natural Gas Company
Illinois Power Company
Transwestern Pipeline Company
Panhandle Eastern Pipe Line Company
Northern Indiana Public Service Company
Cities Service Company
Public Service Company of Colorado,
Western Slope Gas Company
Cheyenne Light, Fuel and Power Company
Columbia Gas Transmission Corporation
Iowa Electric Light and Power Company
Natural Gas Pipeline Company of America
The Public Service Commission of the State of New York
MAPCO Inc.
The City of Colorado Springs, Colorado
The People's Counsel of Maryland
Public Utilities Commission of the State of Colorado
City and County of Denver, Colorado
AGT Development Corporation
Home Builders Association of Metropolitan Denver
Iowa Power and Light Company
Public Service Commission of Wisconsin
Public Service Commission of the State of New York
Natural Gas Corporation of California
Southern Natural Gas Company
Minnesota Gas Company
Metropolitan Utilities District of Omaha
Iowa Public Service Company and North Central Public Service Co. Div. of Donovan Companies Inc.
Trailblazer Pipeline Company, Overtrust Pipeline Company, Colorado Interstate Gas Company—Docket No. CP79-80
Mountain Fuel Supply Corporation—Docket No. CP90-7
Northern Natural Gas Company—Docket No. CP90-380
Sheldon, Commissioner, concurring: Issued September 23, 1980.

My colleagues have determined that a hearing is required before this important proceeding can be resolved. Legal opinion differs greatly as to whether a hearing is necessary, but since the applicants are cautious to commit money to this project without such a hearing, I reluctantly concur with the majority's order.

When regulators attempt to expedite procedures for the mutual benefit of industry and consumers, often they encounter opposition from the same parties who claim
overregulation. Overregulated parties invoke the same regulations to delay government action successfully. Thus, the consumer is saddled with the cost of excessive regulation.

In this case we are engaged in a proceeding to seek additional evidence when knowledgeable people in both government and industry have advised this Commission that the best factual information is already available publicly. There is, perhaps, insufficient analysis of this information in terms of the needs projects. Thus, this evidentiary hearing is not likely to provide additional facts, nor will it necessarily provide the analysis needed by the Commission to make a reasoned decision.

It is my belief in this case the Commission is in a procedural quagmire which does not advance the interests of the consumers, the Nation, or the Commission.

Georgian H. Sheldon, Commissioner.

Trialblazer Pipeline Company, et al.—Docket No. CP79-33-PH

Issued September 23, 1980.

HALL, Commissioner, dissenting:

I respectfully dissent.

The majority has decided that a hearing is required in this proceeding. Kansas-Nebraska (K-N) asserts it has procedural rights to a hearing, and the Trialblazer applicants are concerned that without an on-the-record adjudication there might be a procedural cloud over the Trialblazer project which could deter its financing. The applicants also appear to insist on a hearing respecting tariff conditions.

A formal on-the-record adjudication should be for the purpose of establishing a sound basis for public decision-making, not to provide parties with a play to pursue private ends. The formal hearing the Commission has approved is unlikely to serve its appropriate purpose.

Perhaps the majority is right and the on-the-record hearing will significantly strengthen the record and make for easier or better Commission decisions. I sincerely hope so. However, I doubt this will be the outcome considering the nature of the issues the Commission must address.

There are three basic issues that must be addressed by the Commission and the various filings in this docket indicate that ports for gas reserves in the Overthrust Region are favorable, but less gas than required to fill the proposed pipeline has been placed under contract to Trialblazer. However, more drilling, not on-the-record questioning and cross-examination, is required before additional information on reserves will be available. After completion of the ordered hearing, the Commission will still likely have to face uncertainty about the precise amount of natural gas in this region.

The preferred response to the inherent uncertainty regarding supply appears to be a rate condition that will ensure consumer protection should the expectations about forthcoming gas supplies prove to be incorrect. An appropriate rate condition is a major and significant issue that must be addressed by the Commission, but it is a matter more suited to analysis than adjudication. It should not be difficult to develop a rational and reasonable condition that will enable the consumer protection if resolution among the interested parties rather than confrontation is the goal. Considering the rates of drilling, finding and deliverability in the Western Overthrust Region, new pipelines should have little difficulty in acquiring enough gas to be able to achieve a throughput level adequate to shield consumers from the risk of underutilized capacity.

The third major question for the Commission is whether the K-N alternative is preferable to other potential systems which could provide market access for the Overthrust gas. Even accepting all the many assumptions made by K-N, the data indicate that at best the K-N alternative would save the consumers two to six cents per Mf in transportation costs compared to the Trailblazer proposal. If, however, the K-N proposal were adopted, the Commission would have to accept the risk that K-N's assumptions might be wrong or that there might be delays in implementing such a system because K-N cannot perfect it. In that event, the consumers would pay more than they would have to pay with an alternate system. More significantly, approval of the K-N alternative would forego the advantages of additional new capacity in the Overthrust Region. Analysis of the tradeoffs among benefits, costs and risks are necessary. The judgment will not be easy. However, it is dubious that further evidentiary proceedings will make the decision easier.

Were this a "normal" time, it might be acceptable to put the matter down for hearing. To do so would be the conventional legal response. It might even be the prudent course. But I would prefer the Commission seek alternative avenues to reach a decision even if it means exploring the frontiers of its legal authority.

The Commission is acutely aware of the repeated complaints by industrial spokesmen about Government foot-dragging on energy supply project decisions. 1 Fair play and the national interest require pointing out that this hearing appears to serve private interests, not public decision-making.

All of this would be of only academic interest except for one thing. Our society is in peril because of its energy situation. Delays and unnecessary expense in rendering decisions about fuel supply matters have serious social and strategic consequences.

George R. Hall, Commissioner.

[FR Doc. 80-20611 Filed 8-23-80; 8:45 am]

BILLING CODE 6450-05-M

[Docket No. CP80-526]

Transcontinental Gas Pipe Line Corp.; Application

September 23, 1980.

Take notice that on August 20, 1980, Transcontinental Gas Pipe Line Corporation (Applicant) P.O. Box 1300, Houston, Texas 77001, filed in Docket No. CP80-526 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline looping to expand the capacity of its Central Louisiana Gathering System (CLGS), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate 26.63 miles of 24-inch pipeline loop in Acadia and Vermilion Parishes, Louisiana.

Applicant states that its existing CLGS is one of the primary transporters of gas supplies from the East Cameron Area and Vermillion Area, offshore Louisiana, as well as supplies located offshore in the vicinity of the CLGS in South-Central Louisiana. Such supplies are delivered by the CLGS into Applicant's main line at Station No. 50, Evangeline Parish, Louisiana, it is said.

It is asserted that construction of the facilities proposed herein would increase the ability of the CLGS to deliver gas to Applicant's main line from 857,150 Mf per day to 943,950 Mf per day. In addition, Applicant asserts that the proposed facilities would enable the CLGS to accommodate 74,700 Mf per day of additional volumes attributable to existing firm transportation and exchange arrangements which would enter the system primarily at offshore receipt points and be delivered out of the system at various delivery points upstream of Applicant's main line at Station No. 50. In total, the proposed facilities would accommodate an increase of 161,500 Mf of gas per day from all sources. Applicant states.

1There is concern that without a formal, on-the-record, hearing a judicial challenge might be mounted with respect to the legal sufficiency of the Commission's procedures and this challenge might preclude financing. This concern is a powerful and possibly compelling reason for ordering a hearing so as to remove the Commission's procedures and this challenge might preclude financing. This concern is a powerful and possibly compelling reason for ordering a hearing so as to remove the serious social and strategic consequences, which is...
The proposed facilities are estimated to cost $22,510,000 which cost would be financed initially through short-term loans and funds on hand with permanent financing to be arranged as part of Applicant's overall long-term financing program, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 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 1.10 and 1.11) and the Regulations under the Natural Gas Act (18 CFR 357.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-30026 Filed 9-29-80; 8:15 am]
BILLING CODE 6450-05-M

[Project No. 3337]

Water Power Development Corp.; Application for Preliminary Permit

September 22, 1980.

Take notice that Water Power Development Corporation (Applicant) filed on August 18, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 18 U.S.C. §§ 791(a)-825[r]) for proposed Project No. 3337 to be known as the Knightville Project located on the Westfield River in Hampshire County, Massachusetts. Correspondence with the Applicant should be directed to: Mr. Kenneth E. Mayo, President, Water Power Development Corporation, 23 Temple Street, Nashua, New Hampshire 03060.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers Knightville Dam and would consist of: (1) turbine/generator units rated at 3.94 MW; (2) a new 280 by 100-foot powerhouse located on the southern riverbank; (3) a new penstock approximately 700 feet long; (4) several transmission lines and; (5) appurtenant facilities. Applicant estimates that annual generation would average 15.75 GWh.

Purpose of Project—Power produced would be sold to the Western Massachusetts Electric Corporation.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 28, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 27, 1981. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR 4.33(b). A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), as amended 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, §§ 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 28, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-30025 Filed 9-29-80; 8:15 am]
BILLING CODE 6450-05-M

[Docket No. RP73-112]

Algonquin Gas Transmission Co.; Filing

September 23, 1980.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on September 15, 1980, tendered for filing 12th Reviset Sheet No. 10-A and Original Sheet No. 20-H, pursuant
to its Rate Schedule SNG-1 Purchased Feedstock Adjustment Clause ("PFAC"), as contained in its FERC Gas Tariff, First Revised Volume No. 1, adjusting the applicable rate to reflect current cost of feedstock. The adjustments are filed to be effective as of October 16, 1980.

Algonquin Gas states that it also is submitting an LNG Cost of Service Report for the 12 months ended September 30, 1980, prepared to reflect the settlement principles of Algonquin Gas' Sustenance and Agreement in Docket Nos. RP72-1, 112, et al., as approved by Commission order dated March 31, 1978. Such report has been filed to comply with Algonquin Gas' Rate Schedule SNG-1 PFAC.

Algonquin Gas notes that a copy of this filing is being served upon all affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1980. Protest will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. TA80-2-20]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

September 23, 1980.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on September 12, 1980, tendered for filing 2nd Substitute 53rd Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1. Algonquin Gas states that this sheet is being filed in compliance with the Commission's order dated August 28, 1980 [i] to affirm that Algonquin Gas has complied with the Commission requirement concerning the computation of carrying charges on the balances in Algonquin Gas' 191 Account and (ii) to file a tariff sheet reflecting a downward modification of Algonquin Gas' rates to track a downward adjustment in rates by its pipeline supplier, Texas Eastern Transmission Corporation, all as more fully set forth in the filing.

Algonquin Gas requests the Commission accept for filing effective September 1, 1980, 2nd Substitute 53rd Revised Sheet No. 10.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1980. Protest will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ER80-771]


The filing company submits the following:

Take notice that American Electric Power Company (AEP) on September 16, 1980, tendered for filing on behalf of its affiliates, Appalachian Power Company (Appalachian), Ohio Power Company (Ohio) and Wheeling Electric Company (Wheeling), Modification No. 7 dated May 1, 1980 to the Operating Agreement dated June 1, 1971 among Appalachian, Ohio, Wheeling, Monongahela Power Company and West Penn Power Company designated Appalachian Rate Schedule FPC No. 5.

The Modification includes a new Service Schedule F which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule F provides for a transmission service charge of $7 per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving System is either the AEP System or the APS System, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs plus 1.7 mills per kilowatt-hour for transmission to the point of interconnection, plus 2 mills when the AEP System is the delivering party and (b) when the APS System is the delivering party, 5 mills per kilowatt-hour plus the lesser of (i) the cost of supplying such energy plus 2 mills, or (ii) 116% of the cost of supplying such energy.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Allegheny Power Service Corporation, the Public Utilities Commission of Ohio, the State Corporation Commission of Virginia, the Public Service Commission of West Virginia and the Public Service Commission of Pennsylvania.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.


ARCO Oil & Gas Co., Division of Atlantic Richfield Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates 1

September 19, 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

1This notice does not provide for consolidation for hearing of the several matters covered herein.
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 file on or before September 29, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb, Secretary.

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Docket No. and date filed  Applicant  Purchaser and location  Price per 1,000 ft.  Pressure base
C17-439, C17-596, B, Sept. 5, 1980,  ARCO Oil and Gas Company, Division of Atlantic Southern Natural Gas Company, South Pass Block 61 Field, Offshore Louisiana.  Gas is proposed for use in enhance oil recovery.  75221.
C17-776, C, Aug. 12, 1980 Shell Oil Company, One Shell Plaza, P.O. Box Transcontinental Gas Pipe Line Corporation, Blocks 2403, Houston, Texas 77001.  21 and 22, Vermilion Area, Offshore Louisiana.  (a)  15,025.
C17-760, C, Aug. 12, 1980 Shell Oil Company, One Shell Plaza, P.O. Box Transcontinental Gas Pipe Line Corporation, Blocks 2403, Houston, Texas 77001.  21 and 22, Vermilion Area, Offshore Louisiana.  (a)  15,025.

*Applicant is willing to accept a certificate establishing the initial rate as the maximum lawful rate authorized by the NGPA of 1978.

Filing code: A—Initial service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

BILLING CODE 6450-85-M

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[Docket No. ER80-755]

Central Illinois Light Co. and Central Illinois Public Service Co.; Cancellation

September 22, 1980.

The filing company submits the following:

Take notice that on September 5, 1980, Central Illinois Light Company (CILCO) and Central Illinois Public Service Company (CIPS) jointly filed a Notice of Cancellation of a point of connection between CILCO and CIPS. The point of connection to be canceled is known as the "CIL-CIPS Connection 3-Gilchrist," as designated in Appendix A to the Interconnection Agreement between CILCO and CIPS (Supplement No. 8 to CIPS Rate Schedule FERC No. 81; Appendix A, CIL-CIPS Connection 3-Gilchrist, CILCO Rate Schedule FERC No. 20).

CILCO and CIPS stated that service through the Gilchrist connection was discontinued permanently as of February 1, 1979 upon determination that unjustified expenditures would be necessary to restore it to a satisfactory operation condition. CILCO and CIPS remain interconnected at two points and further state that their interchange operation will not be impaired by this cancellation. Accordingly, they request waiver of the Commission's notice requirements to permit an effective date of September 5, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Lois D. Casselli, Acting Secretary.

BILLING CODE 6450-85-M

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[Docket No. ER80-422]

Central Vermont Public Service Corp.; Filing

The filing company submits the following:

Take notice that on September 5, 1980, Central Vermont Public Service Corporation submitted for filing a compliance report pursuant to the Commission's order, issued September 2, 1980, in the above-referenced proceeding.

A copy of this filing has been sent to all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and available for public inspection.

BILLING CODE 6450-85-M
Illinois and Central Illinois Public Commerce Commission, Springfield, changes were served upon the Illinois compensation provisions, in part, in Central Illinois Public Service Company. Commonwealth Edison Company and November its FERC Electric Service Tariff No. 18, 1980-U-T Edison Company on September 11, 1980. An Interconnection Agreement, dated August 22, 1984 between Commonwealth Edison Co.; Filing date and types of filing, docket number, and type of filed are also shown on the Appendix. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Acting Secretary.

[Docket No. ER80-776]

The parties have agreed to modify the compensation provisions, in part, in Service Schedule C—Short Term Power. Copies of the proposed rate schedule changes were served upon the Illinois Commerce Commission, Springfield, Illinois and Central Illinois Public Service Company, Springfield, Illinois.

Any person desiring to be heard or to protest said schedule changes should be served upon the Illinois Commerce Commission, Springfield, Illinois and Central Illinois Public Service Company, Springfield, Illinois.

[Filings, docket numbers, and types of filing]

[Docket No. ER80-779]

The filing Company submits the following:

The parties have agreed to modify the compensation provisions, in part, in Service Schedule C—Short Term Power. Copies of the proposed rate schedule changes were served upon the Illinois Commerce Commission, Springfield, Illinois and Central Illinois Public Service Company, Springfield, Illinois.

Any person desiring to be heard or to protest said schedule changes should be served upon the Illinois Commerce Commission, Springfield, Illinois and Central Illinois Public Service Company, Springfield, Illinois.

[Docket No. ER80-767]

The filing company submits the following:

[Applicants, captions, and docket numbers]

[Docket No. ER80-769]

The filing Company submits the following:

The parties have agreed to modify the compensation provisions, in part, in Service Schedule C—Short Term Power. Copies of the proposed rate schedule changes were served upon the Illinois Commerce Commission, Springfield, Illinois and Central Illinois Power Company, DeSoto, Illinois.

Any person desiring to be heard or to protest said schedule changes should be served upon the Illinois Commerce Commission, Springfield, Illinois and Central Illinois Power Company, DeSoto, Illinois.

[Docket No. CP76-285, et al.]

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Acting Secretary.
Take notice that Consumers Power Company on September 15, 1980 tendered for filing a Service Agreement for firm electric transmission service to be provided by Consumers Power to the Wolverine Electric Cooperative, Inc. (Wolverine). Consumers Power states that the transmission service is for Wolverine’s electric capability and energy entitlement as established in the Campbell Unit No. 3 Ownership and Operating Agreement dated August 15, 1980 between Consumers Power, Wolverine and Northern Michigan Electric Cooperative, Inc. (Northern Michigan). Under the Campbell 3 Ownership and Operating Agreement, Wolverine and Northern Michigan have each purchased an undivided ownership interest in the Campbell Unit No. 3 generating unit.

Consumers Power states that the Transmission Service Agreement with Wolverine will become effective on the commercial operation date of Campbell Unit No. 3, which is expected to occur during the 7-day period beginning September 15, 1980.

Consumers Power states that copies of the filing were served on Wolverine and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Lois D. Cashell, Acting Secretary.

Consumers Power Co.; Contract Filing

September 23, 1980

The filing Company submits the following:

Take notice that Consumers Power Company on September 15, 1980 tendered for filing a Back-up Requirements Agreement between Consumers Power and Northern Michigan Electric Cooperative, Inc. (Northern Michigan). Consumers Power states that the transmission service is for Northern Michigan’s electric capability and energy entitlement as established in the Campbell Unit No. 3 Ownership and Operating Agreement dated August 15, 1980 between Consumers Power, Northern Michigan and Wolverine Electric Cooperative, Inc. (Wolverine). Under the Campbell 3 Ownership and Operating Agreement, Northern Michigan and Wolverine have each purchased an undivided ownership interest in the Campbell Unit No. 3 generating unit.

Consumers Power states that the Transmission Service Agreement with Northern Michigan will become effective on the commercial operation date of Campbell Unit No. 3, which is expected to occur during the 7-day period beginning September 15, 1980.

Consumers Power states that copies of the filing were served on Northern Michigan and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Lois D. Cashell, Acting Secretary.

Consumers Power Co.; Filing

September 23, 1980.

The filing company submits the following:

Take notice that Consumers Power Company ("Consumers Power") on September 15, 1980 submitted for filing a contract for wholesale electric service with the City of Bay City, Michigan ("Bay City"). On its effective date, February 7, 1980, the contract superseded five previous contracts for wholesale electric service to Bay City.
Army Corps of Engineers' Whitney Point project would utilize the existing Applicatant. Correspondence with the Whitney Point, Broome County, New York. Otselic River in the Town of proposed Project No. 4, pursuant to the Federal Power Corporation (Applicant) filed on August 19, 1980. Protests will be considered any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission. The application was served on Bay City any person wishing to be a 'participant Is The application is on file with the Commission and is available for public inspection. Comment to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 24, 1980. The Commission's address is: 825 North Capitol Street, NE, Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection. Kenneth F. Plumb, Secretary.

Project No. 3293

Continental Hydro Corp.; Application for Preliminary Permit

September 19, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 4, 1980, an application for preliminary permit under the Federal Power Act, 16 U.S.C. §§ 791(e)-825(c) for proposed Project No. 3293 to be known as the Whitney Point Project located on the Otselic River in the Town of Whitney Point, Broome County, New York. Correspondence with the Applicant should be directed to: A. Gail Staker, President, 141 Mill Street, Suite 1143, Boston, Massachusetts 02109.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Whitney Point Dam and would consist of: (1) a new penstock from an existing control structure extending to; (2) a new powerhouse on the right (west) river bank located about 100 feet downstream of the dam and containing a 2.22 MW generating unit(s) operated at a 67-foot head; and (3) appurtenant facilities. Project energy would be transmitted over existing power lines serving the dam or would be transmitted to a New York State Electric & Gas Company transmission line through a new 8-mile long transmission line. Applicant estimates the annual generation would average about 9.06 million kWh.

Purpose of Project—Project energy would be sold to New York State Electric & Gas Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform technical and economic feasibility studies, investigations, and the work involved to prepare an application for a FERC license.

Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 24, 1980, either the competing application itself or a notice of intent to file a competing application. A timely notice of intent allows an interested person to file the competing application no later than January 23, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c), as amended 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest that this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.10. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 24, 1980.

Charles F. Hoekstra, Secretary.

[FR Doc. 80-20009 Filed 8-29-80; 8:45 am]
BILLING CODE 6450-05-M

[Docket No. RA80-106]

Charles Fenley Enterprises; Filing of Petition for Review Under 42 U.S.C. 7194

September 22, 1980.

Take notice that Charles Fenley Enterprises on September 2, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other
person who was denied the opportunity
to participate in the prior proceedings
before the Secretary or who is aggrieved
or adversely affected by the contested
order, and who wishes to be a
participant in the Commission
proceeding, must file a petition to
intervene on or before October 7, 1980,
in accordance with the Commission's
Rules of Practice and Procedure (18 CFR
§§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to
intervene filed with the Commission
must also be served on the parties of
record in this proceeding and on the
Secretary of Energy through John
McKenna, Office of General Counsel,
Department of Energy, Room 6H-025,
1000 Independence Avenue, S.W.,
Washington, D.C. 20585.

Copies of the petition for review are
on file with the Commission and are
available for public inspection at Room
1000, 825 North Capitol St., N.E.,
Washington, D.C. 20425.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-30050 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-85-M

Determinations by Jurisdictional
Agencies Under the Natural Gas Policy
Act of 1978

Issued: September 19, 1980.

BILLING CODE 6450-85-M
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- **HIGHER ENERGY CORP**: RECEIVED 09/02/80 JAI K8
- **IMPERIAL OIL COMPANY**: RECEIVED 09/02/80 JAI K8

**NOTICES**

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VELMA  14.6  GETTY OIL CO
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VELMA  5.8  GETTY OIL CO

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HARRISON  450.0  PHILLIPS PETROLEUM C

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ELK CITY MORROW UPPER  2000.0  EL PASO NATURAL GAS

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CHILES DOKE  146.0  OKLAHOMA GAS & ELECT

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1030, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-30141 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-00-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 19, 1980.

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**Pennsylvania Department of Environmental Resources**

**Receives 09/04/80**

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  - **MINOR LEMLEM #1:** 0.3 CARNegie NATURAL GAS
  - **S C CHESS #1:** 0.1 PEOPLEs NATURAL GAS

- **BENCHMARK OIL INC:**
  - **LITTLE D 30-41:** FREEmOLO

- **CONSOLIDATED GAS SUPPLY CORPORATION:**
  - **JAMES O CONRAD W1#1661:** 33.0 COLUMBIA GAS TRANSMI

- **DELTA DRILLING CO:**
  - **R PLEMMING #3:** 32.0 GENERAL SYSTEM PURCH

- **DORAN & ASSOCIATES INC:**
  - **A BUTTERBAUGH #1 K#25:** 34.0 PEOPLEs NATURAL GAS

- **ENDOHR VENTURE 8:**
  - **ROBERT F HENRY #1 K#22:** 30.0 COLUMBIA GAS TRANSMI

- **FRED J RUSSELL DBA LOUDEN PROPERIES:**
  - **C FLEMMING W1F #619 1423=1:** SAXONBURG
  - **C HERRY 1451=1:** CURTISSVILLE
  - **C WOOD 1429=1:** CURTISSVILLE
  - **H HALSTEAD 1422=1:** CURTISSVILLE
  - **WHEM 1432=1:** CURTISSVILLE
  - **J RICKER 1430=1:** CURTISSVILLE
  - **J CUNNINGHAM 1153=2:** CURTISSVILLE
  - **KEASEY 1428=1:** CURTISSVILLE
  - **L S LARDIN 1421=1:** CURTISSVILLE
  - **PLUM CREEK PREACHERIAN CHURCH 143=** MURRYSVILLE
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  - **RUMEL 1435=1:** WAGNERNBURG
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BILLING CODE 646-68-C
The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-30142 Filed 9-30-80; 8:45 am]
BILLING CODE 6450-05-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 23, 1980.

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| 6056218 | 20054  | 4207906000 | 103   | C S DEAN A UNIT NO 202 |         |      |          |
| 6056296 | 18525  | 4208100000 | 103   | P B DUNCAN ET AL 4 9 |          |      |          |
| 6056505 | 17560  | 4235307458 | 103   | CARTMAGE TRAVIS PEAK 64 |         |      |          |
| 6056541 | 14540  | 4223330669 | 103   | H B ARMSTRONG #18 9 |          |      |          |
| 6056542 | 14541  | 4223330671 | 103   | H B ARMSTRONG NO 19 |          |      |          |
| 6056707 | 19085  | 4210300000 | 103   | NORTH MCELROY UNIT NO 3323 |        |      |          |
| 6056608 | 19087  | 4210300000 | 103   | NORTH MCELROY UNIT NO 3338 |        |      |          |
| 6056609 | 19086  | 4210300000 | 103   | NORTH MCELROY UNIT NO 3347 |        |      |          |

**GILLING RING OIL CO**

| 6056205 | 04672  | 4235500000 | 108   | C P TALBERT NO 2 (39247) |          |      |          |

**GOLDSTON OIL CORPORATION**

| 6056977 | 16242  | 4231131170 | 103   | M C EDINGTON GAS UNIT NO 1 (82930) | 1800 TENNESSEE GAS PIPELINE | 16.0 TENNESSEE GAS PIPELINE |
| 6056597 | 16292  | 4231131340 | 103   | M C EDINGTON GAS UNIT NO 2 9 |          |      |          |
| 6056597 | 16292  | 4231131171 | 103   | T J MARTIN UNIT NO 1 (84350) |         |      |          |

**GUADALUPE EXPLORATION CORP**

| 6056407 | 19088  | 4228730126 | 103   | WESTKAEMPER A 2 |          |      |          |

**GULF MINERALS OPERATING CO**

| 6056605 | 19057  | 4217531224 | 103   | JACK GUMM 1 |          |      |          |

**GULF OIL CORPORATION**

<p>| 6056726 | 19647  | 4227031860 | 102   | BRUNE MINERAL TRUST A 2 |          |      |          |
| 6056725 | 19670  | 4204139336 | 105   | WEST UNIT 1 NO 1 |          |      |          |
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**Notes:**
- **The And Drilling Company Inc.**
- **The Maurice L Brown Company**
- **Thomas D Coffman**
- **Union Oil Company of Calif.**
- **Union Texas Petroleum**
- **Vanderbilt Resources Corporation**
- **Wainoco Oil & Gas Co.**
- **Warren Petco Div. of Gulf Oil Co.**
- **Western Con-Tex Corp.**
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Other Purchasers—Volume No. 285
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8055934—Amoco Gas Co.
8055935—Coltexo Corp.
8055933—Coltexo Corp.
8055954—Coltexo Corp.
8055969—Panhandle Eastern Ppe Co.
8055971—Panhandle Eastern Ppe Co.
8055996—Intratex Gas Co.
8056008—El Paso Nat Gas Co.
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80560104—Northern Natural Gas Co.
80560105—Northern Natural Gas Co.
8056123—Texas Eastern Transmission Co.
8056160—Delhi Gas Pipeline Corp.
8056209—Northern Natural Gas Co.

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a “D” after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission’s Division of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1980.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

Issued: September 24, 1980.

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**U.S. GEOLOGICAL SURVEY - MONTANA**

| MOOG PRODUCTION CO | RECEIVED 09/08/80 | JAI LA 3 | |
| 8056152 | 17708000A2 | 102 | NCSC 0-571 WELL NO A-6 | EUGENE ISLAND | 1750.0 | TRANSCONTINENTAL GAB |
| CHEVRON U S A INC | RECEIVED 09/08/80 | JAI LA 3 | |
| 8056153 | 177180067A6 | 102 | NCSC G C 210 A #2 | EUGENE ISLAND | 1000.0 | NATURAL GAS PIPELINE |
| 8056154 | 177180032A0 | 102 | NCSC G C 313 #4A | VERMILION | 1145.0 | COLUMBIA GAS TRANSMI |
| 8056155 | 177180036A1 | 102 | NCSC G C 315 #5 | VERMILION | 1145.0 | COLUMBIA GAS TRANSMI |
| 8056156 | 177180043A6 | 102 | NCSC G C 315 #6 | VERMILION | 876.0 | COLUMBIA GAS TRANSMI |
| 8056157 | 177180050A7 | 102 | NCSC G C 315 #7 | VERMILION | 124.1 | COLUMBIA GAS TRANSMI |
| CHAMPRODUCING COMPANY | RECEIVED 09/08/80 | JAI LA 3 | |
| 8056158 | 177120026A1 | 102 | D A = 1031 | SHIP SHOAL | 360.0 | TENNESSEE GAB PIPELI |
| 8056159 | 177120027A1 | 102 | D A = 631 | SHIP SHOAL | 1460.0 | TENNESSEE GAB PIPELI |
| 8056160 | 177120022A1 | 102 | D A = 432 | SHIP SHOAL | 1460.0 | TENNESSEE GAB PIPELI |
| 8056161 | 177120138A1 | 102 | D A = 11132 (ALT) | SHIP SHOAL | 1160.0 | CONSOLIDATED GAS SUP |
| 8056162 | 177120023A1 | 102 | D A = 1432 | SHIP SHOAL | 568.0 | CONSOLIDATED GAS SUP |
| 8056163 | 177120021A1 | 102 | D A = 1971 | SHIP SHOAL | 1825.0 | CONSOLIDATED GAS SUP |
| 8056164 | 177120021A1 | 102 | D A = 1972 (ALT) | SHIP SHOAL | 1160.0 | CONSOLIDATED GAS SUP |
| 8056165 | 177120013A1 | 102 | D A = 551 | SHIP SHOAL | 155.0 | CONSOLIDATED GAS SUP |
| 8056166 | 177120041A1 | 102 | D A = 552 (ALT) | SHIP SHOAL | 204.0 | CONSOLIDATED GAS SUP |
| 8056167 | 177120197A1 | 102 | F = 201 | SHIP SHOAL | 1460.0 | |
| EXXON CORPORATION | RECEIVED 09/08/80 | JAI LA 3 | |
| 8056168 | 177200007A5 | 102 | NCSC G 116 A #10 | SOUTH PASS | 360.0 | COLUMBIA GAS TRANSMI |
| 8056169 | 177090033A9 | 102 | NCSC G 3331 NO A 11 | FUGUEE ISLAND | 400.0 | COLUMBIA GAS TRANSMI |
| GULF OIL CORPORATION | RECEIVED 09/08/80 | JAI LA 3 | |
| 8056170 | 177200005A6 | 102 | NCSC G 11101 WELL G-3 WD BLK 117 | WEST DELTA | 60.0 | TEXAS EASTERN TRANS |
Other Purchasers
8056453—Northern Nat Gas Co.
8056454—Northern Nat Gas Co.
8056459—Tenn Gas PL.
8056460—Tenn Gas PL.
8056461—Texas Eastern Transmission Corp.
8056465—Trans Continental Gas Corp.
8056466—Columbia Gas Trans Corp.
8056468—Southern Natural Gas Co.
8056471—Columbia Gas Trans Corp.
8056472—Columbia Gas Trans Corp.
8056473—Trunkline Gas Co.
8056474—Trunkline Gas Co.
8056480—Southern Natural Gas Co.
8056482—Florida Gas Transmission Co.
8056484—Florida Gas Transmission Co.
8056485—Florida Gas Transmission Co.
8056486—Florida Gas Transmission Co.
8056487—Florida Gas Transmission Co.
8056489—Florida Gas Transmission Co.
8056500—Northern Natural Gas Co.
8056501—Northern Natural Gas Co.
8056502—Transcontinental Gas Pipeline Corp.
8056505—Public Service Electric & Gas Co.
8056509—Columbia Gas Transmission Corp.
8056510—Columbia Gas Transmission Corp.
8056511—Columbia Gas Transmission Corp.
8056512—Columbia Gas Transmission Corp.
8056513—Columbia Gas Transmission Corp.
8056514—Columbia Gas Transmission Corp.
8056515—Florida Gas Transmission Co.
8056516—Transcontinental Gas Pipeline Corp.

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1009, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 15, 1980.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-20390 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. EC80-8]

Duke Power Co.; Filing

September 22, 1980.

The filing Company submits the following:

Take notice that Duke Power Company (Duke) on August 25, 1980, tended for filing an application seeking an order pursuant to Section 203 of the Federal Power Act authorizing it to sell certain electric transmission facilities to South Carolina Electric & Gas Company (SCE&G).

The applicant proposes to agree on February 29, 1980, with SCE&G to sell approximately 20.98 miles of 115 kv transmission line located near the Cities of Newberry and Saluda, South Carolina. SCE&G will pay $912,440 in exchange for these facilities.

Anyone desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Article 18 CFR 1.8 and 1.40(e)(3).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 170C, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-20392 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-773]

Florida Power & Light Co.; Filing

September 23, 1980.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on September 16, 1980 tendered for filing a document entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit, FPL will transmit power and energy for the Utilities Commission of the City of New Smyrna Beach (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with the Sebring Utilities Commission.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit...
be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities of New Smyrna.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Acting Secretary.

[Docket No. ES80-77]


Take notice that on September 9, 1980, Gulf States Utilities Company (Applicant) filed an application seeking authorization to negotiate the placement of up to 2,000,000 shares of Common Stock, without par value. Any person desiring to be heard or to make any protest with reference to said application shall file said protest on or before October 9, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission’s Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Lois D. Cashell, Acting Secretary.

[Docket No. RA80-114]


Take notice that Tom Harney Oil Company on September 10, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW, Washington, D.C. 20585. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell, Acting Secretary.

[Docket No. ER80-738]

Hartford Electric Light Co.; Filing of Rate Schedule September 22, 1980.

The filing company submits the following:

Take Notice that on September 3, 1980, The Hartford Electric Light Company (HELCO) tendered for filing as an initial rate schedule of an exchange agreement (the “Agreement”) between (i) HELCO, The Connecticut Light and Power Company (CL&P) and (ii) Village of Hardwick, Village of Lyndonville Electric Department, Village of Ludlow Electric Light Department, Village of Morrisville Electric Department, Village of Stowe Electric Department, Village of Swanton, Washington Electric Cooperative, Inc., and Vermont Public Power Supply Authority (Hereinafter collectively called “VPPS”). The Agreement, dated as of December 17, 1979, provides for HELCO and CL&P to exchange capacity and energy in certain gas turbine generating units for capacity and energy from VPPS’s entitlement in Merrimack Unit #2, a coal-fired base load type generating unit located at Merrimack Station in Bow, New Hampshire.

The Agreement provides that the parties will determine prior to 12:01 a.m. on Monday of each week during the term of the Agreement whether it is economically advantageous to the parties that an exchange, pursuant to the Agreement, shall take place during that week.

HELCO and CL&P will pay capacity charges to VPPS in an amount equal to $0.06/kilowatthour times the kilowatthours delivered during each
week. HELCO and CL&P will pay energy charges to VPPS at a cost of $0.016/kwh notwithstanding subject to adjustment to reflect changes in the fuel price at Merrimack. VPPS will pay HELCO and CL&P will pay energy taken by VPPS pursuant to the Agreement. HELCO requests an effective date of December 17, 1979 for the Agreement.

CL&P has filed a certificate of concurrence in this docket.

The Agreement has been executed by HELCO, CL&P and by VPPS and copies have been mailed to each of them.

HELCO further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-20098 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-05-M

[Project No. 3327] -

Hydro Corp. of Pennsylvania; Application for Preliminary Permit

September 19, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant) filed on August 18, 1980, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(c) for proposed Project No. 3327 to be known as Curwensville Project located on the West Branch of the Susquehanna River in Clearfield County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. Fred Fichter, President and Treasurer, Hydro Corporation of Pennsylvania, P.O. Box 34, Chatham, Pennsylvania 19318.

Project Description—The proposed project would utilize the Army Corps of Engineers' constructed Curwensville Dam and would consist of: (1) a penstock, 15 feet in diameter conduit to (2) the new powerhouse on the downstream left bank; (3) turbine/generator units rated at 3.7 MW; (4) transmission lines extending to Pennsylvania Electric Company's 115-kV lines; and (5) appurtenant facilities. Applicant estimates annual generation would average 23.47 GWh.

Purpose of Project—Project power would be sold to the Pennsylvania Electric Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates that the cost of studies under the permit would be approximately $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. A copy of the application may be obtained directly from the Applicant. Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed that no comments have been received.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 24, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 25, 1981. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform, with the requirements of 18 C.F.R. 4.33 (a) and (d), as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before November 24, 1980. The Commission's address is: 825 North Capitol St., N.E., Washington, D.C. 20420. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb, Secretary.

[FR Doc. 80-20116 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-05-M

[Project Nos. 3304 and 3345] -

Hydro Corp. of Pennsylvania and Noah Corp.; Applications for Preliminary Permit

September 19, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant/HCP) and Noah Corp. (Applicant/NC) filed on August 11, 1980, and August 20, 1980, respectively, competing applications for preliminary permits pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(c) for proposed hydroelectric projects, each to be known as the Crooked Creek Project, FERC Projects Nos. 3304 and 3345, respectively, located on Crooked Creek in Armstrong County, Pennsylvania. Correspondence with HCP should be directed to: Fred Fichter, P.O. Box 34, Chatham, Pennsylvania 19318. Correspondence with NC should be addressed to: James B. Price, Ph. D., President, Noah Corp., P.O. Drawer 840, Aiken, South Carolina 29801.
Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers’ Crooked Creek Dam and would consist of: (1) a powerhouse located on the right (north) bank; (2) a powerhouse containing generating unit(s) having a total rated capacity of 4,740-kW (HCP) or 5,000-kW (NC); (3) a short tailrace; and (4) appurtenant facilities. HCP would deliver project energy to existing power lines serving the dam or would connect to Pennsylvania Electric Company’s 115-kV transmission lines within a few miles of the project. NC would construct a project switchyard and deliver project energy to West Penn Power Co.’s 138-kV transmission lines through a 3200-foot long 138-kV transmission line. HCP estimates the annual generation would average about 19,560,000 kWh; NC estimates the annual generation would average about 8,000,000 kWh.

Purpose of Project—Both applicants propose to sell project energy to a private utility.

Proposed Scope and Cost of Studies under Permit—Both Applicants seek issuance of preliminary permits for a period of 36 months. Each Applicant proposes that it would perform data acquisition, investigations, studies, feasibility evaluation, would consult with Federal, State, and local government agencies, and prepare an application for an FERC license, including an environmental report. HCP and NC estimate that the cost of studies under the permit would not exceed $55,000 and $100,000, respectively.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. [A copy of the applications may be obtained directly from the Applicants.] Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 24, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), as amended, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.03 (a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission’s Rules of Practice and Procedure, 18 CFR 1.0 or 1.10 (1979). Comments not in the nature of a protest should be filed with the Commission in accordance with § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission’s Rules. Any comments, protest, or petition to intervene must be filed on or before November 24, 1980. The Commission’s address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb, Secretary.

[Docket No. ER80-768]


The filing Company submits the following:

Taken notice that American Electric Power Service Corporation (AEP) on September 15, 1980, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company, (Indiana) Modification No. 10 dated May 1, 1980 to the Interconnection Agreement dated November 27, 1961 between Indiana and Illinois Power Company (Illinois), designated Indiana’s Rate Schedule FPC No. 23. The Modification includes a new Service Schedule H which provides for the protection of the service party from cost overruns. The proposed Schedule H provides for the transmission service charge of 1.7 and 1.0 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is Illinois or Indiana, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when Illinois is the delivering party and (b) 5.5 mills per kilowatt-hour plus incremental costs, plus 2 mills when Illinois is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Illinois Power Company, the Public Service Commission of Indiana, the Michigan Public Service Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ER80-758]

Kentucky Utilities Co.; New Delivery Point

September 22, 1980.

The filing company submits the following:

Taken notice that on September 4, 1980, the Kentucky Utilities Company (KU) tendered for filing an agreement for electric service to the City of Madisonville (City) at the delivery point known as McCoy Avenue Substation.

KU states that no reasonable billing estimates can be made since the load...
served will build up over a period of time and other loads transferred from other delivery points from time to time. KU further states that copies of the tendered filing have been sent to City and the Kentucky Energy Regulatory Commission. KU proposes an effective date of November 5, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 225 North Capitol Street, N.E., Washington, D.C. 20509, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Acting Secretary.
[FR Doc. 80-2012 Filed 9-29-80; 45 nm]
BILLING CODE 6450-85-M

[Docket No. SA80-148]

Charles O. Lightizer, Application for Adjustment

September 22, 1980.

Take notice that on August 22, 1980, Charles O. Lightizer, 880 Spry Road, Zanesville, Ohio 43701 (Applicant), filed with the Federal Energy Regulatory Commission (Commission), an application for an adjustment pursuant to § 1.41 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.41). Applicant seeks an adjustment from the Commission and open to public inspection.

Mid Louisiana has filed the following tariff sheets which are said to change Section 13, Interruption of Deliveries, of its FERC Gas Tariff:

- Fourth Revised Sheet No. 23
- Third Revised Sheet No. 23a
- Third Revised Sheet No. 23b
- Third Revised Sheet No. 23c
- Fourth Revised Sheet No. 23d
- Third Revised Sheet No. 23e
- Fourth Revised Sheet No. 23f
- Fourth Revised Sheet No. 23g
- Fourth Revised Sheet No. 23h
- Second Revised Sheet No. 23j

In making the instant filing, Mid Louisiana states that the revised sheets would make the following changes in Section 13:

13.2, Proration of Deliveries, has been changed to redefine the priority-of-delivery categories. Category 7 has been changed to include all interruptible service and categories 8 through 10 have been eliminated. Categories 1 through 6 remain unchanged.

13.3, Curtailment Procedure, has also been changed to provide that interruptible service shall be curtailed up to the full extent thereof. Before curtailment of deliveries to other priority-of-delivery categories, priority of delivery to customers receiving interruptible service shall be based on the dates such services were authorized by the Commission rather than on end use with the last authorized being curtailed in full before the next older service is curtailed. It is further provided that those receiving interruptible service contractually limited to part or all of the off-peak months, including but not limited to service under Rate Schedule 1-4, shall be curtailed in full before those receiving interruptible service not contractually limited to the off-peak months.

In support of the changes which would be implemented by the revised sheets Mid Louisiana states that in recent years the gas reserves dedicated to Mid Louisiana's system have not permitted the initiation of any new or additional services. However, as reflected in Mid Louisiana's two most recent Forms 15 filed with the Commission, its total system recoverable reserves increased from 122,000 Mcf. at December 31, 1978, to 207,000 Mcf. at December 31, 1979. In 1980, Mid Louisiana states, it has drilled additional wells and contracted to purchase yet additional reserves, with the result that it has increased its daily delivery capacity to a level that generally exceeds that which it currently supports the existing customers. While the reserves currently supporting the excess delivery capacity do not permit initiating new or additional firm service, new interruptible sales are said to be necessary in order for Mid Louisiana to continue purchasing reserves without incurring excessive take-or-pay payments.

The tariff changes proposed herein are intended by Mid Louisiana to form the basis under which new fully interruptible sales and contracted to purchase yet additional reserves, with the result that it has increased its daily delivery capacity to a level that generally exceeds that which it currently supports the existing customers. While the reserves currently supporting the excess delivery capacity do not permit initiating new or additional firm service, new interruptible sales are said to be necessary in order for Mid Louisiana to continue purchasing reserves without incurring excessive take-or-pay payments.

Mid Louisiana requests that the revised tariff sheets be accepted for filing to become effective November 1, 1980.

Any person desiring to be heard or to make any protest with reference to said filing should on or before October 10, 1980, file a petition with the Federal Energy Regulatory Commission, Washington, D.C. 20509, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will become a party must file a petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will become a party must file a petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will become a party must file a petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will become a party.

[Docket No. TC80-53]

Mid Louisiana Gas Co., Tariff Filing

September 22, 1980.

Take notice that on August 22, 1980, Mid Louisiana Gas Company (Mid Louisiana), 21st Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. TC80-53 revised sheets as part of its FERC Gas Tariff, First Revised Volume No. 1, to implement changes in its plans for the curtailment of deliveries of natural gas, all as more fully set forth in such sheets which are on file with the Commission and open to public inspection.

Mid Louisiana has filed the following tariff sheets which are said to change Section 13, Interruption of Deliveries, of its FERC Gas Tariff:

- Fourth Revised Sheet No. 23
- Third Revised Sheet No. 23a
- Third Revised Sheet No. 23b
- Third Revised Sheet No. 23c
- Fourth Revised Sheet No. 23d
- Third Revised Sheet No. 23e
- Fourth Revised Sheet No. 23f
- Fourth Revised Sheet No. 23g
- Fourth Revised Sheet No. 23h
- Second Revised Sheet No. 23i
- Second Revised Sheet No. 23j

In making the instant filing, Mid Louisiana states that the revised sheets would make the following changes in Section 13:

13.2, Proration of Deliveries, has been changed to redefine the priority-of-delivery categories. Category 7 has been changed to include all interruptible service and categories 8 through 10 have been eliminated. Categories 1 through 6 remain unchanged.

13.3, Curtailment Procedure, has also been changed to provide that interruptible service shall be curtailed up to the full extent thereof. Before curtailment of deliveries to other priority-of-delivery categories, priority of delivery to customers receiving interruptible service shall be based on the dates such services were authorized by the Commission rather than on end use with the last authorized being curtailed in full before the next older service is curtailed. It is further provided that those receiving interruptible service contractually limited to part or all of the off-peak months, including but not limited to service under Rate Schedule 1-4, shall be curtailed in full before those receiving interruptible service not contractually limited to the off-peak months.

In support of the changes which would be implemented by the revised sheets Mid Louisiana states that in recent years the gas reserves dedicated to Mid Louisiana's system have not permitted the initiation of any new or additional services. However, as reflected in Mid Louisiana's two most recent Forms 15 filed with the Commission, its total system recoverable reserves increased from 122,000 Mcf. at December 31, 1978, to 207,000 Mcf. at December 31, 1979. In 1980, Mid Louisiana states, it has drilled additional wells and contracted to purchase yet additional reserves, with the result that it has increased its daily delivery capacity to a level that generally exceeds that which it currently supports the existing customers. While the reserves currently supporting the excess delivery capacity do not permit initiating new or additional firm service, new interruptible sales are said to be necessary in order for Mid Louisiana to continue purchasing reserves without incurring excessive take-or-pay payments.

The tariff changes proposed herein are intended by Mid Louisiana to form the basis under which new fully interruptible sales and contractual to purchase yet additional reserves, with the result that it has increased its daily delivery capacity to a level that generally exceeds that which it currently supports the existing customers. While the reserves currently supporting the excess delivery capacity do not permit initiating new or additional firm service, new interruptible sales are said to be necessary in order for Mid Louisiana to continue purchasing reserves without incurring excessive take-or-pay payments.

Mid Louisiana requests that the revised tariff sheets be accepted for filing to become effective November 1, 1980.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition with the Federal Energy Regulatory Commission, Washington, D.C. 20509, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will become a party must file a petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will become a party.
become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Acting Secretary.

[F.R. Doc. 80-30123 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-05-M

[Docket No. ER80-7522]

Middle South Service, Inc.;
Supplemental Notice of Filing
September 22, 1980.

The filing company submits the following:

Take notice that Middle South Service, Inc. on September 2, 1980, tendered for filing a statement of principle with regard to billing procedures for service rendered in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.10, 1.8 and 1.40(e)(3)). Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

Mississippi further states that copies of its filing and supporting computations have been served on all jurisdictional customers and interested State Commissions. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission before the Commission without filing a petition to intervene. Any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 225 North Capitol Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,
Acting Secretary.

[F.R. Doc. 80-30123 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-05-M

[Docket No. TA80-1-25 (AP80-1)]

Mississippi River Transmission Corp.; Rate Change Filing and Refund Report
September 23, 1980.

Take notice that on September 16, 1980, Mississippi River Transmission Corporation ("Mississippi") tendered for filing Second Substitute Seventy-Fifth Revised Sheet No. 3A to its FERC Gas Tariff, First Revised Volume No. 1. An effective date of March 1, 1980 is proposed.

Mississippi states that Second Substitute Seventy-Fifth Revised Sheet No. 3A reflects a downward adjustment to rates placed into effect March 1, 1980, subject to refund, and relates to approval by Commission Order dated August 14, 1980 of the Stipulation and Agreement ("Agreement") at Docket No. TA80-1-23 (AP80-1). Pursuant to Article III(A) of such Agreement, Mississippi's August, 1980 bills are to reflect the lower rates based upon the Settlement Advance Payment Adjustment included therein.

Mississippi further states that in accordance with Article III (1) of the Agreement, it has submitted to the Commission a refund report reflecting credits to the jurisdictional customers for the amounts in excess (including interest thereon) of the amount each customer would have paid had the Settlement Advance Payment Adjustment been utilized for billing purposes, covering the period from March 1, 1980 through July 31, 1980.

Mississippi states that copies of its filing and supporting computations have been served on all jurisdictional customers and interested State Commissions. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission before the Commission without filing a petition to intervene. Any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 10, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[F.R. Doc. 80-30123 Filed 9-29-80; 8:45 am]
BILLING CODE 6450-05-M

[Docket No. RA80-104]

Tom's Mobil; Filing of Petition for Review
September 22, 1980.

Take notice that on September 2, 1980, Tom's Mobil on September 2, 1980, filed a petition for review under 25 U.S.C. 719a(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests
should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Acting Secretary.

[FEDERAL REGISTER:
BILLING CODE 6450-85-M

[Docket No. ER80-751]
Northern Indiana Public Service Co.; Filing
September 22, 1980.

The filing company submits the following:

Take notice that Northern Indiana Public Service Company on September 2, 1980, tendered for filing an Agreement with the City of Rensselaer, Indiana whereby, pending completion of all the facilities necessary to render full service to the City, the Company would furnish interim service of 2500 kw of firm capacity pursuant to Rate Schedule VA-1 and 2500 kw of short term non-parallel service pursuant to Rate Schedule VA-8.

Any person desiring to be heard of to protest said application should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Acting Secretary.

[FEDERAL REGISTER:
BILLING CODE 6450-85-M

[Docket No. ER80-775]
Ohio Power Co.; Filing
September 23, 1980.

The filing company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on September 16, 1980, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Modification No. 10 dated May 1, 1980 to the Operating Agreement dated June 14, 1962 between Ohio Power Company and The Cleveland Electric Illuminating Company designated Ohio’s Rate Schedule FPC No. 31.

The Modification includes a new Service Schedule G which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule G provides for a transmission service charge of 1.7 and 1.2 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is The Cleveland Electric Illuminating Company or Ohio Power Company, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when Ohio is the delivering party and (b) 3.8 mills per kilowatt-hour plus incremental costs, plus 2 mills when Cleveland is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon The Cleveland Electric Illuminating Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Acting Secretary.

[FEDERAL REGISTER:
BILLING CODE 6450-85-M

[Docket No. ER80-793]
Ohio Power Co.; Filing
September 22, 1980.

The filing company submits the following:


Any person desiring to be heard of or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Acting Secretary.

[FEDERAL REGISTER:
BILLING CODE 6450-85-M

[Docket No. EL80-693]
Ohio Power Co.; Filing
September 22, 1980.

The filing company submits the following:

Take notice that on August 22, 1980, Pennsylvania Power Light Company (PP&L) filed a Notice of Cancellation of Rate Schedule FERC No. 72 (effective date June 8, 1979) which provides for the sale of energy and operating capacity by PP&L to General Public Utilities Corporation (GPU). This Notice of Cancellation is tendered for filing in accordance with Paragraph 8 of the "Agreement of Settlement and Compromise" executed by PP&L, GPU and the other private parties in FERC Docket No. EL80-22 and certified to the Commission on August 21, 1980 by the Presiding Administrative Law Judge.

Accordingly, GPU concurs in the filing of this Notice of Cancellation. It is requested that this Notice of Cancellation be made effective, without suspension, on the same date that the Appendix Interim Schedules annexed to the Agreement of Settlement and Compromise in FERC Docket No. EL80-22 are made effective under Paragraph 2 of the Agreement.

Any person desiring to be heard of or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance
with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-30107 Filed 9-28-80; 8:45 am]
BILLING CODE 6490-85-M

[Docket No. ER80-778]
Public Service Co. of Colorado; Proposed Tariff Change

September 23, 1980.

Take notice that Public Service Company of Colorado (PSCo), on September 18, 1980, tendered for filing Supplement No. 1 to PSCo's Interconnection Agreement with Platte River Power Authority (Platte River), dated September 14, 1976 (Initial Agreement) on file with the Commission under PSCo's FERC Rate Schedule No. 23.

The Supplement provides for the construction of Platte River's facilities across the Company's property and a license for Platte River to interconnect with the Company's system at the Company's Fort Vrain Generating Station substation.

PSCo states that copies of the filing were served upon all parties and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure before October 14, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-30108 Filed 9-29-80; 8:45 am]
BILLING CODE 6490-85-M

[Docket No. ER80-750]
Public Service Co. of Indiana; Filing

September 22, 1980.

The filing company submits the following:

Take notice that the Public Service Company of Indiana on September 2, 1980, tendered for filing, pursuant to Part 33.22 of the Commission's Regulations under the Federal Power Act as adopted under the above named Docket and Order, a unilateral filing on behalf of Public Service Company of Indiana, Inc. (Service Company) of a Supplement establishing a Pass-Through Adder charge of 2 mills per kilowatt-hour to the following Interconnection Agreements between Service Company and:

<table>
<thead>
<tr>
<th>Other party or pool</th>
<th>Rate schedule number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana &amp; Michigan Electric Co.</td>
<td>49</td>
</tr>
<tr>
<td>Central Illinois Public Service Co.</td>
<td>205</td>
</tr>
<tr>
<td>Southern Indiana Gas &amp; Electric Co.</td>
<td>207</td>
</tr>
<tr>
<td>City of Peru</td>
<td>212</td>
</tr>
<tr>
<td>Cincinnati Gas &amp; Electric Co.</td>
<td>218</td>
</tr>
<tr>
<td>Hoosier Energy Division of Indiana Stateswide</td>
<td>222</td>
</tr>
<tr>
<td>City of Logansport</td>
<td>223</td>
</tr>
<tr>
<td>Kentucky-Indiana Pool Planning and Operation Agreement</td>
<td>225</td>
</tr>
<tr>
<td>Northern Indiana Public Service Co.</td>
<td>227</td>
</tr>
<tr>
<td>City of Crawfordsville</td>
<td>228</td>
</tr>
</tbody>
</table>

The Service Schedules applicable to this filing in the above named Interconnection Agreements are as follows:

Emergency Service
Interchange Power
Short-Term or Interim Power
Limited-Term Power
Maintenance Power or Coordination of Scheduled Maintenance of Generating Facilities
Fuel Conservation Power and Energy

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.10). All such petitions or protests should be filed on or before October 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file an petition to intervene. Copies of this filing are on file with the Commission and are available for inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-30226 Filed 9-29-80; 8:45 am]
BILLING CODE 6490-85-M

[Docket No. RA80-89]
Ron's Arco Station; Filing of Petition for Review

September 22, 1980.

Take notice that Ron's Arco Station on August 6, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 7, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 7, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.10(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-30273 Filed 9-29-80; 8:45 am]
BILLING CODE 6490-85-M
[Docket No. SA80–141]

Tamko Asphalt Products, Inc.; Supplemental Notice

September 22, 1980.

On August 21, 1980, a notice in this docket was issued by the Federal Energy Regulatory Commission (Commission). That notice is hereby supplemented to indicate that Tamko was filing its application for adjustment on behalf of its Joplin, Missouri and Phillipsburg, Kansas plants and that the gas suppliers concerned are respectively Cities Service Gas Company, East Oklahoma, Oklahoma, and Kansas—Nebraska Natural Gas Company, Inc., Hastings, Nebraska.

Lois D. Cashell,
Acting Secretary.

[Filing Doc. 60–20111 Filed 9–28–80; 8:45 am]
BILLING CODE 6450–85–M

[Docket No. RP78–87]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 23, 1980.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), on September 10, 1980, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following sheet:

Substitute Second Revised Sheet No. 664

The sole purpose of the instant filing is to incorporate in the latest revision of the above mentioned tariff sheet the effective settlement rates set forth in the Stipulation and Agreement of Texas Eastern’s Docket No. RP78–87 approved by the Commission in its order issued April 4, 1980.

The proposed effective date of the tariff sheet in the instant filing is January 25, 1980.

A copy of this filing was served upon each party to the agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1980. Protests will be considered by the Commission in determining the appropriate action to be take, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in this proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Filing Doc. 60–20112 Filed 9–28–80; 8:45 am]
BILLING CODE 6450–85–M

[Docket No. RP78–88]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 23, 1980.

Take notice that Transwestern Pipeline Company (Transwestern) on September 15, 1980, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

A. Effective March 1, 1979: Second Substitute Eleventh Revised Sheet Nos. 5 and 6
B. Effective April 1, 1979: Second Substitute Twelfth Revised Sheet Nos. 5 and 6
C. Effective October 1, 1979: Substitute Thirteenth Revised Sheet Nos. 5 and 6
D. Effective January 1, 1980: Substitute Fourteenth Revised Sheet Nos. 5 and 6
E. Effective March 15, 1980: Substitute Fifteenth Revised Sheet Nos. 5
F. Effective April 1, 1980: Third Substitute Revised Fifteenth Revised Sheet No. 5
G. Effective May 31, 1980: Fifth Revised Sheet Nos. 74; Third Revised Sheet No. 75.

These tariff sheets are being issued under Articles II(1) and VIII of the RP78–88 Stipulation and Agreement which was unconditionally approved by Commission order dated September 10, 1980. Items A through F above contain the interim rates, as provided for under Article II(1) of the Stipulation and Agreement. The interim rates have been adjusted for all tracking rate changes made by Transwestern subsequent to March 1, 1979 and to reflect resolution of the cost allocation issue relating to the conversion from a volume to dekatherm basis described in Article IX(3) of the RP78–88 Stipulation and Agreement. Item G consists of those tariff sheets described in Article VIII of the RP78–88 Stipulation and Agreement which provides for the modification of Section 19, Purchased Gas Cost Adjustment, of Transwestern’s FERC Gas Tariff to reflect a change in the method of calculating the Base Average Cost of Gas and the Gas Cost change.

The proposed effective dates for the above tariff sheets are as noted above. Copies of the filing were served upon the company’s jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission’s Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 10, 1980. Protests will be considered by the Commission in determining the
appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[F.R. Doc. 80-30115 Filed 9-29-80; 8:45 am] 
BILLING CODE 6450-85-M

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[Docket No. ER80-777]

Vermont Electric Power Co., Inc.; Filing

September 23, 1980.

The filing Company submits the following:

Take notice that on September 17, 1980, Vermont Electric Power Co., Inc. (VELCO) tendered for filing a Rate Schedule containing a contract dated November 15, 1979, between VELCO and the following:


Under this rate schedule VELCO agrees to purchase for resale to the buyers Ontario Hydro power and associated energy pursuant to VELCO's contract with the Power Authority of the State of New York and to transmit such power between its interconnection point with the Authority at the New York-Vermont border and the points of delivery on the VELCO system as designated by the buyers.

The quantities of power transmitted by VELCO under this rate schedule and the "estimated monthly charges" are as follows:

<table>
<thead>
<tr>
<th>Purchaser</th>
<th>Kilowatts</th>
<th>Kilowatt hours</th>
<th>Estimated monthly charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enosburg</td>
<td>1,158</td>
<td>845,000</td>
<td>$23,560</td>
</tr>
<tr>
<td>Hardwick</td>
<td>1,002</td>
<td>731,000</td>
<td>19,408</td>
</tr>
<tr>
<td>Ludlow</td>
<td>1,162</td>
<td>848,000</td>
<td>23,774</td>
</tr>
<tr>
<td>Morrisville</td>
<td>817</td>
<td>699,000</td>
<td>18,722</td>
</tr>
<tr>
<td>Stowe</td>
<td>4,298</td>
<td>3,092,000</td>
<td>84,018</td>
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<tr>
<td>Swanton</td>
<td>1,852</td>
<td>1,352,000</td>
<td>37,908</td>
</tr>
<tr>
<td>Washington</td>
<td>1,491</td>
<td>1,092,000</td>
<td>30,844</td>
</tr>
</tbody>
</table>

1 At point of receipt by VELCO from the Power Authority of the State of New York system which reflects 175 pct losses.

Charges for this power will be at VELCO's costs. Therefore, there will be no change in the overall rate of return of VELCO. VELCO states that service under this rate schedule commenced on December 3, 1979 and terminates September 30, 1980. Copies of the filing were served upon the buyers and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[F.R. Doc. 80-30115 Filed 9-29-80; 8:45 am] 
BILLING CODE 6450-85-M

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Office of Hearing and Appeals

Cases Filed Week of August 29 Through September 5, 1980

During the week of August 29 through September 5, 1980, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Bresnay,
Acting Director, Office of Hearing and Appeals,
September 23, 1980.
Date | Name and location of applicant | Case No. | Type of submission
--- | --- | --- | ---
Aug. 29, 1980 | Beacon Oil Company, Washington, D.C. | BEI-1382 | Exception from the Entitlements Program. If granted: Beacon Oil Company would receive an exemption from the provisions of 10 CFR 211.67 which would modify the entitlement's purchase obligations for its 1980 fiscal year.
Aug. 29, 1980 | Bell Finer Fuels, Bell Fuels, R. W. Troch Oil Co. and Robert W. Troch, Jr., Washington, D.C. | BSQ-0004 | Petition for Special Redress. If granted: The Office of Hearings and Appeals would review the denial of the Central Enforcement District of DOE to review the decision denying the Application to Coach Subpoenas submitted by Bell Finer Fuels, Bell Fuels, R. W. Troch Oil Company and Robert W. Troch, Jr.
Sept. 29, 1980 | Chevron U.S.A./Atlantic Richfield Company, San Francisco, California. | BEI-0120 and BEI-0125 | Motion for Discovery and Protective Order. If granted: Discovery would be granted and a Protective Order would be entered into by Chevron U.S.A., Inc. and the Atlantic Richfield Company regarding materials submitted by Aroco in support of its Application for Exception (Case No. BEE-1294). Allocation Exception. If granted: Delaware Oil Company would receive an exemption from the provisions of 10 CFR 211.67 which would permit the firm to receive an increased entitlement of unleaded motor gasoline for the purpose of blending 1980 gasoline.
Aug. 29, 1980 | DelTois Oil Company, Pawtucket, Rhode Island | BEE-1279 | Exception from the Entitlements Program. If granted: Val Vordis International, Inc. would receive an exception from the provisions of 10 CFR 211.67 with respect to the January entitlements sold to Sector Refining, Inc.
Sept. 2, 1980 | Kern County RefinO, Inc., Los Angeles, California | BRD-1290 | Motion for Discovery. If granted: Discovery would be granted to Kern County Refining in connection with the Statement of Objections submitted by the June 23, 1980, Proposed Remedial Order Issued to Tonnco Oil Company by the Office of Spacial Counsel for Compliance.
Sept. 2, 1980 | Navajo Refining, Dallas, Texas | BEX-0009 | Supplemental Order. If granted: The DOE would stay a portion of Navajo's Refining entitlement purchase obligations during the period October 1 through March 1981 for crude oil receipts and runs to stills during the period August 1, 1980, through January 1, 1981.
Sept. 2, 1980 | Saber Refining Company, Houston, Texas | BEE-1385 and BEL-1385 | Exception and Temporary Exception from the Entitlements Program. If granted: Saber Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Sept. 2, 1980 | Standard Oil of Ohio/Pentrex Company, Cleveland, Ohio | BEX-0130 | Motion for Protective Order. If granted: Standard Oil Company of Ohio would enter into a Protective Order with Pentrex Company regarding the release of proprietary Information to Standard Oil Company of Ohio in connection with Pentrex Company's Application for Exception (Case No. BEE-1296).
Sept. 3, 1980 | Missouri Terminal Oil Co./Onyx Corp., Crove | BEX-0131 | Motion for Protective Order. If granted: Missouri Terminal Oil Company would enter into a Protective Order with Onyx Corporation regarding the release of proprietary Information to Missouri Terminal Company in connection with Onyx's Application for Exception (Case No. BEE-0113).
Sept. 3, 1980 | Sage Creek Refining Company, Cowley, Wyoming | BEX-1384 | Exception from the Entitlements Program. If granted: Sage Creek Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline


If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

<table>
<thead>
<tr>
<th>Name</th>
<th>Case No.</th>
<th>Date</th>
<th>Location</th>
<th>State</th>
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<tr>
<td>Bill's Amoco</td>
<td>BEX-0006</td>
<td>9/2/80</td>
<td>Pa.</td>
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<td>Marine South Car</td>
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<td>9/2/80</td>
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<tr>
<td>World's Ace Mini Mart</td>
<td>BEX-0003</td>
<td>9/2/80</td>
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Notifications of Objection Received


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<th>Date</th>
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<th>Case No.</th>
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<td>5/6/80</td>
<td>The Bubble Machine, Long Beach, Calif.</td>
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<td>8/29/80</td>
<td>Beavers Texaco Service, Peoria, Ill.</td>
<td>BEE-5006</td>
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<td>8/29/80</td>
<td>Bray Terminals, Inc., Mercy, N.Y.</td>
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<td>Highway Oil, Inc., Topeka, Kan.</td>
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<td>8/29/80</td>
<td>Hi-Lo Oil Company, Inc., Topeka, Kan.</td>
<td>BEE-1302</td>
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<td>8/29/80</td>
<td>Tommy Oil Company, Inc., BEE-1301</td>
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<td>Workingmen's Friend Oil, Inc., Topeka, Kan.</td>
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<td>9/3/80</td>
<td>Little America Refining Co., BEO-1304</td>
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<td>9/4/80</td>
<td>Bob's Chevron, Inglewood, Calif.</td>
<td>BEE-2222</td>
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<tr>
<td>9/4/80</td>
<td>Eugene B. Beavers, Peoria, Ill.</td>
<td>BEE-5006</td>
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Issuance of Decisions and Orders; Week of August 4 Through August 8, 1980

During the week of August 4 through August 8, 1980, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

List of Appeals


Chevron U.S.A., Inc. and Texaco Inc. filed Appeals from a decision in which the Economic Regulatory Administration (ERA) designated Cadence Chemical Resources, Inc. as a producer of a petroleum substitute and granted it entitlement benefits pursuant to 10 CFR § 211.67(e)(6)(1)(ii) (the regulation). Gulf Oil Corporation and Texaco, Inc. filed Appeals from a similar decision issued to Arizona Chemical Company. In considering the Appeals, the DOE found that certain matters should be remanded to the ERA for further consideration. Important issues that were considered in the Decision and Order were (i) whether the regulation is statutorily authorized, (ii) whether the regulation was validly adopted, (iii) whether the regulation requires a specific showing of need for the entitlements benefits, and (iv) whether entitlements benefits granted pursuant to the regulation may be granted from the date of the application to the ERA rather than from the date of the ERA's decision.

DeMartin Truck Lines, Inc., Bakersfield, California, BDA-0196, Propane

DeMartin Truck Lines, Inc. filed an Appeal from a Revised Remedial Order Issued to it by the Region IX Office of Enforcement of the Revised Remedial Order, Region IX determined that during the period November 1, 1973 through June 30, 1976, DeMartin had sold propane and butane at prices in excess of the levels permitted under 10 CFR § 212.93 and ordered the firm to refund the overcharges. In considering the Appeal, the DOE determined that Region IX erroneously failed to permit DeMartin to pass through certain unaccounted increased product and non-product costs. The DOE adjusted DeMartin's refund obligation accordingly, but denied the firm's Appeal in all other respects.

Donald H. Grissom, Austin, Texas, BFA-0414, BFA-0415, Freedom of Information

Donald H. Grissom filed Appeals from partial denials by the Region VI Director of the Office of Petroleum Operations of the ERA (Region VI) of Requests for Information which he had submitted under the Freedom of Information Act (FOIA). Grissom had sought the release of all information regarding two Assignment Orders which Region VI had issued to motor gasoline retail sales outlets. In its determinations, Region VI had released all the requested information with the exception of comparable outlet volume information which it had determined to be confidential proprietary information exempt from mandatory public disclosure under Exemption 4 of the FOIA. In considering the Appeals, the DOE found, on the basis of the rational set forth in Atlantic Richfield Co., 4 DOE 40101 (1980), that the comparable outlet volume information in question had been improperly withheld and ordered its release.

Powder River Basin Resources Council, Sheridan, Wyoming, BFA-0422, Freedom of Information

The Powder River Basin Resources Council filed an Appeal from a denial by the Director of Contract Execution Division "B" of the Office of Procurement Operations of a Request for Information which the Council had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the requested documents, which had been withheld pursuant to Exemption 4, should not be released to the public. The DOE held that portions of a proposal submitted to the DOE may only be released after a final contract award has been made. The DOE concluded that proposals selected for certain preliminary studies may not be released because, at this stage, the selection of proposals is still tentative and premature disclosure may result in a competitive disadvantage to the submitting firm.

Requests for Exception

Army and Air Force Exchange Service, Dallas, Texas, DDE-4773, Motor Gasoline

The Army and Air Force Exchange Service filed an Application for Exception from the provisions of 10 CFR 221.102 in which it sought an increase in the base period allocations of motor gasoline of three retail outlets which it operates. The outlets are located at the sites of three military bases and sell motor gasoline to servicemen for their personal use. In considering the request, the DOE determined that the servicemen stationed at the three bases were not experiencing an unfair distribution of burdens due to inadequate supplies of motor gasoline. Accordingly, exception relief was denied.

Caribou Four Corners, Inc., Washington, D.C., BEE-0224, Crude Oil

Caribou Four Corners, Inc., filed an Application for Exception from the provisions of 10 CFR 211.67, in which the firm sought relief from its obligation to purchase entitlements during its fiscal year 1980, ending March 31, 1980. In considering Caribou's request, the DOE found that the entitlement purchase obligation would prevent the firm from attaining either its...
historical profit margin or its historical return on invested capital. The DOE therefore granted Caribou exception relief amounting to $438,960 per month during the period January through March 1980. College Park Gulf Service, Orlando, Florida, BEO-0457, Motor Gasoline.

College Park Gulf Service filed a Statement of Objections to the issuance in final form of a Proposed Decision and Order in which the Southeastern Regional Center of the Office of Hearings and Appeals tentatively determined that the firm's request for an increase in its base period allocation of motor gasoline should be denied. In considering the Statement, the DOE found that College Park Gulf had failed to demonstrate that it was experiencing a gross inequity as a result of larger allocations granted to two new stations in its area. Accordingly, the DOE denied objections and issued in final form the Proposed Decision and Order which denied exception relief.

Dale Olson Oil Co., Phillips Petroleum Company, Sioux Falls, South Dakota; Bartlesville, Oklahoma, BEO-1332, BES-0076, BST-0077, Motor Gasoline. Phillips Petroleum Company and Total Petroleum, Inc. filed Statements of Objections in response to a Proposed Decision and Order in which the Western Regional Center of the Office of Hearings and Appeals issued to Dale Olson Oil Company on February 5, 1980. In their Statements, the firms requested that the Proposed Decision and Order be rescinded. In considering the requests, the DOE found that the firms had not demonstrated that the Regional Center had improperly increased Dale Olson's allocation of motor gasoline. Accordingly, the Statements of Objections were denied and the Proposed Decision and Order was issued in final form. The Applications for Stay and Temporary Stay filed by Phillips were dismissed as moot after the denial of that firm's Statement of Objections.

Dickenson Petroleum, Inc., Belleville, Illinois, BEO-0583, gasohol. Dickenson Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increased allocation of unleaded motor gasoline for the purpose of blending and marketing gasohol. In considering the request, the DOE found that the firm was not in an advantageous position to further the production and marketing of gasohol in its area and that it had not committed additional resources toward the establishment of its gasohol marketing program. Accordingly, exception relief was denied.

Franco-Belge Foundries of America, Inc., New York, New York, BEO-1269, test procedures. Franco-Belge Foundries of America, Inc. (Franco-Belge) filed an Application for Exception from the provisions of 10 CFR, Part 420 in which it requested that it be relieved of the requirement that it perform energy efficiency tests on the dual-fuel furnaces and boilers which it manufactures. In considering the request, the DOE found that the test procedures applicable to furnaces did not yield appropriate results when applied to the Franco-Belge products. Accordingly, exception relief was granted.

Heath Oil Company, Winchester, Tennessee, BEO-0733, gasohol. Heath Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increased allocation of unleaded gasoline for use in the blending and marketing of gasohol. In considering the request, the DOE found that the firm is not in an advantageous position to further the production and use of gasohol because of the firm lacks an assured supply of domestically produced ethyl alcohol manufactured from agricultural feedstock to blend with unleaded gasoline. Accordingly, exception relief was denied.

Holcomb's Mobil and Auto Accessories, Oakland, California, BEO-0185, motor gasoline. Holcomb's Mobil and Auto Accessories filed Statement of Objections to the issuance in final form of a Proposed Decision and Order in which the Western Regional Center of the Office of Hearings and Appeals tentatively determined that the firm's request for an increase in its base period allocation of motor gasoline be denied. In considering the Statement, the DOE found that Holcomb's had not demonstrated that its base period purchases were unrepresentative of its historical sales volumes and that Holcomb's claim that it was unaware of the updated base period when it began leasing the outlet in April 1979 did not warrant exception relief. Accordingly, the DOE denied the objections and issued in final form the Proposed Decision and Order which denied exception relief.

Mid-State Oil Company, Fargo, North Dakota, BEO-1174, gasohol. Mid-State Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211. In its Application, the firm sought an increase in its base period allocation of unleaded gasoline in order to maintain and expand its gasohol production and marketing activities. In considering the request, the DOE found that exception relief was necessary to enable the firm to expand its gasohol marketing operations. Accordingly, the DOE granted the Mid-State exception relief increasing the firm's base period allocation of unleaded gasoline by 240,000 gallons per month.

Riverside Oil, Inc., Evansville, Indiana, BEO-0476, gasohol. Riverside Oil, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increased allocation of unleaded motor gasoline for the purpose of blending and marketing gasohol. In considering the request, the DOE found that exception relief was necessary to provide an incentive for Riverside to meet the demand for gasohol in its area, thereby furthering the national policy objective of increasing the use of gasohol. Accordingly, exception relief was granted.

Robert Slade Shell Service, Colfax, California, BEO-0186, Motor gasoline. Robert Slade Shell Service filed a Statement of Objections to the issuance in final form of a Proposed Decision and Order in which the Western Regional Center of the Office of Hearings and Appeals tentatively determined that the firm's request for an increase in its base period allocation of motor gasoline be denied. In considering the Statement, the DOE determined that Slade had not demonstrated that unusual or anomalous events had seriously distorted the intended use of the base period as a representative period of business activity. Accordingly, the DOE denied the objections and issued in final form the Proposed Decision and Order which denied exception relief.

Saxon Oil Company, Inc., Opelika, Alabama, BEO-7054, motor gasoline. Saxon Oil Company, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that any difficulties which Saxon may have been experiencing were not attributable to the operation of the DOE regulations but rather to the fact that it supplier had not elected to increase the commission which it pays to consignee agents such as Saxon. Accordingly, exception relief was denied.

Thunderbird Chevron Service, Phoenix, Arizona, BEO-0378, motor gasoline. Thunderbird Chevron Service filed a Statement of Objections to the issuance in final form of a Proposed Decision and Order in which the Central Regional Center of the Office of Hearings and Appeals tentatively determined that the firm's request for an increase in its base period allocation of motor gasoline be denied. In considering the request, the DOE determined that as many stations had opened as had closed in Thunderbird Chevron's trade area since the base period, and further, that the applicant had presented no evidence that adequate supplies of motor gasoline were not currently available in northwest Phoenix to meet the needs of community residents. Accordingly, the DOE denied the objections and issued in final form the Proposed Decision and Order which denied exception relief.

W. L. File's Grocery, Salisbury, North Carolina, BEO-0154, motor gasoline. W. L. File's Grocery filed a Statement of Objection to the issuance in final form of a Proposed Decision and Order in which the Southeastern Regional Center of the Office of Hearings and Appeals tentatively determined that the firm's request for an increase in its base period allocation of motor gasoline be denied. In considering the Statement, the DOE found that File's had not demonstrated that unusual or anomalous events had seriously distorted the intended use of the base period as a representative period of business activity. Accordingly, the DOE denied the objections and issued in final form the Proposed Decision and Order which denied exception relief.

Remedial Order
Golden Gate Petroleum Company, San Francisco, California, DSO-0255, residual fuel oil. Golden Gate Petroleum Company objected to a Proposed Remedial Order which the
Western District Office of Enforcement issued to the firm on June 8, 1979. In the Proposed Remedial Order, the Western District Office of Enforcement found that Exeter Shell Service, Inc. had sold residual fuel oil to its customers at prices which exceeded its maximum lawful selling prices. In considering Golden Gate's objections, the DOE determined that even though the firm used common carriers to ship its residual fuel oil directly from its suppliers' refineries to its customers, it could not pass through increases in its transportation costs on a dollar-for-dollar basis. The DOE also determined that Golden Gate's sales of low sulfur residual fuel oil to Sierra Pacific Power Company did not constitute sales of a "new item" or of a "separate product." The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order.

Motions for Discovery


Exeter Shell Service, Inc. filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on December 20, 1979. In the PRO, Northeast Enforcement found that during the audit period from November 1, 1973 through April 30, 1974, Exeter Shell had sold motor gasoline at prices which exceeded its maximum lawful selling prices.

The DOE denied Exeter Shell's open-ended request for all agency notes relating to the firm because Exeter Shell failed to demonstrate specifically how this request would lead to the production of relevant and material evidence. It denied Exeter Shell's requests for discovery and an evidentiary hearing concerning the accuracy of the computations in the PRO and concerning the motives of the agency in moving forward with the remedial order proceeding by serving a PRO more than four years after the Notice of Probable Violation.

Exeter Shell filed a Motion to Strike certain portions of the record as prejudicial to its interests and irrelevant. The DOE determined that Exeter Shell had failed to demonstrate that retention of the material in the record was likely to prejudice its position and further determined that the statements in question were directly responsive to certain objections raised by Exeter Shell. Accordingly, the DOE denied the Motion to Strike. The DOE also granted the Office of Enforcement's Motion to join Kenneth H. White as a party in interest in the proceeding. Sweeney

The Kenneth H. White Company (White) filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order. The Office of Enforcement in the Central District Office of Enforcement issued to Kenneth H. White d.b.a. Kenneth H. White Company and to Kenneth H. White Co., Inc. on December 8, 1979. In considering White's Motion, the DOE determined that the discovery which White sought was not relevant to the proper computation of the firm's maximum lawful selling prices. Accordingly, the Motion for Discovery was denied.

The Office of Enforcement also filed a Motion for Discovery in which it sought supplemental information concerning an exhibit attached to White's Statement of Objections. In considering that Motion, the DOE determined that, although it could be in White's interest to submit the information requested by the Office of Enforcement, it would not be appropriate to require White to produce that information. Accordingly, the Office of Enforcement's Motion for Discovery was also denied.

Lowe Oil Company, Clinton, Missouri, BRD-0215, DRH-0215, motor oil.

Lowe Oil Company filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order which the DOE Central District Enforcement issued to it on April 17, 1979. In the PRO, Central Enforcement found that during the audit period from November 1, 1973 through April 30, 1974 Lowe had charged prices for petroleum products which exceeded its maximum lawful selling prices. The PRO also directed Lowe to calculate its maximum lawful selling prices and any overcharges for the post-audit period from May 1, 1974 through August 3, 1978.

The DOE denied in large part Lowe's requests to inquire into internal administrative proceedings leading to the issuance of the PRO since the firm had failed to make a strong preliminary showing of improper behavior with respect to the part of agency personnel. However, the DOE directed the Office of Enforcement to respond to certain specific inquiries with respect to the role of one agency auditor. The DOE determined that Lowe's inquiries concerning the logistics and cost of the agency's audit of the firm were irrelevant since, under the circumstances of this case, Lowe may not secure an exception from the PRO's self-audit requirement. The DOE also denied as irrelevant and immaterial Lowe's various discovery requests directed toward proving that an earlier audit utilizing a different audit method had shown Lowe to be in compliance with the price regulations. In addition, the DOE denied Lowe's Motion for an Evidentiary Hearing because the firm had failed to demonstrate that the hearing was likely to elicit evidence which would aid the DOE in deciding genuine issues of fact.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the Proposed Protective Orders submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders and Orders of the Department of Energy.


Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in orders issued on the same date as the Interim Orders.


Alta Vista Ranch, Oxnard, California, BEO-0043.

Clinton-Midland Co., Midland, Texas, BEO-0071.

Bell's Phillips 66, Grand Junction, Colorado, BEO-0069.

First Street Standard, Wilmar, Minnesota, BEO-1139.

Foust Oil Co., Melvita, North Carolina, BEO-0065.

Harold & Carol Turner, Thousand Palms, California, BEO-0080.

Montgomery Village Service Center, Inc., Gaithersburg, Maryland, BEO-0115.


Stockton Apco Service, Stockton, Missouri, BEO-0051. Tom's Skelly Service, Lawrence, Kansas, BEO-1101.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date.

A. J. Oil Co., BEE-0010.

Atlantic Richfield Co., BFA-0418.

Canal Refining Co., BFA-5025.

Champlin Petroleum Co., BFA-0249.


Gar Fuel & Service, BEO-0074.


Kern County Refinery, Inc., BEO-0051.

La Gloria Oil & Gas Co., BEO-0027.

Miley's Texaco, BEO-0791.

Miriam Karkanen, BFA-0401.

Ohio Independents for Survival, BFA-0080; BEO-1076. BEO-1076.

Parker energy & Petroleum Co., BEO-1220.

Publicker Industries, Inc., BFA-0030.

Seminario Hill Service Center, Inc., BEO-0772.
Objection to Proposed Remedial Orders Filed; Week of August 11 Through August 15, 1980

During the week of August 11 through August 15, 1980, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before October 20, 1980. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Deputy Director, Office of Hearings and Appeals.
September 23, 1980.

Oska's Service Center, Santa Monica, CA, BRO-1291, motor gasoline.

Objection was filed on August 14, 1980.

ENVIRONMENTAL PROTECTION AGENCY

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 1, 1980 through May 31, 1980.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the EPA source of review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note—This is a 1980 report; the backlog of reports should be eliminated over the next two months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2022, Watergate Mall SW., Washington, D.C. 20460, telephone 202/260-2606.

Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: September 24, 1980.

Thomas R. Shackells,
Acting Director, Office of Environmental Review.
### Appendix I—Draft Environmental Impact Statements for Which Comments Were Issued Between May 1 and May 31, 1980

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<td>Ceder Point Navigation Study, McIntosh County, Georgia</td>
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<td>D-COE-D03400-00</td>
<td>Denison Dam Modification, Lake Texoma, Red River, Love, Marshall and Bryan Counties, Oklahoma and Grayson and Cooke Counties, Texas.</td>
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<td>D-COE-D03909-TX</td>
<td>Mouth of Colorado River Division into Malapropo Bay, Texas</td>
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### Department of Agriculture

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</thead>
<tbody>
<tr>
<td>D-AFS-D03117-0R</td>
<td>Mulgoror Ski Bowl Master Plan, Mount Hood National Forest, Clackamas County, Oregon...</td>
<td>ER2</td>
<td>K</td>
</tr>
<tr>
<td>D-AFS-D03054-00</td>
<td>Programmatic Methods of Managing Compelling Vegetation, Oregon, Washington, Sylkou and Del Norte Counties, California.</td>
<td>J</td>
<td>K</td>
</tr>
<tr>
<td>D-AFS-D03057-0K</td>
<td>Recreational Development and Independent Timber Sale, Gilbert Bay and Holman Bay Area, Tongass National Forest, Southeast Alaska.</td>
<td>ER3</td>
<td>K</td>
</tr>
<tr>
<td>D-AFS-D03115-00</td>
<td>Rangeland Grasshopper Cooperative Management Program, Contenuous United States, (USDA-APHIS-ADM-79-1-0).</td>
<td>L52</td>
<td>A</td>
</tr>
<tr>
<td>D-BLM-D03109-00</td>
<td>River Bend Nuclear Power Station Unit 1, Transmission, St. Francis County, West Feliciana Parish, Louisiana (See AEC-A05127-LA, Rick Addision).</td>
<td>ER2</td>
<td>G</td>
</tr>
<tr>
<td>D-SGS-D03064-00</td>
<td>Fourche Creek Watershed, Randolph County, Arkansas, and Ripley County, Texas.</td>
<td>L01</td>
<td>G</td>
</tr>
</tbody>
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### Department of Commerce

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<tr>
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<tbody>
<tr>
<td>D-NRC-D03104-00</td>
<td>Fishway Management Plan and Regulatory Analysis and Proposed Regulations Real Fish Resources of the Gulf of Mexico.</td>
<td>L01</td>
<td>A</td>
</tr>
<tr>
<td>D-NRC-D03003-GT</td>
<td>Connecticut Coastal Management Program (CCM)</td>
<td>L01</td>
<td>B</td>
</tr>
<tr>
<td>D-NRC-D03017-0A</td>
<td>Padilla Bay Estuane Sanctuary, Grant, Staged County, Washington</td>
<td>L01</td>
<td>K</td>
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### Department of Defense

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<tbody>
<tr>
<td>D-USN-D10032-0R</td>
<td>Atlantic Fleet Weapons Training Facility, Inner Range, Vaques, Puerto Rico</td>
<td>ER2</td>
<td>C</td>
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</tbody>
</table>

### Department of Energy

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<tr>
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</thead>
<tbody>
<tr>
<td>D-COE-D03073-00</td>
<td>Energy Performance Standards for New Buildings (DOE/DE-0081/01)</td>
<td>L01</td>
<td>A</td>
</tr>
</tbody>
</table>

### Department of the Interior

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<tbody>
<tr>
<td>D-BLM-D03102-00</td>
<td>McGregor Range Grazing Management Plan, Otter County, New Mexico</td>
<td>L01</td>
<td>G</td>
</tr>
<tr>
<td>D-BLM-D03015-D0</td>
<td>Royal Gorge, Proposed Domestic Livestock Grazing Program, Colorado</td>
<td>L01</td>
<td>I</td>
</tr>
<tr>
<td>D-BLM-D03009-0A</td>
<td>Coo Knoon Geothermal Resource Area, Leese, California</td>
<td>ER2</td>
<td>J</td>
</tr>
<tr>
<td>D-BLM-D03103-0A</td>
<td>Calamite Desert Conservation Area Plan, California</td>
<td>ER2</td>
<td>J</td>
</tr>
<tr>
<td>D-NPS-D03102-0A</td>
<td>Sixlac National Military Park, General Management, Hardin County, Tennessee.</td>
<td>L01</td>
<td>E</td>
</tr>
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</table>

### Department of Transportation

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<tr>
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<tbody>
<tr>
<td>D-FIW-D03003-00</td>
<td>Bridge Replacement, Cromwell Bridge Road Over Gunpowder Falls, Baltimore County, Maryland</td>
<td>L01</td>
<td>D</td>
</tr>
<tr>
<td>D-UIT-D04004-04</td>
<td>Downtown People Mover, Detroit, Wayne County, Michigan</td>
<td>L02</td>
<td>F</td>
</tr>
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</table>

### Federal Energy Regulatory Commission

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>D-FRC-D03007-WA</td>
<td>Sultan River Project No. 2157, License, Snohomish County, Washington</td>
<td>EP2</td>
<td>K</td>
</tr>
</tbody>
</table>

### Department of Housing and Urban Development

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<tr>
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<tbody>
<tr>
<td>D-HUD-D03104-04</td>
<td>Intestate Land Sales Registration.</td>
<td>L01</td>
<td>A</td>
</tr>
<tr>
<td>D-HUD-D02032-TN</td>
<td>Poor Farm Ridge Waterline Extension (CD03), Campbell County, Tennessee</td>
<td>L02</td>
<td>E</td>
</tr>
<tr>
<td>D-HUD-D02033-TN</td>
<td>Finestie Area Waterline Extension, Economic Improvement Program (CD03), Campbell County, Tennessee.</td>
<td>L02</td>
<td>E</td>
</tr>
<tr>
<td>D-HUD-D03061-N0</td>
<td>Echo Farms Subdivision, Wrenning, New Hanover County, North Carolina</td>
<td>L01</td>
<td>E</td>
</tr>
<tr>
<td>D-HUD-D03062-F0</td>
<td>Sabal Point Village Planning Unit Development, Homeowners Insurance, Seminole County, Florida.</td>
<td>ER2</td>
<td>E</td>
</tr>
<tr>
<td>D-HUD-D03014-00</td>
<td>Creeklake Village and River Hills Village Subdivision, Montgomery County, Texas.</td>
<td>ER2</td>
<td>G</td>
</tr>
<tr>
<td>D-HUD-D03036-0D</td>
<td>Homestead Planned Development, Jamestown, Salina County, North Dakota</td>
<td>ER2</td>
<td>I</td>
</tr>
<tr>
<td>D-HUD-D02000-0A</td>
<td>Kieney Drive and South Bonneyview Trunk Sewer Extensions, Shasta County, California.</td>
<td>ER2</td>
<td>D</td>
</tr>
</tbody>
</table>

### Nuclear Regulatory Commission

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<tbody>
<tr>
<td>D-NRC-D03000-PA</td>
<td>Susquehanna Steam Electric Station, Units 1 and 2, Allegheny Electric Cooperative, Inc., Pennsylvania.</td>
<td>ER2</td>
<td>D</td>
</tr>
</tbody>
</table>

### Appendix II—Definitions of Codes for the General Nature of EPA Comments

#### Environmental Impact of the Action

**LO**—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement or suggests only minor changes in the proposed action.

**ER**—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

---

*Note: The content is a subset of the full document and is presented for educational purposes only.*
Adequacy of the Impact Statement

Category 1—Adequate
The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information
EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact of the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate
EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantive revision be made to the impact statement.

Appendix III.—Final Environmental Impact Statements for Which Comments Were Issued Between May 1 and May 31, 1980

<table>
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<tbody>
<tr>
<td>FS-COE-KS0016-CA</td>
<td>Los Angeles Harbor Deepening Project, Los Angeles County, California</td>
<td>EPA’s concerns were adequately addressed in the final supplement</td>
<td>J</td>
</tr>
<tr>
<td>F-AFS-K01000-WV</td>
<td>Jenitt Canyon Project, Gold Mine and Mill, Humboldt National Forest, Elko County, Nevada</td>
<td>EPA’s concerns were adequately addressed in the final EIS</td>
<td>J</td>
</tr>
<tr>
<td>F-SGS-C80003-NY</td>
<td>Hogansburg Agricultural Land Drainage, St. Lawrence and Franklin Counties, New York</td>
<td>EPA’s concerns were adequately addressed in the final EIS</td>
<td>G</td>
</tr>
<tr>
<td>F-IBR-J35004-UT</td>
<td>Hoyt Lake Watershed Protection, Major County, Oklahoma</td>
<td>EPA’s concerns were adequately addressed in the final EIS</td>
<td>G</td>
</tr>
<tr>
<td>F-USN-C10002-NJ</td>
<td>Modernization and Expansion of Logistic Support Systems, Naval Weapons Station, Earls, Collects Neck, Mammouth County, New Jersey</td>
<td>EPA continues to have reservations concerning the environmental impacts of dredging and ocean disposal of the material to be dredged from the proposed channel and turning basin in Sandy Hook Bay</td>
<td>G</td>
</tr>
<tr>
<td>F-USN-C10002-NJ</td>
<td>Land Acquisition, Clear Zone, Naval Air Station, Brunswick, Cumberland County, Maine</td>
<td>EPA’s concerns were adequately addressed in the final EIS</td>
<td>B</td>
</tr>
<tr>
<td>F-HUD-F89006-WI</td>
<td>Wausau Downtown Shopping Center, Wausau (UDAG), Marathon County, Wisconsin</td>
<td>EPA expressed concern since requested information was not presented in the final EIS. Subsequently EPA requested a copy of the record of decision and related progress reports on mitigation measures</td>
<td>F</td>
</tr>
</tbody>
</table>

Federal Register / Vol. 45, No. 191 / Tuesday, September 30, 1980 / Notices
### Appendix III.—Final Environmental Impact Statements Which Were Issued Between May 1 and May 31, 1980—Continued

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<tbody>
<tr>
<td>F-HUD-L85013-WA</td>
<td>Cascade Park Planned Community, Vancouver, Clark County, Washington (HUD/ROE-ES-79-26 F)</td>
<td>EPA’s review indicates the final EIS is unresponsive to comments on the draft EIS. Specifically, the air quality impact analysis has not been presented in either the draft or the final EIS.</td>
<td>K</td>
</tr>
</tbody>
</table>

### Appendix IV.—Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between May 1 and May 31, 1980

#### Department of Agriculture

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>F-AFS-L84009-AK</td>
<td>Main Bay Hatchery, Western Prince William Sound Area, Chugach National Forest, Alaska</td>
<td>K</td>
</tr>
<tr>
<td>F-APH-A82104-OO</td>
<td>Cooperative Gypsy Moth Suppression and Regulatory Program 1980 Activities</td>
<td>A</td>
</tr>
<tr>
<td>F-SCS-L80059-OR</td>
<td>South Pisgah Creek, Upper Willamette R&amp;D Area, Flood Prevention Measure, Linn County, Oregon</td>
<td>K</td>
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</tbody>
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#### Department of Transportation

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#### Federal Energy Regulatory Commission

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<th>Source of Review</th>
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</thead>
<tbody>
<tr>
<td>F-FFC-L85070-AK</td>
<td>Application for License for the Swan Lake Project, Alaska (FERC Project No. 2911)</td>
<td>K</td>
</tr>
</tbody>
</table>

#### General Services Administration

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>F-GSA-F81100-WI</td>
<td>Lease Construction of a New Federal Building, Milwaukee, Milwaukee County, Wisconsin</td>
<td>F</td>
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</tbody>
</table>

### Appendix V.—Regulations, Legislations and Other Federal Agency Actions for Which Comments Were Issued Between May 1, and May 31, 1980

#### Department of Agriculture

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<tbody>
<tr>
<td>A-AFS-A82103-OO</td>
<td>Forest Service Policy on Pesticide Use and Criteria for Use of 2,4,5-T and 2,4-D, notices (45 FR 1650)</td>
<td>EPA agrees with the principles set forth in the first statement of policy that pesticides should be used only after consideration of alternatives based on competent analysis of effectiveness, specificity, and environmental impact, and only when pesticide use is essential to meet management goals. EPA also had specific comments regarding cost benefit analysis, suspended uses of 2,4,5-T and silvics, buffer zones, and important continued research in these areas.</td>
<td>A</td>
</tr>
<tr>
<td>A-AFS-K80053-CA</td>
<td>Environmental Assessment, Gasquet Conifer Release, Six Rivers National Forest, California</td>
<td>EPA offered several comments relating to the herbicide usage and water quality</td>
<td>J</td>
</tr>
<tr>
<td>R-ASC-A866187-OO</td>
<td>7 CFR Part 79, Floodplain Management and Wetland Protection (45 FR 18493)</td>
<td>EPA supports ASCS in its objective, as stated in the supplementary information section, of encouraging measures, through its assigned programs, which would improve water quality and establish wildlife habitats. We also support the agency’s decision to end cost-sharing assistance for the drainage of wetlands and would like to see the final rule do the same for filling practices.</td>
<td>A</td>
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<tr>
<td>R-BLM-A61299-OO</td>
<td>43 CFR Part 8350, Management Areas; Prohibited Activities in Wild and Scenic River Areas (45 FR 14607)</td>
<td>EPA supports BLM’s proposed rule providing BLM manages with authority to establish rules and prohibitions in managing wild and scenic rivers under BLM jurisdiction. However, EPA suggested that the public be given an opportunity to propose, evaluate and review any such rule, and further, EPA recommends that the rule specify that any such rules on proscriptions be restricted to actions necessary to carry out the intent of the Wild and Scenic Rivers Act, and that the penalty ceiling be raised. EPA also suggests that if BLM policy is to maintain a status quo use by area residents, such a statement should be explicit, and that the list of prohibitions be reconsidered and rewritten to be more clear.</td>
<td>A</td>
</tr>
<tr>
<td>A-IGS-A82155-OO</td>
<td>Notices, comments solicited on certain requirements of Outer Continental Shelf (OCS) Orders Nos. 1, 2, 5, and 7 (45 FR 24713).</td>
<td>EPA supports the requirement in OCS Order No. 7, Subparagraph 3.2c, Oil Spill Contingency Plan, that the plan contain provisions for identifying and protecting areas of special biological sensitivity. In areas where weather and ocean conditions exceed spill clean-up technology, EPA recommends additional emphasis on prevention. EPA supports USGS’s continuing efforts to improve measures for preventing spills and biowaves.</td>
<td>A</td>
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</table>
Appendix V—Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between May 1, and May 31, 1980—Continued

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<tbody>
<tr>
<td>R-OSU-AG1002-OO</td>
<td>20 CFR Parts 703, 816, 817, Permanent Regulatory Agency Program</td>
<td>EPA does not believe any adverse air or water quality impacts will result from the</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>implementation of these proposed regulations.</td>
<td></td>
</tr>
<tr>
<td>A-NPS-D00601-VA</td>
<td>Assessment, Construction of 765 kV Powerline Lines</td>
<td>EPA offered comments to assist the park service in further project development.</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Across the Blue Ridge Parkway, Virginia.</td>
<td></td>
</tr>
<tr>
<td>A-NPS-K40075-CA</td>
<td>Securing Land Acquisition of Highway Right of Way for U.S. 101, Redwood</td>
<td>EPA offered suggestions relating air quality and traffic controls for possible inclusion in</td>
<td>J</td>
</tr>
<tr>
<td></td>
<td>National Park, California.</td>
<td>the EIS.</td>
<td></td>
</tr>
<tr>
<td>A-NPS-K91042-CA</td>
<td>Revised Assessment, Golden Gate National Park, Fort Cronkite,</td>
<td>EPA suggested water supply and wastewater disposal be integrated into the facility design</td>
<td>J</td>
</tr>
<tr>
<td></td>
<td>Golden Gate National Recreation Area, Fort</td>
<td>and educational program.</td>
<td></td>
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<tr>
<td></td>
<td>Cronkite, California.</td>
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Department of Transportation

| N-FAA-FS1024-MI | FNSI, Improvement of Bishop Airport, Flint, Michigan                  | EPA expressed major concern with the proposed project and requested additional information    | F                            |
|                |                                                                      | necessary to adequately assess the impacts of the proposed action. EPA specifically requested |                               |
|                |                                                                      | an assessment of the impacts of the relocation of a portion of Swartz Creek to its original     |                               |
|                |                                                                      | alignment, the effect of the project on water supply and quality, possible adverse effects on  |                               |
|                |                                                                      | the sewage collection systems, the soil drainage characteristics and any drainage problems and  |                               |
|                |                                                                      | a definition of the secondary impacts.                                                      |                               |
| A-FHW-A41127-FL | U.S. 41, FL-45, Highway Creek To North of Estero                         | EPA concerns were adequately addressed in the supplemental information.                       | E                            |
| A-FHW-D4002-CA | Air Quality Analysis, U.S. 119 Relocated, North of                 | EPA has no objections to the proposed project from an air quality standpoint.                 | D                            |
|                |                  Berlin to the Delaware Line, Maryland.                    |                                                                                           |                               |
| A-FHW-D40004-MD | Draft Air Quality Analysis, MD-314, I-95 to U.S.                      | EPA has no objections to the proposed project from an air quality standpoint.                 | D                            |
|                |                  301, Prince Georges County, Maryland.                      |                                                                                           |                               |
| A-FHW-D40003-MD | Assessment, MD-173, Stoney Creek to Wick                               | EPA has no objections to the proposed project from an air quality standpoint.                 | D                            |
|                |                        Road, Anne Arundel County, Maryland.                  |                                                                                           |                               |
| A-FHW-D40095-MD | Assessment, MD-175, Snowden River Parkway                            | EPA has no objections to the proposed project from an air quality standpoint.                 | D                            |
|                |                  U.S. 29, Howard County, Maryland.                       |                                                                                           |                               |
| A-FHW-D40097-MD | Assessment, MD-702, Extended, Old Eastern                           | EPA has expressed concern that the project affected 1988 B-hr CO concentration for alternative | D                            |
|                |                  Avenue to Back River Neck Road, Baltimore                 | 2 at site 1A is 8.2 mg/m^3.                                                                |                               |
|                |                      County, Maryland.                                  |                                                                                           |                               |
| A-FHW-D40098-MD | Assessment, MD-115, Montgomery Village Avenue                       | EPA has no objections to the selection of alternate 4 from an air quality standpoint.        | D                            |
|                |                        to Norbeck, Baltimore County, Maryland.              |                                                                                           |                               |
| A-FHW-K40075-CA | Assessment, California Forest Highway                               | EPA states that the proposed project would have no effect on air quality.                    | J                            |
|                |                  CA-7, Mendocino Pass Highway, California.                |                                                                                           |                               |
| A-FHW-K40077-IV  | Assessment, Proposed I-15 Interchange near                           | EPA feels that the proposed project would cause no increase in VMT in the Las Vegas Valley. | J                            |
|                |                      Oceano Road, Clark County, Nevada.                   | The draft EIS should quantify the VMT increases that are expected and indicate if these         |                               |
|                |                                                                      | increases are included in the emissions growth calculations used in the Las Vegas Valley air |                               |
|                |                                                                      | quality implementation plan of December 5, 1978.                                            |                               |

Nuclear Regulatory Commission

| R-NRC-AG0016-001 | 10 CFR Parts 52, 2, 20, 40, 51, 70 and 110, Environmental Protection | EPA is concerned that a critical element of the NEPA process, the consideration of            | A                            |
|                |                    Agency, Domestic Licensing, Related Regulatory Functions, | alternatives to the proposed Federal action, is lost when the commission limits its           |                               |
|                |                    and Related Licensing Amendments (50 FR 10730).           | licensing functions to approval or denial of applications. NEPA—As shown in case law and as    |                               |
|                |                                                                      | codified in the new CEQ regulations—clearly requires the decisionmaker to                      |                               |
|                |                                                                      | consider the whole range of feasible alternatives.                                          |                               |

Appendix VI—Source for Copies of EPA Comments

A. Public Information Reference Unit (PIR-213), Environmental Protection Agency, Room 2222, Waterside Mall, SW, Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 28 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19103.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 443 Courtland Street, NE, Atlanta, GA 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75207.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1850 Lincoln Street, Denver, Colorado 80203.

J. Office of Environmental Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94103.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 65-5018 Filed 6-29-60 at 8:45 am]
BILLING CODE 6560-01-M

FRL 1618-7

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of June 1, 1980 and June 30, 1980.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements...
reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the EPA source of review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note.—This is a 1980 report; the backlog of reports should be eliminated over the next two months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2322, Waterside Mall, SW., Washington, D.C. 20460, telephone 202/755-2908.

Copies of the draft and final environmental impact statements referenced herein are available from the original Federal department or agency.

Dated: September 24, 1980.

Thomas R. Shekkells,
Acting Director, Office of Environmental Review.

Appendix I—Draft Environmental Impact Statements For Which Comments Were Issued Between June 1 and June 30, 1983

<table>
<thead>
<tr>
<th>Identifying No.</th>
<th>Title</th>
<th>General nature of comments</th>
<th>Source for copies of comments</th>
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</thead>
<tbody>
<tr>
<td>DS-COE-A30064-NJ</td>
<td>Cape May Inlet to Lower Township, New Jersey Coastal Inlets and Beaches From Herring</td>
<td>ER2</td>
<td>C</td>
</tr>
<tr>
<td>DS-COE-A32188-MT</td>
<td>Lubey Dam and Lake Kocanasa, Additional Units, Lincoln County, Montana</td>
<td>L02</td>
<td>I</td>
</tr>
<tr>
<td>DS-COE-A32390-MO</td>
<td>Harry S. Truman Dam and Reservoir, Ozark River, Downstream Measure, Barton County, Missouri</td>
<td>ER2</td>
<td>H</td>
</tr>
<tr>
<td>D-COE-E32059-FL</td>
<td>Port of Miami Expansion Program, Biscayne Bay, Biscayne Bay, Florida</td>
<td>EP2</td>
<td>E</td>
</tr>
<tr>
<td>D-COE-E32050-FL</td>
<td>Wiggins Pass Small Boat Navigation Improvement, Collier County, Florida</td>
<td>EU1</td>
<td>E</td>
</tr>
<tr>
<td>DR-COE-E32058-SC</td>
<td>Cooperative Aquatic Plant Control Program, South Carolina</td>
<td>L02</td>
<td>E</td>
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<tr>
<td>D-COE-F32066-MI</td>
<td>Cedar River Recreational Boat Harbor, Cedar River, Menominee County, Michigan</td>
<td>L01</td>
<td>F</td>
</tr>
<tr>
<td>D-COE-G32035-OK</td>
<td>Big and Little Saltcreek, Navigation Project, Sepoy County, Oklahoma</td>
<td>J</td>
<td>G</td>
</tr>
<tr>
<td>D-COE-K32025-HI</td>
<td>Malaquite Harbor Light-Draft Vessels, Island of Maui, Maui County, Hawaii</td>
<td>L01</td>
<td>J</td>
</tr>
<tr>
<td>D-COE-K32024-TI</td>
<td>Sapan Small Boat Harbor, Sapan, Northern Marianas Trust Territory</td>
<td>L01</td>
<td>J</td>
</tr>
<tr>
<td>D-AFS-H31005-MO</td>
<td>Paddy Creek Wilderness Study Area, Mark Twain National Forest, Texas County, Missouri</td>
<td>Dated: September 24, 1980.</td>
<td></td>
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<tr>
<td>D-AFS-H32001-AZ</td>
<td>Western Spruce Budworm Management Program, Klobab National Forest, Concho County, Arizona</td>
<td>L01</td>
<td>H</td>
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<tr>
<td>D-ECS-K60041-CA</td>
<td>Central Sonoma Watershed Project, Spring Creek Subwatershed, Sonoma County, California</td>
<td>L02</td>
<td>J</td>
</tr>
<tr>
<td>D-EDA-B61016-RI</td>
<td>Woonsocket Industrial Park, East Woonsocket, Rhode Island</td>
<td>L02</td>
<td>B</td>
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<tr>
<td>RD-NOA-K90047-CA</td>
<td>The Proposed Point Reyes-Farallon Islands Marine Sanctuary, off the California Coast Past 200 NM Offshore Ocean</td>
<td>L02</td>
<td>A</td>
</tr>
<tr>
<td>D-NOA-C90004-NJ</td>
<td>New Jersey Coastal Management Program (CZMA), New Jersey</td>
<td>ER2</td>
<td>E</td>
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<tr>
<td>D-NOA-E30015-MB</td>
<td>Mississippi Coastal Management Program (CZMA), Mississippi</td>
<td>L01</td>
<td>K</td>
</tr>
<tr>
<td>D-NOA-L60402-AK</td>
<td>Fishery Management Plan, High Seas Salmon Fishery off the Coast of Alaska, East of 170°W Longitude, Alaska</td>
<td>L02</td>
<td>J</td>
</tr>
<tr>
<td>DR-BPA-L60029-OG</td>
<td>Role of the Bonneville Power Administration, Pacific Northwest Power Supply System Including Its Participation in a Hydro-Thermal Power Program (DOE/EIS-0666)</td>
<td>L02</td>
<td>K</td>
</tr>
<tr>
<td>D-BLM-A25029-AK</td>
<td>Federal and State Oil and Gas Lease Sale, Beaufort Sea, Outer Continental Shelf (OCS), Offshore Alaska</td>
<td>ER2</td>
<td>A</td>
</tr>
<tr>
<td>D-BLM-K30009-OG</td>
<td>Mapo'q's Rocky Mountain Liquid Hydrocarbons Pipeline, Right-Of-Way, Portia, Texas New Mexico, Colorado and Utah</td>
<td>ER2</td>
<td>I</td>
</tr>
<tr>
<td>D-BLM-J81013-CO</td>
<td>Powderhorn Wilderness Study, Gunnison and Hinsdale County, Colorado</td>
<td>L01</td>
<td>I</td>
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<tr>
<td>D-BLM-J90119-CO</td>
<td>White River Resource Area Grazing Management, Colorado</td>
<td>L02</td>
<td>I</td>
</tr>
<tr>
<td>D-BLM-K80104-AZ</td>
<td>Arizona Strip Wilderness Designation, California</td>
<td>L01</td>
<td>J</td>
</tr>
<tr>
<td>D-BLM-K50309-NV</td>
<td>Tonopah Grazing, Proposed Livestock Grazing Management Program for Tonopah Resource Area, Nye County, Nevada</td>
<td>L02</td>
<td>J</td>
</tr>
<tr>
<td>D-BLM-K67001-NV</td>
<td>Tonopah Resource Area, Anahonda-Nevada Mojiburri Project, Nye and Lincoln Counties, Nevada</td>
<td>L01</td>
<td>K</td>
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<tr>
<td>D-BLM-E5059-OH</td>
<td>Owheee Grazing Management Program, Idaho and Oregon</td>
<td>L01</td>
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<tr>
<td>D-BLM-E5059-ON</td>
<td>Oregon Grazing Management Program, Baker and Malheur Counties, Oregon</td>
<td>L01</td>
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### Appendix I—Draft Environmental Impact Statements for Which Comments Were Issued Between June 1 and June 30, 1980—Continued

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<tbody>
<tr>
<td>D-STA-L40011-0O</td>
<td>Convention for Conservation of Migratory Caribou and Their Environment, United States and Canada</td>
<td>LO1</td>
<td>K</td>
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<tr>
<td>D-GSA-C81005-NY</td>
<td>Queens Federal Building, Consolidation, Queens, New York</td>
<td>LO2</td>
<td>C</td>
</tr>
<tr>
<td>D-GSA-C81006-NY</td>
<td>201 Varick Street, Federal Building, Repair and Alteration Project, New York, New York</td>
<td>LO1</td>
<td>C</td>
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<tr>
<td>D-FAA-B51005-MA</td>
<td>Development of Bird Island Flats, Logan International Airport, Boston, Suffolk County, Massachusetts</td>
<td>LO1</td>
<td>C</td>
</tr>
<tr>
<td>D-FHW-L40095-AK</td>
<td>Richardson Highway, AK-4 Milepost</td>
<td>LO2</td>
<td>B</td>
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<tr>
<td>D-FHW-L40094-IA</td>
<td>Hammond Road Bypass, Wellsboro, Broome County, New York</td>
<td>LO2</td>
<td>F</td>
</tr>
<tr>
<td>D-FHW-G40094-IN</td>
<td>North Valley River Crossing, Bernallilo County, New Mexico</td>
<td>LO2</td>
<td>F</td>
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<tr>
<td>D-FHW-H40096-NB</td>
<td>White Center Drainage Improvement Project, King County, Washington</td>
<td>LO2</td>
<td>K</td>
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<tr>
<td>D-FHW-G40081-NM</td>
<td>Taos Road Widening, U.S. 285/277-217 Interchange to Algodones Canyon Road, Sierra County, New Mexico</td>
<td>LO2</td>
<td>P</td>
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<tr>
<td>D-FHW-L40067-AH</td>
<td>Trailblazer Project, Pipeline System, Wyoming, Colorado and Nebraska</td>
<td>LO2</td>
<td>I</td>
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<tr>
<td>D-FHW-L40066-AH</td>
<td>Great Lakes Basin Commission</td>
<td>LO2</td>
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<td>D-GSA-C81005-NY</td>
<td>Great Lakes Basin Commission, Water Conservation Assessment</td>
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<tr>
<td>D-FHW-L40067-AH</td>
<td>Trailblazer Project, Pipeline System, Wyoming, Colorado and Nebraska</td>
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</table>

### Appendix II—Definitions of Codes for the General Nature of EPA Comments

**Environmental Impact of the Action**

**LO—Lack of Objection**

EPA has no objections to the proposed action as described in the draft impact statement or suggestions only minor changes in the proposed action.

**ER—Environmental Reservations**

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modification is required and has asked the originating Federal agency to reassess these impacts.

**EU—Environmentally Unsatisfactory**

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

**Adequacy of the Impact Statement**

**Category 1—Adequate**

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

**Category 2—Insufficient Information**

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

**Category 3—Inadequate**

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.
### Corps of Engineers

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<tbody>
<tr>
<td>F-COE-E0171-DA</td>
<td>Harry S. Truman Parkway, Savannah, Permit, Chat-</td>
<td>EPA believes the proposed Project is Unsatisfactory. From the Standpoint of Health, Welfare and Environment, Based on the determination, EPA will consider referring the proposal to the Council on Environmental Quality, pursuant to 40 CFR 1504 and section 209(d) of the Clean Air Act, at the time the permit decision is made by the Corps.</td>
<td>E</td>
</tr>
<tr>
<td>F-COE-F93056-MI</td>
<td>Large Unnamed Creek, Loves Park, Winnebago</td>
<td>EPA’s concerns were adequately addressed in the final EIS.</td>
<td>F</td>
</tr>
<tr>
<td>F-COE-G93074-TX</td>
<td>Bobo Creek Watershed Project, Colorado River,</td>
<td>EPA’s concerns were adequately addressed in the final EIS.</td>
<td>G</td>
</tr>
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### Department of Agriculture

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<tbody>
<tr>
<td>F-APS-A955043-CA</td>
<td>Fox Unit Plan, Six Rivers National Forest, Del Norte</td>
<td>EPA’s concerns were adequately addressed in the final supplement. However, EPA feels that the best management practices (BMPs) for management of such lands should be incorporated into any river basin management plan which is developed.</td>
<td>J</td>
</tr>
<tr>
<td>F-APS-G95033-TX</td>
<td>Timber Management Plan, Davy Crockett National Forests, Houston and Trinity Counties, Texas</td>
<td>EPA’s concerns were adequately addressed in the final EIS.</td>
<td>K</td>
</tr>
<tr>
<td>F-APS-L65050-AP</td>
<td>Timber Sale Operating Plan for Chatham and Sierra</td>
<td>EPA continues to have environmental reservations on the project as proposed. These concerns relate specifically to the program to preclude the Kakehnan management area, the unknown and unmanaged effects of log transfer ships upon marine life in bays and coves, the cutting of substantial acreage on slopes exceeding 75 percent, and the harvesting of 10,185 acres of marginal timber.</td>
<td>A</td>
</tr>
<tr>
<td>F-APH-A82105-00</td>
<td>Rangeland Grasshopper Cooperative Management Program, Contiguous United States (USDA-APHS-ADM-79-1-F).</td>
<td>EPA finds the grasshopper program manual, guidance procedures insufficient to reduce pesticides spray drift into sensitive areas. EPA recommends that APHIS review the program manual and submit numerous and detailed recommendations for such review. Further, EPA finds guidance provided in the program manual at times, inconsistent with statements in the final EIS.</td>
<td>E</td>
</tr>
<tr>
<td>F-FEA-E7000-XY</td>
<td>D. T. Wilson Station Units 1 and 2, Associated Transmission Facilities, Nelson County, Kentucky</td>
<td>Generally, EPA’s concerns were adequately addressed in the final EIS. However, several minor modifications to the draft NPDES permit are required.</td>
<td>E</td>
</tr>
<tr>
<td>F-SCS-E39050-KY</td>
<td>Salt Lick Creek Watershed, Bath and Monroe</td>
<td>EPA’s concerns were adequately addressed in the final EIS.</td>
<td>E</td>
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### Department of Energy

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<tr>
<td>F-DDE-A00139-00</td>
<td>U.S. Spent Power Reactor Fuel Storage of U.S.</td>
<td>EPA continues to have serious concerns regarding U.S. policy for the storage of spent nuclear reactor fuel since the risks will be borne by the U.S. with no assurance of benefit. The EPA also urges requirements that assure that packaging, shipping and transportation comply with U.S. regulations in effect at the time of transport to a U.S. site.</td>
<td>A</td>
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</table>

### Department of the Interior

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<tbody>
<tr>
<td>F-BLM-J01027-CO</td>
<td>Superior Oil Company, Land Exchange and Oil</td>
<td>EPA finds the final EIS to be inadequate in its evaluation of the direct lease alternative, the potential leaching of toxic metal oxides from spent shale disposal and subsequent discharge to Preace Creek, the alternative means of mitigating community impact, and failure to select the environmentally preferred product transport method. Furthermore, EPA believes the BLM has been environmentally mandated by EPA and other Federal, State and local governments and organizations on the draft EIS.</td>
<td>I</td>
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### Department of Transportation

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<tr>
<td>F-FAA-H51012-MO</td>
<td>Lambert-St. Louis International Airport, St. Louis, Missouri</td>
<td>EPA continues to have environmental reservations with the increased airport/airport noise levels would result from proposed runway extension projects. EPA requested the ongoing resident relocation program by the St. Louis Airport Authority be expanded to include all residents within the expected 75 LDA noise contours the opportunity to be relocated to quieter neighborhoods.</td>
<td>H</td>
</tr>
<tr>
<td>F-FRW-C49039-8J</td>
<td>NY-47 Rochester Outer Loop, Greece, Monroe</td>
<td>EPA’s concerns were adequately addressed in the final EIS.</td>
<td>C</td>
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<tr>
<td>F-FRW-D4066-VA</td>
<td>I-81, Upgrade Improvements, I-77 North and South</td>
<td>EPA’s concerns were adequately addressed in the final EIS.</td>
<td>D</td>
</tr>
<tr>
<td>F-FRW-E0128-NC</td>
<td>I-40, Raleigh Bypass to I-26, New Haven, Har-</td>
<td>EPA suggests that if the erosion control measures that are included in the FES are incorporated into the project, adverse environmental impacts of the project should be minimized.</td>
<td>E</td>
</tr>
<tr>
<td>F-FRW-E40155-NC</td>
<td>U.S. 204 Improvements, Wilson to Greenville, Wilson, Greene, and Pitt Counties, North Carolina</td>
<td>Generally, EPA’s concerns were adequately addressed in the final EIS. However, believes that if the mitigation measures described in the FES are incorporated into the project design and construction, the long-term environmental impacts of the project can be minimized.</td>
<td>E</td>
</tr>
<tr>
<td>F-FRW-E49192-TN</td>
<td>TN-1, Waverly Bypass, Humphreys County, Ten-</td>
<td>EPA feels the mitigation measures for noise abatement and erosion control are incorporated into the project, the long-term environmental impacts can be minimized.</td>
<td>E</td>
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<tr>
<td>F-FRW-L40084-OR</td>
<td>I-5, Interstate 29 and Interstate 90, Minneapolis, Minnesota</td>
<td>Generally, EPA’s concerns were adequately addressed in the final EIS. However, due to the close proximity of the predicted 8-hour CO concentrations in 1981 to the national 8-hour standard, EPA recommends additional information on the methodology used in the air quality analysis.</td>
<td>K</td>
</tr>
</tbody>
</table>

### General Services Administration

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<tr>
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<tbody>
<tr>
<td>F-GSA-E81019-AL</td>
<td>Acquisitions and Renovation of Union Station, Mont-</td>
<td>EPA’s concerns were adequately addressed in the final EIS.</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>gomery, Montgomery County, Alabama.</td>
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</tbody>
</table>
### Appendix III—Final Environmental Impact Statements for Which Comments Were Issued Between June 1 and June 30, 1980—Continued

<table>
<thead>
<tr>
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<th>Title</th>
<th>General Nature of Comments</th>
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</thead>
<tbody>
<tr>
<td>F-HUD-E85027-TN</td>
<td>Poor Farm Ridge Community Waterline Extension, Campbell County, Tennessee (CDBG)</td>
<td>EPA concerns were adequately addressed in the final EIS.</td>
<td>E</td>
</tr>
<tr>
<td>F-HUD-E85027-TN</td>
<td>Finley Area Waterline Extension, Economic Improvement Project, Campbell County, Tennessee (CDBG)</td>
<td>EPA concerns were adequately addressed in the final EIS.</td>
<td>E</td>
</tr>
<tr>
<td>F-HUD-E85051-FL</td>
<td>Bloomingdale Planned Unit Development, Tampa, Hillsborough County, Florida.</td>
<td>EPA's concerns raised in the draft EIS relative to waste water disposal, erosion control, and wetlands preservation have been adequately addressed in the final EIS. However, information concerning air quality appears sketchy. Much of the material presented was extracted from a development of regional impact (DRI) statement submitted to the State of Florida in January 1974. It is doubtful, from EPA's standpoint, that a 1974 DRI would contain the necessary data since emission factors and methodologies have changed considerably since that time.</td>
<td>E</td>
</tr>
<tr>
<td>F-HUD-E85052-TN</td>
<td>Ridgeway Estates Subdivision and Vicinity, Mortgage Loans, Shelby County, Tennessee.</td>
<td>EPA's concerns were adequately addressed in the final EIS. However, EPA is concerned with the possibility that past hazardous waste disposal practices may affect sites in the development area. At this time, and at the time this document was submitted, EPA is unable to determine whether the disposal sites are hazardous or not. In the next 30 to 60 days, EPA will schedule those areas for groundtruthing and sampling and analysis, if necessary.</td>
<td>E</td>
</tr>
<tr>
<td>F-HUD-E85053-TN</td>
<td>Waverly Plantation Planned Community, Shelby County, Tennessee.</td>
<td>EPA's concerns were adequately addressed in the final EIS. However, EPA is concerned with the possibility that past hazardous waste disposal practices may affect sites in the development area. At this time, and at the time this was submitted, EPA is unable to determine whether the disposal sites are hazardous or not. In the next 30 to 60 days, EPA will schedule those areas for groundtruthing and sampling and analysis, if necessary.</td>
<td>E</td>
</tr>
<tr>
<td>F-HUD-E85055-TN</td>
<td>Hunter's Hollow Planned Community, Shelby County, Tennessee.</td>
<td>EPA's concerns were adequately addressed in the final EIS. However, EPA has expressed concern relative to past hazardous waste disposal practices which may affect sites in the vicinity of the planned community. At this time, EPA has not determined if the presence of disposal sites that warrant further investigation before a determination can be made as to whether these disposal sites are hazardous or not. In the next 30 to 60 days, EPA will schedule those areas for groundtruthing, and sampling and analysis, if necessary.</td>
<td>E</td>
</tr>
<tr>
<td>F-HUD-F95027-MN</td>
<td>Jonathan New Community, Chaska, Carver County, Minnesota.</td>
<td>In prior comments, EPA suggested HUD and the city arrive at an agreement regarding zoning policies for the protection of valuable natural resources. EPA expressed concern that HUD should assume a leadership role in augmenting the President's urban and wetland policies.</td>
<td>F</td>
</tr>
<tr>
<td>F-HUD-G85020-TX</td>
<td>First Colony Subdivision, Sugar Land, Fort Bend County, Texas.</td>
<td>EPA's concerns were adequately addressed in the final EIS.</td>
<td>G</td>
</tr>
<tr>
<td>F-HUD-G85019-TX</td>
<td>Imperial Oak Subdivision, Mortgage Insurance, Montgomery County, Texas.</td>
<td>EPA's review of the final EIS indicates HUD has been responsive to concerns raised by EPA in the review of the draft EIS. Specifically, EPA concurs with the availability of adequate wastewater treatment facilities and the risk to lives and property as a result of building homes in the 100-year floodplain.</td>
<td>G</td>
</tr>
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</table>

### Interstate Commerce Commission

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<tbody>
<tr>
<td>F-JOC-A53549-OO</td>
<td>Connection of CSX Corporation with Chesapeake and Ohio System Inc. and Seaboard Coast Line Industries, to create a single railroad system.</td>
<td>After review of the final EIS EPA continues to have reservations on the proposal relating to possible impacts on wetlands, and indirect impacts on air quality.</td>
<td>A</td>
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### National Science Foundation

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<tbody>
<tr>
<td>F-NSF-A84024-OO</td>
<td>U.S. Antarctic Program, Antarctica.</td>
<td>EPA has no objections to the action as proposed.</td>
<td>A</td>
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</tbody>
</table>

### Tennessee Valley Authority

<table>
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<tr>
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<tbody>
<tr>
<td>F-TVA-E81031-AI</td>
<td>Development and use of Mallard-Fox Creek Area, Decatur County, North Alabama.</td>
<td>EPA fully supports the designation of 1,500 acres of Mallard-Fox Creek area as a long-term wildlife management area. Furthermore, EPA believes that any industry approved for location in this area must be carefully selected so as to ensure that the air and water quality conditions of this area are not aggravated.</td>
<td>E</td>
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</table>

### Appendix IV—Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between June 1 and June 30, 1980

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>F-COE-L82065-WA</td>
<td>Aquatic Plant Management Program, King, Okanogan County, Washington.</td>
<td></td>
<td>K</td>
</tr>
</tbody>
</table>

### Department of Agriculture

<table>
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<tr>
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<tbody>
<tr>
<td>F-AFS-J65008-CO</td>
<td>Upper Arkansas Planning Unit Pike and San Isabel National Forest, Chattoe, Fremont, Lake, Park and Saguache Counties, Colorado.</td>
<td></td>
<td>I</td>
</tr>
</tbody>
</table>
### Appendix IV.—Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between June 1 and June 30, 1980—Continued

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<tbody>
<tr>
<td>RP-NOA-591015-DO</td>
<td>Revisions to the Regulations Governing the United States Atlantic Bluefin Tuna Fishery, Atlantic and Gulf of Mexico Coasts of the United States.</td>
<td>A</td>
</tr>
<tr>
<td>FS-FRC-E03001-DO</td>
<td>Zachary to Port Lauderdale Pipeline Construction and Conversion Project, Louisiana, Mississippi, Alabama, and Florida</td>
<td>E</td>
</tr>
<tr>
<td>F-HGR-L61105-AK</td>
<td>Proposal for Protection of Eleven Alaskan Rivers (Protection of River Condons), Alaska</td>
<td>K</td>
</tr>
<tr>
<td>F-FSW-L54010-AK</td>
<td>Proposed Alaska National Wildlife Refuge, Alaska</td>
<td>K</td>
</tr>
<tr>
<td>FS-FSW-L54014-AK</td>
<td>Ennis National Resource Range, Wildlife Refuge, Alaska</td>
<td>K</td>
</tr>
</tbody>
</table>

### Appendix V.—Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between June 1 and June 30, 1980

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<tr>
<td>R-COS-A98116-DO</td>
<td>33 CFR Part 325, Processing of Department of the Army Permits; Procedures for the Protection of Cultural Resources, Action: Proposed Counterpart Regulations (45 FR 22112).</td>
<td>EPA feels several issues should be clarified or revised prior to final issuance of the regulations. There is some uncertainty of the limits of the areas responsible to manageable properties. There is also some uncertainty regarding the use of the terms selected, listed, and residual property registers. Additionally, clarification of the terms selected and permitted areas is requested. Procedures for public notification are not adequately described in these regulations and clarification is requested regarding the utilisation and necessity of counterpart regulations.</td>
<td>A</td>
</tr>
<tr>
<td>A-SLM-K99003-CA</td>
<td>Environmental Assessment, East Mesa, Proposed Geothermal Leasing, California.</td>
<td>EPA requested several comments on the draft assessment relating to air and water quality impacts. Specifically EPA suggested the final assessment address the source of the water for the proposal, the issue of conflict between agricultural and geothermal interests in the availability of separation from groundwater quality and quantity, and a qualitative assessment of air quality impacts.</td>
<td>J</td>
</tr>
<tr>
<td>R-HGR-A96171-OO</td>
<td>36 CFR Part 1204; Determinations of Eligibility for Inclusion in the National Register of Historic Places, Proposed Rule (45 FR 24908).</td>
<td>EPA is not sure the additional information required of the SHPO justifies extending the SHPO's commenting period from 30 to 45 days. This will create additional timing problems for program affected by sec. 106 of the National Historic Preservation Act and the advisory council implementing regulations. EPA requests more detail from the SHPO. If the 45-day commenting period is implemented we request a limit be set for the SHPO's request to inadequate documentation. EPA has no comment on the Tax Reform Act regulations issue that process would not affect EPA undertakings. In general, EPA believes that the proposed procedures are well written and fulfill the goals of E.O. 11995 and 11900.</td>
<td>A</td>
</tr>
<tr>
<td>A-ISM-A98046-DO</td>
<td>Floodplain Management and Wetlands Protection Procedures, Notice (45 FR 30700).</td>
<td>EPA commented on proposed revisions to Department of Interior (DOI) Geological Survey OCS regulations. The proposed revisions are intended to accommodate air quality standards in States with standards more stringent than NAAQS (California). EPA believes that the DOI needs to establish conformity determination procedures for OCS actions in States adjacent to States with EPA approved, conditionally approved, or promulgated SIPs in accordance with section 1766 of the Clean Air Act. EPA has offered assistance to DOI to develop conformity determination procedures.</td>
<td>A</td>
</tr>
<tr>
<td>R-JSS-A22157-DO</td>
<td>30 CFR Part 250, Oil and Gas Sulfur Operations in the Outer Continental Shelf (45 FR 15147).</td>
<td>EPA requested several comments relating to noise and air quality impacts.</td>
<td>J</td>
</tr>
</tbody>
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### Department of Transportation

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<tbody>
<tr>
<td>A-CDG-K24002-DA</td>
<td>Assessment, U.S. Coast Guard Communications Bases, BPR, Post Office Housing Areas, Bridge Transfer Facility Improvements, California.</td>
<td>EPA suggested the final assessment clarify the nature of surface water runoff, the extent of adverse impacts and a determination of the extent of impacts on adjacent streams. EPA has no comments to offer at this time.</td>
<td>J</td>
</tr>
<tr>
<td>N-CDD-K50511-CA</td>
<td>Assessment/Field, Relocation of Coast Guard Humboldt Bay Radio beacon, From its Position Near North Jetty at Entrance to Humboldt Bay to Coast Guard at Humboldt Bay, California. Assessment, San Jose Municipal Airport, Master Plan, an Economic and Planning Management Project, California.</td>
<td>EPA has no objections to the project from an air quality standpoint.</td>
<td>D</td>
</tr>
<tr>
<td>A-FFA-K51023-CA</td>
<td>Assessment, San Jose Municipal Airport, Master Plan, an Economic and Planning Management Project, California.</td>
<td>EPA has no objections to the project from an air quality standpoint.</td>
<td>D</td>
</tr>
<tr>
<td>A-FWK-D40909-MD</td>
<td>Assessment, U.S. Govt. Salisbury, Maryland</td>
<td>EPA has no objections to the project from an air quality standpoint.</td>
<td>D</td>
</tr>
<tr>
<td>R-MTB-A50010-OO</td>
<td>49 CFR Parts 122 and 177, Highway Routing of Radioactive Materials, Action: Notice of Proposed Rulemaking (Docket No. HM-184, Notice No. 80-1) (45 FR 7140).</td>
<td>EPA has no objections to the project from an air quality standpoint.</td>
<td>D</td>
</tr>
<tr>
<td>A-UMT-K40079-CA</td>
<td>Scoping Request, Sacramento I-80 Corridor Alternatives Analysis, California.</td>
<td>EPA has no objections to the project from an air quality standpoint.</td>
<td>D</td>
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### Nuclear Regulatory Commission

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<tr>
<td>R-NRC-A06141-DO</td>
<td>10 CFR Part 51, Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews (45 FR 24168).</td>
<td>EPA believes that the NRC should screen sites for safety factors prior to consideration of environmental impact—an action that could save time in the licensing process. Safety factors should include seismic activity, incompatible land use, and proximity to large population centers.</td>
<td>A</td>
</tr>
</tbody>
</table>
**Appendix VI—Source for Copies of EPA Comments**


B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 20 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19109.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 445 Courtland Street NE., Atlanta, Ga. 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, III. 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Tex. 75220.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1800 Lincoln Street, Denver, Colo. 80203.

J. Director of Public Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, Calif. 94108.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc. 80-3017 Filed 9-20-80; 8:45 am]

BILLING CODE 6560-01-M

**[FRL 1619-7; PP 7F1915]**

**ICU United States, Inc; Filing of Pesticide Petition; Amendment**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** ICU United States, Inc. has submitted a request for an amendment to the pesticide petition PP 7F1915 for the combined residues of the insecticide 2-(dimethylamino)-5,6-dimethyl-4-pyrimidinyl dimethylcarbamate and its metabolites 5,6-dimethyl-2-(formylmethyleneamino)-4-pyrimidinyl dimethylcarbamate and 5,6-dimethyl-2-(methylamino)-4-pyrimidinyl dimethylcarbamate (both calculated as parent) or on the raw agricultural commodities listed from "1.0 part per million" (ppm) to "3.0 ppm" on Brussels sprouts, cauliflower, and bell peppers from "0.1 ppm" to "1.0 ppm"; on cabbage from "0.1 ppm" to "3.0 ppm"; and on broccoli from "1.0 ppm" to "2.0 ppm".

**FOR FURTHER INFORMATION CONTACT:** William H. Miller, Product Manager (PM) 16, Rm. E-343, Registration Division (TS-707), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460 (202-229-9459).

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**Appendix V—Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between June 1 and June 30, 1980—Continued**

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<tr>
<td>R-WRC-A85168-OO</td>
<td>18 CFR Parts 710, 711, 713, 714 and 716, Principles, Standards, and Procedures for Water Resources Planning (45 FR 25302).</td>
<td>EPA finds the proposed account systems weighted to favor economic (NED) benefits while disfavorable full assessment of environmental (EQ) benefits and values. EPA recommends expansion of the EQ account to include all EQ related effects, including those of the human as well as natural environment. As proposed, the account systems leave critical values in the other social effects account (USDE) which precludes their full consideration in the decisionmaking process. In addition, measurement standards for computing beneficial and adverse effects are numerous and specified for the NED accounts, but limited and so broadly described in the EQ account as to provide minimal guidance for computing EQ benefits and effects.</td>
<td>A-WPR-K83000-OO Assessment, Sierra Cooperative Pilot Project, Proposed Water Cloud-Seeding Research in Sierra, Nevada and California.</td>
</tr>
</tbody>
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**Water Resources Council**

**I. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.**

**SUPPLEMENTARY INFORMATION:**

According to USDA, the oriental fruit fly (Dacus dorsalis Hendel) is a serious pest of fruits and vegetables in Hawaii and the Orient, and its presence in California poses a potential, serious economic loss for the California fruit and vegetable industry. USDA reports that no pesticide is registered for eradication of this pest of fruits and vegetables. USDA states that the time element was so critical that there was no time to request specific exemptions for these programs. USDA reported that the area to be treated involved approximately 9 square miles around each fly recovery. Each bait spot or station requires approximately 0.25 gram of naled, applied at least 8 times, at 2-week intervals. There are 693 stations per square mile. Applications are being made by, or under the supervision of, trained pesticide applicators of the USDA and/or the California Department of Food and Agriculture. Applications are made by hand equipment and baits are placed out of the normal reach of children and pets. USDA does not anticipate any unusual or adverse environmental, human health, or residue effects as a result of these treatments. USDA has submitted requests for specific exemptions for continuation of this use of naled.

(Sec. 16, as amended 92 Stat. 616; 7 U.S.C. 136)

_Dated:_ September 24, 1980.

Edwin L. Johnson, Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-3019 Filed 9-20-80; 8:45 am]

BILLING CODE 6560-01-M
SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register on March 3, 1977 (42 FR 10045) that ICI United States, Inc., Concord Pike & New Murphy Road, Wilmington, DE 19897 had filed pesticide petition 7P1915 proposing to amend 40 CFR 180.365 by establishing a tolerances for combined residues of the insecticide 2-(dimethylamino)-5,6-4-pyrimidinyl dimethylcarbamate and its metabolites 5,6-dimethyl-2-(formylmethylamino)-4-pyrimidinyl dimethylcarbamate and 5,6-dimethyl-2-(dimethyl-2-(methylamino)-4-pyrimidinyl dimethylcarbamate (both calculated as a parent) in or on the raw agricultural commodities broccoli and lettuce at 1.0 ppm; Brussels sprouts, cabbage, cauliflower, and bell peppers at 0.5 ppm; and chili peppers at 2.0 ppm.

ICI United States has submitted an amendment proposing to amend the petition by increasing the proposed tolerance on lettuce from "1.0 ppm" to "3.0 ppm"; on Brussels sprouts, cauliflower, and bell peppers from "0.5 ppm" to "1.0 ppm"; on cabbage from "0.5 ppm" to "3.0 ppm"; and on broccoli from "1.0 ppm" to "2.0 ppm".

The proposed analytical method for determining residues is a gas chromatographic procedure using a reidum bromide thermionic detector. (Sec. 409(d)(2), 40 Stat. 512 (7 U.S.C. 133))

Dated: September 24, 1980.
Douglas D. Camp,
Director, Registration Division, Office of Pesticide Programs.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1405]

American Oceanair Express, Inc.; Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a license to maintain a valid bond on file. Rule 510.9(d) further provides that a license may be revoked for, among other things, a change of circumstances whereby the licensee no longer qualifies as an independent ocean freight forwarder.

American Oceanair Express, Inc., 10910 La Cienega Blvd., Inglewood, California 90301, has failed to furnish a valid surety bond, and has apparently ceased operations as an independent ocean freight forwarder, and therefore no longer qualifies as an independent ocean freight forwarder.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1405 be and is hereby revoked effective September 19, 1980.

It is ordered, that Independent Ocean Freight Forwarder License No. 1405, issued to American Oceanair Express, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon American Oceanair Express, Inc., Robert G. Drew, Director, Bureau of Certification and Licensing.

[Agreement No. T-3104-3]

Availability of Finding of No Significant Environmental Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced agreement do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq. and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Agreement No. T-3104-3 between the South Carolina State Ports Authority (the Authority) and the United States Lines, Inc. (U.S. Lines) amends the basic agreement to provide for rental of additional space at the Authority's Columbus Street Terminal off of Charlotte Street near the intersection of Charlotte and Concord streets in the City and County of Charleston, South Carolina, for the purpose of handling and storage of containers. It also provides for an increase in the fixed monthly rental charge to six thousand, three hundred seventy-five and 23/100 dollars ($6,375.23).

The Commission's final resolution of Agreement No. T-3104-3 will cause no significant adverse environmental effects in excess of those created by existing uses.

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 1101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725. Interested parties may comment on the environmental assessment on or before October 20, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street N.W., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Joseph C. Polking,
Assistant Secretary.

[Cutter Laboratories Overseas Corp. Versus Maersk Lines; Filing of Complaint and Assignment]

Notice is given that a complaint filed by Cutter Laboratories Overseas Corporation against Maersk Lines was served September 19, 1980. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of sections 17, 18(a) and 18(b) (3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,
Assistant Secretary.

[Pentagon Freight Services, Inc., and Cleveland Freight Service International, Inc., d.b.a. CFS-International; Independent Ocean Freight Forwarder License Applicants]

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission...
applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (46 U.S.C. 7512(a) and 7512(c)).

The maximum amount of time that the Board can take to act on applications for licenses as independent ocean freight forwarders is not specified by the Board.

Persons knowing of any reason why any of the following applications should not be received a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Pentagon Freight Services, Inc., 450 North Belt, Suite 158, Houston, TX 77090.

Officers: Ralph G. Wiseman, Vice President/General Manager; Douglas A. Paley, Assistant Manager; Geoffrey R. Smith, President; Robert M. Goodwin, Treasurer; Jeffrey Adams, Vice President.

Cleveland Freight Services International, Inc., d.b.a. CPS-International, 1682 Carmen Drive, Elk Grove Village, IL 60007.

Officers: Ismail K. Renno, President, Rafael Swift, Executive Vice President; Dennis M. Costin, Executive Vice President.

By the Federal Maritime Commission.

Joseph C. Polking, Assistant Secretary.

Dated: September 24, 1983.

[Federal Register: 45:35174 Filed 9-29-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Moline Financial Corp.; Formation of Bank Holding Company

Moline Financial Corporation, Wichita, Kansas, has applied for the Board's approval under section 3(c) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 64 percent or more of the voting shares of Exchange State Bank, Moline, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Moline Financial Corporation, Moline, Kansas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(6)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire the assets of Anita Hobbs Insurance Agency, Moline, Kansas.

Applicant proposes to engage directly in the operation of a general insurance agency selling life, accident, and health insurance, primarily to individuals. These activities would be performed from offices of Applicant's subsidiary in Moline, Kansas, and the geographic area to be served will be the same as the service area of the Bank: the southern half of Elk County, Kansas, and the northern half of Chautauqua County, Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consumption of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 23, 1980.


Cathy L. Petryshyn, Assistant Secretary of the Board.

[FR Doc. 80-30374 Filed 9-29-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 23, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments in triplicate must be submitted to:
received on or before October 20, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patzy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Nuclear Regulatory Commission

The NRC requests an extension without change of the application, reporting and recordkeeping requirements contained in 10 CFR Part 55, Operator's License. Specifically, § 55.10(a) which sets forth the information that must be contained in an application for a nuclear facilities operator's license; § 55.33 which sets forth the requirements for renewal applications for an operator's license; § 55.41 which requires the licensed operator to notify the NRC of any disability which occurs after the submission of his medical certificate; and Appendix A which requires periodic requalification program records be kept to document each licensed operator's or senior operator's participation in the program. The NRC estimates that time to prepare an application under § 55.10(a) will require 1.5 hours and approximately 1,800 will be filed annually; to prepare a renewal application under § 55.33 will require 1.5 hours and approximately 900 will be filed annually; to prepare a notification to NRC of a disability under § 55.41 will require 15 minutes and approximately 15 are expected to be filed annually; and to keep records for the requalification program under Appendix A will require 15 minutes for each record and records are expected to number 900.

Norman F. Heyl, Regulatory Reports, Review Officer.

AGENCY: Food and Drug Administration.

FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, Phone: (301) 445-4614.

Purpose: The Committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research.

Agenda: Beginning at 9 a.m. on October 30, the Committee will be performing the final review of the mine health research grant applications for Federal assistance. This portion of the meeting will not be open to the public in accordance with the provisions set forth in Section 552(c)(6).

Title 5 U.S.C. and the Determination of the Director, Center for Disease Control, pursuant to Public Law 92-463.

Agenda items for the open portion of the meeting beginning at 1 p.m. on October 30 will include announcements, consideration of minutes of previous meeting and future meeting dates, presentations and discussions on the National Institute for Occupational Safety and Health (NIOSH) program planning process, NIOSH mine research plan and priorities, Bureau of Mines research impact on health issues, NIOSH response to health hazard evaluation recommendations by the Committee, benzene and lead court decisions, considerations for small population studies, and reports on personal protective equipment and safety workshops.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered during the meeting by a scheduled speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 24, 1980.

William H. Foege, M.D., Director, Center for Disease Control.
more appropriate OTC dose than a maximum dose of 360 mg in 24 hours. By Hughes, and Peck (Ref. 3) also found that a dose of 60 mg pseudoephedrine produced a slight (but not statistically significant) rise in pulse rate which was still evident at 4.5 hours after the first dose and at 6 hours after the second dose. The second dose was given 4.5 hours after the first dose. This would suggest that if another 60 mg had been given at 4 hours after the second dose (as would occur with the Panel's proposed dosage of 60 mg every 4 hours), the pulse rate would have been still higher. This study also demonstrated that when 180 mg of pseudoephedrine in a sustained release dosage form was given twice daily for 14 days, there was a significant increase in heart rate and insomnia for the first 3 days.

Dickerson et al. (Ref. 4) found that 150 mg sustained-release pseudoephedrine taken twice daily caused a greater increase in pulse rate than 120 mg sustained-release pseudoephedrine and that only the higher dose had a significant effect on systolic pressure. Both doses, however, caused a similar incidence of insomnia.

McLaurin, Shipman, and Rosendale (Ref. 5) studied 88 subjects given a single 60-mg dose of pseudoephedrine. Blood pressure, heart rate, subjective responses, and changes in nasal airway obstruction as measured by a rhinometric technique were monitored. No significant differences in any of the measured parameters were apparent. Subjective complaints of nervousness were noted. Multiple-dose studies were not carried out.

Empey et al. (Ref. 6) gave pseudoephedrine 60 mg three times daily for 2 weeks to 40 volunteers with gross pollinosis. Subjective symptom scores were recorded. Pseudoephedrine in a dose of 180 mg daily was significantly effective in reducing symptoms, while side effects were minimal.

Benson (Ref. 7) measured the oral and nasal maximal inspiratory flow rates in eleven volunteers with intermittent nasal obstruction who were given placebo or 60 mg pseudoephedrine in single doses. The study demonstrated that a single dose of drug was followed by significant increase in nasal flow rates lasting up to 2 hours. Multiple dose studies were not done.

References

1. Dow Chemical Co., Comment submitted on Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic proposed monograph (C-0123) is on file at the Hearing Clerk's office under docket number 76-0052.


The agency concludes that the above data do not support the Panel's recommendation for a 360 mg daily dose of pseudoephedrine. In fact, the Carki study (Ref. 2) suggests that a strict 4 hour dosage of 60 mg might lead to accumulation of the drug and eventually marked side effects. The data do, however, support the 60 mg dosage. The data from the studies also suggest that a daily dosage in excess of 240 mg of pseudoephedrine may be associated with significant side effects without additional therapeutic benefit. Therefore, the agency concludes that there are sufficient data to support a 60 mg dose of pseudoephedrine every 6 hours with a maximum 24 hour dose of 240 mg. The agency also points out that the Panel recommended an oral dosage for pseudoephedrine preparations for children 6 to under 12 years of age of 30 mg every 4 hours not to exceed 120 mg in 24 hours and for children 2 to under 6 years of age of 15 mg every 4 hours not to exceed 60 mg in 24 hours. These maximum daily dosages are one-half and one-quarter of the adult maximum daily dose. Along with the reduction in the adult maximum daily dose to 240 mg, the agency is also reducing the dosages for children proportionately. The new dosage for children 6 to under 12 years of age will be 30 mg every 6 hours not to exceed 120 mg in 24 hours and for children 2 to under 6 years of age will be 15 mg every 6 hours not to exceed 60 mg in 24 hours. The OTC drug review regulations in § 330.13 (21 CFR 330.13) state the conditions for marketing on OTC drug product containing an active ingredient at a dosage level higher than that available in an OTC drug product on December 4, 1975, which an OTC Advisory Review Panel has recommended for OTC use. These regulations allow the OTC marketing of such a product at the higher dosage level after the date of publication in the Federal Register of the Panel's report and proposed monograph, subject to the risk that the Commissioner may not accept the Panel's recommendation and may instead adopt a different position that may require relabeling, recall, or other regulatory action. The OTC marketing of products containing pseudoephedrine labeled with a 60-mg single dose or a maximum daily daily dose of 360 mg represents marketing of an active ingredient at a dosage level higher than that available in an OTC drug product on December 4, 1975, which an OTC Advisory Review Panel has recommended for OTC use. These products labeled in accord with the proposed monograph may be marketed unless the Commissioner adopts and announces a different position. In this notice, the Commissioner is announcing that he does not, at this time, accept the recommendation of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products on the dosage of drug products containing pseudoephedrine for OTC use as an oral nasal decongestant. As provided under § 330.13(b)(2), the Commissioner has concluded that OTC drug products marketed for use as an oral nasal decongestant containing pseudoephedrine at a dosage level higher than that available in an OTC drug product on December 4, 1975 are required to be labeled with the following dosage limitations:

Adult oral dosage is 60 mg every 6 hours not to exceed 240 mg in 24 hours. For children 6 to under 12 years of age, the oral dosage is 30 mg every 6 hours not to exceed 120 mg in 24 hours. For children 2 to under 6 years of age, the oral dosage is 15 mg every 6 hours not to exceed 60 mg in 24 hours. For children under 2 years of age, there is no recommended dosage except under the advice and supervision of a physician.

Therefore, in accordance with § 330.13(b)(2), any OTC oral nasal decongestant drug product containing pseudoephedrine at a dosage level higher than that available in an OTC drug product on December 4, 1975 is required to be labeled with this new
lower dosage. To avoid disruption of the OTC cough-cold market, firms will be allowed up to 4 months, until January 30, 1981 to relabel their OTC oral nasal decongestant drug products containing pseudoephedrine. Manufacturers are encouraged, however, to implement this change in labeling of currently marketed products containing pseudoephedrine at the earliest possible time. After January 30, 1981, no further shipments of OTC oral nasal decongestant drug products containing pseudoephedrine labeled with the former higher dosage can be initially shipped of December 30, 1980.

The agency will include these revised dosages for pseudoephedrine preparations in the tentative final monograph on OTC nasal decongestant drug products. The agency intends to issue the tentative final monograph for OTC Cold, Cough, Allergy, Bronchodilator, and Antihistaminic Drug Products in segments. The first segment will be on anticholinergics and expectorants. Subsequent sections will be on antihistamines, nasal decongestants, antitussives, bronchodilators, and combinations. A final determination of the appropriate dosage limitations for OTC pseudoephedrine preparations will be made in the final monograph for these OTC nasal decongestant drug products.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.
[FR Doc. 80-20912 Filed 9-30-80; 8:45 am]
BILLING CODE 4110-03-M


AGENCY: Food and Drug Administration.

ACTION: Extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on the draft guideline entitled "General Statistical Documentation Guide for Protocol Development and NDA Submissions." This action is in response to a request by the Pharmaceutical Manufacturers Association for additional time to consider the draft guideline and prepare comments. FDA believes it is in the public interest to delay final preparation of the guideline until the Pharmaceutical Manufacturers Association's comments can be reviewed.

DATE: Written comments by December 6, 1980.

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

FOR FURTHER INFORMATION CONTACT: Satya D. Dubey, Bureau of Drugs (HFD-232), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4594.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 8, 1990 (45 FR 45961), FDA announced the availability of a draft guideline entitled "General Statistical Documentation Guide for Protocol Development and NDA Submission," prepared by FDA's Bureau of Drugs, which sets forth the type of material needed to permit statistical review of protocols and completed clinical studies by the agency. Interested persons were given until October 6, 1990, to submit written comments on the guideline. In response to a request from the Pharmaceutical Manufacturers Association, FDA is extending the comment period for all interested persons until December 6, 1990.

Interested persons may, on or before December 6, 1990, submit written comments on the draft guideline to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Those comments will be considered in determining whether further amendments to or revisions of the guideline are warranted. Comments should be in four copies (except that individuals may submit single copies), identified with the Hearing Clerk docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.
[FR Doc. 90-20207 Filed 9-28-90; 9:15 am]
BILLING CODE 4110-03-M

Public Health Service Privacy Act of 1974; New System of Records

AGENCY: Department of Health and Human Services; Public Health Service.

ACTION: Waiver of advance notice period for a new system of records.

SUMMARY: FR Doc. 80-20614, appearing at page 58299 in the issue for Tuesday, September 2, 1980, provided notification of a new system of records proposed by the Health Resources Administration. That system is 09-35-0015, "Nurse Practitioner Traineeships," HHSH/HRA/ HBP 09-35-0015. The document stated that the Public Health Service (PHS) had requested that the Office of Management and Budget (OMB) grant a waiver of the usual requirement that a system of records not be put into effect until 60 days after the report is sent to OMB and Congress.

OMB granted the requested waiver on September 12, 1980. Accordingly, system of records number 09-35-0015 became effective upon the date of the waiver. However, PHS will not disclose information from this system pursuant to a routine use until after the period for public comment on proposed routine uses elapses on October 2, 1990.

Jack N. Markowitz,
Acting Director, Office of Management.
[FR Doc. 90-20359 Filed 9-20-90; 8:45 am]
BILLING CODE 4110-05-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-80-1028] Community Development Block Grant Program for Indian Tribes and Alaskan Natives

AGENCY: Housing and Urban Development/Office of the Assistant Secretary for Community Planning and Development.

ACTION: Notice.

SUMMARY: This notice sets the deadline for filing pre-applications for Community Development Block Grant Funds for Indian Tribes and Alaskan Natives for Fiscal Year 1991. Pre-applications are required in order to provide HUD with sufficient information to determine which applicants will be invited to submit full application and to save applicants the cost of preparing full applications which have no chance of being funded.

SUPPLEMENTARY INFORMATION: This notice sets the deadline for filing pre-applications as provided in 24 CFR 571.301 published by final rule on December 15, 1978 (43 FR 57132). That rule established Part 571 as a separate part applying the Community Development Block Grant Program to...
Indian Tribes and Alaskan Natives. These dates apply only to pre-applications submitted by Indian Tribes and Alaskan Natives for Fiscal Year 1981.

Due to the Indian field re-organization, which will become effective October 1, 1980, only Regions V, VI, VIII, IX, and X will be responsible for handling this program. Thus, pre-application submission dates for these regions are the only ones to appear below.

Final Dates for Submission

<table>
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<tr>
<th>Region</th>
<th>No earlier than—</th>
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<tr>
<td>Region V</td>
<td>Apr. 13</td>
<td>Apr. 27, 1981</td>
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<tr>
<td>Region VI</td>
<td>Jan. 2</td>
<td>Jan. 15, 1981</td>
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<td>Region VIII</td>
<td>Nov. 3</td>
<td>Nov. 17, 1980</td>
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<td>Region IX</td>
<td>Oct. 1</td>
<td>Oct. 15, 1980</td>
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<tr>
<td>Alaska</td>
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<td>Nov. 17, 1980</td>
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Pre-applications which are submitted after the deadline will not be considered.

FOR FURTHER INFORMATION CONTACT: Marcia A. B. Brown, Assistant to the Director for Indian Community Development Programs, Office of Policy Planning, Department of Housing and Urban Development, Washington, D.C. 20410, Telephone (202) 755-6092 (This is not a toll free number).

Issued at Washington, D.C., September 24, 1980.

Robert C. Embry, Jr., Assistant Secretary for Community Planning and Development.

[FR Doc. 80-31640 Filed 9-30-80; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR
Heritage Conservation and Recreation Service

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 September 19, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, 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, D.C. 20243. Written comments should be submitted by October 15, 1980.

Carol Shull, Acting Chief, Registration Branch.

ALASKA
Fairbanks Division
Fairbanks vicinity, Chena Pumphouse.

CALIFORNIA
San Mateo County
Pescadero vicinity, Dickerman Barn, S of Pescadero.

GEORGIA
MARSHAVILLE AND VICINITY MULTIPLE RESOURCE AREA (Partial Inventory). This area includes: Macon County, Marshallville, East Main Street Residential District, E Main St; Marshallville Commercial District, Main St; West Main Street Residential District, W Main St; Felton, William Hamilton, House; McCaskill St; Lamson-Richardson School, GA 46; Marshallville vicinity, Alma Fruit Farm, GA 49W, Billy Place, 430 W Church St; Knob, Wilkes, Plantation Massee Lane; Peach Packing Crate Model, SR 1; Thronateeska, Willow Lake, SR 1; Peach County, Fort Valley vicinity, Stratashe's Farm.

Heard County
Corthi, vicinity, Ware, John M., Sr., House, NW of Corinth.

INDIANA
Bartholomew County
Columbus vicinity, Marr, James, House and Farm, NE of Columbus on Marr Rd.

MAINE
Cumberland County
North Bridgton, Farnsworth House, SR 17.

MARYLAND
Frederick County
New Market vicinity, Nelson, Henry, House, N of New Market.

Harford County
Cresswell vicinity, Fair Meadows, S of Cresswell on Cresswell Rd.

MINNESOTA
Hennepin County
Excelsior, Excelsior Public School, 261 School Ave.

Ramsey County
St. Paul, Triune Masonic Temple, 1898 Iglehart Ave.

MISSOURI
Daviess County
Gallatin, Daviess County Courthouse, Public Sq.

Greene County
Republic, Anderson, Elijah Tugue, House, S 408 N Pine St.

Springfield, Commercial Street Historic District, Commercial St.

Springfield, Old Calaboose, 409 W. McDaniel St.

Jackson County
Kansas City, Beaton, Thomas Hart, House and Studio, 3016 Belknap St.

Kansas City, Kansas City Masonic Temple, 903 Harrison St.

Kansas City, Long, R. A., House (Corinthian Hall) 3218 Gladstones Blvd.

Lafayette County
Lexington, Wentworth Military Academy, Washington Ave. and 16th St.

Montgomery County
High Hill, High Hill School, Off U.S. 40

Nodaway County
Maryville, Burns, Caleb, House, 422 W 2nd St.

Osage County
Bom's Mill, Dauphine Hotel, Off MO A.

Perry County
Perryville, Doerr-Brown House, 17 E St.

St. Joseph St.

Pulaski County
Waynesville, Old Stagecoach Stop, Linn St.

Ralls County
Rensselaer vicinity, St. Peter's Catholic Church, SW of Rensselaer on SR 2.

Ray County
Richmond vicinity, New Hope Primitive Baptist Church, SW of Richmond on Old Orrick Rd.

St. Charles County
St. Charles, African Church, 554 Madison St.

St. Charles, Old City Hall, 101 S. Main St.

St. Louis (independent city)

SOCIAL INSTITUTIONS OF THE VILLE MULTIPLE RESOURCE AREA (Partial Inventory). This area includes: Antioch Baptist Church, 2401 Goode Ave.; Malone, Annie, Children's Home, 2012 Goode Ave.; Phillips, Homer G., Hospital, 2015 N. Whittier St.; Sumner High School, 4236 W. Cottage Ave. West Cabanne Place Historic District, W. Cabanne Pl.

Shannon County
Eminece vicinity, Rhinehart Ranch, NW of Eminence.

Stone County
Galena, Stone County Courthouse, Public Sq.

MONTANA
Ravalli County
Corvallis, Brooks Hotel.

NEW HAMPSHIRE
Belknap County
Sanbornton and vicinity, Sanbornton Square Historic District, Sanbornton Sq.
Rockingham County
Rye, Parsons Homestead, 520 Washington Rd.

NEW JERSEY
Hunterdon County
High Bridge, High Bridge Reformed Church, Church St. and SR 513.

NEW MEXICO
Valencia County
Belen, Belen Hotel, 200 Becker Ave.

NORTH CAROLINA
Clay County
Hayesville and vicinity, Spikebuck Town Mound and Village Site.

McDow County
Franklin, Neguasee (Nikwasi).

OHIO
Hamilton County

Meigs County
Pomeroy, Pomeroy Historic District, 2nd and Main Sts. (boundary increase).

PUERTO RICO
Ponce, Castillo de Serralles, Cerro El Vigia.

SOUTH CAROLINA
Colleton County
Walterboro, Walterboro Historic District, Roughly bounded by Jeffries Blvd., Sanders, Blacks, Church, Valley and Lemacks Sts.

TEXAS
Austin County
Belville, Austin County Jail, 38 S. Bell St.

TRUST TERRITORY OF THE PACIFIC ISLANDS
CHALAN KANO JAPANESE STRUCTURES THEMATIC RESOURCES. Reference—see individual listings under Mariana Islands District.

Marina Islands District
Chalan Kanoa, Borja House (Chalan Kanoa Japanese Structures Thematics Resources).

Chalan Kanoa, Chalan Kanoa Historic District (Chalan Kanoa Japanese Structures Thematics Resources).

Chalan Kanoa, Chalan Kanoa Administration Building (Chalan Kanoa Japanese Structures Thematics Resources).

Chalan Kanoa, Chalan Kanoa Concrete House (Chalan Kanoa Japanese Structures Thematics Resources).

Chalan Kanoa, Chalan Kanoa Concrete Shelter (Chalan Kanoa Japanese Structures Thematics Resources).

Chalan Kanoa, Chalan Kanoa Exterior Toilets (Chalan Kanoa Japanese Structures Thematics Resources).

Chalan Kanoa, Chalan Kanoa Field Storage Building (Chalan Kanoa Japanese Structures Thematics Resources).

Chalan Kanoa, Chalan Kanoa Quodplex Structure (Chalan Kanoa Japanese Structures Thematics Resources).


Chalan Kanoa, Shinto Shrine (Chalan Kanoa Japanese Structures Thematics Resources).

North Tinian, North Field Atomic Bomb Loading Pits, North Field.

Rota, Japanese Hospital, West side of Sasa Bay.

Rota, Nanyo Kohatsu Kabushiki Kaisha Sugar Mill.

Rota, Rota Historic District, Commissioner’s Office.

Rota, Rota Historic District, Recinery.

Saipan, Bapal Sites 1, 2 and 3, Bapal Beach.

Saipan, Iesey Field Historic District, Asafo Saipan International Airport.

Saipan, Laulau Site and Laulau Rock Shelter Unai Laulau.

Saipan, Nanyo Kohatsu Kabushiki Kaisha Historic District (Chalan Kanoa Historic District).

Tinian, Japanese Structures.

Tinian, Nanyo Kohatsu Kabushiki Kaisha Administration Building.

Tinian, Nanyo Kohatsu Kabushiki Kaisha Ice Storage Building.

Tinian, Nanyo Kohatsu Kabushiki Kaisha Laboratory.

WYOMING
Albany County
Laramie, Blair, Charles E., House, 170 N. 3rd St.

Converse County
Douglas, Christ Episcopal Church and Recinery, 4th and Center Sts.

Laramie County
Cheyenne, Capitol North Historic District, Roughly bounded E. 29th and E. 25th St., Warren and Pioneer Aves.

Sheridan County
Big Horn, Odd Fellows Hall, Johnson St.

Uinta County
Evans, St. Paul’s Episcopal Church, 10th and Sage Sts.

Weston County
Newcastle vicinity, Cambria Casino, N of Newcastle.

[FR Doc. 80-3641 Filed 9-29-80; 4:45 am]
BILLING CODE 4310-44-M

Bureau of Land Management
[Colorado 10245 WR]

Colorado: Recreation and Public Purposes Classification: Revocation
September 19, 1980.

Effective May 12, 1970, the following public lands were classified for disposal under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 886; 869-A) under serial number Colorado 10245.

Sixth Principal Meridian
T. 14 S., R. 95 W.
Sec. 2: E S W 1/4, S W 1/4, W S W 1/4
SW 1/4 containing 10 acres.

This classification segregated the lands from all forms of appropriation under the public land laws, except the Reclamation Act, and from location and entry under the general mining laws, but not from leasing under the mineral leasing laws.

The classification has been reviewed under Section 204(1), Federal Land Policy and Management Act of 1976 (90 Stat. 2754). The lands were leased to Delta County for use as a solid waste disposal site, effective August 1, 1970. The lease was terminated, effective November 17, 1976. There are no plans for further use of the lands under the R&P Act, and they have been determined suitable for return to unreserved public lands status; consequently, the classification is hereby revoked.

At 7:45 a.m. on October 31, 1980, the lands will be open to operation of the public land laws including the general mining laws, subject to valid existing rights and the requirements of applicable law. Inquiries concerning the lands may be addressed to the Bureau of Land Management, Colorado State Bank Bldg., 1600 Broadway, Room 700, Denver, Colorado 80202.

Harold R. Martin,
Acting State Director.

Medford District Office, Oregon, Designation of Public Lands for Off-Road Vehicle Use

The following closed, limited, and open designation of public lands for off-road vehicle use are the result of decisions made in the Jackson-Klamath Sustained Yield Units Management Framework Plan and received full public review during a formal comment period.

ORV Use Designations

Notice is hereby given that use of off-road motorized vehicles (ORV’s) on certain public lands in Jackson and Klamath Counties, Oregon, is permanently allowed, prohibited, or limited as listed below. These designations are in accordance with 43 CFR Part 8340. These designations do not apply to non-ambibious registered motorbikes, any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; any vehicle whose use is expressly authorized by the Authorized Officer, or otherwise officially approved;
vehicles in official national defense emergencies.

Closed Areas

The areas permanently closed to ORV use include:

1. Surveyor Forest Research Natural Area, located approximately forty (40) air miles southeast of Medford, Oregon. The legal description of the closed lands is:

**Willamette Meridian**

T. 38 S., R. 5 E., Sec. 21, NW\textsuperscript{4}SE\textsuperscript{4}NE\textsuperscript{4}, SW\textsuperscript{4}SE\textsuperscript{4}NE\textsuperscript{4}, SW\textsuperscript{4}SE\textsuperscript{4}NW\textsuperscript{4}, NW\textsuperscript{4}SE\textsuperscript{4}, NW\textsuperscript{4}NE\textsuperscript{4}SE\textsuperscript{4}, S\textsuperscript{4}NE\textsuperscript{4}SE\textsuperscript{4}. Total acres 150.

This area is closed to ORV use to prevent damage to an area having significant research values.

2. Lost Lake Research Natural Area, located approximately fifteen (15) air miles east of Medford, Oregon. The legal description of the closed lands is:

**Willamette Meridian**

T. 37 S., R. 2 E., Sec. 35, W\textsuperscript{4}SE\textsuperscript{4}NW\textsuperscript{4}, NW\textsuperscript{4}NE\textsuperscript{4}SW\textsuperscript{4}, E\textsuperscript{4} NW\textsuperscript{4}SW\textsuperscript{4}, NW\textsuperscript{4}NE\textsuperscript{4}SW\textsuperscript{4}, NW\textsuperscript{4}SE\textsuperscript{4}SW\textsuperscript{4}, NW\textsuperscript{4}NE\textsuperscript{4}SW\textsuperscript{4}, NW\textsuperscript{4}SE\textsuperscript{4}SW\textsuperscript{4}. Total acres 390.

This area is closed to ORV use to prevent damage to an area having significant research values.

3. Certain public lands near the north shore of Lost Creek Reservoir, located approximately twenty-eight (28) air miles northeast of Medford, Oregon. The legal description of the closed lands is:

**Willamette Meridian**

T. 33 S., R. 1 1/2 E., Sec. 11, NE\textsuperscript{4}, NW\textsuperscript{4}, N\textsuperscript{4}N\textsuperscript{4}SW\textsuperscript{4}, SW\textsuperscript{4}NE\textsuperscript{4}SW\textsuperscript{4}, W\textsuperscript{4}SE\textsuperscript{4}SW\textsuperscript{4}, E\textsuperscript{4}NW\textsuperscript{4}SW\textsuperscript{4}. Sec. 12, E\textsuperscript{4}, E\textsuperscript{4}W\textsuperscript{4}SW\textsuperscript{4}. Sec. 13, E\textsuperscript{4}NE\textsuperscript{4}, NW\textsuperscript{4}NE\textsuperscript{4} - Sec. 15, All; Sec.22, S\textsuperscript{4}SW\textsuperscript{4}; Sec. 27, NW\textsuperscript{4}NE\textsuperscript{4}, NW\textsuperscript{4}, N\textsuperscript{4}NE\textsuperscript{4}SW\textsuperscript{4}, W\textsuperscript{4}SW\textsuperscript{4}; and T. 33 S., R. 2 E., Sec.8, SW\textsuperscript{4}; Sec. 9, SW\textsuperscript{4}SW\textsuperscript{4}; Sec. 17, NW\textsuperscript{4}NE\textsuperscript{4}, NW\textsuperscript{4}NW\textsuperscript{4}; Sec. 18, N\textsuperscript{4}NW\textsuperscript{4}. Total acres 2,450.

These lands are closed to prevent damage to the vegetation, watersheds, and the extremely fragile soils, and also to prevent degradation of the water quality in Lost Creek Reservoir due to erosion.

4. The trails and all public lands within 100 feet on either side of the system comprised of the Sterling Mine Ditch Trail, Bear Gulch Trail, Tunnel Ridge Trail, and the Wolf Cap Trail, located approximately twelve (12) air miles south of Medford, Oregon. These trails are located in portions of the following section as shown on a map available at the Medford District, Bureau of Land Management office:

**Willamette Meridian**

T. 39 S., R. 2 W., Sec. 15; Sec. 22; Sec. 23; approximately 7 miles.

These trails are closed to ORV use as a safety measure to non-motorized users and to prevent damage to the trail environment.

5. Table Mountain Snowplay Area, located approximately twenty-two (22) air miles southeast of Medford, Oregon. This area is located in a portion of the following section as shown on a map available at the Medford District, Bureau of Land Management office:

**Willamette Meridian**

T. 39 S., R. 3 E., Sec. 9, within the NW\textsuperscript{4}NE\textsuperscript{4}. Approximate Total Acres 5.

Limited Areas

The area listed below is permanently closed to all ORV use from December 1 through March 31.

1. Cross Country Ski Trails, located approximately twenty (20) air miles southeast of Medford, Oregon. These trails are located in portions of the following sections as shown on a map available at the Medford District, Bureau of Land Management Office:

**Willamette Meridian**

T. 38 S., R. 3 E., Sec. 19; Sec. 20; Sec. 23; and T. 39 S., R. 3 E., Sec. 8; Sec. 9; Sec. 16; Sec. 17; approximately 24 miles.

These trails are closed to ORV use to promote user safety and to minimize potential conflicts among competing users.

Open Areas

The public lands in the Rogue, Butte Falls, and Klamath Resource Areas that are not listed in the Closed or Limited Areas are designated as open to ORV use. The approximate total number of acres designated as open is 485,084.

All lands designated as closed, limited, or open are depicted on the ORV designation map which is available from the Medford District Office, Bureau of Land Management, 3940 Biddle Road, Medford, Oregon 97501.

All designations are effective immediately and will remain in effect until revised, revoked, or amended by the Authorized Office pursuant to 43 CFR Part 8300.

Dated: September 19, 1980

Georga C. Franks,
District Manager.

[FR Doc. 80-30182 Filed 9-29-80; 8:45 am]
BILLING CODE 4310-84-M

[Int FEIS 80-49]

California Desert Conservation Area Final Environmental Impact Statement and Proposed Plan

AGENCY: Bureau of Land Management (BLM), Department of the Interior.

ACTION: Notice of availability of the final environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared an FEIS for the proposed California Desert Conservation Plan.

SUPPLEMENTARY INFORMATION: The Proposed Action is a long-range, comprehensive plan to manage the public land uses and resources of the 26-million-acre California Desert Conservation Area (CDCA). The action responds to the mandate of Section 601 of the Federal Land Policy and Management Act of 1976 to create a plan for the CDCA based on the principles of multiple-use, sustained yield, and maintenance of environmental quality. The action is accomplished primarily by means of four multiple-use classes which control and direct uses and support resources on a desertwide basis. Alternatives to the Proposed Plan are:

A No Action Alternative, which describes management of the CDCA in the absence of a long-range comprehensive plan.

A Protection Alternative, in which the maintenance of environmental quality is given maximum management emphasis.

A Balanced Alternative, which represents a balancing of conflict and tradeoffs between uses, without a predetermined management philosophy.

A Use Alternative, which often favors consumptive uses and production of goods in tradeoff decisions.

DOCUMENT AVAILABILITY: Copies of the Final Environmental Impact Statement and Proposed Plan (FEIS/Proposed Plan) will be available for public review at the following locations:

At all Bureau of Land Management Offices in California.
At all Federal Government Depository Libraries in California.

Copies of the FEIS/Proposed Plan may be obtained by writing:
California Desert Plan, Bureau of Land Management, Box 5555, Riverside, California 92517.

or by telephoning BLM’s California Desert District at [714] 787-1462.

DATES: Comments will be accepted if postmarked by November 3, 1980.

ADDRESS: Comments should be mailed to: Bureau of Land Management, Box 5555, Riverside, California 92517.

PUBLIC MEETINGS: Interested persons are urged to obtain a copy of the FEIS/Proposed Plan prior to the meetings. Informational briefings will be presented by BLM staff at 3 p.m. and approximately 6 p.m. at each meeting. The meetings will be held to receive public comment on the FEIS/Proposed Plan. The public meetings will be held at the following locations on the dates indicated from 3 p.m. to 8 p.m.:

- **Oakland**—Tuesday, October 14
  Kaiser Center Auditorium, 300 Lakeside Drive.

- **Sacramento**—Wednesday, October 15
  State Resources Building Auditorium, 1410 9th Street.

- **Los Angeles**—Wednesday, October 15
  Board of Supervisors Hearing Room, 500 West Temple.

- **San Diego**—Thursday, October 16
  San Diego Veterans Memorial Building, Park Blvd. and Zoo Drive, Balboa Park.

- **San Bernardino**—Thursday, October 16
  Bishop City Council Chambers, 377 West Line Street.

- **Bishop**—Thursday, October 16
  Bishop City Council Chambers, 377 West Line Street.

- **Ridgway**—Friday, October 17
  Burroughs High School, Multi-Use Room, Burroughs Access Road.

- **El Centro**—Friday, October 17
  Imperial Irrigation District Auditorium.

- **San Bernadino**—Monday, October 20
  San Bernardino Convention Center, 300 North E. Street.

- **Blythe**—Monday, October 20
  Blythe City Council Chambers, 220 North Spring Street.

- **Palm Springs**—Tuesday, October 21
  Ramada International Hotel, 1800 East Palm Canyon Drive.

- **Needles**—Tuesday, October 21
  Needles City Council Chambers, 1111 Bailey.

- **Barstow**—Wednesday, October 22
  Barstow City Council Chambers, 220 East Mountain View.

FOR FURTHER INFORMATION CONTACT:
James B. Ruch, California State Director, Bureau of Land Management, Box 5555, Riverside, California 92517.

Ronald D. Hofman, Associate State Director.

[Int FEIS 80-39]

Kanab/Escalante Rangeland Management Program, Kanab/ Escalante Area, Utah; Availability of Final Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969 and a 1975 Federal Court order, the Bureau of Land Management has prepared a final environmental impact statement for the proposed Kanab/Escalante rangeland management programs in parts of Kane, Garfield, and Washington Counties in Utah, and Coconino County in Arizona. There are six alternative proposals:

1. Continuation of Present Management.
2. Elimination of Livestock Grazing.
4. Adjustment to Grazing Capacity.
5. Rangeland Management Recommendations.

The objective of the alternatives is to provide land use management on the basis of multiple use and long-term sustained yield of the natural resources on 2,567,466 acres of public land.

Alternative 5 (Rangeland Management Recommendation) is the BLM preferred alternative. Under this alternative the initial allocation of forage would be 68,298 AUMs for livestock and 69,253 AUMs for wildlife and other resources. The adjustment in grazing use for livestock would be less than a 1-percent reduction from past grazing use. Under this alternative the production of desirable vegetation would increase, overall watershed conditions would improve, and wildlife habitat would improve. After 24 years the potential grazing capacity under this alternative would be 91,444 AUMs for livestock and 71,627 AUMs for wildlife and other resources. Critical erosion condition would improve on about 105,000 acres.

A limited number of copies are available upon request to the District Manager at the following address:
District Manager, Bureau of Land Management, P.O. Box 724, Cedar City, Utah 84720.

Public reading copies will be available for review at the following locations:

Cedar City District Office, Bureau of Land Management, 1978 North Main Street, Cedar City, Utah 84720, Telephone: (801) 586-2401.

Escalante Resource Area Office, Bureau of Land Management, Escalante, Utah 84726, Telephone: (801) 826-4291.

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, Telephone: (801) 524-4228.

Kanab Resource Area Office, Bureau of Land Management, 320 North First East, Kanab, Utah 84741, Telephone: (801) 644-2872.


Gary J. Wicks, State Director.

Office of Surface Mining Reclamation and Enforcement

[Federal Lease No. W-23929]

Availability for Public Review of a Draft Environmental Impact Statement on the Proposed Rojo Caballos Mine (Campbell County, Wyo.)

AGENCY: Office of Surface Mining, Reclamation and Enforcement, Department of the Interior.

ACTION: Availability of draft environmental impact statement (EIS) on Mobil Oil Corporation’s proposed Rojo Caballos Mine.

SUMMARY: Pursuant to §1506.6 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining (OSM), Region V has prepared a draft environmental impact statement (EIS) on the proposed Rojo Caballos Mine. The EIS has been written to assist the Department in making a decision on Mobil Oil Corporation’s application to surface mine about 317 million tons of coal over a period of 24 years. The proposed site is 17 miles southeast of the City of Gillette and the mine plan area would encompass 5,815 acres.

The EIS evaluates five alternative actions the Department could take on the mining and reclamation plan which has been submitted to OSM. Those alternatives are:

1. Approval with the stipulations required by State and Federal law and with a stipulation which would lessen the socioeconomic impacts.
2. Approval with the stipulations required by State and Federal law.
3. Deferral action.
4. Disapproval.
5. No action.

OSM has identified the first alternative as the currently preferred alternative. OSM, the lead agency, with assistance from the U.S. Geological Survey, has analyzed the impacts of this alternative as well as the other alternatives. Public comments are sought on the analysis in the EIS. All comments should be received by the Regional Office no later than November 19, 1980.

A public hearing will be held November 5, 1980 at the Campbell County Recreation Center, Room C, in Gillette, Wyoming. The hearing will be held in two sessions, 1:00-4:00 p.m. and 7:00-8:00 p.m. All interested parties are invited to attend this hearing.

All substantive comments will be considered in preparing the final EIS and in the Region's final recommendation for action on the subject mining and reclamation plan. A Notice of Availability of the final EIS will be published in the Federal Register. Comments should be addressed, no later than November 19, 1980, to: Robert Schueneman, Office of Surface Mining, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

Copies of the draft EIS may be obtained from OSM at the same address. Copies are also available for review at the Campbell County Recreation Center and Campbell County Courthouse, Gillette, Wyoming and at the State of Wyoming, Department of Environmental Quality, 401 West 19th Street, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT: Robert Schueneman or Florence Munter-Schaller, Office of Surface Mining, Brooks Towers, 1020 15th St., Denver, Colorado 80202.

Joan M. Davenport,
Assistant Secretary for Energy and Minerals.

INTERSTATE COMMERCE COMMISSION
[Volume No. 343]

Motor Carriers; Permanent Authority Decisions


The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR 100.247).

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 (1) 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 opponent.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdiction 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 assure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later
becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notice within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

Agatha L. Mergenovich,
Secretary.

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.

MC 114273 (Sub-750F) (correction), filed June 12, 1980, published in the Federal Register, issue of August 7, 1980, and republished, as corrected, this issue. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (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 points in CT, DE, IN, ME, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, and DC, to the facilities of Venture Stores at points in IL, IN, IA, KS, and MO.

Note.—The purpose of this re-publication is to correct the territorial description.

[F9 Doc. MC-29523 Filed 8-28-80; 8:15 am]
BILLING CODE 7035-01-M

[VOLUME NO. OP2-053]

Motor Carriers; Permanent Authority Decisions


The following applications, filed on or after July 3, 1980, are governed by the Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 CFR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247[B]. Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 151833F, filed September 12, 1980. Applicant: EARL COX, d.b.a. EARL COX TRUCKING, 6721 Peter Rabbit Dr., Jacksonville, FL 32257. Representative: Earl Cox (same address as applicant).

Transporting food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers, if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 149722F, filed September 4, 1980. Applicant: INTER-COSTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Transporting general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

MC 149722F, filed September 4, 1980. Applicant: INTER-COSTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Transporting general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

[F9 Doc. MC-29533 Filed 8-25-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by the Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247[B]. A copy of any application, together with applicant's supporting evidence, can be obtained
from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common contract, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before November 14, 1980, or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision notice is effective. Within 60 days after publication, an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's or another authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."
above (except commodities in bulk), between points in OH, OK, and CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119493 (Sub-38F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) (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 TX, IN, OH, PA, NJ, NY, CA, and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119522 (Sub-50F), filed September 9, 1980. Applicant: McLAIN TRUCKING, INC., 2425 Walton St., P.O. Box 2159, Anderson, IN 46011. Representative: John B. Leatherman, Jr. (same address as applicant). Transporting (1) glass and glass products and (2) materials and supplies used in the manufacture and installation of glass and glass products, between points in the U.S., under continuing contract(s) with Harding Glass Industries, of Kansas City, MO.

MC 124472 (Sub-5F), filed September 11, 1980. Applicant: HARDING TRANSPORTATION, INC., 6875 East Evans Ave., Denver, CO 80222. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) glass and glass products and (2) materials and supplies used in the manufacture and installation of glass and glass products, between points in the U.S., under continuing contract(s) with Harding Glass Industries, of Kansas City, MO.

MC 134783 (Sub-69F), filed September 9, 1980. Applicant: DIRECT SERVICE, INC., 940 East 66th St., P.O. Box 2491, Lubbock, TX 79406. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) glass and glass products and (2) materials and supplies used in the manufacture and installation of glass and glass products, between points in KS, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 119493 (Sub-38F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) iron and steel articles and plastic articles, and (2) materials and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119493 (Sub-38F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) iron and steel articles and plastic articles, and (2) materials and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119493 (Sub-38F), filed September 9, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting (1) iron and steel articles and plastic articles, and (2) materials and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).
Transporting such commodities as are dealt in or used by manufacturers and distributors of containers and packaging products, (except commodities in bulk and those requiring special equipment), between points in the U.S., restricted to traffic originating at or destined to the facilities of Weyerhaeuser Company.

MC 15975s Sub-32F, filed September 8, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buks (same address as applicant). Transporting cleaning products, bleach, fabric softeners, and swimming pool chemicals, between points in the U.S., restricted to traffic originating at or destined to the facilities of the Purex Corporation.

MC 29934 (Sub-26F), filed September 3, 1980. Applicant: LO BIONDO. BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409; Fairfield, NJ 07008. Transporting (1) alcoholic beverages, and (2) materials, equipment, and supplies used in the manufacture, sale and distribution of alcoholic beverages, between points in Monmouth County, NJ, on the one hand, and, on the other, points in CT, MS, RI, NY, PA, DE, MD, VA, and DC.

MC 29934 (Sub-27F), filed September 5, 1980. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., P.O. Box 160, Bridgeton, NJ 08302. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409; Fairfield, NJ 07008. Transporting (1) pet foods, and (2) materials, equipment, and supplies used in the manufacture, sale and distribution of pet foods, between points in NJ, on the one hand, and, on the other, points in NY, DE, MD, PA, VA, MA, CT, RI, and DC.

MC 30605 (Sub-169F), filed September 2, 1980. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 E. Waterman, Wichita, KS 67202. Representative: Kenneth A. Willhite (same address as applicant). Transporting general commodities (except classes A and B explosives and household goods as defined by the Commission), serving the facilities of Eastman Kodak Company at Windsor, CO, as an off-route point in connection with carrier's presently authorized regular-route operations at Denver, CO.

MC 57315 (Sub-28F), filed September 5, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 38862. Representative: Archie B. Culbrett, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) malt beverages and (2) malt beverage containers, between Detroit, MI, and points in Wood County, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 65745 (Sub-40F), filed September 8, 1980. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean VA 22101. Transporting (1) iron and steel articles, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between Perth Amboy, NJ, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 106674 (Sub-500F), filed September 3, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) paper and paper products, (2) plastic and plastic articles, (3) wood and wood articles, and (4) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1), (2), and (3) above (except commodities in bulk), between the facilities of International Paper Company in the U.S., on the one hand, and, on the other, those points in the U.S., restricted to traffic originating at or destined to the facilities of Gehl Company and its dealers.

Volume No. OP3-023

Decided: September 17, 1980.

By the Commission, Review Board Number 2, Members Chamber, Eaton, and Liberman.

Transporting (1) forest products, as described in Item 8 of the Standard Transportation Commodity Code Tariff (STCCT), (2) lumber or wood products, except furniture, as described in Item 25 of STCCT, (3) rubber or miscellaneous plastics products, as described in Item 30 of STCCT, (4) clay, concrete, glass or stone products, as described in Item 52 of STCCT, (5) primary metal products, including galvanized, as described in Item 33 of STCCT, (6) fabricated metal products, except ordnance, as described in Item 34 of STCCT, (7) machinery and supplies, as described in Item 35 of STCCT, (8) electrical machinery or equipment, as described in Item 36 of STCCT, and (9) materials, equipment and supplies used in the manufacture, sale, installation, and distribution of the commodities named in (1) through (8), between points in CA, AZ, and NV.

MC 114045 [Sub-579F], filed September 2, 1980. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Daniel McNeff (same address as applicant). Transporting meats, meat products, meat byproducts and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in the U.S.

MC 11419A [Sub-219F], filed September 3, 1980. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Rd., E. St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Blvd., St. Louis, MO 63101. Transporting (1) vegetable oil and blends of vegetable oils, in tank vehicles, from Des Moines, IA, to points in the U.S. (except AK and HI), and (2) materials and supplies used in the manufacture and distribution of vegetable oils and blends of vegetable oils, in the reverse direction.

MC 117765 [Sub-299F], filed September 2, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting (1) foodstuffs (except frozen), (2) beverages, and (3) dry beverage preparations, in containers, from Haskell, OK, to points in AR, IA, KS, LA, MS, MO, NE, NM, TN, and TX.

MC 117765 [Sub-299F], filed September 3, 1980. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting non-frozen foodstuffs, and beverages, in containers, from Van Buren, AR, to points in AL, CO, IA, KS, KY, LA, MS, NE, NM, OK, TN, and TX.

MC 123535 [Sub-229F], filed September 3, 1980. Applicant: NATIONAL SERVICE LINES, INC., 13201 Manchester Rd., St. Louis, MO 63131. Representative: Donald S. Helm (same address as applicant). Transporting (1) copper and copper products, (2) insulated tubing, and (3) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk, in tank vehicles), between points in the U.S., under continuing contract(s) with Curro Copper Products Company, of St. Louis, IL.

MC 133655 [Sub-229F], filed September 4, 1980. Applicant: TRANSCONTINENTAL TRUCK, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Matthew J. Reid, Jr., P.O. Box 2236, Green Bay, WI 54306. Transporting meats, meat products, meat byproducts, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, 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, WV, and DC.

MC 134064 [Sub-46F], filed September 2, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) meats, meat products, and meat byproducts, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), and (2) foodstuffs, (except in bulk), between Metairie, East New Orleans, and New Orleans, LA, on the one hand, and, on the other, those points in the U.S. in and east of NM, CO, WY, SD, and ND, restricted to traffic originating at or destined to the facilities of New Orleans Cold Storage, Inc.

MC 134755 [Sub-229F], filed September 3, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant). Transporting general commodities (except household goods as defined by the Commission and classes A and B explosives), between points in MO on the one hand, and, on the other, points in the U.S.

MC 134755 [Sub-229F], filed September 4, 1980. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant). Transporting food or kindred products, as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in the U.S.

MC 135893 [Sub-111F], filed September 2, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1285, Greenville, MS 38701. Transporting (1) plastic articles, and plastic containers and closures, and (2) materials, equipment, and supplies used in the manufacture, sale and distribution of the commodities in (1) above (except commodities in bulk and those requiring special equipment), between the facilities of Continental Plastics Bottle Division, Continental Group, Inc., at Reserve, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, KS, KY, LA, MO, MS, NC, OK, SC, TN, and TX.

MC 135893 [Sub-111F], filed September 4, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1285, Greenville, MS 38701. Transporting (1) paper and paper products, and (2) materials, equipment,
A certificate to be issued under this section shall authorize the transportation of:

1. Between Portland, OR, and Aberdeen, WA, (a) from Portland over Interstate Hwy. 5 to Kelso, WA, then over WA Hwy. 4 to junction U.S. Hwy. 101, and then over U.S. Hwy. 101 to Aberdeen, and return over the same route, (b) from Portland over Interstate Hwy. 5 to Bremerton, WA, then over WA Hwy. 101 to junction WA Hwy. 8, then over WA Hwy. 8 to Shelton, WA, then over U.S. Hwy. 101 to junction WA Hwy. 3 to Bremerton, and return over the same route, (c) from Portland over Interstate Hwy. 5 to Tacoma, WA, and then over WA Hwy. 16 to Bremerton, and return over the same route, serving in connection with routes (b) (a), (b), and (c) all intermediate and off-route points in Mason and Kitsap Counties, WA, and

2. Between Portland, OR, and Bremerton, WA, (a) from Portland over Interstate Hwy. 5 to Olympia, WA, then over U.S. Hwy. 101 to junction WA Hwy. 8, then over WA Hwy. 8 to Shelton, WA, then over U.S. Hwy. 101 to junction WA Hwy. 3 to Bremerton, and return over the same route, (b) from Portland over Interstate Hwy. 5 to Tacoma, WA, and then over WA Hwy. 16 to Bremerton, and return over the same route, serving in connection with routes (a) (b), and (c) all intermediate and off-route points in Mason and Kitsap Counties, WA, and

3. Between Portland, OR, and Port Angeles, WA, from Portland over Interstate Hwy 5 to junction U.S. Hwy. 101, then over U.S. Hwy. 101 to junction WA State Rd. 100, and then over WA State Rd. 100 to Bremerton, and return over the same route, and (c) from Portland over Interstate Hwy. 5 to Tacoma, WA, and then over WA Hwy. 16 to Bremerton, and return over the same route, serving in connection with routes (a) (b), and (c) all intermediate and off-route points in Jefferson, Clallam, and Mason Counties, WA. Condition: The certificate to be issued, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period
expiring five (5) years from the date of issuance.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

Agatha L. Mergenovich, Secretary.

[FR Doc. 80-20640 Filed 8-20-80; 8:15 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Alaska

[F-14844-A]

Alaska Native Claims Selection;
Cantwell Yedatene Na Corp.

On August 9, and October 28, 1965, the State of Alaska filed a community grant selection application pursuant to Sec. 6(a) and general grant selection applications, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 333, 340; 40 U.S.C. Ch. 2, Secs. 6(a) and 6(b) (1976)). These applications selected lands near the Native Village of Cantwell. A decision granting tentative approval was issued on April 12, 1966 for application A-063039 covering Secs. 4, T. 19 S., R. 8 W., Fairbanks Meridian.

On December 18, 1971, Sec. 11 of the Alaska Native Claims Settlement Act (85 Stat. 668; 43 U.S.C. 1601, 1610 (1976)) (ANCSA), withdrew the lands surrounding the Native village of Cantwell, including lands in the subject State selection application for Native selection. On July 9, 1974, Cantwell Yedatene Na Corporation filed village selection application F-14844-A, as amended, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act (85 Stat. 688; 701; 43 U.S.C. 1601, 1611(a) (1976)) (ANCSA), for the surface estate of lands located near the village of Cantwell, including lands within the subject State selections.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Sec. 11(a), Section 11(a)(2) withdrew for possible selection by the Native corporation those lands that have been selected by, or tentatively approved to, but not yet patented to, the State of Alaska under the Alaska Statehood Act. Section 12(a)(1) further provided that no village corporation may select more than 69,120 acres from lands withdrawn by Sec. 11(a)(2).

The following described lands, which are State selected, portions of which were tentatively approved, have been properly selected by Cantwell Yedatene Na Corporation under selection application F-14944-A.

Accordingly, the following State selection applications are hereby rejected in part and the tentative approval given in the aforementioned decision is hereby rescinded as to the following described lands:

State Selection F-034722 (Anch.) (Community Grant)
U.S. Survey No. 3203B, Block 11.
Containing approximately 15 acres.
U.S. Survey No. 3229, lots 10a, 20, 24, and 39.
Containing approximately 2.50 acres.
T. 19 S., R. 7 W. Fairbanks Meridian, Alaska (Surveyed).
Those portions of Tract A more particularly described as protracted:
Sec. 5, excluding U.S. Survey 3229, 3590 and 5594 and Native allotments F-14372 (Anch.); F-14666 (Anch.) and F-15557 (Anch.); F-14372 (Anch.) and F-14668 (Anch.);
Sec. 5, all; Sec. 6, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247.
Containing approximately 1,584 acres.
State Selection F-034727 (Anch.) (General Purposes Grant)
U.S. Survey No. 3203B, Block 5, Block 6 lot 10, Block 7 lots 1 to 9, inclusive, Block 10 lots 1 and 2.
Containing approximately 28.42 acres.
U.S. Survey No. 3649, lot 1.
Containing approximately 0.75 acre.
U.S. Survey No. 4001, Tract A, lot 2 and Tract B, lots 2, 3 and 4.
Containing approximately 19.35 acres.
U.S. Survey No. 5590, lots 3, 4, 7, 8, 9, and 10, excluding Native allotment F-032686 (Anch.); lots 12 and 13.
Containing approximately 17.00 acres.
T. 18 S., R. 7 W. Fairbanks Meridian, Alaska (Surveyed).
Those portions of Tract A more particularly described as protracted:
Sec. 3, excluding U.S. Surveys 3229, 5590 and 5594 and Native allotments F-14372 (Anch.); F-14669 (Anch.) and F-15557 (Anch.);
Sec. 4, excluding U.S. Surveys 3203, 3229, 4001, 5594 and 5595 and Native allotment F-14360 (Anch.) and F-14668 (Anch.);
Sec. 5, all; Sec. 6, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247.
Containing approximately 2,500 acres.
T. 17 S., R. 7 W. Fairbanks Meridian, Alaska (Surveyed).
Those portions of Tract A more particularly described as protracted:
Sec. 4, excluding U.S. Surveys 3203, 3229, 4001, 5594 and 5595 and Native allotments F-14360 (Anch.) and F-14668 (Anch.);
Sec. 5, all; Sec. 6, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247.
Those portions of Tract D more particularly described as protracted:
Sec. 1, all; Sec. 2, excluding U.S. Surveys 4196 and 5590 lot 1 and Native allotment F-14669 (Anch.);
Sec. 7, all; Sec. 9, excluding U.S. Survey 5594 and Native allotment F-14360 (Anch.);
Sec. 10, excluding U.S. Survey 5594 and Native allotments F-14544 (Anch.) Parcel A and F-14669 (Anch.);
Sec. 11, excluding Drasher Lake, U.S. Surveys 4196 and 5593 and Native allotments F-14669 (Anch.), and F-14717 (Anch.);
Sec. 12, excluding U.S Survey 5593 and Native allotment F-14717 (Anch.);
Secs. 13, 14, and 15, all.
Containing approximately 7,948 acres.
State Selection F-034873 (General Purposes Grant)
U.S. Survey No. 4304, lot 1.
Containing 14.43 acres.
U.S. Survey No. 5094, lot 3.
Containing 5 acres.
T. 15 S., R. 6 W., Fairbanks Meridian, Alaska
(Surveyed).

Those portions of Tract A more particularly described as protracted:
Sec. 5, all; Sec. 6, excluding U.S. Surveys 4304, 5595, 5602, and Native allotment F-17779; Sec. 7, excluding U.S. Surveys 4304, and 5602; Sec. 8, all; Sec. 17, excluding U.S. Survey 5504; Sec. 18, excluding U.S. Surveys 2209, 4940, 5594, and 5604; Sec. 19, excluding U.S. Surveys 4040 and 5606.

State Selection F-034874 (Anch.)
T. 18 S., R. 6 W., Fairbanks Meridian, Alaska
(Surveyed).

Secs. 1 and 2, all; Secs. 3 to 10, inclusive, 17 and 18, all.

State Selection F-034875 (Anch.) (General Purposes Grant)
U.S. Survey No. 5588.
Containing 5.50 acres.
U.S. Survey No. 5503.
Containing 14.77 acres.
T. 17 S., R. 8 W., Fairbanks Meridian, Alaska
(Surveyed).

Sec. 35, all; That portion of Tract A more particularly described as protracted:
Sec. 34, excluding U.S. Surveys 5588 and 5503.

State Selection F-034876 (Anch.) (General Purposes Grant)
T. 16 S., R. 8 W., Fairbanks Meridian, Alaska
(Surveyed).

Those portions of Tract A more particularly described as protracted:
Sec. 6, excluding U.S. Survey 5578; Sec. 7, all; Sec. 16, excluding U.S. Survey 3652; Sec. 19, all.

State Selection F-034877 (Anch.) (General Purposes Grant)
U.S. Survey No. 5592.
Containing 4.05 acres.

T. 19 S., R. 7 W., Fairbanks Meridian, Alaska
(Surveyed).

Tract A.

Containing 1,908 acres.

State Selection F-034878 (General Purposes Grant)
U.S. Survey No. 5576, lot 3.
Containing 8 acres.

T. 15 S., R. 7 W., Fairbanks Meridian, Alaska
(Surveyed).

Tracts A, B, C, and D.

Containing 1,853.49 acres.

State Selection A-063039 (Community Grant)
T. 19 S., R. 8 W., Fairbanks Meridian, Alaska
(Surveyed).

Sec. 4, all; Containing approximately 474 acres.

State Selection A-063045 (General Purposes Grant)
T. 19 S., R. 9 W., Fairbanks Meridian, Alaska
(Surveyed).

Sec. 1, 5% excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247; Secs. 2 and 11, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247; Secs. 12 and 15, all; Sec. 14, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247; Sec. 15, NE1/4, W1/4; Sec. 21, all; Sec. 22, N1/4, E1/2SW1/4, SE1/2NW1/4, E1/2SW1/4, W1/2SE1/4, excluding ANCSA Sec. 3(e) applications AA-14992 and AA-31247 and the railroad gravel reservation as reserved by Public Land Order 644; Secs. 23 and 28, all; Sec. 27, excluding ANCSA Sec. 3(e) applications AA-24992 and AA-31247 and the railroad gravel reservation as reserved by Public Land Order 644; Sec. 28, SE1/2SW1/4NE1/4, W1/4, SE1/4, excluding ANCSA Sec. 3(e) applications AA-24962, AA-31247 and the railroad gravel reservation as reserved by Public Land Order 644 and Patent Nos. 1138338, 1134075, 1134580; Sec. 29, all; Sec. 32, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247; Sec. 38, N1/4, SE1/4, excluding ANCSA Sec. 3(e) applications AA-24992, AA-31247 and the railroad gravel reservation as reserved by Public Land Order 644 and Patent No. 1148554.

Containing approximately 8,503 acres. Aggregating approximately 51,412 acres.

The State selected lands rejected above aggregate approximately 51,412 acres; however, 1,607 acres of State selections were not valid selections and will not be charged against the 69,120 acre limitation of State selected lands as set forth in Sec. 12(a) of ANCSA. State selection application A-063039 will be closed of record when this decision becomes final. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.

The total amount of State-selected lands rejected to permit the conveyance hereafter given totals approximately 49,505 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 55,814 acres, is considered proper for acquisition by Cantwell, Ye'datene Na Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

The following described lands are approved for patent:
U.S. Survey No. 3203 A (Boundaries) and 3203 B (Subdivisions) Block 5, Block 6, lot 10, Block 7 lots 1 to 9, inclusive, and Blocks 10 and 11, townsite of Cantwell, Alaska situated at the junction of the Paxson-McKinley Park highway with the spur road to Cantwell Station in unsurveyed Sec. 33 T. 17S., R. 7 W., Fairbanks Meridian, Alaska.

Containing 29.70 acres.
U.S. Survey No. 3229, lots 20 and 24.
Situated at the junction of the Paxson-McKinley Park Highway with the spur to Cantwell Station.

Containing 7.03 acres.
U.S. Survey No. 3568, lot 1. Situated on the north side of Cantwell Spar Road and approximately 11/2 miles east of Cantwell, Alaska.

Containing 0.75 acre.

Containing 0.79 acre.
U.S. Survey No. 4001, Tract A, lot 2 and Tract B, lots 2, 3 and 4. Situated on both sides of the Cantwell Station Road and adjacent to the west boundary of U.S. Survey No. 3229 and the Cantwell Townsite.

Containing 19.95 acres.
U.S. Survey No. 4304, lot 1, located on the McKinley Park Highway approximately 7 miles southeast of McKinley Park Junction, Alaska.

Containing 14.43 acres.
U.S. Survey No. 5576, lot 3, located approximately 12 miles north of Cantwell, Alaska on the Denali Highway.

Containing 5.00 acres.
U.S. Survey No. 5589. Situated at mile 125.0 on the Denali Highway approximately 9 1/2 miles east of Cantwell, Alaska.

Containing 5.00 acres.

Containing 5.00 acres.

Containing 4.95 acres.
U.S. Survey No. 5594, located at mile 125.0 on the Denali Highway approximately 9 1/2 miles east of Cantwell, Alaska.

Containing 5.00 acres.
Fairbanks Meridian, Alaska.
T. 15 S., R. 6 W., (Surveyed)

Those portions of Tract A more particularly described as protracted:
Secs. 1 to 6, inclusive, all.
Sec. 7, excluding U.S. Surveys 4304, 5563, and 5502 and Native allotment F-37779 (Anch.);
Secs. 8 to 14, U.S. Surveys 4304, and 5502;
Sec. 6, all;
Sec. 15, excluding U.S. Survey 5504;
Sec. 16, excluding U.S. Survey 2209, 4040, 5504, and 5506;
Sec. 17, excluding U.S. Survey 4040 and 5504;
Sec. 18, excluding U.S. Survey 5576.
Containing approximately 5,130 acres.

Sec. 19, R. 6 W., (Surveyed)

Those portions of Tract A more particularly described as protracted:
Sec. 6, excluding U.S. Survey 5576;
Sec. 7, all;
Sec. 18, excluding U.S. Survey 3652;
Sec. 19, excluding approximately 2,525 acres.

Sec. 20, U.S. Surveys 5566 and 5503.

11.65 acres.

Sec. 19, R. 8 W., (Partially Surveyed)

Sec. 4

Containing 474.07 acres.

T. 19 S., R. 9 W., (Surveyed)

Sec. 1, lot 1, SE 45 W 4th, NE 45 SE 4th, SW 4th;
Sec. 2, lots 1 to 4, inclusive, SW 4th, NW 4th, SE 4th, SW 4th;
Sec. 11, NW 4th, W 45th SE 4th, SE 4th;
Sec. 12 and 13;
Sec. 14, E 8th, E 45th W 4th, SW 4th;
Sec. 15, NW 4th, SW 4th;
Sec. 21;
Sec. 22, E 45th NE 4th, W 45th NW 4th;
Sec. 23 and 24;
Sec. 27, E 8th, E 45th NE 4th, E 45th SW 4th, SW 4th,
Sec. 28, NW 4th, N 45th SW 4th;
Sec. 29;
Sec. 30, 31, 32, NW 4th, NW 45th SE 4th;
Sec. 33, E 45th NE 4th, E 45th SW 4th,
N 45th NW 4th, SW 4th,
Sec. 4;

Containing 7,470.10 acres.

The following lands are approved for Interim Conveyance:

U.S. Survey No. 3229, lots 10A and 30, excluding Native allotment F-15557 (Anch.);

Situated at the junction of the Paxson-McKeeley Highway with the spur to
Cantwell Station.

Containing approximately 13 acres.

U.S. Survey No. 5509, lot 1, excluding
Native allotment F-14372 (Anch.). Situated on the northerly side of the Denali Highway
approximately 3.87 miles easterly to Cantwell, Alaska.

Containing approximately 3 acres.

Fairbanks Meridian, Alaska.
T. 15 S., R. 6 W., (Surveyed)

Those portions of Tract A more particularly described as protracted:

Sec. 5, all;

Sec. 6, excluding U.S. Surveys 4304, 5563, and 5502 and Native allotment F-37779 (Anch.);
Secs. 7, excluding U.S. Surveys 4304, and 5502;
Sec. 6, all;
Sec. 17, excluding U.S. Survey 5504;
Sec. 18, excluding U.S. Survey 2209, 4040, 5504, and 5506;
Sec. 19, excluding U.S. Survey 4040 and 5504;
Sec. 30, all;
Sec. 31, excluding U.S. Survey 5576.

Those portions of Tract A more particularly described as protracted:
Sec. 6, excluding U.S. Survey 5576;
Sec. 7, all;
Sec. 18, excluding U.S. Survey 3652;
Sec. 19, excluding approximately 2,525 acres.

T. 17 S., R. 6 W., (Surveyed)

That portion of Tract A more particularly described as protracted:
Sec. 34, excluding U.S. Surveys 5566 and 5503.

Containing approximately 616 acres.

T. 17 S., R. 7 W. (Partially Surveyed)

Sec. 29, 31, 35, and 36 excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 32, 34, and 36 excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 31, 34, and 36 excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 32, lots 1 and 2, excluding Native allotment F-12312 (Anch.) Parcel A;
NE 4th, SE 4th, NW 4th, SW 4th, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;

SW 4th, SE 4th, SE 4th, excluding Native allotment F-531728 (Anch.) Parcel A;

Those portions of Tract A more particularly described as protracted:

Sec. 1, excluding U.S. Survey 4344;
Secs. 2, 10, and 10;
Sec. 11, excluding U.S. Survey 5566;
Sec. 12, excluding U.S. Surveys 4322, 4434, and Native allotment F-14605 (Anch.);
Sec. 33, excluding Native allotment F-14605 (Anch.);
Sec. 34, excluding U.S. Survey 5588;
Sec. 15, excluding U.S. Survey 5566;
Secs. 19 and 20, all;
Sec. 21, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 22, 20, inclusive;
Sec. 27, excluding U.S. Survey 5596, and Native allotment F-12212 (Anch.) Parcel B;
Sec. 28, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 29, 30, 31, 32, and 33, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 31, 32, 33, 34, and 35, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 32, excluding Native allotment F-14605 (Anch.);
Secs. 33, 34, and 35, excluding Native allotment F-12212 (Anch.) Parcel B;
Sec. 29, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 22, 20, inclusive;
Sec. 27, excluding U.S. Survey 5596, and Native allotment F-12212 (Anch.) Parcel B;
Sec. 28, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 31, NE 4th, SE 4th, SE 4th, SW 4th, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 14, NW 4th, NW 45th SW 4th, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 31, NE 4th, SW 4th, NW 45th SE 4th, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 14, NW 4th, NW 45th SW 4th, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 31, NE 4th, SW 4th, NW 45th SE 4th, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 22, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Secs. 22, 20, inclusive;
Sec. 27, excluding U.S. Survey 5596, and Native allotment F-12212 (Anch.) Parcel B;
Sec. 28, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 31, NE 4th, SW 4th, NW 45th SE 4th, SW 4th, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 14, NW 4th, NW 45th SW 4th, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 31, NE 4th, SW 4th, NW 45th SE 4th, SW 4th, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247;
Sec. 14, NW 4th, NW 45th SW 4th, excluding ANCSA Sec. 3(e) applications AA-24962 and AA-31247.
Land Order 844 and Patent Nos. 1138328, 1134973, 1136496;
Sec. 32, E5S6E4, SW1/4SE1/4, excluding
ANCSA Sec. 3(e) applications Aa-24962 and Aa-31247;
Sec. 33, NW1/4SW1/4, and
SE1/4NW1/4, and excluding ANCSA Sec. 3(e) applications Aa-24962, AA-31247 and the railroad reservation as reserved by Public Land Order 844 and Patent No. 146854.

Containing approximately 1,093 acres.
Aggregate approximately 55,814 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:
1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Act of March 4, 1911 (30 Stat. 1253; 43 U.S.C. 1601, 1613(f)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f));

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the land hereinabove granted, as are prescribed in said section;


a. F-20312 (Anch.), located in Tract A, protracted Sec. 4, T. 19 S., R. 7 W., Fairbanks Meridian, Alaska;

b. F-204752 (Anch.) located in Tract A, protracted Sec. 4, T. 19 S., R. 7 W., Fairbanks Meridian, Alaska;


14. Any right-of-way interest in the Denali Highway (FAP Route 52) transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 66-70 (73 Stat. 141) located in Ts. 15, 16, 17, and 18 S., R. 6 and 7 W., and T. 18 S., R. 5 W., Fairbanks Meridian, Alaska;

15. Any right-of-way interest in the Cantwell Depot Road Transferred to the State of Alaska by the quitclaim deed dated June 3, 1959 executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 66-70 (73 Stat. 141) from the City of Cantwell through Secs. 32, T. 17 S., R. 7 W., Fairbanks Meridian, Alaska;

   b. F-029072 (Anch.), located in Tract A, proctored Secs. 11 and 14, T. 17 S., R. 7 W., Fairbanks Meridian, Alaska;
This decision rejects improperly filed Sec. 14(h)(1) selections, approves lands selected pursuant to Sec. 12(a) in the area of Chevak for conveyance to Chevak Company, and rejects a Sec. 12(b) selection to the extent that it conflicts with lands herein approved for conveyance under Sec. 12(a).

I. Section 14(h)(1) Applications Rejected in Entirety

Cheval Corporation filed selection applications AA-9716, AA-9728, AA-9729, AA-9730 on September 18, 1975; AA-9732 on September 24, 1975; AA-9998, AA-10008, AA-10011, AA-10013, AA-10014, AA-10015, AA-10017 on October 20, 1975; AA-11215, AA-11216, AA-11217, AA-11218, AA-11230, and AA-11235 on April 28, 1976, pursuant to Sec. 14(h)(1) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (85 Stat. 668, 704; 43 U.S.C. 1601, 1613(b) (1976)). Section 14(h) and Departmental regulations issued thereunder authorized the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since all available lands encompassed in the subject Sec. 14(h)(1) applications had been previously withdrawn under Sec. 11 and selected by Chevak Company under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Calista Corporation. Therefore, the following applications must be and are hereby rejected in their entirety:

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 85 W.

AA-9728 Sec. 8, SE 1/4 SW 1/4 SE 1/4 SW 1/4. Containing approximately 2.5 acres.

AA-9716 Sec. 11, SW 1/4 NW 1/4 SW 1/4. Containing approximately 5 acres.

T. 18 N., R. 87 W.

AA-10017 Sec. 7 (fractional), W 1/4 NW 1/4 NW 1/4. Containing approximately 20 acres.

AA-9730 Sec. 21, SE 1/4 NW 1/4 SW 1/4. Containing approximately 10 acres.

AA-9728 Sec. 28, S 1/4 SW 1/4 SE 1/4 SE 1/4. Sec. 33, NW 1/4 NW 1/4 SE 1/4. Containing approximately 10 acres.

AA-10015 Sec. 33, SW 1/4 SW 1/4 SE 1/4 SW 1/4. Containing approximately 2.5 acres.

II. Section 12(b) Application Rejected in Part, Lands Proper for Village Selection, Approved for Interim Conveyance

On November 22, 1974, Chevak Company, for the Native village of Chevak, filed selection application F-14849-A, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)), for the surface estate of certain lands in the vicinity of Chevak, including lands within the Clarence Rhoe National Wildlife Range (Public Land Orders 2213 and 4554).

This decision approves approximately 62,043 acres of National Wildlife Refuge System lands for conveyance to Chevak Company. This acreage does not exceed the 69,120 acres permitted under Sec. 12(a). Section 2 of PLO 4554 (filed January 23, 1969, with the Federal Register, states:

"This order shall not affect any area within the boundaries of any native town or village, and should not be construed to abrogate or impair any legal or aboriginal claim or right, if any, of the natives to use the lands . . . ."

On October 13, 1967 Chevak incorporated as a 4th class city under the laws of the State of Alaska with the following described boundary:

Beginning at corner #1, said point being situated on the right limit of the Ningilik River at Latitude 61°31'40.1" North, Longitude 164°54'15.0" West of Greenwich, also bearing East approximately 25 chains from Corner #4, United States Survey No. 4034:

Thence North 3300 feet to Corner #2:

Thence West 6600 feet to Corner #3:

Thence South 5100 feet, to Corner #4:

Thence East 5150 feet, more or less, to Corner #5, situated on the right limit of the Ningilik River.

Thence meandering said right limit first northly; then easterly approximately 4000 feet to Corner #1, the point of beginning.

Therefore, only lands within the boundaries of the Clarence Rhoe National Wildlife Range, excluding lands within the boundary of the 4th Class City of Chevak as established October 13, 1967, are charged to the 69,120-acre limitation of National Wildlife Refuge System lands permitted by Sec. 12(a)(1) of ANCSA as set forth in the following land descriptions.

Section 4(b) of ANCSA further provides:

"All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished."

Chevak Company in its November 22, 1974 application excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2881.4(b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries. For these reasons, the water bodies which were improperly excluded in the November 22, 1974...
T. 17 N., R. 88 W.
Sec. 33, all.
Containing approximately 940 acres.

T. 18 N., R. 89 W.
Secs. 4 to 8, inclusive, all;
Sec. 17, excluding Native allotments F-14746 and F-14751 Parcel C;
Sec. 18, excluding Native allotments F-14746, F-14620 Parcel C, and Ukalikchik River;
Sec. 19, excluding the Ukalikchik River;
Sec. 20, excluding the Ukalikchik River;
Sec. 29, excluding Native allotments F-14678 Parcel B, F-14689 Parcel B and the Ukalikchik River;
Sec. 32, excluding the Ukalikchik and Kashunuk Rivers.
Containing approximately 6,610 acres.

T. 17 N., R. 89 W.
Sec. 4, excluding unnamed lake drained by Ukalikchik River;
Sec. 5, excluding unnamed lake drained by the Ukalikchik River and the Ukalikchik River;
Secs. 6 and 7, excluding unnamed lake drained by the Ukalikchik River;
Sec. 8, excluding unnamed lake drained by the Ukalikchik River and the Ukalikchik River;
Sec. 9, excluding the Ukalikchik River;
Sec. 18, all;
Sec. 31, excluding Native allotments F-14759 Parcel A, F-14850 Parcel A, F-14625 Parcel B, F-14652, F-14678 Parcel A, F-14701 Parcel A, F-14683 Parcel A, and F-14674 Parcel A;
Sec. 32, excluding Native allotments F-14571 Parcel A, F-14759 Parcel A and F-14758 Parcel D;
Sec. 33, excluding the Ukalikchik River;
Sec. 34, excluding Native allotment F-14523 Parcel A and the Ukalikchik River;
Sec. 35, excluding the Ukalikchik River;
Containing approximately 6,100 acres.

T. 18 N., R. 88 W.
Sec. 32, excluding unnamed lake drained by the Ukalikchik River;
Containing approximately 640 acres.

T. 15 N., R. 89 W.
Sec. 5, excluding Native allotment F-16194, Kashunuk River, and Keoklevik River;
Sec. 6, excluding Native allotments F-16194, F-14682 Parcel A, and Keoklevik River.
Containing approximately 575 acres.

T. 16 N., R. 89 W.
Sec. 1, all;
Secs. 2 and 11, excluding the Ukalikchik River;
Sec. 12, excluding Native allotments F-16196 Parcel B, F-14809 Parcel D, F-14999 Parcel B, F-14875 Parcel A, F-16196 Parcel D, and the Ukalikchik River;
Sec. 13, excluding the Ukalikchik River;
Sec. 31, excluding the Keoklevik River;
Sec. 32, excluding Native allotment F-17330 Parcel C, ANCSA Sec. 3(e) application AA-36956 (P03509 RIW 4413), Keoklevik River and Kashunuk River.
Containing approximately 4,006 acres.

T. 17 N., R. 89 W.
Sec. 1, excluding unnamed lake drained by the Ukalikchik River;
Sec. 2, all;
Sec. 3, excluding Ningilikfak River;
Sec. 4, excluding Ningilikfak River and Kashunuk River;
Sec. 5, excluding Native allotment F-15648, and Keoklevik River;
Secs. 7, 8, and 9, excluding the Keoklevik River;
Sec. 9, all;
Sec. 10, excluding Native allotment F-14454 and Ningilikfak River;
Sec. 11, excluding Native allotment F-19119 Parcel A;
Sec. 12, excluding unnamed lake drained by the Ukalikchik River;
Sec. 13, all;
Sec. 14, excluding Ningilikfak River;
Sec. 15, excluding Native allotments F-14454, F-14557 Parcel A, and Ningilikfak River;
Secs. 16 and 17, all;
Sec. 16, excluding Native allotment F-14458 Parcel A;
Sec. 19, excluding Native allotments F-14456 Parcel A, F-14999 Parcel C, F-14740 Parcel A, F-14740 Parcel B, F-14748 Parcel A, F-14558 Parcel A and F-14572 Parcel A;
Sec. 20, excluding Native allotments F-14528 Parcel B, F-14746 Parcel A and F-14572 Parcel A;
Sec. 21, all;
Sec. 22, excluding Ningilikfak River;
Sec. 23, excluding Native allotment F-17330 Parcel B and Ningilikfak River;
Sec. 24, excluding Native allotment F-14551;
Sec. 25, excluding Native allotments F-14551, F-14400 Parcel A, F-14663 Parcel D and F-14525 Parcel A;
Sec. 26, excluding Native allotments F-14663 Parcel D, F-17336 Parcel B, and Ningilikfak River;
Sec. 27, that portion within the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023, T.S. Survey 4034 (ANCSA Sec. 3(e) application AA-36953) and Ningilikfak River;
Sec. 28, that portion within the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023;
Sec. 29, excluding Native allotments F-14672 Parcel A and F-14748 Parcel B;
Sec. 30, excluding Native allotments F-14558 Parcel A, F-14972 Parcel A and F-14748 Parcel B;
Secs. 31 and 32, all;
Sec. 33, that portion within the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023 and Ningilikfak River;
Sec. 34, that portion within the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023 (including ANCSA Sec. 3(e) application AA-36953) and Ningilikfak River;
Sec. 35, excluding Native allotment F-14743 Parcel A;
Sec. 36, excluding Native allotments F-14742 Parcel A, F-14872 Parcel A, F-14552, F-14523 Parcel A and F-14580 Parcel A.
Containing approximately 20,553 acres.

T. 18 N., R. 90 W.
Sec. 2, excluding the Kokechik River;
Secs. 10 and 11, excluding the Kokechik River;
Secs. 14 and 25, excluding the Kokechik River;
Secs. 22 and 23, excluding the Kokechik River;
Secs. 28, 27, 34, and 35, all.
Containing approximately 5,860 acres.

T. 19 N., R. 90 W.
Sec. 35, excluding Kuttak River.
Containing approximately 640 acres.

T. 15 N., R. 91 W.
Sec. 1, excluding Native allotment F-14682 Parcel A and the Keoklevik River;
Sec. 2 and 3, excluding the Keoklevik River;
Secs. 7 to 10, inclusive, excluding the Keoklevik River;
Containing approximately 3,531 acres.

T. 16 N., R. 91 W.
Secs. 34, 35, and 36, excluding the Keoklevik River.
Containing approximately 1,810 acres.

T. 17 N., R. 91 W.
Sec. 3, excluding Native allotment F-14674 Parcel A;
Sec. 36, all.
Containing approximately 1,200 acres.

T. 15 N., R. 92 W.
Sec. 1, excluding Native allotments F-17006, F-17810 and Keoklevik River;
Sec. 2, excluding Native allotments F-16061 Parcel D, F-16197, F-16962 Parcel A, and Keoklevik River;
Secs. 3 and 10, excluding the Keoklevik River;
Sec. 11, excluding Native allotment F-14679 Parcel B and the Keoklevik River;
Sec. 12, excluding Keoklevik River.
Containing approximately 2,435 acres.

Sec. 16 N., R. 8 W.

Sec. 1, excluding Native allotment F-16061 Parcel A and Ninglikfak River;
Sec. 2, excluding Native allotment F-16060 Parcel A, F-16063 Parcel A and Ninglikfak River;
Secs. 11, 12 and 13, excluding Ninglikfak River;
Sec. 14, excluding Native allotment F-16058 Parcel A and Ninglikfak River;
Sec. 23, excluding Native allotment F-16059 Parcel B;
Sec. 24, all;
Sec. 25, excluding the Keoklevik River;
Sec. 26, excluding Native allotment F-16065 Parcel C, F-16064 Parcel C, and the Keoklevik River;
Secs. 26 and 28, excluding the Keoklevik River.

Containing approximately 6,825 acres.

Aggregating approximately 82,043 acres inside PLO’s 2213 and 4584.

Lands Outside Clarence Rhode National Wildlife Range

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 85 W.
Secs. 3, 4, excluding the Kashunuk River;
Secs. 5, excluding the Kashunuk River; Sec. 6, excluding Native allotment F-16199 Parcel C and the Kashunuk River; Secs. 7, 8, and 9, excluding the Kashunuk River; Sec. 10, all;
Sec. 11, excluding Native allotment F-17009 Parcel B; Sec. 12, all;
Secs. 16, 17, and 18, excluding the Kashunuk River;

Containing approximately 6,175 acres.

T. 18 N., R. 85 W.
Sec. 27, all;
Sec. 28, excluding the Kashunuk River; Secs. 31, 32, 33, and 34, excluding the Kashunuk River; Sec. 35, all;

Containing approximately 3,628 acres.

T. 17 N., R. 88 W.
Secs. 1 to 11, inclusive, all;
Secs. 12 and 13, excluding the Kashunuk River;
Secs. 14 to 23, inclusive, all;
Secs. 24 and 25, excluding the Kashunuk River;

Sec. 22, excluding Native allotment F-15069 Parcel A;
Secs. 28 to 33, inclusive, all;
Sec. 34, excluding Native allotment F-15068 Parcel A and the Kashunuk River;

Containing approximately 7,985 acres.

T. 18 N., R. 88 W.
Secs. 22 and 23, excluding the Kashunuk River;
Secs. 26 to 30, inclusive, all;

Containing approximately 7,985 acres.

T. 19 N., R. 87 W.
Secs. 3, 4, and 5, excluding the Kashunuk River;
Sec. 6, all;
Secs. 7, 18, and 19, excluding the Kashunuk River;
Secs. 20, 21, and 22, all;
Secs. 27 to 32, inclusive, all;

Sec. 3, excluding Native allotments F-14749 Parcel A, F-14742 Parcel A, F-14744 Parcel A and F-14701 Parcel B; Sec. 36, all;
Secs. 12 to 15, inclusive, all;
Secs. 21 to 26, inclusive, all;
Secs. 30, all;

Containing approximately 8,960 acres.

T. 18 N., R. 87 W.
Sec. 30, all;

Containing approximately 640 acres.

T. 19 N., R. 88 W.
Secs. 1, all;
Secs. 12 and 13, excluding the Kashunuk River;
Sec. 24, excluding the Kashunuk River;
Secs. 25, all;
Sec. 26, excluding Native allotment F-14677 Parcel A and the Kashunuk River; Secs. 35 and 36, all;

Containing approximately 3,830 acres.

T. 17 N., R. 80 W.
Sec. 27, that portion outside the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023, U.S. Survey 4034 (ANCSA Sec. 3(e) application AA-30579) and Ninglikfak River;
Sec. 28, that portion outside the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023;
Sec. 33, that portion outside the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023 and Ninglikfak River;
Sec. 34, that portion outside the Clarence Rhode National Wildlife Range, excluding U.S. Survey 5023 (including ANCSA Sec. 3(e) application AA-30579) and Ninglikfak River;

Containing approximately 695 acres.

Aggregating approximately 82,079 acres outside PLO’s 2215 and 4584.

Total aggregated acreage, approximately 124,122 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:
1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file F-14946-EE, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dog, snowmobile, two- and three-wheeled vehicles, and all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

[EIN 7 E] An easement for an existing access trail twenty-five (25) feet in width from Chevak westerly to trail EIN 7 E in the Hooper Bay selection. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of lands shall be subject to:
1. Issuance of a patent conforming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
2. Valid existing rights, therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 4, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractor, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1624(g)) that (a) the portion of the above described lands which were within the boundaries of the Clarence Rhode National Wildlife Range on December 18, 1971, remains subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;
4. The following third-party interest, if valid, created and identified by the U.S. Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(g));

Permit M-1 (as amended), granted to the State of Alaska, Department of Public Works, Division of Aviation, for the purpose of establishing, operating and maintaining the Chevak Airport in Secs. 22 and 27 of T. 17 N., R. 80 W., Seward Meridian (Unsurveyed).

5. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee
hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Chevak Company is entitled to conveyance of 136,240 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date approximately 124,122 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 14,118 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above, excluding those lands which have been withdrawn by FLO's 2213 and 4584 and which are reserved thereby as a national wildlife range, will be granted to Calista Corporation, at the same time conveyance is granted to Chevak Company for the surface estate and shall be subject to the same conditions as the surface conveyance. Section 12(a)(1) provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region.

Within the above-described lands, the following water bodies were estimated to be tidally influenced:

- Kokechik River through the selection area:
  - Kutecharak River from its confluence with the Komolvarak Slough upstream to Sec. 12, T. 17 N., R. 91 W., Seward Meridian;
  - Kashunuk River through the main selection area and through the deficiency area to Nanvarak Cheo Lake;
  - Ulakhalchik River up to and including the unnamed lake in Secs. 32 and 33, T. 18 N., R. 89 W.; Secs. 4, 5, and 6, T. 17 N., R. 89 W.; and Sec. 1, T. 17 N., R. 90 W., Seward Meridian;
  - Issortulik Slough from its mouth upstream and into Sec. 18, T. 15 N., R. 92 W., Seward Meridian; and
  - Kutul River through the selection.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register, and once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2493, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 30, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served are:

Chevak Company, Chevak, Alaska 99563.

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Ann Johnson, Chief, Branch of Adjudication.

[AA-8469-A]

Alaska Native Claim Selection; Chickaloon Moose Creek Native Association, Inc.

This decision rescinds tentative approvals, rejects State selection applications, and approves certain lands in the vicinity of Chickaloon for conveyance to Chickaloon Moose Creek Native Association, Inc.


The village corporation selected lands which were withdrawn by Secs. 11(a)(1) and 11(a)(2) of ANCSA. Section 11(a)(2) specifically withdrew, subject to valid existing rights, all lands within the townships withdrawn by Sec. 11(a)(1) that had been selected by, or tentatively approved to, but not yet patented to the State of Alaska under the Alaska Statehood Act of July 7, 1959 (72 Stat. 339, 340; 40 U.S.C. Ch. 2, Sec. 6(b)).

Section 12(a)(1) of ANCSA provides that village selections shall be made from lands withdrawn by Sec. 11(a). Section 12(a)(1) further provides that no village may select more than 69,129 acres from lands withdrawn by Sec. 11(a)(2).

The following described lands which are State selected and were tentatively approved have been properly selected under village selection application AA-8469-A. Accordingly, the tentative approvals are hereby rescinded and the State selections identified below are rejected as to the following described lands:


Seward Meridian, Alaska (Surveyed)

18, R. 3 E., Secs. 18, lots 2, 3, and 4.

Containing 9.49 acres.

Seward Meridian, Alaska (Surveyed)

18, R. 3 E. Those portions of the surveyed township more particularly described as (protracted):
T. 19 N., R. 3 E., Those portions of Tract B more particularly described as
(protracted):
Secs. 24, 25, 26, 27, 28, 29, N/.2, N/.2SW, SW/.2SW, and SE/.2SE; Containing approximately 4,818.00 acres.

State selection application AA--8489-A is hereby available for selection by Chickaloon Moose Creek Native Association, Inc., and is hereby
conveyances to Chickaloon Moose Creek Native Association, Inc., is
aggregating approximately 19,639.68 acres, which is less than the
amount of lands which have been properly selected by the State,
including any selection applications previously rejected to permit
conveyances to Chickaloon Moose Creek Native Association, Inc., is
19,399.68 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of
ANCSA.

On August 20, 1964, patent 50-65-0126 was issued for the following described lands therefore, these lands were not available for selection by Chickaloon Moose Creek Native Association, Inc. In view of this, village selection application AA--8489-A is hereby rejected as to the following described lands:
Seward Meridian, Alaska (Surveyed)
T. 19 N., R. 3 E., Sec. 18, lots 1 and 2. Containing 0.13 acre.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.
In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 19,639.68 acres, is considered proper for acquisition by Chickaloon Moose Creek Native Association, Inc., and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:
U.S. Survey No. 5570, Alaska, lot 4; situated approximately 1½ miles Southeast from Sutton, Alaska.

Containing 16.00 acres.
Aggregating 425.70 acres.

Seward Meridian, Alaska (Surveyed)
T. 19 N., R. 3 E. Those portions of the surveyed township more particularly described as (protracted):
Secs. 1 to 4, inclusive, all; Secs. 6, 7, 8, 9, all; Secs. 10, 11, 12, 13, 14, 15, 16, 17, 18; Secs. 19, 20, inclusive, all. Containing approximately 6,359.68 acres.

T. 19 N., R. 3 E. Those portions of Tract B more particularly described as (protracted):
Secs. 3, 4, 7, 8, and 9, southerly of the south bank of the Matanuska River; Secs. 10 to 20, inclusive, all. Containing approximately 4,818.00 acres. State selection A--8231A filed on June 22, 1960, as amended, tentatively approved June 10, 1969.

Seward Meridian, Alaska (Surveyed)
T. 20 N., R. 7 E., Sec. 13, lot 6. Containing 18.07 acres. Aggregating approximately 18,966.54 acres.
The following described lands, which are State selected, have been properly selected under village selection application AA--8489-A. Accordingly, the State selection applications identified below are rejected as to the following described lands:
State selection application AA--2036 filed on August 17, 1967, as amended.
U.S. Survey No. 5570, Alaska, lot 4; situated approximately 1½ miles Southeast from Sutton, Alaska.

Containing 80.00 acres.
The State selections rejected above aggregate approximately 19,479.68 acres; however, 80 acres of State selection AA--2036 were not validly selected and will not be charged against the village corporation as State selected lands. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.
The total amount of lands which have been properly selected by the State, including any selection applications previously rejected to permit conveyances to Chickaloon Moose Creek Native Association, Inc., is 19,399.68 acres, which is less than the 69,120 acres permitted by Sec. 12(a)(1) of ANCSA.

On August 20, 1964, patent 50-65-0126 was issued for the following described lands therefore, these lands were not available for selection by Chickaloon Moose Creek Native Association, Inc. In view of this, village selection application AA--8489-A is hereby rejected as to the following described lands:
Seward Meridian, Alaska (Surveyed)
T. 18 N., R. 3 E., Sec. 18, lot 1. Containing 0.13 acre.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.
In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 19,639.68 acres, is considered proper for acquisition by Chickaloon Moose Creek Native Association, Inc., and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:
U.S. Survey No. 5570, Alaska, lot 4; situated approximately 1½ miles Southeast from Sutton, Alaska.

Containing 60.00 acres.
document, copies of which will be found in casefile AA-8469-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

23 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

a. Grazing Leases
ADL 9567 located in Secs. 17 and 18, T. 18 N., R. 3 E., Seward Meridian, Alaska.
ADL 34018 located in Secs. 17, 18, 19, and 20, T. 18 N., R. 3 E., Seward Meridian, Alaska.

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 668, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Chickaloon Moose Creek Native Association, Inc., is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA, subject to reduction incurred by relinquishments made by the said corporation in the Lake Clark area as required by Sec. 12(a) of Public Law (Pub. L.) 94-294 (89 Stat. 1150; 43 U.S.C. 1611). Together with the lands herein approved, the total acreage conveyed or approved for conveyance is 19,639.68 acres. The remaining entitlement will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Cook Inlet Region, Inc., when the surface estate is conveyed to Chickaloon Moose Creek Native Association, Inc., and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above described lands.

In accordance with Departmental regulation 43 CFR 2650. 7(d), notice of this decision is being published once in the Federal Register and once a week for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands adversely affected by the decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Drawer 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Anchorage, Alaska, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 30, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:
Chickaloon Moose Creek Native Association, Inc., 2600 Fairbanks Street, Anchorage, Alaska 99501.
Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.
State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.
Ann Johnson, Chief, Branch of Adjudication.

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[F-19525-A and F-19525-B] Alaska Native Claims Selections; Council Native Corp.


The following described lands have been properly selected by Council Native Corporation or segregated by applications pursuant to the public land laws. Section 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 393, 940; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the Council area.

The following described lands have been properly selected by Council Native Corporation or segregated by applications pursuant to the public land laws. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select vacant, unappropriated and unreserved public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed) State Selection F-44480
That portion of Mineral Survey No. 426 known as Fritzgo—Virginia Beach—Diamond Fraction—Puzzler—Hawkeye Beach—

Containing approximately 67 acres.

T. 8 S., R. 25 W.,
Sec. 13, excluding Mineral Survey 426, Mineral Survey 493 and Mineral Survey 494;
Sec. 24, excluding Mineral Survey 426; Sec. 25, all;
Sec. 36, excluding Mineral Survey 1172.

Containing approximately 2,420 acres.

State Selection F-44487


Territory of Alaska.

Containing approximately 115 acres.

T. 7 S., R. 25 W.,
All.

Containing approximately 22,161 acres.

State Selection F-44488

T. 8 S., R. 25 W.,
Secs. 1, 2, 3 and 4, all; Secs. 9, 10, 11 and 12, all.

Containing approximately 5,120 acres.

Aggregating approximately 30,945 acres.

The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands.

State selection F-44487 is rejected in its entirety and will be closed of record when this decision becomes final.

Further action on the subject State selection applications, as to those lands not rejected herein, will be taken at a later date.

On December 12, 1973, Mrs. June Inez Pederson Kugelman filed selection application F-15273 pursuant to Sec. 14(h)(5) of ANCSA. Subject application was rejected by a decision dated May 10, 1974 and was subsequently appealed. The Alaska Native Claims Appeal Board issued an Order of Remand on February 27, 1978, remanding the Sec. 14(h)(5) application to the Bureau of Land Management "with the instruction that the same be denied in its entirety and the case file will be closed of record when this decision becomes final.

As to the lands described below, the applications submitted by the Council Native Corporation, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(e), aggregating approximately 86,265 acres, is considered proper for acquisition by the Council Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:


Territory of Alaska.

Containing approximately 115 acres.

Kateel River Meridian, Alaska (Unsurveyed)
T. 6 S., R. 25 W.,
Sec. 18, all;

Containing approximately 608 acres.

T. 7 S., R. 23 W.,
Sec. 29, excluding Native allotment F-17054 Parcel C and the Fish River;
Sec. 30, all;
Secs. 31 and 32, excluding the Fish River; Containing approximately 2,407 acres.

T. 8 S., R. 23 W.,
Secs. 9 and 7, excluding the Fish River; Containing approximately 1,115 acres.

T. 6 S., R. 24 W.,
Secs. 7 to 11, inclusive, all;
Secs. 13 to 20, inclusive, all;
Secs. 20, 30, 31 and 32, all;
Contains approximately 10,730 acres.

T. 7 S., R. 24 W.,
Secs. 5, 6, 7 and 8, all;
Secs. 16, 17 and 18, all;
Sec. 19, excluding the Niukluk River;
Secs. 20 and 21, all;
Secs. 25, 26, 27 and 23, all;
Secs. 29 and 30, excluding the Niukluk River;
Sec. 31, all;
Secs. 32, excluding Native allotment F-13770 Parcel C and the Niukluk River;
Sec. 33, excluding the Niukluk River;
Secs. 34, 35 and 36, all;
Contains approximately 13,695 acres.

T. 8 S., R. 24 W.,
Sec. 1, excluding the Niukluk and Fish Rivers;
Secs. 2, 3 and 4, excluding the Niukluk River;
Sec. 5, excluding Native allotment F-13770 Parcel C and the Niukluk River;
Secs. 6 to 10, inclusive, all;
Sec. 11, excluding Native allotments F-16501, F-16221 and the Niukluk River;
Sec. 12, excluding Native allotments F-16524, F-16530 and the Niukluk and Fish Rivers;
Sec. 13, excluding Native allotment F-16504 and the Fish River;
Sec. 14, excluding Native allotments F-031220, F-031221 Parcel A and the Fish River;
Sec. 15, excluding Native allotment F-031221 Parcel A and the Fish River;
Sec. 16, all;

Containing approximately 8,600 acres.

T. 6 S., R. 25 W.,
Sec. 13, excluding Mineral Survey 426, Mineral Survey 493 and Mineral Survey 494;
Sec. 24, excluding Mineral Survey 426; Sec. 25, all;
Sec. 36, excluding Mineral Survey 1172.

Containing approximately 2,420 acres.

T. 7 S., R. 25 W.,
Secs. 1 and 2, all;
Sec. 3, excluding Mineral Survey application F-23152:
Sec. 4, excluding Mineral Survey 657, Mineral Survey 1201, Mineral Survey application F-23152 and the Niukluk River;
Secs. 4, 7 and 8, all;
Secs. 9 and 10, excluding Mineral Survey application F-23152 and the Niukluk River;
Sec. 11, excluding Mineral Survey 1152, Mineral Survey 2317, Native allotments F-1050 Parcel B, F-3270 Parcel C, F-17048, F-18190, F-19144 Parcels A and B, and the Niukluk River;
Sec. 12, excluding Native allotment F-3376 Parcel C;
Sec. 13, excluding Mineral Survey 1152, Native allotment F-3376 Parcel C and the Niukluk River;
Sec. 14, excluding Mineral Survey 1152, Native allotments F-3376 Parcel C, F-17048 Parcel A and the Niukluk River;
Sec. 15, excluding the Niukluk River;
Secs. 16 to 22, inclusive, all;
Sec. 23, excluding Mineral Survey 1152;
Sec. 24, excluding Native allotments F-15272, F-15273 Parcel B and the Niukluk River;
Sec. 25, excluding the Niukluk River;
Secs. 26 to 30, inclusive, all;

Containing approximately 21,428 acres.

T. 8 S., R. 25 W.,
Secs. 1, 2 and 3, all;
Sec. 4, excluding Native allotment F-17054 Parcel B;
Sec. 8, excluding Native allotment F-18167;
Secs. 10, 11 and 12, all;

Containing approximately 4,660 acres.

Aggregating approximately 63,295 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States.

1. The subsurface estate therein, and all rights, privileges, immunities and...
appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(f)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 706; 43 U.S.C. 1601, 1616(b)), the following public easements are granted by the Bureau of Land Management of the official plat of survey covering such lands:

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are travel by foot, dogsled, animals, snowmobiles, snowmobiles, two- and three-wheel vehicles, small and large, all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site—The uses allowed for an existing site easement are: vehicle parking (e.g., aircraft, boats, ATV’s, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. [EIN 1a C3, D1, L1] An easement for an existing access trail twenty-five (25) feet in width from the village of the Council near east to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide easement.

b. [EIN 3 C3, D1, L1] An easement twenty-six (26) feet in width from a road in Council northwesterly to the North Star Field to patented lands in Sec. 4, T. 7 S., R. 25 W., Kateel River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

c. [EIN 8 C3, D1, D9] An easement for an existing access trail twenty-five (25) feet in width from Council southeasterly to Golovin. The uses allowed are those listed above for a twenty-five (25) foot wide easement.

d. [EIN 22 D9] A one (1) acre site easement upland of the ordinary high water mark in Sec. 11, T. 7 S., R. 25 W., Kateel River Meridian, on the right bank of the Nipuk River at the end of the Nome-Council Road. The uses allowed are those listed above for a one (1) acre site.

e. [EIN 25 D9] A one (1) acre site easement of the ordinary high water mark in Sec. 6, T. 8 S., R. 23 W., Kateel River Meridian, on the left bank of the Fish River. The uses allowed are those listed above for a one (1) acre site.

The grant of lands shall be subject to:
1. Issuance of a patent confirming the boundary description of the lands hereinafter granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))); contract, permit, right-of-way or easement, and the right of the lessee, contractor, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
6. Any right-of-way in Federal Aid Secondary (FAS) Route 1304 (Council-Ophir Creek) from Fas Route 130 (Nome-Council Road) at Council, northwesterly to Ophir Mining area, transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Tps. 6 and 7 S., R. 25 W., Kateel River Meridian;
7. Any right-of-way in Federal Aid Secondary (FAS) Route No. 130 from Nome FAA Airfield east through Nome and Solomon to FAS Route 1304 at Council, transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Pub. L. 86-70 (73 Stat. 141) as to Secs. 11, 14, 23, 25, 27 and 34, T. 7 S., R. 25 W., and Secs. 3, 8 and 10, T. 8 S., R. 25 W., Kateel River Meridian; and
8. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1615(c)), that the grantee hereunder convey those portions, if any, of the lands hereinafter granted, as are prescribed in said section.

Council Native Corporation is entitled to conveyance of 66,265 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 66,265 acres of this entitlement have been approved for conveyance. The remaining entitlement of 2,655 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to Council Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

Only the following inland water bodies, within the described lands, are considered to be navigable:
Nikuk River;
Fish River.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Nome Nugget. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 406, Anchorage, Alaska 99501. The time limits for filing an appeal are:
1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 30, 1980 to file an appeal.
3. Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.
4. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal.
appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.
If an appeal is taken, the adverse parties to be served are:
State of Alaska, Department of Natural Resources, Division of Research & Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.
June Inez Pederson Kugelmam, P.O. Box 1122, Juneau, Alaska 99801.
Council Native Corporation, P.O. Box 665, Nome, Alaska 99762.
Berger Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.
Ann Johnson, Chief, Branch of Adjudication.

[F-14865-A and F-14885-B]
Alaska Native Claims Selections; Deloycheet, Inc.

This decision rejects improper State selection applications and approves for conveyance certain lands in the vicinity of Holy Cross to Deloycheet, Inc.


On April 1, 1977, the State of Alaska filed general purposes selection applications AA-12879 and AA-12900, as amended, for all unpatented lands in T. 25 N., R. 58 W., and T. 23 N., R. 58 W., Seward Meridian, respectively, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 1, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)).

Section 6(b) of the Alaska Statehood Act states that general purposes selections shall be made from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection.

At the time of filing of the State's selection applications, the following lands were withdrawn by Sec. 11 of ANCSA, and properly selected pursuant to Sec. 12 of ANCSA by Deloycheet, Inc., for the Native village of Holy Cross.

Therefore, in view of the above, State selection applications AA-12879 and AA-12900 are hereby rejected as to the following described lands:
Seward Meridian, Alaska (Unsurveyed)
State Selection AA-12879
T. 25 N., R. 58 W., Sec. 7, excluding Native allotment F-16721 and the unnamed slough connecting Deer Hunting Slough and the Yukon River; Sec. 8, excluding Deer Hunting Slough and the unnamed slough connecting Deer Hunting Slough and the Yukon River; Sec. 9, excluding Deer Hunting Slough and the interconnecting slough of the Yukon River; Secs. 10, 15, and 16, excluding the interconnecting sloughs of the Yukon River; Secs. 17 to 20, inclusive, excluding Deer Hunting Slough; Sec. 21, all; Secs. 22 and 26, excluding the Koserefski River; Sec. 27, excluding Native allotment F-17091, Deer Hunting Slough, and the Koserefski River; Sec. 28, excluding Native allotment F-16593, Deer Hunting Slough, and the Koserefski River; Sec. 29, excluding Deer Hunting Slough; Sec. 30, all; Sec. 31, excluding the Koserefski River; Sec. 32, excluding Native allotment F-17092 and the Koserefski River; Sec. 33, excluding Native allotments F-17092 and F-16593 and the Koserefski River; Sec. 34, excluding native allotment F-17091 and the Koserefski River; Secs. 35 and 36, all.

Containing approximately 12,122 acres.

State Selection AA-12900
T. 23 N., R. 58 W., Secs. 1 and 2, excluding Pat John Slough; Sec. 3, excluding Big Bend Slough and Pat John Slough; Secs. 4, 5, and 6, excluding Big Bend Slough; Secs. 7, 8, and 9, all; Sec. 10, excluding Big Bend Slough; Secs. 11 and 12, all; Secs. 17, 18, and 19, all.

Containing approximately 8,730 acres.

The State-selected lands rejected above were not valid selections and will not be charged against the village corporation as State-selected lands. Further action on the subject State selection applications as to those lands not rejected herein will be taken at a later date.
Deloycheet, Inc., in its applications, excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2781.4 (b) and (c) provide that the village corporation shall select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries.

For these reasons, the water bodies which were improperly excluded in the applications of Deloycheet, Inc. are considered selected.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 120,473 acres, is considered proper for acquisition by Deloycheet, Inc. and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:
Seward Meridian, Alaska (Unsurveyed)
T. 23 N., R. 55 W., Sec. 2, excluding Reindeer Lake; Sec. 3, excluding Native allotment F-16190 Parcel B and Reindeer Lake; Secs. 4 and 5, excluding Reindeer Lake; Secs. 6 and 7, excluding Palmut Slough; Secs. 8 and 9, all; Secs. 9 and 10, excluding Reindeer Lake; Secs. 15, 16, and 17, excluding unnamed lake (local name Steven's Lake); Sec. 16, excluding Palmut Slough, unnamed slough of Palmut Slough, and unnamed lake (local name Steven's Lake); Secs. 21 and 22, excluding unnamed lake (local name Steven's Lake).

Containing approximately 7,430 acres.
T. 24 N., R. 55 W., Sec. 13, all; Sec. 19, excluding Reindeer Lake; Sec. 20, excluding Native allotments F-17248, F-17249, and Reindeer Lake; Sec. 21, excluding Native allotment F-17120 and Reindeer Lake; Sec. 24, excluding Native allotment F-10340 Parcel B and Reindeer River; Sec. 25, excluding Reindeer River; Sec. 26, excluding Native allotments F-16196 Parcel A, F-16200 Parcel B, and F-16600 Parcel B and Reindeer Lake; Secs. 29 to 32, inclusive, excluding Reindeer Lake; Sec. 33, excluding Native allotments F-16600 Parcel B and F-16330 Parcel A and Reindeer Lake; Sec. 34, excluding Native allotment F-10334 and Reindeer Lake; Sec. 35, excluding Reindeer Lake; Sec. 39, all.

Containing approximately 4,947 acres.
T. 25 N., R. 55 W., Sec. 5, excluding unnamed lake; Sec. 6, excluding unnamed lake and the Innoko River;
Sec. 7, excluding unnamed lake and the Innoko River and its interconnecting slough; Sec. 8, excluding unnamed lake in NW1/4, unnamed lake (local name Albert's Lake), and the interconnecting slough of the Innoko River; Sec. 17, excluding unnamed lake (local name Albert's Lake), the interconnecting slough of the Innoko River and the unnamed slough connecting the unnamed lake (local name Albert's Lake) with the Innoko River; Sec. 18, excluding the interconnecting slough of the Innoko River; Sec. 19, excluding the unnamed slough from the Innoko River to Reindeer Lake and the Innoko River and its interconnecting slough; Sec. 20, excluding the unnamed slough from the Innoko River to Reindeer Lake; Sec. 21, all; Sec. 23 and 29, excluding the unnamed slough from the Innoko River to Reindeer Lake; Sec. 30, excluding the Innoko River and the unnamed slough from the Innoko River to Reindeer Lake; Sec. 31, excluding the Innoko River and Paimiut Slough; Sec. 32, excluding Paimiut Slough and the unnamed slough from the Innoko River to Reindeer Lake; Sec. 33, excluding the unnamed slough from the Innoko River to Reindeer Lake. Containing approximately 8,062 acres.

T. 23 N., R. 56 W., Sec. 1, excluding Paimiut Slough; Secs. 2 and 3, all; Secs. 4 and 5, excluding Innoko Slough; Sec. 6, all; Sec. 7, excluding Native allotment F-17090; Sec. 8, excluding Innoko Slough; Secs. 9 and 10, all; Secs. 11 and 12, excluding Paimiut Slough. Containing approximately 6,646 acres.

T. 24 N., R. 56 W., Sec. 4, excluding Paimiut Slough; Secs. 5 and 6, excluding the Innoko River and Innoko Slough; Secs. 7, 8, and 9, excluding Innoko Slough; Sec. 10, all; Secs. 17 to 21, inclusive, excluding Innoko Slough; Secs. 22 and 23, excluding Paimiut Slough; Sec. 24, excluding Reindeer Lake and Paimiut Slough; Sec. 25, excluding Reindeer Lake, Paimiut Slough, and the unnamed outlet from Reindeer Lake to Paimiut Slough; Sec. 26, excluding Paimiut Slough and the unnamed slough connecting Innoko Slough and Paimiut Slough; Sec. 27, excluding the unnamed slough connecting Innoko Slough and Paimiut Slough; Sec. 28, excluding Innoko Slough and the unnamed slough connecting Innoko Slough and Paimiut Slough; Sec. 29, excluding Innoko Slough; Secs. 30 and 31, all; Sec. 32, excluding Innoko Slough; Sec. 33, excluding Native allotment F-17084; Sec. 34, excluding Native allotment F-17084; Sec. 35, excluding Paimiut Slough and the unnamed slough connecting Innoko Slough and Paimiut Slough; Sec. 36, excluding Native allotment F-18351 Parcel B, Paimiut Slough, and the unnamed outlet from Reindeer Lake to Paimiut Slough.

Containing approximately 14,484 acres.

T. 25 N., R. 56 W., Sec. 18, all; Secs. 20 and 21, excluding the interconnecting slough of the Innoko River; Secs. 22 and 23, all; Secs. 24, 25, and 28, excluding the Innoko River; Sec. 27, excluding the Innoko River and its interconnecting slough; Sec. 28, excluding the interconnecting slough of the Innoko River; Secs. 29 and 30, all; Sec. 31, excluding the Yukon River; Sec. 32, all; Secs. 33 and 34, excluding the Innoko River and its interconnecting slough; Secs. 35 and 36, excluding Native allotment F-105218 Parcel B and the Innoko River.

Containing approximately 10,281 acres.

T. 23 N., R. 57 W., Sec. 1, 2, and 3, all; Secs. 4 to 8, inclusive, excluding the Yukon River; Secs. 9 to 12, inclusive, all; Containing approximately 3,833 acres.

T. 24 N., R. 57 W., Sec. 1, excluding Native allotment F-18351 Parcel A and the Innoko River and its interconnecting slough; Secs. 2 and 3, excluding the Innoko River; Sec. 4, excluding the Innoko River, the Yukon River, and Walker Slough; Sec. 5, excluding U.S. Survey 732, the Yukon River, and Walker Slough; Sec. 6, excluding U.S. Survey 732; Sec. 7, excluding U.S. Survey 732 and U.S. Survey 739; Sec. 8, excluding U.S. Survey 732 and U.S. Survey 739.

Sec. 9, excluding the unnamed lake connecting Horseshoe Lake to the Yukon River, and Walker Slough; Sec. 10, all; Sec. 11, excluding the Innoko River and Red Wing Slough; Sec. 12, excluding Native allotment F-18351 Parcel D, Alaska Native Claims Settlement Act Sec. 3(e) application A-25683, Red Wing Slough, and the Innoko River; Sec. 13, excluding Native allotment F-15024 Parcel B and the interconnecting slough of the Yukon River; Sec. 34, excluding U.S. Survey 2282, Native allotments F-17085 Parcel B and F-15024 Parcel B and Walker Slough; Sec. 35, excluding U.S. Survey 2223, the Yukon River, and Walker Slough; Sec. 36, excluding the Yukon River and Walker Slough; Containing approximately 7,709 acres.

T. 23 N., R. 58 W., Secs. 1 and 2, excluding Fat John Slough; Sec. 3, excluding Big Bend Slough and Fat John Slough; Secs. 4, 5, and 6, excluding Big Bend Slough; Secs. 7, 8, and 9, all; Secs. 10, excluding Big Bend Slough; Secs. 11 and 12, all; Secs. 17, 18, and 19, all. Containing approximately 8,739 acres.

T. 24 N., R. 58 W., Secs. 1 to 5, inclusive, all; Secs. 11 to 14, inclusive, all; Secs. 23 to 26, inclusive, all; Secs. 33, all; Secs. 34, 35, and 36, excluding Fat John Slough. Containing approximately 10,880 acres.

T. 25 N., R. 58 W., Sec. 7, excluding Native allotment F-16721 and the unnamed slough connecting Deer Hunting Slough and the Yukon River; Sec. 8, excluding Deer Hunting Slough and the unnamed slough connecting Deer Hunting Slough and the Yukon River; Sec. 23, excluding Deer Hunting Slough and the interconnecting slough of the Yukon River;
Secs. 10, 15, and 16, excluding  
interconnecting sloughs of the Yukon  
River.  
Secs. 17 to 20, inclusive, excluding Deer  
Hunting Slough;  
Sec. 21, all;  
Secs. 22 and 26, excluding the Koserefski  
River;  
Sec. 27, excluding Native allotment F—  
16593, Deer Hunting Slough, and the  
Koserefski River;  
Sec. 28, excluding Native allotment F—  
16593, Deer Hunting Slough, and the  
Koserefski River;  
Secs. 29, excluding Deer Hunting Slough;  
Sec. 30, all;  
Sec. 31, excluding the Koserefski River;  
Sec. 32, excluding Native allotment F—17092  
and the Koserefski River;  
Sec. 33, excluding Native allotments F—  
17092 and F—18093 and the Koserefski  
River;  
Sec. 34, excluding Native allotment F—17093  
and the Koserefski River;  
Secs. 35 and 36, all.  
Containing approximately 12,122 acres.  
T. 23 N., R. 59 W.,  
Sec. 4, excluding Big Bend Slough and  
Crooked Lake;  
Sec. 2, excluding Crooked Lake;  
Sec. 3, all;  
Sec. 10, excluding Crooked Lake;  
Sec. 11, excluding Big Bend Slough and  
Crooked Lake;  
Sec. 12, excluding Big Bend Slough;  
Sec. 13, all;  
Sec. 14, excluding Big Bend Slough;  
Sec. 15 and 22, excluding Crooked Lake  
and unnamed lake;  
Sec. 23, excluding Native allotment F—  
16594, Big Bend Slough, Crooked Lake,  
and unnamed lake;  
Sec. 24, excluding Big Bend Slough;  
Sec. 27, all;  
Sec. 34, excluding Native allotments F—  
16819 and F—01618 Parcel A.  
Containing approximately 7,360 acres.  
Aggregating approximately 120,473 acres.  
The conveyance issued for the surface  
estate of the lands described above  
shall contain the following reservations  
to the United States:  
1. The subsurface estate therein, and  
all rights, privileges, immunities, and  
appurtenances, of whatsoever nature,  
accruing unto said estate pursuant to the  
Alaska Native Claims Settlement Act of  
December 18, 1971 (85 Stat. 688, 704; 43  
U.S.C. 1601, 1613(f)) and  
2. Pursuant to Sec. 17(b) of the Alaska  
Native Claims Settlement Act of  
December 18, 1971 (85 Stat. 688, 704; 43  
U.S.C. 1601, 1616(b)), the following  
public easements, referenced by  
easement identification number (EIN) on  
the easement maps attached to this  
document, copies of which will be found  
in case file F—14805—EE, are reserved to  
the United States. All easements are  
subject to applicable Federal, State, or  
Municipal corporation regulation. The  
following is a listing of uses allowed for  
each type of easement. Any uses which  
are not specifically listed are prohibited.  
25 Foot Trail—The uses allowed on a  
twenty-five (25) foot wide trail easement  
are: travel by foot, dog sleds, animals,  
snowmobiles, two- and three-wheel vehicles,  
and small all-terrain vehicles (less than 3,000  
lbs Gross Vehicle Weight (GVW)).  
One Acre Site—The uses allowed on a site  
ease ment are: vehicle parking (e.g., aircraft,  
boats, ATV's, snowmobiles, cars, trucks),  
temporary camping, and loading or unloading.  
Temporary camping, loading, or unloading  
shall be limited to 24 hours.  
a. (EIN 2 C, D1, D9) An easement for an  
existing access trail twenty-five (25) feet in  
width from Holy Cross easterly to Reindeer  
Lake in Sec. 29, T. 24 N., R. 55 W., Seward  
Meridian. The uses allowed are those listed  
above for a twenty-five (25) foot wide trail  
easement. The season of use will be limited to  
winter use.  
b. (EIN 4 D9) A one (1) acre site easement  
upland of the ordinary high water mark in  
Sec. 4 (Sec. 5 on protraction diagram), T. 24  
N., R. 57 W., Seward Meridian, on the right  
bank of the Yukon River. The uses allowed  
are: those listed above for a one (1) acre  
easement.  
c. (EIN 19 C5) A one (1) acre site easement  
upland of the ordinary high water mark in  
Sec. 35, T. 24 N., R. 55 W., Seward Meridian,  
on the south shore of Reindeer Lake. The  
uses allowed are those listed above for a  
one (1) acre site.  
The grant of the above-described  
lands shall be subject to:  
1. Issuance of a patent confirming the  
boundary description of the unsurveyed  
lands hereinabove granted after  
approval and filing by the Bureau of  
Land Management of the official plat of  
survey covering such lands;  
2. Valid existing rights therein, if any,  
including but not limited to those  
created by any lease (including a lease  
issued under Sec. 6(g)) of the Alaska  
339, 341; 48 U.S.C. Ch. 2, Sec. 6(j))),  
contract, permit, right-of-way, or  
easement, and the right of the lessee,  
contractor, permittee, or grantee to the  
complete enjoyment of all rights,  
privileges, and benefits thereby granted  
to him. Further, pursuant to Sec. 17(b)(2)  
of the Alaska Native Claims Settlement  
Act of December 18, 1971 (43 U.S.C.  
1601, 1616(b)(3)) (ANCSA), any valid  
existing right recognized by ANCSA  
shall continue to have whatever right of  
access as is now provided for under  
existing law; and  
3. Requirements of Sec. 14(c) of the  
Alaska Native Claims Settlement Act of  
December 18, 1971 (43 U.S.C. 1601,  
1616(c)), that the grantee hereunder  
convey those portions, if any, of the  
lands hereinabove granted, as are  
prescribed in said section;  
Deloycheet, Inc. is entitled to  
conveyance of 138,240 acres of land  
selected pursuant to Sec. 12(a) of  
ANCSA. Together with the lands herein  
approved, the total acreage conveyed or  
approved for conveyance is  
approximately 120,473 acres. The  
remaining entitlement of approximately  
17,767 acres will be conveyed at a later  
date.  
Pursuant to Sec. 14(f) of ANCSA,  
conveyance of the subsurface estate of  
the lands described above shall be  
broadcast to Doyon, Limited, when the  
surface estate is conveyed to  
Deloycheet, Inc., and shall be subject to  
the same conditions as the surface  
conveyance.  
Within the above described lands,  
only the following inland water bodies  
are considered to be navigable:  
The Yukon River and its interconnecting  
sloughs;  
Reindeer River;  
the Innoko River and its interconnecting  
sloughs;  
the Koserefski River;  
Big Bend Slough;  
Innoko Slough;  
Deer Hunting Slough;  
the unnamed slough connecting Deer Hunting  
Slough and the Yukon River;  
the unnamed slough from the Innoko River  
to Reindeer Lake;  
Fat John Slough;  
Paimlut Slough;  
Red Wing Slough;  
Walker Slough;  
the unnamed slough connecting Innoko  
Slough and Paimlut Slough;  
Horseshoe Lake;  
the unnamed slough connecting Horseshoe  
Lake to the Yukon River;  
Reindeer Lake;  
the unnamed outlet from Reindeer Lake to  
Paimlut Slough;  
Crooked Lake;  
the unnamed lake in Secs. 15, 19, 22, and 23,  
T. 23 N., R. 59 W., Seward Meridian;  
the unnamed lake in Secs. 6 through 8, T. 25  
N., R. 55 W., Seward Meridian;  
the unnamed lake in Secs. 8, 9, 15, 18, and 17,  
T. 25 N., R. 55 W., Seward Meridian (locally  
known as Albert's Lake);  
the unnamed slough connecting the unnamed  
lake (locally known as Albert's Lake) with the  
Innoko River;  
the unnamed lake in Secs. 15, 19, 17, 18, 20,  
21, 22, and 27, T. 23 N., R. 55 W., Seward  
Meridian (locally known as Steven's Lake);  
the unnamed slough of Paimlut Slough  
beginning in Sec. 19, T. 23 N., R. 55 W.,  
which flows southerly to its rejunction with  
Paimlut Slough in Sec. 31, T. 23 N., R. 55 W.,  
Seward Meridian. In accordance with the Departmental  
revision of 43 CFR 2805.7(d), notice of this  
decision is being published once in the Federal Register and once a week,  
for four (4) consecutive weeks, in the  
 Anchorage Times. Any party claiming a  
property interest in lands affected by  
this decision, an agency of the Federal  
government, or regional corporation may  
appeal the decision to the Alaska Native
Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 30, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Deloycheet, Inc., P.O. Box 53, Holy Cross, Alaska 99503.

Doyon, limited, First and Hall Streets, Fairbanks, Alaska 99701.

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 80-30037 Filed 9-29-80; 8:15 am]
BILLING CODE 4310-84-M

[AA-8103-6]
Alaska Native Claims Selection;
Doyon, Ltd.

This decision approves for conveyance certain lands in the vicinity of Holy Cross, Alaska to Doyon, Limited.

On April 3, 1975, Doyon, Limited filed selection application AA-8103-6, as amended, under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(c) (1976)) (ANCSA), for the surface and subsurface estates of certain lands withdrawn pursuant to Sec. 11(a)(1) for the Native village of Holy Cross. The application excluded several water bodies as being navigable. As these are considered nonnavigable and as Sec. 12(c)(3) and 43 CFR 2552.3(c) require the region to select all available lands within the township, the beds of these water bodies are considered selected. As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, selected pursuant to Sec. 12(c) of ANCSA, aggregating approximately 149,298 acres, are considered proper for acquisition by Doyon, Limited, and are hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 23 N., R. 53 W.

Sec. 1, excluding Reindeer Lake;

Secs. 11 to 14, inclusive, all;

Secs. 23 to 24, inclusive, all;

Sec. 27, excluding unnamed lake (local name Steven's Lake);

Sec. 28, all;

Secs. 29 to 32, inclusive, excluding unnamed slough of Palmuit Slough;

Secs. 33 to 36, inclusive, all;

Containing approximately 11,472 acres.

T. 25 N., R. 55 W.

Secs. 1 to 4, inclusive, all;

Sec. 9, excluding unnamed lake (local name Albert's Lake);

Secs. 10 to 14, inclusive, all;

Secs. 15 and 16, excluding unnamed lake (local name Albert's Lake);

Secs. 22 to 24, inclusive, all;

Secs. 34, 35 and 36, all;

Containing approximately 13,440 acres.

T. 22 N., R. 56 W.

Secs. 1 to 4, inclusive, excluding Palmuit Slough;

Secs. 5, all;

Sec. 6, excluding Innoko Slough;

Secs. 7, excluding Innoko Slough and Palmuit Slough;

Secs. 8 and 9, excluding Palmuit Slough;

Secs. 10 to 30, inclusive, all;

Containing approximately 22,116 acres.

T. 24 N., R. 56 W.

Secs. 1 and 2, excluding the unnamed slough from the Innoko River to Reindeer Lake;

Secs. 3, 10 and 11, excluding Palmuit Slough;

Sec. 12, excluding the unnamed slough from the Innoko River to Reindeer Lake;

Sec. 13, all;

Sec. 14, excluding Native allotment F-17432 Parcel B and Palmuit Slough;

Sec. 15, excluding Palmuit Slough;

Containing approximately 4,980 acres.

T. 26 N., R. 56 W.

Secs. 1 to 9, inclusive, all;

Secs. 10 and 11, excluding the interconnecting slough of the Innoko River;

Secs. 12 and 13, all;

Secs. 14, 15, and 16, excluding the interconnecting slough of the Innoko River;

Secs. 17 and 18, all;

Sec. 19, excluding Native allotment F-17432 and the interconnecting slough of the Innoko River;

Sec. 20, all;

Sec. 21, excluding the interconnecting slough of the Innoko River;

Sec. 22, excluding Native allotment F-16520 Parcel A and the interconnecting slough of the Innoko River;

Sec. 23, excluding the interconnecting slough of the Innoko River;

Sec. 24, all;

Secs. 25 and 26, excluding the interconnecting slough of the Innoko River;

Sec. 27, excluding Native allotment F-16340 Parcel A and the interconnecting slough of the Innoko River;

Secs. 28 to 33, inclusive, excluding the interconnecting sloughs of the Innoko River;

Secs. 34 and 35, all;

Secs. 36, excluding the Innoko River and its interconnecting slough.

Containing approximately 21,501 acres.

T. 23 N., R. 57 W.

Secs. 13 to 18, inclusive, all;

Sec. 17 and 18, excluding the Yukon River;

Secs. 19 to 35, inclusive, all;

Secs. 36, excluding Innoko Slough.

Containing approximately 14,764 acres.

T. 25 N., R. 57 W.

Sec. 1, excluding the interconnecting slough of the Innoko River;

Sec. 2, excluding Native allotment F-14177, the interconnecting slough of the Innoko River, Horseshoe Lake, and the unnamed slough connecting Horseshoe Lake to the interconnecting slough of the Innoko River;

Sec. 3, excluding Horseshoe Lake and the unnamed slough connecting Horseshoe Lake to the interconnecting slough of the Innoko River;

Sec. 4, excluding Native allotment F-16563 Parcel A and the unnamed slough connecting Horseshoe Lake to the interconnecting slough of the Innoko River;

Sec. 5, excluding the unnamed slough connecting Horseshoe Lake to the interconnecting slough of the Innoko River;

Secs. 6 and 7, all;

Secs. 8 and 9, excluding Horseshoe Lake and the unnamed slough connecting Horseshoe Lake to the interconnecting slough of the Innoko River;

Secs. 10 and 11, excluding Horseshoe Lake;

Secs. 12 to 15, all;

Secs. 14 and 17, inclusive, excluding Horseshoe Lake;

Sec. 18, excluding the interconnecting slough of the Yukon River;

Containing approximately 9,501 acres.

T. 22 N., R. 58 W.

Secs. 1, 2, and 3, all;

Sec. 4, excluding Cottonwood Slough;

Secs. 5 to 6, inclusive, all;

Sec. 9, excluding Cottonwood Slough;

Secs. 10 to 15, inclusive, all;
Secs. 10, 17, and 18, excluding Cottonwood Slough;
Secs. 9 to 23, inclusive, all;
Secs. 24 and 25, excluding Paimlut Slough;
Secs. 26 to 31, inclusive, all;
Secs. 32 to 36, excluding Paimlut Slough;
Containing approximately 22,183 acres.
T. 24 N., R. 55 W.
Sec. 18, all;
Sec. 19, excluding Native allotments F-17089 and F-17930 Parcel B.
Containing approximately 1,139 acres.
T. 23 N., R. 55 W.
Secs. 1 and 2, excluding the Yukon River and its interconnecting slough;
Sec. 3, excluding the Yukon River and Deer Hunting Slough;
Sec. 4, excluding Deer Hunting Slough, the Yukon River, and the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 5, excluding the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 6, all;
Secs. 7 and 8, excluding the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 9, excluding Deer Hunting Slough;
Sec. 10, excluding Deer Hunting Slough, the Yukon River, and its interconnecting slough;
Secs. 11 to 14, inclusive, excluding the Yukon River and its interconnecting slough;
Secs. 15 and 16, excluding Deer Hunting Slough and the interconnecting sloughs of the Yukon River;
Sec. 17, all;
Secs. 18 and 19, excluding the unnamed slough connecting Deer Hunting Slough and the Yukon River;
Sec. 20, all;
Sec. 21, excluding Deer Hunting Slough and the interconnecting sloughs of the Yukon River;
Sec. 22, all;
Secs. 23 to 25, inclusive, excluding the Yukon River;
Sec. 27, all;
Sec. 28, excluding Deer Hunting Slough;
Secs. 29, 30, and 31, all;
Secs. 32 and 33, excluding Deer Hunting Slough;
Sec. 34, all;
Sec. 35, excluding the Yukon River;
Secs. 36, excluding Native allotments F-17448 and F-17474 and the Yukon River.
Containing approximately 16,471 acres.
T. 23 N., R. 55 W.
Secs. 4 to 9, inclusive, all;
Sec. 10, excluding unnamed lake;
Secs. 17 to 21, inclusive, all;
Secs. 22 to 33, inclusive, all;
Containing approximately 11,332 acres.
Aggregating approximately 149,298 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservation to the United States:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-16630-4, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dog sled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

2. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands; and

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 416; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

To date, approximately 2,473,509 acres of land, selected pursuant to Sec. 12(c) of the Alaska Native Claims Settlement Act, have been approved for conveyance to Doypen, Limited.

The Yukon River and its interconnecting sloughs:
the unnamed slough connecting Horseshoe Lake to the interconnecting slough of Innoko River;
Reindeer Lake;
the unnamed slough from the Innoko River to Reindeer Lake;
the unnamed slough of Paimlut Slough in Secs. 10, T. 23 N., R. 55 W., which flows southerly to its rejunction with Paimlut Slough in Sec. 31, T. 23 N., R. 55 W., Seward Meridian;
the unnamed lake in Secs. 15, 16, 17, 18, 19, 20, 21, 22, and 27, T. 23 N., R. 55 W., Seward Meridian (locally known as Steven’s Lake);
the unnamed lake in Secs. 8, 9, 15, 16, and 17, T. 25 N., R. 55 W., Seward Meridian (locally known as Albert’s Lake);
the unnamed lake in Secs. 15, 16, 22, and 23, T. 23 N., R. 59 W., Seward Meridian.

In accordance with Departmental regulation 43 CFR 2850.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeals Board, P.O. Box 2435, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 31, 1990 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeals Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Doypen, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

Ann Johnson,
Chief, Branch of Adjudication.
The following described lands are approved for interim conveyance:

Seward Meridian, Alaska (Surveyed)

T. 31 N., R. 57 W.
Sec. 25, lots 1, 2, and 3;
Sec. 27, lot 1, excluding Native allotment F-17976;
Sec. 28, all;
Sec. 33, all;
Sec. 34, lot 2;
Sec. 36, lots 1 and 2.

Containing approximately 3658 acres.

T. 33 N., R. 59 W.
Sec. 13, excluding Native allotment F-33894 and unnamed slough connecting Bonasla River and Deadman's Slough;
Secs. 14 and 15, excluding unnamed slough connecting Bonasla River and Deadman's Slough;
Secs. 22 and 23, excluding unnamed slough connecting Bonasla River and Deadman's Slough;
Secs. 24 and 25, excluding unnamed slough connecting Bonasla River and Deadman's Slough;
Secs. 34 and 35, excluding unnamed slough connecting Bonasla River and Deadman's Slough;
Secs. 20 and 27, excluding unnamed slough connecting Bonasla River and Deadman's Slough;

Containing approximately 5730 acres.

T. 28 N., R. 60 W.
Sec. Sec. 30, lots 1 and 2, excluding Native allotment F-15003;
Containing approximately 666 acres.

T. 30 N., R. 60 W.
Sec. 4, lots 1 and 3;
Sec. 20, all;

Containing approximately 1278 acres.

T. 31 N., R. 59 W.
Sec. 1 to 34, inclusive,
Sec. 35, excluding Native allotment F-17138;
Secs. 36, excluding Native allotments F-8855 Parcel B, F-132891, F-15244 Parcel A, and F-17138;

Containing approximately 22577 acres.

Aggregating approximately 33709 acres.

Total aggregated acreage, approximately 121564 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

Pursuant to Sec. 27(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 706; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in file AA-16030-5, are reserved to the United States.

All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail: The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dog sled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

- a. (EIN 14 CS) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 32, T. 31 N., R. 59 W., Seward Meridian, southeasterly to Sec. 6 T. 30 N., R. 59 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

- c. (EIN 19 CS) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 58, T. 30 N., R. 59 W., Seward Meridian, southeasterly to Sec. 1 T. 29 N., R. 59 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

- d. (EIN 23 CS) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 31, T. 32 N., R. 59 W., Seward Meridian, southeasterly to Sec. 1 T. 31 N., R. 60 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

- e. (EIN 25 CS) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 58, T. 30 N., R. 59 W., Seward Meridian, southeasterly to Sec. 1 T. 29 N., R. 59 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

- f. (EIN 18 CS) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 30 N., R. 57 W., Seward Meridian, southeasterly to Sec. 2 Sec. 36, T. 30 N., R. 57 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

- g. (EIN 16 CS) An easement for a proposed access trail twenty-five (25) feet in width from Sec. 36, T. 30 N., R. 57 W., Seward Meridian, southeasterly to Sec. 2 Sec. 36, T. 30 N., R. 57 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands; and

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 1, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C.)
Native Claims Appeal Board.

Management Alaska State Office, 701 Tundra Times. Any party claiming a selected pursuant to Sec. 12(c) of 64742 13, manner of and requirements for filing an appeal, there must be strict compliance with the regulations governing such appeals. Further information on the limits for filing an appeal are:

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 30, 1990 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

Doyon, Limited, First and Hall Streets, Fairbanks, Alaska 99701.

Ann Johnson,
Chief, Branch of Adjudication.
[FR Doc. 90-3012 Filed 9-28-90; 8:45 am]
BILLING CODE 4310-84-M

[A-19573-A and F-19573-B
Alaska Native Claims Selections; King Island Native Corp.

On August 15 and December 11, 1974, King Island Native Corporation, for the Native village of King Island filed selection applications F-19573-A and F-19573-B under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 888, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of King Island.

On November 14, 1978, the State of Alaska filed general purpose grant selection applications F-44526, F-44527, F-44545, and F-44546, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the King Island area.

The following described lands have been properly selected by King Island Native Corporation or segregated by applications pursuant to the public land laws. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select vacant, unappropriated, and unreserved public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Koote River Meridan, Alaska (Unsurveyed)

State Selection F-44509
T. 8 S., R. 38 W.
Secs. 1, 2, and 3, all; Secs. 4 and 5 (fractional), all; Secs. 7, 8, and 9 (fractional), all; Secs. 10 to 17, inclusive, all; Sec. 18 (fractional), all; Secs. 19 to 26, inclusive, all. Containing approximately 20,509 acres.

State Selection F-44528
T. 9 S., R. 38 W.
Secs. 21, 23, and 24, all; Secs. 25 to 36, inclusive, all. Containing approximately 9,825 acres.

State Selection F-44527
T. 9 S., R. 39 W.
Secs. 1, 2, and 3, all; Secs. 4, 9, and 10 (fractional), all; Secs. 11 to 14, inclusive, all; Secs. 15 and 22 (fractional), all; Secs. 23, 24, and 25, all; Secs. 26, 27, and 33 (fractional), all; Sec. 33, all. Containing approximately 9,450 acres.

State Selection F-44545
T. 10 S., R. 37 W.
Secs. 23 to 30, inclusive, all; Secs. 31 and 36 (fractional), all; Secs. 33 to 36, inclusive, all. Containing approximately 6,653 acres.

T. 11 S., R. 37 W.
Secs. 1 to 8 (fractional), inclusive, all; Sec. 12 (fractional), all. Containing approximately 2,505 acres.

State Selection F-44550
T. 10 S., R. 36 W.
Secs. 1 to 6, all; Sec. 7 (fractional), all; Secs. 8 to 15, inclusive, all; Secs. 17, 18, 20, and 21 (fractional), all; Secs. 22 to 25, inclusive, all; Sec. 26, excluding the Sinuk River; Sec. 27 (fractional), excluding the Sinuk River; Secs. 28, 34, 35, and 36 (fractional), all. Containing approximately 15,547 acres.

T. 10 S., R. 39 W.
Secs. 1, 2, and 12 (fractional), all. Containing approximately 600 acres. Aggregating approximately 64,408 acres.

Further action on the above State selection applications F-44509, F-44520, and F-44545, as to those lands not rejected herein, will be taken at a later date. State selection applications F-44527 and F-44546 are hereby rejected in their entirety and the case files will be closed of record when this decision becomes final. The State selected lands rejected above were not valid selections and will not be charged against the village corporation as state selected lands.

Executive Order No. 5249 dated March 4, 1930, withdrew tracts of land upon which the Office of Education has erected school buildings, not to exceed forty (40) acres (the King Island tract is now U.S. Survey 2032, containing 1.29 acres), for use of the Office of Education for which jurisdiction was subsequently transferred to the Bureau of Indian Affairs (BIA). On September 22, 1980, BIA informed the Bureau of Land Management that this parcel was no longer required and withdrew their application under Sec. 3(e) of ANCSA which states:

"Public lands means all Federal lands and interest therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installations."

Therefore, these lands are considered available public lands; they are properly selected by King Island Native Corporation and are included in this conveyance document.

As to the lands described below, the applications submitted by King Island Native Corporation, as amended, are properly filed, and meet the requirements of the Alaska Native...
Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title. In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 95,111 acres, is considered proper for acquisition by King Island Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey 2033, situated on King Island, Bering Sea, Alaska. Containing 1,285 acres.

Kakeel River Meridian, Alaska (Surveyed)

T. 5 S., R. 40 W., Secs. 20 to 30, inclusive, all; Secs. 31 and 32 (fractional), all; Secs. 33 to 35, inclusive, all. Containing approximately 6,952 acres.

T. 11 S., R. 37 W., Secs. 1 to 5 (fractional), inclusive, all; Sec. 12 (fractional), all. Containing approximately 1,565 acres.

T. 6 S., R. 38 W., Secs. 19, all; Secs. 23 to 25, inclusive, all; Sec. 30, all; Sec. 31 (fractional), all; Secs. 32 to 35, inclusive, all. Containing approximately 7,591 acres.

T. 7 S., R. 38 W., Secs. 1 to 4, inclusive, all; Secs. 5, 6, and 7 (fractional), all; Sec. 8 (fractional), excluding the Tisuk River; Secs. 9 to 15, inclusive, all; Sec. 16 (fractional), all; Sec. 17 (fractional), excluding the Tisuk River; Sec. 20 (fractional), excluding Native allotments F-15711; Sec. 21 (fractional), excluding Native allotment F-15711 and F-15743; Sec. 22 to 26, inclusive, all; Sec. 27, excluding Native allotments F-15731, F-15733, F-15736 and F-15863 Parcel B; Sec. 28 (fractional), excluding Native allotments F-15739, F-15744, F-15751 and the Feather River; Sec. 29 (fractional), excluding Native allotments F-15744 and F-15751; Sec. 30 (fractional), all; Sec. 33 (fractional), all; Sec. 34, excluding Native allotments F-15710 and F-15719; Sec. 34, excluding Native allotments F-15713, F-15727 and F-15863 Parcel A; Secs. 29 and 30. Containing approximately 14,411 acres.

T. 8 S., R. 38 W., Secs. 1 and 2, all;

Sec. 3, excluding Native allotments F-15728 and F-15740; Sec. 4 (fractional), excluding Native allotments F-15718 and F-15758; Sec. 5 (fractional), excluding Native allotment F-15725 Parcel A; Sec. 7 (fractional), excluding Native allotment F-15733; Sec. 8 (fractional), excluding Native allotment F-15730; See. 9 (fractional), excluding Native allotments F-15745, F-15746 and F-15748; Sec. 10, excluding Native allotments F-15724 and F-15749; Secs. 1 to 15, inclusive, all; Sec. 16, excluding Native allotments F-15715 and F-15800; Sec. 18 (fractional), excluding Native allotments F-15725, F-15747 and F-15753; Sec. 20, excluding Native allotments F-15723 and F-15732; Secs. 21 to 29, inclusive, all; Sec. 30, excluding Native allotments F-15720 and F-15862; Sec. 31, excluding Native allotments F-15712 and F-15728 Parcel B; Secs. 32 to 36, inclusive, all. Containing approximately 16,070 acres.

T. 9 S., R. 38 W., Secs. 21, 23, and 24, all; Secs. 25 to 36, inclusive, all. Containing approximately 9,524 acres.

T. 10 S., R. 38 W., Secs. 1 to 6, all; Sec. 7 (fractional), all; Secs. 8 to 16, inclusive, all; Secs. 17, 18, 20, and 21 (fractional), all; Secs. 22 to 25, inclusive, all; Sec. 26, excluding the Sinuk River; Sec. 27 (fractional), excluding Native allotment F-15292 Parcel B and the Sinuk River; Secs. 28, 34, 35, and 36 (fractional), all. Containing approximately 15,537 acres.

T. 6 S., R. 39 W., Sec. 6, all; Sec. 7 (fractional), all; Sec. 8, all; Secs. 13 to 15, inclusive, all; Secs. 17 and 18 (fractional), all; Secs. 20 to 23 (fractional), inclusive, all; Sec. 24, all; Secs. 25, 26, and 27 (fractional), all; Secs. 33 and 36 (fractional), all. Containing approximately 8,345 acres.

T. 7 S., R. 39 W., Sec. 4 (fractional), all. Containing approximately 45 acres.

T. 9 S., R. 39 W., Secs. 1, 2, and 3, all; Secs. 4, 9, and 10 (fractional), all; Secs. 11 to 14, inclusive, all; Secs. 15 and 22 (fractional), all; Secs. 23, 24, and 25, all; Secs. 26, 27, and 35 (fractional), all; Sec. 36, all. Containing approximately 9,450 acres.

T. 10 S., R. 39 W., Secs. 1 and 2 (fractional), all; Sec. 12 (fractional), excluding ANCSA Sec. 3(b) application F-23123. Containing approximately 960 acres.

T. 11 S., R. 39 W., Secs. 1, 2, and 12 (fractional), all. Containing approximately 760 acres.

T. 6 S., R. 46 W., Secs. 7, 8 and 9 (fractional), all; Secs. 16, 17, and 18 (fractional), all; Sec. 19 (fractional), excluding U.S. Survey 2032. Containing approximately 2,237 acres.

T. 6 S., R. 47 W., Secs. 12, 13, and 21 (fractional), all. Containing approximately 720 acres.

Ancestral rights of approximately 95,111 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 19, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 19, 1971 (85 Stat. 688, 706; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-19573-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulations. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 3 C3, D1) An easement for an existing access road sixty (60) feet in width from the mean high-tide line of Wooley Lagoon in Sec. 29, T. 7 S., R. 38 W., Kateel River Meridian, westerly generally paralleling Crete Creek to the Nome-Teller Road in Sec. 18, T. 7 S., R. 37 W., Kateel River Meridian. Uses allowed are those listed above for a sixty (60) foot wide road easement.

b. (EIN 3a C5) A one (1) acre site easement wipand of the main high-tide line in Sec. 29, T. 7 S., R. 38 W., Kateel River Meridian, on the east shore of Wooley Lagoon at the west terminus of road EIN 3 C5, D1. The uses allowed for the site easement are: vehicle parking (e.g., aircraft, boats, ATV’s, snowmobiles, cars, trucks) and loading or unloading. Loading or unloading shall be limited to 24 hours.

c. (EIN 4 C3 D1) An easement for an existing access trail twenty-five (25) feet in width from Sec. 7, T. 11 S., R. 36 W., Kateel River Meridian, northwesterly along the coast of the Bering Sea to Sec. 10, T. 3 S., R. 39 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot
wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act) July 7, 1959 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g)); contract, permit, right-of-way, or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 686, 703; 43 U.S.C. 1601, 1613(c)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 686, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed by this section.

King Island Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. To date approximately 95,111 acres of this entitlement have been approved for conveyance. The remaining entitlement of approximately 20,089 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to King Island Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance. There are no inland water bodies within the described lands considered to be navigable.

Tidal Influence

Woolley Lagoon was determined to be tidally influenced. The Feather River is tidally influenced from its mouth upriver approximately one-quarter of a mile to the middle of Sec. 28, T. 7 S., R. 38 W., Kateel River Meridian. The Sinuk River (Sinrock River) is tidally influenced from its mouth upriver to the north section line of Sec. 28, T. 10 S., R. 38 W., Kateel River Meridian.

The Tlaik River (Tishou River) is tidally influenced from its mouth upriver to the east section line of Sec. 6, T. 7 S., R. 38 W., Kateel River Meridian.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the NOUM NUGGET. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99615 and the Regional Solicitor, Office of the Solicitor, 510 I Street, Suite 430, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 30, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99515.

If an appeal is taken, the adverse parties to be served are:

- State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.
- King Island Native Corporation, P.O. Box 992, Nome, Alaska 99762.
- Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.

Ann Johnson,
Chief, Branch of Adjudication.

BILLING CODE 4310-64-M

[F-14875-A]

Alaska Native Claims Selection; Kugkaktlik Ltd.

This decision rejects improperly filed Sec. 14(b)(1) selection applications, approves lands selected pursuant to Sec. 12(a) in the area of Kipnuk for conveyance to Kugkaktlik Limited, and rejects a Sec. 12(b) selection to the extent that it conflicts with lands herein approved for conveyance under Sec. 12(a).

I. Section 14(b)(1) Applications Rejected in Entirety

Calista Corporation filed selection applications pursuant to Sec. 14(b)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 686, 704; 43 U.S.C. 1601, 1613(b) (1976)) (ANCSA), Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since the lands encompassed in the subject Sec. 14(b)(1) applications had been properly selected by Kugkaktlik Limited under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Calista Corporation. Therefore, the following applications must be and are hereby rejected in their entirety:

- Seward Meridian, Alaska (Unsurveyed)

Date of application, serial No., and Land description

- 08/02/1970, AA-11441, NW4SW4NE4, Sec. 7, T. 4 S., R. 86 W., S.M. Approximately 20 acres.
- 08/02/1970, AA-11445, SW4SW4WN4, Sec. 28, T. 4 S., R. 85 W., S.M. Approximately 2½ acres.
- 06/03/1978, AA—11393, Fractional NW4SW4NE4, Sec. 34, T. 2 S., R. 85 W., S.M. Approximately 17 acres.

When this decision becomes final, these applications will be closed of record.

II. Section 12(b) Application Rejected In Part; Lands Proper for Village Selection, Approved for Interim Conveyance


Kugkaktlik Limited, in its November 20, 1974 application excluded several bodies of water. Because certain of those water bodies have been
determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2651.4(b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the townships or townships within which the village is located, and that additional lands selected shall be reasonably compact if it excluded other lands available for selection within its exterior boundaries. For these reasons, the water bodies which were improperly excluded in the November 20, 1974 application are considered selected by Kugkaktlik Limited.

On December 12, 1975, Kugkaktlik Limited filed selection application F-14875-A2 pursuant to Sec. 12(b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a) with the statement that its Sec. 12(a) selection overrides the Sec. 12(b) selection. Therefore, application F-14875-A2 is hereby rejected as to lands herein approved for conveyance.

As to the lands described below, the Sec. 12(a) application is properly filed, and meets the requirement of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 105,838 acres, is considered proper for acquisition by Kugkaktlik Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

Seward Meridian, Alaska (Unsurveyed)

Sec. 19, all; Sec. 20, excluding Native allotment F-17996; Sec. 21, 22, and 23, all; Sec. 24, excluding Native allotments F-16911 Parcel B, F-17997 Parcel A and Kuguklik River; Sec. 25, excluding Native allotments F-16995 Parcel B, F-17996 Parcel B, and Kuguklik River; Sec. 26, excluding Native allotments F-17987 Parcel A, F-18727 Parcel D, F-17998 Parcel C and Kuguklik River; Sec. 27, excluding Native allotment F-17998 Parcel B and Kuguklik River; Sec. 28, excluding Kuguklik River and its interconnecting slough; Sec. 29, excluding Native allotments F-17992 Parcel A, F-17996, Kuguklik River and its interconnecting slough; Sec. 30, excluding Kuguklik River; Sec. 31, all; Sec. 32, excluding Kuguklik River and its interconnecting slough; Sec. 33, excluding Native allotments F-17990 Parcel A, F-18034 Parcel B, Kuguklik River and its interconnecting slough; Sec. 34, excluding Native allotments F-17990 Parcel A, F-17988 Parcel A and Kuguklik River; Secs. 35 and 36, all. Containing approximately 8,858 acres.

T. S. R. 84 W., Secs. 5 to 8, inclusive, all; Sec. 17 to 20, inclusive, all; Secs. 29 and 30, all; Secs. 31 and 32 (fractional), all. Containing approximately 8,492 acres.

T. 2 S. R. 85 W., Sec. 19, all; Sec. 20 and 21, excluding unnamed river; Sec. 22, excluding unnamed river and Kuguklik River; Sec. 23, excluding Native allotments F-16913 Parcel B, F-18113 Parcel A and Kuguklik River; Sec. 24, excluding Native allotments F-17996 Parcel B and F-17994 Parcel A; Sec. 25, excluding Native allotments F-17996 Parcel B, F-18007 Parcel B and Kuguklik River; Sec. 26, excluding Native allotment F-16913 Parcel B and Kuguklik River; Sec. 27, excluding Kuguklik River; Sec. 28, excluding Native allotment F-18006 Parcel A and unnamed river; Sec. 29, excluding unnamed river and Kuguklik River; Sec. 30, excluding Kuguklik River; Sec. 31, excluding Native allotments F-18002, F-18110 Parcel B and Kuguklik River; Sec. 32, excluding Kuguklik River and unnamed river; Sec. 33, excluding Native allotments F-16597 Parcel B, Kuguklik River and unnamed river; Sec. 34, excluding Native allotment F-16597 Parcel B and Kuguklik River; Sec. 35, excluding Native allotment F-17991 Parcel A and Kuguklik River; Sec. 36, all. Containing approximately 9,238 acres.

TR. 3 S., R. 85 W., Sec. 1, all; Sec. 2, excluding Native allotments F-17996 Parcel D and F-17991 Parcel A; Sec. 3, excluding Native allotment F-18113 Parcel B; Sec. 4, excluding Kuguklik River; Sec. 5, excluding Native allotments F-17990 Parcel B, F-18034 Parcel C and Kuguklik River; Sec. 6, excluding Native allotment F-19000 Parcel B; Sec. 7, excluding Native allotments F-15585 Parcel B, F-16995 Parcel A and F-17998 Parcel B; Sec. 8, 9, 10, all; Sec. 11, excluding Native allotment F-17993 Parcel C; Sec. 12, excluding Native allotments F-17996 Parcel C, F-18034 Parcel A, F-19000 Parcel A and F-19000 Parcel C; Secs. 13 to 17, inclusive, all; Sec. 18, excluding Native allotment F-19004; Sec. 19, 20, and 21, all; Sec. 22, excluding Native allotments F-18573 Parcel B and F-17994 Parcel B; Sec. 23, excluding Native allotments F-16973 Parcel B and F-17990 Parcel B; Secs. 24 and 25, all; Sec. 26, excluding Native allotments F-17994 Parcel C and F-17996 Parcel C; Sec. 27, all; Sec. 28, excluding Native allotment F-18090 Parcel D; Secs. 29 to 33, inclusive, all; Sec. 34, excluding Native allotment F-18111 Parcel B; Secs. 35 and 36, all. Containing approximately 21,531 acres.

T. 4 S. R. 86 W., Sec. 1, excluding Native allotment F-18159 Parcel B; Secs. 2 to 10, inclusive, all; Sec. 11, excluding Native allotment F-16911 Parcel A; Secs. 12 to 18, inclusive, all; Sec. 19, excluding Native allotment F-18092 Parcel C; Secs. 18 and 19, all; Sec. 20, excluding Native allotment F-18092 Parcel C; Sec. 21, all; Sec. 22, excluding Native allotment F-17991 Parcel B; Secs. 23 and 24, all; Secs. 25, 26, and 27 (fractional), all; Sec. 28 (fractional), excluding Native allotments F-17901 Parcel C and F-17993 Parcel B; Secs. 29 and 30 (fractional), all; Sec. 36 (fractional), all. Containing approximately 17,614 acres.

T. 2 S. R. 86 W., Sec. 28, excluding Native allotments F-18110 Parcel A and Kuguklik River; Secs. 29 to 33, inclusive, excluding Kuguklik River. Containing approximately 2,692 acres.

T. 3 S. R. 86 W., Secs. 1 and 2, excluding Native allotments F-18672 Parcel B and F-18581; Sec. 3, excluding Lot 1 (ANCSA Sec. 3(e) application A-A-39829) and lot 1 (PLO 2030 Will Mil Pur) of U.S. survey No. 4236 and Kuguklik River; Secs. 4 and 5, excluding Native allotment F-17903 and Kuguklik River; Sec. 6, all; Sec. 7, excluding Native allotment F-17903 Parcel B; Secs. 8, excluding Native allotments F-15587 Parcel A and F-17900 Parcel B; Sec. 9, excluding Native allotment F-16587 Parcel A and Kuguklik River; Secs. 10, excluding Lot 1 (ANCSA Sec. 3(e) application A-A-39829), lot 2 (PLO 2030 Will Mil Pur) of U.S. survey No. 4236 and Kuguklik River; Sec. 11, excluding Native allotments F-16550 Parcel A and F-18093 Parcel B; Sec. 12, excluding Native allotment F-18091; Sec. 13, all;
Sec. 14, excluding Native allotments F-16535 Parcel A and F-16586 Parcel B; Sec. 35, all; Sec. 16, excluding Native allotment F-18086 Parcel B; Sec. 37, excluding Native allotments F-17908 Parcel A and F-18085 Parcel C; Secs. 18, 19, and 20, all; Secs. 21, excluding Native allotment F-18083 Parcel B; Secs. 22 to 21, inclusive, all; Secs. 32 and 33, excluding Native allotment F-18089 Parcel C; Secs. 34, 35, and 36, all. Containing approximately 21,544 acres.

T. 4 S., R. 68 W., Secs. 1 to 6, inclusive, all; Sec. 7 (fractional), all; Secs. 8 to 13, inclusive, all; Secs. 17 and 18 (fractional), all. Containing approximately 8,484 acres.

T. 2 S., R. 67 W., Secs. 34 and 35 (fractional), all; Sec. 36 (fractional), excluding Native allotment F-17904 Parcel C; Containing approximately 930 acres.

T. 3 S., R. 67 W., Secs. 1 and 2, all; Sec. 3 excluding Native allotments F-15792 Parcel B and F-18159 Parcel A; Sec. 10 (fractional), all; Secs. 11 to 14, inclusive, all; Sec. 15 (fractional), all; Sec. 22 (fractional), excluding Native allotment F-17902 Parcel A; Sec. 24 excluding Native allotment F-17902 Parcel A; Sec. 25, excluding Native allotment F-18087 Parcel C; Sec. 26 (fractional), excluding Native allotments F-17906 Parcel A and F-17907 Parcel B; Sec. 27 (fractional), all; Sec. 35, all; Containing approximately 7,405 acres.

T. 4 S., R. 67 W., Secs. 12 and 13 (fractional), all. Containing approximately 460 acres. Aggregating approximately 105,838 acres.

Calista Corporation filed regional in lieu selection application AA-8093-1 on December 17, 1975 for the subsurface estate pursuant to Sec. 12(a)(1) of ANCSA and 43 CFR 2652 as to lands in: Seward Meridian, Alaska (Unsurveyed)

T. 2 S., R. 84 W., Sec. 19, all; Sec. 20, excluding Native allotment F-17995; Secs. 21, 22, and 23, all; Sec. 24, excluding Native allotments F-16911 Parcel B, F-17997 Parcel A and Kuguklik River; Sec. 25, excluding Native allotments F-16995 Parcel B, F-17998 Parcel B, and Kuguklik River; Sec. 26, excluding Native allotments F-17987 Parcel A, F-18727 Parcel D, F-17909 Parcel C and Kuguklik River; Sec. 27, excluding Native allotment F-17988 Parcel A and Kuguklik River; Sec. 28, excluding Native allotment F-17992 Parcel A, F-17998, Kuguklik River and its interconnecting slough; Sec. 29, excluding Native allotments F-17992 Parcel A, F-17998, Kuguklik River and its interconnecting slough; Sec. 30, excluding Kuguklik River; Sec. 31, all; Sec. 32, excluding Kuguklik River and its interconnecting slough; Sec. 33, excluding Native allotments F-17990 Parcel A, F-18092 Parcel A, F-18099 Parcel B, Kuguklik River and its interconnecting slough; Sec. 34, excluding Native allotment F-17990 Parcel A, F-18098 Parcel A and Kuguklik River; Secs. 35 and 36, all. Containing approximately 9,588 acres.

T. 4 S., R. 84 W., Secs. 5 to 6, inclusive, all; Secs. 7 to 20, inclusive, all; Secs. 29 to 30, all; Containing approximately 6,372 acres.

T. 2 S., R. 85 W., Sec. 19, all; Secs. 20 and 21, excluding unnamed river; Sec. 22, excluding unnamed river and Kuguklik River; Sec. 23, excluding Native allotments F-16913 Parcel B, F-18113 A and Kuguklik River; Sec. 24, excluding Native allotments F-17993 Parcel A and F-17904 Parcel C; Sec. 25, excluding Native allotments F-17989 Parcel B, F-17989 Parcel A, F-17996 Parcel B and Kuguklik River; Sec. 26, excluding Native allotment F-16913 Parcel B and Kuguklik River; Sec. 27, excluding Kuguklik River; Sec. 28, excluding Native allotment F-18096 Parcel A and unnamed river; Sec. 29, excluding unnamed river and Kuguklik River; Sec. 30, excluding Kuguklik River; Sec. 31, excluding Native allotments F-18083, F-18110 Parcel B and Kuguklik River; Sec. 32, excluding Kuguklik River and unnamed river; Sec. 33, excluding Native allotments F-18097 Parcel B, F-18091 Parcel B, Kuguklik River and unnamed river; Sec. 34, excluding Native allotment F-18097 Parcel A and Kuguklik River; Sec. 35, all; Containing approximately 9,238 acres.

T. 3 S., R. 65 W., Sec. 1 all; Sec. 2, excluding Native allotments F-17999 Parcel D and F-17991 Parcel A; Sec. 3, excluding Native allotment F-18113 Parcel B; Sec. 4, excluding Kuguklik River; Sec. 5, excluding Native allotment F-17906 Parcel B, F-18090 Parcel C and Kuguklik River; Sec. 6, excluding Native allotment F-18089 Parcel B; Sec. 7, excluding Native allotments F-16585 Parcel B, F-16595 Parcel A and F-17908 Parcel B; Secs. 8, 9, and 10, all; Sec. 11, excluding Native allotment F-17903 Parcel C; Sec. 12, excluding Native allotments F-17908 Parcel C, F-18064 Parcel A, F-18067 Parcel A, and F-18093 Parcel C; Secs. 13 to 17, inclusive, all; Sec. 18, excluding Native allotment F-18094; Secs. 19, 20, and 21, all; Sec. 22, excluding Native allotments F-16973 Parcel B and F-17994 Parcel B; Sec. 23, excluding Native allotments F-16973 Parcel B and F-17990 Parcel B; Secs. 24 and 25, all; Secs. 26 excluding Native allotments F-17904 Parcel C and F-17968 Parcel C; Secs. 27, all; Sec. 28, excluding Native allotment F-16909 Parcel D; Secs. 29 to 33, inclusive, all; Sec. 34, excluding Native allotment F-18111 Parcel B; Secs. 35 and 36, all. Containing approximately 21,551 acres.

T. 4 S., R. 85 W., Sec. 1, excluding Native allotment F-18159 Parcel B; Secs. 2 to 10, inclusive, all; Sec. 11, exclusion Native allotment F-16911 Parcel A; Secs. 12 to 16 inclusive, all; Sec. 17, excluding Native allotment F-16902 Parcel C; Secs. 18 and 19, all; Sec. 20, excluding Native allotment F-16902 Parcel C; Secs. 21 all; Sec. 22, excluding Native allotment F-17991 Parcel B; Secs. 23 and 24, all; Secs. 25, 26, and 27, (fractional), all; Sec. 28, (fractional), excluding Native allotments F-17901 Parcel C and F-17993 Parcel B; Secs. 29 and 30, (fractional), all; Containing approximately 17,594 acres.

T. 2 S., R. 86 W., Sec. 23, excluding Native allotment F-16110 Parcel A and Kuguklik River; Sec. 29 to 33, inclusive, excluding Kuguklik River. Containing approximately 2,892 acres.

T. 3 S., R. 86 W., Sec. 1 and 2, excluding Native allotments F-16972 Parcel B and F-18501; Sec. 3, excluding Lot 1 (ANCSA Sec. 3(o) application AA-39892), and Lot 2 (PLO 2020 Wilk Mill Pur) of U.S. Survey No. 4238 and Kuguklik River; Sec. 4 and 5, excluding Native allotment F-17905 and Kuguklik River; Secs. 6, all; Sec. 7, excluding Native allotment F-17903 Parcel B; Sec. 8, excluding Native allotments F-16597 Parcel A and F-17900 Parcel B; Sec. 9, excluding Native allotment F-16597 Parcel A and Kuguklik River; Sec. 10, excluding Lot 1 (ANCSA Sec. 3(o) application AA-39892), and Lot 2 (PLO 2020 Wilk Mill Pur) of U.S. Survey No. 4238 and Kuguklik River; Sec. 11, excluding Native allotments F-18055 Parcel A and F-18093 Parcel D; Sec. 12, excluding Native allotment F-16911; Sec. 13, all;
Sec. 14, excluding Native allotments F-16588 Parcel A and F-16596 Parcel B; Secs. 15 all; Sec. 16, excluding Native allotment F-18068 Parcel B; Sec. 17, excluding Native allotments F-17968 Parcel A and F-18068 Parcel C; Secs. 18, 19, and 20, all; Sec. 21, excluding Native allotment F-18063 Parcel B; Secs. 22 to 31, inclusive, all; Secs. 32, and 33, excluding Native allotment F-18069 Parcel C; Secs. 34, 35, and 36, all; Containing approximately 21,344 acres.

T. 4 S., R. 66 W.; Secs. 1 to 6, inclusive, all; Sec. 7 (fractional), all; Secs. 8 to 13, inclusive, all; Secs. 14 and 15 (fractional), all; Secs. 17 and 18, all. Containing approximately 8,454 acres. T. 2 S., R. 87 W.; Secs. 34 and 35 (fractional), all; Sec. 36 (fractional), excluding Native allotment F-17906 Parcel A; Containing approximately 930 acres. T. 3 S., R. 87 W.; Secs. 1 and 2, all; Sec. 3 (fractional), excluding Native allotments F-17902 Parcel B and F-18159 Parcel A; Sec. 10 (fractional), all; Secs. 11 to 14, inclusive, all; Sec. 15 (fractional), all; Secs. 23 (fractional), excluding Native allotment F-17902 Parcel A; Sec. 24, excluding Native allotment F-17902 Parcel A; Sec. 25, excluding Native allotment F-12067 Parcel C; Secs. 28 (fractional), excluding Native allotments F-17906 Parcel A and F-17907 Parcel B; Sec. 28 (fractional), all; Sec. 30, all. Containing approximately 7,405 acres. T. 4 S., R. 87 W.; Secs. 1 and 12 (fractional), all. Containing approximately 460 acres. Aggregating approximately 105,998 acres.

The above-described lands lie within those selected by Kugkaktlik Limited for the village of Kipnuk. Calista Corporation will receive title to the subsurface estate at the time the village receives title to the surface estate. This acreage will not be charged against Calista Corporation's in lieu entitlement. The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States. 1. The subsurface therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (65 Stat. 688, 708; 43 U.S.C. 1601, 1616(b), the following public easements referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14875-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulations. The following is a listing of uses allowed for each type of easement identified. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dog sled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

(EIN 2a D1) An easement for an existing access trail from the Kipnuk Inlet in Secs. 3, 10, and 11, T. 3 S., R. 86 W., Seward Meridian, through the village of Kipnuk westerly to the Kuguklik River. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, but including not limited to those created by any lease (including lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 332, 341; 47 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way or easement, and the right of the lessee, contractor, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing laws;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (65 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said selection; and


Within the above-described lands, the following water body was estimated to be tidally influenced:

The Kuguklik River has been determined to be tidally influenced up to the west boundary of the E.1/2 S.34, T.2 S., R. 86 W., Seward Meridian.

Actual limits of tidal influence, for the above-mentioned water body and for other water bodies within the lands to be conveyed, if any, will be determined at the time of survey.

Within the above-described lands, only the following inland water bodies are considered to be navigable:

Kinak River and its interconnecting sloughs from its mouth upstream through the selection to a fall camp located in Sec. 12, T. 1 S., R. 85 W., Seward Meridian; Kuguklik River and its interconnecting sloughs from its mouth upstream through the selection and beyond into the Kwigillingok selection; and An unnamed river and its interconnecting sloughs from its confluence with the Kuguklik River in Sec. 33, T. 2 S., R. 85 W., upstream to a fall and spring camp located in Sec. 22, T. 1 S., R. 84 W., Seward Meridian.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence they were determined nonnavigable. Kugkaktlik Limited is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date approximately 105,883 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 9,302 acres will be conveyed at a later date.

Pursuant to Sec. 19(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Kugkaktlik Limited and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS. Any party claiming a property interest in lands affected by
this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13 Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 I Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 30, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kugaklik Limited, Kipnuk, Alaska 99914
Callista Corporation, 516 Denali Street, Anchorage, Alaska 99501

Ann Johnson,
Chief, Branch of Adjudication.

[F.R. Doc. 80-50494 Filed 9-30-80; 8:45 a.m.]
BILLING CODE 4310-84-M

[F-14693-A and F-14693-B]

Alaska Native Claims Selections;
Mary's Igloo Native Corp.


On November 14, 1974, the State of Alaska filed general purposes grant selection applications F-44439 and F-44473, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b)) for certain lands in the Mary's Igloo area.

The following described lands have been properly selected by Mary's Igloo Native Corporation or segregated by applications pursuant to the public land laws. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select vacant, unappropriated and unreserved public lands in Alaska. Therefore, the following State selection applications are hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)
State Selection F-44469
U.S. Survey 4093, Lot 1, situated on the right bank of the Kuzitrin River about 70 miles from Nome, Alaska.
Containing approximately 3.64 acres.
T. 3 S., R. 30 W., Sec. 20, all; Sec. 21, excluding U.S. Survey 565, U.S. Survey 4093 Lot 2, and Kuzitrin River;
Secs. 28 to 33, inclusive, excluding Kuzitrin River.

Containing approximately 4,756 acres.

State Selection F-44473
T. 4 S., R. 20 W., Secs. 4, 5 and 6, all; Sec. 29, excluding Kruzgamepa (Pilgrim) River;
Sec. 30, all; Sec. 31, excluding U.S. Survey 565 and Kruzgamepa (Pilgrim) River;
Sec. 32, excluding Kruzgamepa (Pilgrim) River.

Containing approximately 4,223 acres.
Aggregating approximately 6,908 acres.

Further action on the above State selection applications, as to those lands not rejected herein, will be taken at a later date. The State selected lands rejected above were not valid selections and will not be charged against the village corporation as State selected lands.

On December 15, 1975 and July 2, 1976, Bering Straits Native Corporation filed selection applications F-21972 and F-22903, respectively, pursuant to Sec. 14(h)(1) of ANCSA. Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since a portion of the lands encompassed in the subject Sec. 14(h)(1) applications have been properly selected by Mary's Igloo Native Corporation under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by the Bering Straits Native Corporation. Therefore, selection applications F-21972 and F-22903 must be and are hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Unsurveyed)
Regional Selection F-21972
T. 3 S., R. 30 W., Sec. 21, E¼.
Containing approximately 320 acres.

Regional Selection F-22903
T. 3 S., R. 30 W., Sec. 31, S ½ NE¼, N ½ SE¼.
Containing approximately 160 acres.
Aggregating approximately 480 acres.

Further action on Sec. 14(h)(1) application F-21972, as to those lands not rejected herein, will be taken at a later date. Section 14(h)(1) application F-22903 is rejected in its entirety and the case file will be closed of record when this decision becomes final.

As to the lands described below, the applications submitted by Mary's Igloo Native Corporation are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 73,109 acres, is considered proper for acquisition by Mary's Igloo Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Kateel River Meridian, Alaska (Unsurveyed)

T. 3 S., R. 30 W., Sec. 20, excluding Native allotment F-14302 Parcel A;
Sec. 21, excluding U.S. Survey 565, U.S. Survey 4093, Lots 1 and 2, Native allotments F-13770 Parcel A, F-14302 Parcel A and B, F-18045 and Kuzitrin River;
Sec. 28, excluding Native allotment F-15073 Parcel C and Kuzitrin River;
Secs. 29 to 33, inclusive, excluding Kuzitrin River.

Containing approximately 4,516 acres.

T. 4 S., R. 30 W., Secs. 4, 5 and 6, all; Sec. 29, excluding Kruzgamepa (Pilgrim) River;
Sec. 30, all; Sec. 31, excluding U.S. Survey 565 and Kruzgamepa (Pilgrim) River;
Sec. 32, excluding Kruzgamepa (Pilgrim) River.

Containing approximately 4,220 acres.

T. 3 S., R. 31 W., Sec. 25, all;
Secs. 29 to 30, inclusive, excluding Kuzitrin River.

Containing approximately 3,102 acres.

T. 4 S., R. 31 W., Sec. 1, all;
Secs. 2, 3, 4 and 5, excluding Kuzitrin River;
Sec. 6, all;
Sec. 7, excluding Kuzitrin River and Davidssons Slough;
Sec. 8, excluding Kuzitrin River and interconnecting slough;
Sec. 9, excluding Kuzitrin River;
Secs. 10 to 15, inclusive, all;
Sec. 16, excluding the interconnecting slough of the Kuzitrin River;
Sec. 17, excluding Kuzitrin River and interconnecting slough;
Sec. 18, excluding Kuzitrin River and Davidssons Slough;
Sec. 19, excluding Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Secs. 20 and 21, excluding the interconnecting sloughs of the Kuzitrin River and the Kruzgamepa (Pilgrim) River;
Secs. 22 to 25, inclusive, all;
Secs. 26 and 27, excluding Kruzgamepa (Pilgrim) River;
Secs. 28 and 29, excluding Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Sec. 30, excluding Kruzgamepa (Pilgrim) River;
Sec. 31, all;
Sec. 32, excluding Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Secs. 33, 34, and 35, excluding Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Sec. 36, excluding U.S. Survey 565 and Kruzgamepa (Pilgrim) River.

Containing approximately 21,781 acres.

T. 3 S., R. 22 W.,
Sec. 7, all;
Sec. 8, excluding U.S. Survey 604, Native allotment F-15266 Parcel B and the northern arm of Mary's Lake;
Sec. 16, all;
Sec. 17, excluding the northern arm of Mary's Lake;
Secs. 18 and 19, all;
Sec. 20, excluding Mary's Lake, Lake Omiaktalik and Kaviruk River;
Sec. 21, excluding Mary's Lake and Lake Omiaktalik;
Secs. 22 and 26, all;
Secs. 27, excluding Davidssons Slough;
Sec. 29, excluding Lake Omiaktalik and Kaviruk River;
Sec. 30, excluding Davidssons Slough, Kuzitrin River, and Interconnecting Sloughs;
Sec. 31, excluding Kuzitrin River and F-12551 Parcel B and F-12560 Parcel B;
Kuzitrin River and Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Sec. 32, excluding Native allotment F-12563 Parcel D, Kuzitrin River and Kaviruk River;
Sec. 33, excluding Davidssons Slough, Kuzitrin River, and Interconnecting Sloughs;
Secs. 34 and 35, excluding Davidssons Slough.

Containing approximately 9,996 acres.

T. 4 S., R. 32 W.,
Secs. 1, 2, and 3, excluding Davidssons Slough;
Sec. 4, excluding Kuzitrin River;
Sec. 5, excluding Kuzitrin River and its interconnecting sloughs;
Sec. 6, excluding Native allotments F-15510 Parcel B and F-15815 Parcel B, Kuzitrin River and its interconnecting sloughs;
Secs. 7 and 8, excluding the Interconnecting sloughs of the Kuzitrin River;
Sec. 9, excluding Native allotment F-12551 Parcel C, Kuzitrin River, and its interconnecting sloughs;
Sec. 10, excluding Native allotment F-12551 Parcel C, Kuzitrin River, Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Secs. 11 and 12, excluding Davidssons Slough and Kuzitrin River;
Sec. 13, excluding Kuzitrin River, and its interconnecting sloughs;
Sec. 14, excluding Native allotments F-13056 Parcel C and F-12968 Parcel B, Kuzitrin River and its interconnecting sloughs;
Sec. 15, excluding Native allotment F-12966 Parcel B, Kuzitrin River, Kruzgamepa (Pilgrim) River and Interconnecting Sloughs;
Sec. 16, excluding Kruzgamepa (Pilgrim) River and Interconnecting Sloughs;
Sec. 17, excluding the Interconnecting Sloughs of the Kruzgamepa (Pilgrim) River;
Sec. 18, all;
Sec. 21, excluding the Interconnecting Slough of the Kruzgamepa (Pilgrim) River;
Sec. 22, excluding Kruzgamepa (Pilgrim) River;
Sec. 23, excluding U.S. Survey 2245, Native allotment F-16099 Parcel A, Kruzgamepa (Pilgrim) River and Interconnecting Sloughs;
Sec. 24, excluding Kruzgamepa (Pilgrim) River and its interconnecting sloughs;
Sec. 25, excluding Native allotment F-13058, and Kruzgamepa (Pilgrim) River;
Sec. 26, excluding Kruzgamepa (Pilgrim) River.

Containing approximately 12,715 acres.

T. 3 S., R. 33 W.,
Seca. 11 to 20, inclusive, all;
Sec. 21, excluding the unnamed slough connecting Duck Creek and the Imuruk Basin;
Sec. 22 and 23 (fractional), excluding Kuzitrin River and the unnamed slough connecting Duck Creek and the Imuruk Basin;
Sec. 24, all;
Sec. 25 (fractional), excluding Kaviruk River and Kuzitrin River;
Secs. 26 and 27 (fractional), excluding Native allotment F-025263 Parcel B and Kuzitrin River;
Sec. 28 and 29, excluding the unnamed slough connecting Duck Creek to Imuruk Basin;
Sec. 30, excluding Native allotment F-12564 Parcel D and the unnamed slough connecting Duck Creek to Imuruk Basin;
Sec. 31, excluding Native allotment F-12782 Parcel A and Duck Creek;
Secs. 32 and 33, excluding the unnamed slough connecting Duck Creek to Imuruk Basin;
Sec. 34 (fractional), all;
Sec. 36 (fractional), excluding Native allotments F-025263 Parcel B and F-12500 Parcel B;
Sec. 36 (fractional), excluding Native allotment F-16815 Parcel A, Kuzitrin River and the unnamed slough.

Containing approximately 13,665 acres.

T. 4 S., R. 33 W.,
Sec. 1, excluding the interconnecting slough of the Kuzitrin River;
Sec. 2 (fractional), excluding native allotments F-12560 Parcel B and F-025263 Parcel A,
Sec. 3 (fractional), excluding Native allotments F-025263 Parcel A and F-1900 Parcel B,
Sec. 4, excluding the unnamed slough connecting Duck Creek and Imuruk Basin;
Sec. 5 (fractional), all;
Sec. 6 (fractional), excluding Native allotment F-12782 Parcel A and Duck Creek;
Secs. 7, 8 and 9 (fractional), all;
Sec. 11 (fractional), excluding Native allotments F-13056 and F-12882 Parcel B.

Containing approximately 2,936 acres.

Aggregating approximately 73,109 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:
1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (63 Stat. 688, 704; 43 U.S.C. 1601, 1616(b)), and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (63 Stat. 688, 704; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14883-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dog sleds, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles less than 3,000 lbs Gross Vehicles Weight (GVW).

50 Foot Trail—The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dog sleds, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles; and four-wheel drive vehicles.

One Acre Site—The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. [EIN 8 & C3, D1, D9, L] An easement for an existing access trail twenty-five (25) feet in width from Mary's Igloo in Sec. 8, T. 4 S.,
The Department of Transportation and Public Facilities [under the act of August 27, 1958, as amended (72 Stat. 865; 23 U.S.C. 317)]

4. A right-of-way, F-024992, containing approximately 5 acres located within NE 1/4 NE 1/4 Sec. 21, T. 3 S., R. 30 W., Kateel River Meridian, for the Alaska Aid Material Site, issued to the State of Alaska, Department of Highways (now the Department of Transportation and Public Facilities) under the Act of August 27, 1958, as amended (72 Stat. 865; 23 U.S.C. 317).

5. A right-of-way in Federal Aid Secondary (FAS) Route 141 (Nome-Taylor Road) from FAS Route 130 in Nome, north to FAS Route 1451 at Coffee Creek, transferred to the State of Alaska by the quasitax deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 69-70 (73 Stat. 141) as to Tps. 3 and 4 S., R. 30 W., Kateel River Meridian.

6. A right-of-way, F-029004, containing approximately 6 acres located within NE 1/4 NE 1/4 Sec. 21, T. 3 S., R. 30 W., Kateel River Meridian, for the Alaska Aid Material Site, issued to the State of Alaska, Department of Highways [now the Department of Transportation and Public Facilities] under the Act of August 27, 1958, as amended (72 Stat. 865; 23 U.S.C. 317); and

7. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act

The Kruzgamepa (Pilgrim) River and all interconnected sloughs are determined to be navigable throughout the Mary's Igloo selection.

Davidson's Slough, which connects the navigable Kuzitrin and Kuvirik Rivers, is considered navigable.

The Kuvirik River is navigable to the west section line of Sec. 20, T. 3 S., R. 32 W., Kateel River Meridian.

Mary's Lake including the northern arm is navigable to the east section line of Sec. 6, T. 3 S., R. 32 W., Kateel River Meridian.

Lake Omakatak.

Tidal Influence:

Imuruk Basin, including the unnamed water body and connecting slough in Sec. 38, T. 3 S., R. 33 W., Kateel River Meridian.

Duck Creek in Sec. 31, T. 3 S., R. 33 W., and Sec. 6, T. 4 S., R. 33 W., Kateel River Meridian. The unnamed water bodies and the sloughs connecting them to Imuruk Basin in Sec. 5, Sec. 6, and Sec. 7, T. 4 S., R. 33 W., Kateel River Meridian.

The unnamed slough connecting Duck Creek in Sec. 38, T. 3 S., R. 34 W., Kateel River Meridian, to the Imuruk Basin in Sec. 22, T. 3 S., R. 33 W., and Sec. 3, T. 4 S., R. 33 W., Kateel River Meridian.

There are numerous other water bodies and waterways which are tidally influenced. The extent of that tidal influence will be determined at the time of survey.

In accordance with Departmental regulations 43 CFR 2950.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Nome Nugget. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2393, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 30, 1990, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights, which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.
To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 325 East Fourth Avenue, Anchorage, Alaska 99501.

Mary’s Igloo Native Corporation, Teller, Alaska 99778.

Bering Straits Native Corporation, P.O. Box 1006, Nome, Alaska 99762.

Ann Johnson,
Chief, Branch of Adjudication.

[FR Doc. 80-32083 Filed 9-29-80; 8:45 am]
BILLING CODE 4310-84-M

[F-14866-A]

Alaska Native Claim Selection; Sea Lion Corp.

This decision rejects improperly filed Sec. 14(h)(1) selections and approves lands in the area of Hooper Bay for conveyance to Sea Lion Corporation.


Section 14(h) and Departmental regulations issued thereunder authorized the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since all available lands encompassed in the subject Sec. 14(h)(1) applications had been properly withdrawn under Sec. 11 and selected by Sea Lion Corporation under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Calista Corporation.

Therefore, the following applications must be and are hereby rejected in their entirety:

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 91 W.

Sec. 1, all;

Sec. 2, excluding the Komoiarak Slough;

Sec. 3, excluding the Komoiarak Slough and the unnamed slough;

Secs. 4 and 5, excluding the unnamed slough;

Sec. 6, all;

Sec. 7, excluding Native allotments F-14539 Parcel A, F-19111 Parcel C, F-14696 Parcel A, F-14521 Parcel A and F-19111 Parcel A and the unnamed slough;

Sec. 8, excluding Native allotment F-14557 Parcel B and F-19111 Parcel A and the unnamed slough;

Secs. 9 to 17, inclusive, all;

Sec. 18, excluding the unnamed slough;

Secs. 19 to 24, inclusive, all;

Sec. 25, excluding Native allotment F-14455 Parcel A;

Secs. 27 to 30, inclusive, all;

Sec. 31 (fractional), all;

Secs. 32 to 35, inclusive, all.

Containing approximately 21,043 acres.

17 T. N., R. 91 W.

Secs. 17 to 19, all;

Sec. 20, excluding the unnamed slough (locally known as Komoiarak Slough);

Secs. 23 and 29, all;

Sec. 30, excluding Native allotment F-14702 Parcel C;

Secs. 31 and 32, all;

Sec. 33, excluding the Komoiarak Slough.

Containing approximately 6,943 acres.

17 T. N., R. 92 W.

Secs. 1 to 11, inclusive, all;

Sec. 12, excluding Native allotment F-14519 Parcel A;

Sec. 13, excluding Native allotment F-19112 Parcel A and the unnamed slough;

Regarding the following applications, therefore, F-14866-A2 is hereby rejected as to the lands herein approved for conveyance.

As to the lands described below, selection F-14866, as amended, if properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 11 acres, is hereby approved for acquisition by Sea Lion Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Lands Within Clearence Rhodes Wildlife Refuge

(Public Land Order 2213, December 6, 1960 and Public Land Order 4584, January 20, 1969)

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 91 W.

Sec. 1, all;

Sec. 2, excluding the Komoiarak Slough;

Sec. 3, excluding the Komoiarak Slough and the unnamed slough;

Secs. 4 and 5, excluding the unnamed slough;

Sec. 6, all;

Sec. 7, excluding Native allotments F-14539 Parcel A, F-19111 Parcel C, F-14696 Parcel A, F-14521 Parcel A and F-19111 Parcel A and the unnamed slough;

Sec. 8, excluding Native allotment F-14557 Parcel B and F-19111 Parcel A and the unnamed slough;

Secs. 9 to 17, inclusive, all;

Sec. 18, excluding the unnamed slough;

Secs. 19 to 24, inclusive, all;

Sec. 25, excluding Native allotment F-14455 Parcel A;

Secs. 27 to 30, inclusive, all;

Sec. 31 (fractional), all;

Secs. 32 to 35, inclusive, all.

Containing approximately 21,043 acres.

T. 18 N., R. 94 W.

Secs. 17 and 19, all;

Secs. 20, 21, and 22, excluding the unnamed slough (locally known as Komoiarak Slough);

Secs. 23 and 27, all;

Sec. 30, excluding Native allotment F-14702 Parcel C;

Secs. 31 and 32, all;

Sec. 33, excluding the Komoiarak Slough.

Containing approximately 6,943 acres.

T. 18 N., R. 95 W.

Secs. 1 to 11, inclusive, all;

Sec. 12, excluding Native allotment F-14519 Parcel A;

Sec. 13, excluding Native allotment F-19112 Parcel A and the unnamed slough;
T. 21 N., R. 66 W.
Sec. 4, all.
Sec. 5, excluding Native allotment F-19237;
Sec. 6, excluding Native allotment F-19238
Parcel A;
Secs. 13 and 14, excluding the Kun River.
Containing approximately 2,465 acres.
T. 22 N., R. 66 W.
Secs. 19 to 23, inclusive, all;
Secs. 24 and 25, excluding the Kun River;
Secs. 26 to 31, inclusive, all;
Sec. 32, excluding Native allotment F-19237;
Sec. 33, all;
Sec. 36, excluding the Kun River.
Containing approximately 8,444 acres.
T. 23 N., R. 66 W.
Secs. 11, 12 and 13, excluding the Black River;
Secs. 14, 15, 21 and 22, all;
Secs. 23 to 28, inclusive, excluding the Black River;
Sec. 27, excluding Native allotment F-18428
Parcel A and the Black River;
Sec. 28, excluding Native allotment F-18428
Parcel A;
Secs. 29, 32, and 33, all;
Secs. 34 and 35, excluding the Black River;
Sec. 36, all;
Containing approximately 10,600 acres.
T. 17 N., R. 93 W.
Secs. 1 to 4, inclusive, all;
Sec. 5 (fractional), all;
Sec. 6 (fractional), including Manayagavik Slough;
Sec. 9, excluding Manayagavik Slough;
Secs. 10 to 14, inclusive, all;
Secs. 17 and 18 (fractional), excluding Manayagavik Slough;
Sec. 20 (fractional), all;
Secs. 21 and 22, all;
Sec. 23, excluding Native allotment F-14703
Parcel C, Napareayak and unnamed slough;
Sec. 24, excluding Native allotment F-14703
Parcel C and Napareayak Slough;
Sec. 25 (fractional), excluding Native allotments F-15307 and F-19110 Parcel A and the unnamed slough;
Sec. 26, excluding U.S. Survey 3774, 4052, and 4420, the Napareayak Slough, and the unnamed slough;
Sec. 27, excluding U.S. Survey 4420 and the unnamed slough;
Sec. 28, excluding U.S. Survey 3774 and the unnamed slough;
Sec. 29 (fractional), excluding the unnamed slough;
Sec. 31 (fractional), that portion outside the Clarence Rhodes Wildlife Refuge;
Sec 33 (fractional), that portion outside the Clarence Rhodes Wildlife Refuge, excluding U.S. Survey 3774;
Sec. 34, excluding U.S. Survey 4420;
Sec 35 (fractional), excluding U.S. Survey 4420.
Containing approximately 15,995 acres.
T. 28 N., R. 63 W.
Secs. 4 and 9 (fractional), all;
Secs. 21 to 30 (fractional), inclusive, all;
Secs. 21 to 32 (fractional), all;
Secs. 23 to 27, inclusive, all;
Secs. 29 and 33 (fractional), all;
Secs. 34, 35, and 36, all.
Containing approximately 9,035 acres.

Secs. 6, excluding Native allotment F-14559
Parcel A and the unnamed slough;
Secs. 15, all;
Secs. 16, excluding Native allotment F-14758
Parcel A;
Secs. 17 to 22, inclusive, all;
Secs. 23, excluding the unnamed slough;
Secs. 24, excluding Native allotment F-19118
Parcel D and the unnamed slough;
Secs. 25 to 28 (fractional), inclusive, all;
Secs. 29, 32, 33, and 38 (fractional), all.
Containing approximately 18,594 acres.
T. 18 N., R. 92 W.
Secs. 10, 11, and 12 (fractional), all;
Secs. 13 and 14, all;
Secs. 15, excluding Native allotment F-14519
Parcel B;
Sec. 16 (fractional), all;
Sec. 17 (fractional), excluding Native allotments F-14697 Parcel C and F-14697 Parcel A;
Sec. 18 (fractional), all;
Sec. 19, all;
Sec. 20, excluding Native allotment F-14697 Parcel A;
Sec. 21, excluding Native allotment F-19116
Parcel B;
Sec. 22, excluding Native allotment F-14519
Parcel B and F-14521 Parcel B;
Secs. 23, 24, and 25, all;
Sec. 26, excluding Native allotment F-14693
Parcel B;
Sec. 27, excluding Native allotment F-14755
Parcel A;
Secs. 28 to 38, inclusive, all.
Containing approximately 14,570 acres.
T. 17 N., R. 93 W.
Secs. 32 and 33 (fractional), those portions within Clarence Rhodes Wildlife Refuge.
Containing approximately 60 acres.
T. 18 N., R. 94 W.
Secs. 4, 10, 11, and 12 (fractional), those portions within Clarence Rhodes Wildlife Refuge.
Containing approximately 600 acres.
Lands Outside Clarence Rhodes Wildlife Refuge
Seward Meridian, Alaska (Unsurveyed)
T. 21 N., R. 94 W.
Sec. 6, excluding Native allotment F-17513
Parcel A and the Black River.
Containing approximately 465 acres.
T. 22 N., R. 94 W.
Sec. 31, excluding the Black River.
Containing approximately 508 acres.
T. 21 N., R. 85 W.
Secs. 2 to 5, inclusive, all;
Secs. 6, 7, and 18, excluding the Kun River.
Containing approximately 4,246 acres.
T. 22 N., R. 85 W.
Secs. 3, 4, and 5, all;
Secs. 6 to 10, inclusive, excluding the Black River;
Secs. 15 and 16, excluding the Black River;
Secs. 17 to 21, inclusive, all;
Secs. 22, excluding the Black River;
Secs. 27 to 35, inclusive, all;
Sec. 36, excluding the Black River.
Containing approximately 15,792 acres.
T. 23 N., R. 85 W.
Secs. 30, 31, and 32, all.

Secs. 20 to 28 (fractional), all;
Secs. 10, 11, 16, 17, and 18 (fractional), all;
Secs. 19 to 22 (fractional), all;
Secs. 22 to 25 (fractional), all;
Secs. 26 to 30 (fractional), all.
Containing approximately 7,175 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:
1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613, (f)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1618(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14668-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

**25 Foot Trail**—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

**60 Foot Road**—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogled, animals, snowmobiles, two- and three-wheel vehicles, small and larger all-terrain vehicles, truck vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. [EIN 3 DI] An easement for an existing access trail twenty-five (25) feet in width from the village of Hoppor Bay northeasterly to the village of Scammon Bay. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. [EIN 7 E] An easement for an existing access trail twenty-five (25) feet in width from the village of Hoppor Bay beginning in Sec. 26, T. 17 N., R. 63 W. Seward Meridian, easterly to the village of Chevak. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.
An easement sixty (60) feet in width for an existing road from the south end of the Hooper Bay airport in Sec. 33, T. 17 N., R. 53 W., Seward Meridian, easterly to the village of Hooper Bay. The uses allowed are those listed above for a sixty (60) foot wide road easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of surveying those lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and conveyances thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 Stat. 688, 714; 43 U.S.C. 1601, 1621(g)), that (a) the above described lands which were within the boundaries of the Clarence Rhodes Wildlife Refuge on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of the first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States; and

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Sea Lion Corporation is entitled to conveyance of 161,280 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein conveyed, the total acreage conveyed or approved for conveyance is 133,648 acres. The remaining entitlement of approximately 27,632 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA the subsurface estate of the lands described above, excluding those lands which have been withdrawn by Public Land Orders 2213 and 4594 and which are reserved thereby as a national wildlife refuge, shall be conveyed to Calista Corporation, when conveyance is issued to Sea Lion Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by Sec. 11(a) within the region. The total amount of wildlife refuge lands which have been approved for conveyance to Sea Lion Corporation is approximately 61,690 acres, which is less than the 60,120 acres permitted by Sec. 12(a)(1) of ANCSA.

Within the above described lands, the following water bodies are determined to be tidally influenced:

- Manyagvik Slough from the Bering Sea to a point near the center of Sec. 15, T. 17 N., R. 93 W., Seward Meridian;
- Komioarok Slough from its confluence with the Kokechik River upstream and including a small lake in Sec. 27, 28, 33, and 34, T. 18 N., R. 91 W., and Secs. 3 and 4, T. 17 N., R. 91 W., Seward Meridian;
- The Black River to Sec. 10, T. 21 N., R. 84 W., Seward Meridian;
- Napareyak Slough to the north boundary of Sec. 25, T. 17 N., R. 93 W., Seward Meridian;
- Actual limits of tidal influence, for water bodies listed above and for other water bodies within the lands to be conveyed, if any, will be determined at the time of survey.

Within the above described lands, only the following inland water bodies are considered to be navigable:

- Kun River;
- Black River;
- Komioarok Slough;
- An unnamed slough and lake system from its junction with the Komioarok Slough in Sec. 34, T. 18 N., R. 91 W., Seward Meridian, to its mouth in Sec. 23, T. 17 N., R. 82 W., Seward Meridian;
- Unnamed Slough (locally known as Komioarok Slough) from its confluence with the Komioarok Slough in Sec. 12, T. 18 N., R. 91 W., Seward Meridian, upstream and including the unnamed lake in Sec. 19, T. 18 N., R. 91 W., Seward Meridian;
- Napareyak Slough and an unnamed slough from its junction with the Napareyak Slough in Sec. 23, T. 17 N., R. 93 W., Seward Meridian, to a point near the north end of the Hooper Bay Airport in Sec. 28, T. 17 N., R. 93 W., Seward Meridian.

In accordance with Departmental regulation 43 CFR 2850.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in THE TUNDRA PROPERTY DRUMS. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 406, Anchorage, Alaska 99510. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until Oct. 30, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

- Sea Lion Corporation, Box 44, Hooper Bay, Alaska 99504
- Calista Corporation, 518 Denali Street, Anchorage, Alaska 99501
- Ann Johnson, Chief, Branch of Adjudication 18

[F.R. Doc. 80-20518, 510 L Street, Suite 644-W]

[Alaska Native Claims Selection; Tetlin Native Corporation.]

This decision rejects Alaska Native Claims Settlement Act Sec. 3(e) application for lands within U.S. Survey 2050 and approves U.S. Survey 2050 for conveyance to Tetlin Native Corporation.

On June 10, 1930, Executive Order No. 5365 withdrew the following described lands in the Territory of Alaska to promote the interests of the Natives:

Beginning at the mouth of Porcupine Creek, tributary to the Tanana from the north, thence running in southwesterly direction to the crossing of the old trail on Tok River; thence following natural divide between tributaries of the Tetlin lakes and the tributary to the Little Tok River to head of...
bear Creek; thence around head of Bear Creek following east bank of Kalutana River to the mouth; thence in northeasterly direction to head of tributaries of Luladus Creek; thence following divide between the tributaries to the Tanana and tributaries to Luladus Creek; thence to head of southernmost tributaries of east fork of Porcupine Creek; and then to place of beginning.

U.S. Survey No. 3547 was executed to accommodate the lands described in Executive Order No. 5365. U.S. Survey No. 2050 and U.S. Survey No. 2779 are located within the boundaries established by Executive Order No. 5365.

Section 19(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (65 Stat. 688, 710; 43 U.S.C. 1601, 1618 (1979) (ANCSA), revoked, subject to any valid existing rights of non-Natives, the various reserves set aside for Native use or administration of Native affairs. Public Land Order 5158, signed February 4, 1972, withdrew, subject to valid existing rights, the lands set aside for Native use or for administration of Native affairs in Furthermore, the right of any Native village corporation or corporations to acquire title to the surface and subsurface estates in the reservations pursuant to Sec. 19(b) of ANCSA.

On November 15, 1973, the Board of Directors for Tetlin Native Corporation certified that its stockholders had elected to acquire title to the surface and subsurface estates in the reserve as provided by Sec. 19(b) of ANCSA. Under 43 CFR 2654.2, submission of such certification constituted application to acquire reserve lands.

I. Alaska Native Claims Settlement Act, Section 3(e) Application Rejected

In 1978 the Bureau of Indian Affairs requested that U.S. Survey No. 2050 be designated a Sec. 3(e) application under the Alaska Native Claims Settlement Act. (U.S. Survey No. 2050 encompasses lands in the vicinity of Tetlin formerly reserved under Executive Order No. 5389 for the use of the Office of Education.) Said application has been serialized as case file F-60732. Section 3(e) of ANCSA defines "public lands" as:

- all Federal lands and interests therein located in Alaska except (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installation.

On March 3, 1978, the Secretary of the Interior, in his final decision document for the ANCSA Implementation Review, decided that:

The Secretary's authority to determine the smallest practicable tract involved with a Federal installation under section 3(e)(1) of the ANCSA applies only to the Statutory withdrawals made by sections 11 and 16(g) and, subsequently, those lands selected by Village and Regional corporations from such withdrawal areas pursuant to sections 12 and 16(b).

The Secretary's authority to make such determinations does not extend to the various reserves revoked pursuant to Sec. 19(a) of ANCSA and made available for acquisition by village corporations pursuant to Sec. 19(b).

Accordingly, Sec. 3(e) application F-60732 is rejected as to the following described lands:

U.S. Survey No. 2050, Alaska, situated within the U.S. School Reserve in the village of Tetlin.

Containing 4.55 acres.

When this decision becomes final, application F-60732 will be closed of record.

II. Reserve Lands Proper for Village Conveyance Approved for Patent

Section 19 of ANCSA provides that if the stockholders of the concerned village corporation elect to take former reserve lands:

- the Secretary of the Interior shall convey the land to the Village Corporation or Corporations, subject to valid existing rights as provided in subsection 14(g).

As to the lands described below, application F-20518 is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, containing 4.55 acres, are considered proper for acquisition by Tetlin Native Corporation and are hereby approved for conveyance pursuant to Sec. 19(b) of the Alaska Native Claims Settlement Act:

U.S. Survey No. 2050, Alaska, situated within the U.S. School Reserve in the village of Tetlin.

- Containing 4.55 acres.

There are no easements pursuant to Sec. 17(b) of ANCSA to be reserved in the above-described lands.

The grant of the above-described lands shall be subject to:

Valid existing rights therein, if any, including but limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

There are no inland water bodies considered to be navigable within the above-described lands.

The lands herein approved for conveyance, together with U.S. Survey No. 2050 and U.S. Survey No. 2779 previously approved for conveyance, comprise all of the lands withdrawn for the benefit of the Natives at Tetlin. Tetlin Native Corporation is not eligible for any other land selections. Upon issuance of patent, case file F-20528 will be closed of record.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 30, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal.
T. 3 S., R. 38 W.,
Sec. 1, lots 1, 2, 3, and 3 all;
Sec. 2, lot 1, all;
Sec. 3, lots 1 and 1, all;
Sec. 4, lots 1, all;
Secs. 11, lot 1, all;
Secs. 12, 13, and 14, all;
Sec. 15, lot 1, all;
Sec. 16, lot 1, all;
Sec. 21, lot 1, all;
Secs. 22 to 28, inclusive, all;
Sec. 27, lot 1, all;
Sec. 28, lots 1, all;
Sec. 34, lot 1, all;
Secs. 35 and 36, all.
Containing 9,434 acres.
Aggregating 23,493.14 acres.

The State selected lands rejected above were not valid selections and will not be charged against the village corporation as_shedried lands. Further action on the subject State selection applications, as to those lands not rejected herein, will be taken at a later date.

Executive Order 7339 dated April 10, 1936, withdrew approximately 76,000 square feet (now U.S. Survey No. 2452, Lots 1, 2, 3, and 4 of Block 5 and Lot 31 of Block 7, containing 1,121 acres) for use of the Reindeer Service, Department of the Interior, for which jurisdiction was subsequently transferred to the Bureau of Indian Affairs (BIA). On July 28, 1980, BIA informed the Bureau of Land Management that this parcel was no longer required and withdrew their application under Sec. 3(e) of ANCSA which states: "Public lands means all Federal lands and interest therein located in Alaska except [1] the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installations."

Therefore, these lands are considered available public lands; they are properly selected by Teller Native Corporation and are included in this conveyance document.

As to the lands described below, the applications submitted by the Teller Native Corporation, as amended, are properly filed, and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title. In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 103,288 acres, is considered proper for acquisition by the Teller Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act. The following described lands are approved for patent:

U.S. Survey No. 2452 B, Lots 1, 2, 3, and 4 of Block 5 and Lot 31 of Block 7, situated between Port Clarence and Grandby Harbor adjoining U.S. Survey Nos. 1814 and 2858, Alaska.

Containing 1,121 acre.

Mineral Survey No. 438 known as the No. 7 Above, Hayden's Discovery, Cold Run Creek placer in Port Clarence Mining District, District of Alaska.

Containing 17,446 acres.

Mineral Survey No. 439 known as the No. 2 Below Discovery on Alder Creek placer in Port Clarence Mining District, District of Alaska.

Containing 16,574 acres.

Kakele River Meridian, Alaska (Surveyed)

T. 4 S., R. 35 W.,
Sec. 4, lot 1, all;
Sec. 6, lot 1, all.
Containing 633 acres.

T. 3 S., R. 36 W.,
Sec. 5, lot 1, all;
Sec. 14, all;
Sec. 17, lot 1, all;
Sec. 19, lots 1 and 2, all;
Sec. 20, and 21, all;
Sec. 28 to 33, inclusive, all;
Sec. 34, lots 3, 4, 5, 6, 7, and 8, all;
Sec. 36, lots 2 and 3, all.
Containing 7,953.14 acres.

T. 4 S., R. 36 W.,
Sec. 2, lot 1, all;
Sec. 3, lot 1, all;
Sec. 4, to 11, inclusive, all;
Sec. 16 to 21, inclusive, all;
Sec. 23 to 31, inclusive, all;
Sec. 32, all;
Secs. 10 and 11, all;
Sec. 12, lot 1, all;
Secs. 13 to 36, inclusive, all.
Containing 13,366.56 acres.

T. 3 S., R. 37 W.,
Sec. 1, lot 1, all;
Sec. 2, lot 1, all;
Sec. 3, lot 1, all;
Sec. 4, lots 1, 2, 3, all 4, all;
Sec. 7, all;
Secs. 10 and 11, all;
Sec. 12, lot 1, all;
Secs. 13 to 36, inclusive, all.
Containing 18,585.43 acres.

T. 4 S., R. 37 W.,
Secs. 4 to 17, inclusive, all;
Secs. 20 to 24, inclusive, all;
Secs. 29, 30, 31, and 32, all.
Containing 16,915.04 acres.

T. 2 S., R. 38 W.,
Sec. 36, lot 2, all.

Containing 1 acre.

T. 3 S., R. 38 W.,
Sec. 1, lots 1, 2, and 3, all;
Sec. 2, lot 1, all;
Sec. 10, lot 1, all;
Sec. 11, lot 1, all;
Sec. 12, lots 1 and 2, all;
Secs. 20 to 33, inclusive, all;
Sec. 34, lots 1 to 7, inclusive, all;
Secs. 35, lots 1, 2, and 3, all.
Sec. 36, lot 1, all.

Containing 13,999.14 acres.

State Selection F-44571

T. 3 S., R. 38 W.,
Sec. 1, lots 1, 2, and 3, all;
Sec. 2, lot 1, all;
Sec. 10, lot 1, all;
Sec. 11, lot 1, all;
Secs. 12, 13, and 14, all;
Sec. 15, lot 1, all;
Sec. 16, lot 1, all;
Sec. 21, lot 1, all;
Secs. 22 to 28, inclusive, all;
Sec. 27, lot 1, all;
Sec. 28, lots 1, all;
Secs. 29 to 33, inclusive, all;
Sec. 34, lots 1 to 7, inclusive, all;
Secs. 35, lots 1, 2, and 3, all.
Sec. 36, lot 1, all.

Containing 13,999.14 acres.

State Selection F-44470

T. 3 S., R. 38 W.,
Sec. 7, lot 1, all;
Secs. 13 and 14, all;
Sec. 15, lots 1 and 2, all;
Sec. 16, lot 1, all;
Sec. 17, lot 1, all;
Sec. 18, lots 1 and 2, all;
Secs. 19, 20, and 21, all;
Secs. 22, lots 1, 2, and 3, all;
Secs. 23, lot 1, all;
Secs. 24, 25, and 26, all;
Sec. 27, lots 1 and 2, all;
Secs. 28 to 33, inclusive, all;
Sec. 34, lots 1 to 7, inclusive, all;
Secs. 35, lots 1, 2, and 3, all;
Sec. 36, lot 1, all.

Containing 13,999.14 acres.
Sec. 17, lot 1, all;
Sec. 18, lots 1, 2, and 3, all;
Sec. 19, lots 1, 2, and 3, all;
Secs. 20, 25, and 29, all;
Sec-30, lot 1, all;
Secs. 32 and 36, all.
Containing 7,937 acres.

T. 5 S., R. 38 W.,
Secs. 2, 3, 4, and 5, all;
Secs. 7, 8, 10, and 24, all.
Containing 5,073.85 acres.

T. 4 S., R. 39 W.,
Sec. 24, lot 2, all;
Sec. 23, lots 1 and 2, all;
Sec. 27, lot 2, all;
Sec. 28, lots 1, 2, and 3, all;
Sec. 33, lots 1 to 5, inclusive, all.
Containing 1,472 acres.

T. 5 S., R. 40 W.,
Sec. 1, lots 1 to 7, inclusive, all;
Sec. 2, lots 1 to 8, inclusive, all;
Sec. 3, lots 1 to 6, inclusive, all;
Sec. 4, lots 1, 2, and 3, all;
Sec. 5, lots 1 and 2, all;
Sec. 6, lots 1, all;
Sec. 8, lot 1, all;
Sec. 9, lots 1 and 2, all;
Sec. 10, lots 1 to 5, inclusive, all;
Sec. 11, lots 1 and 2, all.
Containing approximately 1,042 acres.

T. 3 S., R. 36 W.,
Sec. 15, lot 1, excluding Native allotment F-12583 Parcel A;
Secs. 16 and 17, excluding Native allotment F-12583 Parcel A and F-12584 Parcel A;
Secs. 18, lots 1 to 4, excluding Native allotment F-12584 Parcel B;
Sec. 19, lot 1, excluding Native allotment F-12582 Parcel B;
Sec. 22, lots 1, 2, excluding Native allotment F-14067, and lot 3, excluding Native allotment F-12585 Parcel A;
Secs. 23, 24, and 25, excluding Native allotment F-12582 Parcel A and F-12583 Parcel A;
Sec. 26, lot 1, excluding Native allotment F-16510 Parcel A and F-13139;
Sec. 27, lot 1, excluding Native allotments F-12356, F-16510 Parcel A and F-13139, and lot 2, excluding Native allotments F-12563 Parcel B and F-12594 Parcel A;
Secs. 34, 35, 36, and 37, excluding Native allotments F-12594 Parcel A and F-18570 Parcel A;
Secs. 35, lot 1, excluding Native allotments F-12784 and F-18393;
Secs. 36, 37, 38, and 39, excluding Native allotment F-13052 Parcel A.
Containing approximately 3,668 acres.

T. 4 S., R. 38 W.,
Sec. 1 lot 1, excluding Native allotments F-12582 Parcel A and F-12356 Parcel A, and lot 2, excluding Native allotment F-12094;
Sec. 12 lot 1, excluding Native allotments F-12782 Parcel B and F-13055 Parcel A.
Containing approximately 852 acres.

T. 3 S., R. 37 W.,
Secs. 4, 5, and 6, all;
Sec. 6, lots 1 and 2, excluding Native allotment F-031362 Parcel B;
Secs. 8 and 9, all.
Containing approximately 1,669 acres.

T. 4 S., R. 37 W.,
Secs. 25, 26, 27, and 28, all;
Secs. 33, all;
Secs. 34 and 35, excluding Native allotment F-14569 and Mineral Survey Application F-22165;
Sec. 36, all.
Containing approximately 4,625 acres.

T. 5 S., R. 37 W.,
Sec. 5, excluding Mineral Survey Application F-23165;
Secs. 6, all;
Secs. 8, lots 1 and 2, excluding Mineral Survey Application F-23165;
Sec. 9, lot 1, excluding Mineral Survey Application F-23165;
Sec. 16, excluding Mineral Survey Application F-23165;
Sec. 17, lot 1, excluding Mineral Survey Application F-23165;
Secs. 19 and 20, all;
Sec. 21, excluding Mineral Survey Application F-23165;
Containing approximately 5,031 acres.

T. 3 S., R. 38 W.,
Sec. 21, lot 1, all;
Sec. 22, all;
Sec. 27, lot 1, excluding Native allotment F-16183;
Sec. 28, lot 1, excluding Native allotment F-16183;
Containing approximately 1,326 acres.

T. 4 S., R. 39 W.,
Secs. 13, lot 1, all;
Sec. 22, lot 1, all;
Sec. 23, lot 1, excluding Native allotment F-14526;
Secs. 24, lot 1, excluding Native allotment F-14526;
Secs. 25, lot 1, all;
Sec. 27, lot 1, excluding Native allotment F-15718;
Containing approximately 694 acres.

T. 5 S., R. 39 W.,
Secs. 15, 16, 17, 18, and 19, all;
Sec. 20, all.

The conveyance issued for the surface estate of the lands described above shall contain in the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 668, 704; 43 U.S.C. 1601, 1613[f]), and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 668, 704; 43 U.S.C. 1601, 1613[f]), the following public easements referenced by easement identification number [EIN] on the easement maps attached to this document, copies of which will be found in case file F-14949-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two-and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

a. [EIN 1 C3, D1 D3, J] An easement for an existing access trail, twenty-five (25) feet in width, from Teller in Secs. 5, 13 S., W. 36 W., Kateel River Meridian, southwesterly, joining King Island trail EIN 4 C3 D1 In Sec. 19, T. 5 S., R. 33 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. [EIN 7 D1] An easement for a proposed access trail, twenty-five (25) feet in width, from Nome-Teller Road in Secs. 5, 13 S., W. 36 W., Kateel River Meridian, southwesterly to public lands in Secs. 18, T. 4 S., R. 37 W., Kateel River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. [EIN 36 C3 D1] An easement for an existing access trail, twenty-five (25) feet in width, from Brevig Mission trail EIN 25a C5 in Sec. 11, T. 3 S., R. 39 W., Kateel River Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6[5] of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6[5]), contract, permit, right-of-way, or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1618(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as in now provided for under existing law.
3. Airport leases, F-15829, containing approximately 403 acres, located within Secs. 7, 8, T. 6 S., R. 36 W., and Sec. 12, T. 3 S., R. 36 W., Kateel River Meridian, issued to the State of Alaska, Department of Public Works, Division of Aviation (now the Department of
To date, approximately 48.231 acres, located within NE¼ Sec. 21, T. 5 S., R. 37 W., Kateel River Meridian, one hundred (100) feet each side of the centerline, for a Federal Aid Secondary Highway. Act of August 27, 1958 (72 Stat. 885; 23 U.S.C. 237); 7.

A right-of-way, F-030372, located within 5¼ Sec. 34, T. 4 S., R. 37 W., and Secs. 5, 6, 8, 16, 17, and 21, T. 5 S., R. 37 W., Kateel River Meridian, one hundred (100) feet each side of the centerline, for a Federal Aid Secondary Highway. Act of August 27, 1958 (72 Stat. 885; 23 U.S.C. 317); 8.

A right-of-way, F-030372, located within 5¼ Sec. 34, T. 4 S., R. 37 W., Kateel River Meridian, one hundred (100) feet on either side of the centerline, for a Federal Aid Secondary Highway. Act of August 27, 1958 (72 Stat. 885; 23 U.S.C. 317); 9.


Any right-of-way in Federal Aid Secondary (FAS) Route 131 (Nome-Teller Road) from FAS Route 130 in Nome, northwest to Teller, transferred to the State of Alaska by the quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to Tps. 3, 4, and 5 S., R. 37 W., Kateel River Meridian; and

Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Teller Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 15(a) of the Alaska Native Claims Settlement Act. To date, approximately 103,298 acres of this entitlement have been approved for conveyance. The remaining entitlement of approximately 11,912 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to Teller Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the described lands,

Grantley Harbor, Tukeak Channel, and Imuruk Basin are tidally influenced. In accordance with Departmental regulation 43 CFR 2850.7(f), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Nome Nugget. Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 30, 1980 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the adverse parties to be served are: State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501; Teller Native Corporation, Teller, Alaska 99776; Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.

Ann Johnson,
Chief, Branch of Adjudication.

INTERNATIONAL COMMUNICATION AGENCY

 Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 883, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13539, March 29, 1978), I hereby determine that the objects in the exhibit, "Gods, Saints, and Heroes: Dutch Painting in the Age of Rembrandt" (including in the list filed as a part of this determination), imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the Founders Society Detroit Institute of Arts and the foreign lenders set forth in the list filed as a part of this determination. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, DC, beginning on or about November 2, 1980, to on or about January 4, 1981, and the Detroit Institute of Arts, Detroit, Michigan, beginning on or about February 16, 1981, to on or about April 19, 1981, is in the national interest.

Public Notice of this determination is ordered to be published in the Federal Register.

Dated: September 24, 1980.

John E. Reinhardt,
Director, International Communication Agency.

DEPARTMENT OF JUSTICE

Antitrust Division


Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h) that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed.

* * * * * * *

The Complaint in this case alleged that the proposed merger between Wheelabrator-Frye and Pullman or acquisition of Pullman's engineering and construction division by Wheelabrator-Frye would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleges this merger or acquisition may tend substantially to lessen competition in two markets—the design, engineering, and construction of tall industrial and power plant chimneys and the design, engineering, and sale of electric arc furnaces.

The proposed Final Judgment requires Wheelabrator-Frye to divest the Rust Chimney Division of Rust Engineering, a subsidiary of Wheelabrator-Frye, within 12 months from the date of the merger or acquisition. The proposed Final Judgment also requires Wheelabrator-Frye to divest either the Metallurgical Division of Whiting Corporation, a subsidiary of Wheelabrator-Frye, or the Industrial Furnace Group of Pullman-Swindell, a subsidiary of Pullman Incorporated, at Wheelabrator-Frye's option, within 12 months from the date of the merger or acquisition. The proposed Final Judgment requires that the divestitures be made to a person or persons who represent that they intend to continue in the divested businesses and have the capacity to do so. If these businesses are not divested within 12 months, the proposed Final Judgment provides that a trustee be appointed to sell Rust Chimney and that a separate trustee be appointed to sell one of the furnace businesses, at the trustee's option. The proposed Final Judgment bars Wheelabrator-Frye from reacquiring any previously divested business and prohibits Wheelabrator-Frye from employing, without the consent of the United States, any person who is an employee of one of the divested businesses for a period of three years from the date of divestiture.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the Federal Register and filed with the Court. Comments should be directed to Anthony V. Nanni, Chief, Trial Section, Room 3266, Antitrust Division, U.S. Department of Justice, 10th & Constitution Avenue, N.W., Washington, D.C. 20530, (telephone: 202/633-2581).

Joseph H. Widman, Director of Operations.

U.S. District Court for the District of Columbia

United States of America, Plaintiff, v.

Wheelabrator-Frye, Inc. and Pullman Incorporated, Defendants.

Civil Action No. 80-2346.

Filed: September 15, 1980.

Final Judgment

Plaintiff United States of America, having filed its complaint herein on September 15, 1980, and defendants Wheelabrator-Frye Inc. ("WFI") and Pullman Incorporated ("Pullman") having appeared, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against, or any admission by, any party with respect to, any issue of fact or law herein.

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, It is hereby Ordered, Adjudged and Decreed:

I

This Court has jurisdiction over the subject matter herein and the parties hereto. The Complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18.

II

Definitions as used in this final judgment:

A. "Rust Chimney" means the Rust Chimney Division of the Rust Engineering Company, a subsidiary of WFI, and all assets of the Division including leaseholds, executory contracts, accounts receivable, engineering drawings, customer lists, goodwill and physical assets; and shall include the exclusive right to use the name "Rust Chimney" for a period of three years from the date of sale of Rust Chimney, provided that such name is used in conjunction with the name of the purchaser, and provided further that WFI shall not use the name "Rust Chimney" for a period of five years from the date of sale of Rust Chimney.

B. "Metallurgical" means the Metallurgical Division of Whiting Corporation, a subsidiary of WFI, and all assets of the Division including executory contracts, accounts receivable, inventory, work-in-process, engineering drawings, customer lists, goodwill, patents, trademarks and physical assets; and shall include the exclusive right to use the name "Whiting Furnace" for a period of three years from the date of sale of Metallurgical in connection with the sale of industrial furnaces, provided that such name is used in conjunction with the name of the purchaser, and provided further that WFI shall not use the name "Whiting Furnace," for a period of five years from the date of sale of Metallurgical.

C. "Industrial Furnace" means the Industrial Furnace Group of Pullman-Swindell Division, a division of Pullman, and all assets of the Group including executory contracts, accounts receivable, engineering drawings, customer lists, licenses, goodwill and physical assets; and shall include the exclusive right to use the names "Swindell Furnace" and "Swindell-Dressler Furnace" for a period of three years from the date of sale of Industrial Furnace, in connection with the sale of industrial furnaces, provided that such names are used in conjunction with the name of the purchaser, and provided further that WFI shall not use the names "Swindell Furnace" or "Swindell-Dressler Furnace," for a period of five years from the date of sale of Industrial Furnace.

III

The provisions of this Final Judgment shall apply to the defendants and to each of their subsidiaries, successors and assigns, and to each of their officers, directors, agents, employees and attorneys, and upon those persons in active concert or participation.
with them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

A. Within 12 months of the date of WFI's acquisition of the engineering and construction business of Pullman or the date of the merger of Pullman into WFI, whichever shall first occur (collectively the "Date of Acquisition"), WFI shall divest itself of:

(1) Rust Chimney, and

(2) Either Metallurgical or Industrial Furnace, at WFI's option.

B. Divestiture shall be made only to a person or persons who represent to the Court that it or they intend to continue in the divested business and have the capacity to do so.

C. WFI shall promptly report the details of any proposed divestiture, including relevant underlying documentation, to the plaintiff. Plaintiff shall have the right to make reasonable requests for additional information relating thereto. Following the receipt of any plan of divestiture and such additional information, plaintiff shall have 30 days in which to object to the proposed divestiture by submitting written notice to WFI. If plaintiff objects to the proposed plan of divestiture, the proposed divestiture shall not be consummated unless plaintiff withdraws its objection or the Court gives its approval to the plan. If plaintiff does not object, the plan shall be submitted to the Court for approval. If WFI shall have submitted a pending plan of divestiture of a business prior to the close of the 12-month period under subsection A, the time period for divestiture of such business shall be extended until the Court acts upon such plan and any approved sale is consummated.

D. If WFI shall not have divested Rust Chimney within 10 months after the Date of Acquisition, plaintiff and WFI shall promptly initiate the selection of a trustee (the "Rust Chimney Trustee") for appointment by the Court. If WFI shall not have divested Metallurgical or Industrial Furnace within 10 months after the Date of Acquisition, plaintiff and WFI shall promptly initiate the selection of a trustee (the "Furnace Trustee") for appointment by the Court. The Rust Chimney Trustee and the Furnace Trustee shall not be the same person, the Court shall appoint such trustees from a list of not more than 6 persons nominated one-half by plaintiff and one-half by WFI for each trustee position.

E. If WFI shall not have divested Rust Chimney within the time period for divestiture, the Rust Chimney Trustee shall have the power and authority to sell Rust Chimney. If, within such time period, WFI shall not have divested either Metallurgical or Industrial Furnace, the Furnace Trustee shall have the power and authority to sell either Metallurgical or Industrial Furnace, but not both, at the Furnace Trustee's option. Any sale by either trustee shall be in accordance with the provisions of this Final Judgment. Each trustee shall have full and complete access to the books, records and facilities of the business for which he has the duty to sell, and WFI shall develop such financial information relating to the assets to be divested as each trustee may reasonably request.

F. The power and authority of the trustee or trustees to sell shall be at whatever price and terms obtainable. The trustee or trustees shall serve at the cost and expense of WFI on such terms and conditions as this Court may set, and shall account for all monies derived from the sale and all expenses incurred. After approval by this Court of the account of each trustee, including fees for his or her services, all remaining monies shall be paid to WFI and that trust shall be terminated.

G. Divestiture hereunder shall be complete and final, provided that WFI may retain a security interest to secure payment of any unpaid portion of the purchase price or to secure performance of the contract of sale. If WFI reacquires any previously divested business more than 12 months after the Date of Acquisition, it shall immediately provide written notice to plaintiff and the Court. The Court shall thereupon appoint a trustee, in accordance with subsection D, to sell any such reacquired business in accordance with subsections D and F.

H. Until the Date of Acquisition, Pullman shall continue the normal business operations of Industrial Furnace and maintain its personnel, assets and working capital at a level commensurate with its business activity, but in no event shall Pullman permit such assets or working capital (adjusted for inflation) to fall below the levels on December 31, 1979, or the level of such personnel to fall below the average during the 12 months preceding September 1, 1980. If WFI shall not have divested any of a trustee's assets or working capital (adjusted for inflation) to fall below the levels on December 31, 1979, or the number of such personnel to fall below the average level during the 12 months preceding September 1, 1980, WFI shall continue the normal business operations of Rust Chimney and Metallurgical and Industrial Furnace (upon its acquisition by WFI) separately from each other until one or the other is divested, and shall during such time period maintain the personnel, assets and working capital of each business at a level commensurate with its level of business activity, but in no event shall Pullman permit such assets or working capital (adjusted for inflation) to fall below the levels on December 31, 1979, or the number of such personnel to fall below the average level during the 12 months preceding September 1, 1980.

J. WFI shall not employ without the consent of plaintiff any person who is an employee of the divested business at the time of divestiture for a period of three years from the date of divestiture. Such consent shall not be unreasonably withheld.

V

A. WFI shall maintain records of its efforts to sell Rust Chimney, Metallurgical and Industrial Furnace, including identification of any persons to whom each business has been offered, the terms and conditions of each offer to sell, the identification of any persons expressing interest in purchasing each business, and the terms and conditions of each offer to purchase.

B. Every three months from entry of this Final Judgment until the divestiture has been completed, WFI shall file with this Court and serve on plaintiff an affidavit together with relevant documentation (including the names of parties who have been contacted) as to the fact and manner of compliance with Section IV of this Final Judgment.

VI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any applicable provisions hereof, the Antitrust Division and on reasonable notice to plaintiff or Pullman, the United States shall be entitled to file a civil action in any district court for the enforcement of this Final Judgment; and

(1) Access during the office hours of the defendants, which may have counsel present, to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendants relating to any matters contained in this Final Judgment and

(2) Subject to the reasonable convenience of defendants and without restraint or interference from them, to interview officers or employees of defendants, who may have counsel present, regarding any such matters.

B. No information or documents obtained by the means provided in Sections V and VI hereby shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

C. If the information or documents are furnished by defendants to plaintiff, WFI or Pullman represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days' notice shall be given by plaintiff to said defendant prior to divulging such material in any legal proceeding (other than a Grand Jury Proceeding) to which that defendant is not a party.

VII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

VIII

Entry of this Final Judgment is in the public interest.

District Judge.

Entered:

U.S. District Court for the District of Columbia

United States of America, Plaintiff, v.
Wheelabrator-Frye, Inc., and Pullman Incorporated, Defendants.
Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I Nature and Purpose of the Proceeding

On September 15, 1980, the United States filed a civil antitrust complaint under Section 15 of the Clayton Act, 15 U.S.C. § 15, challenging the acquisition of Pullman, Inc. (Pullman) by Wheelabrator-Frye, Inc. (WFI) as a violation of Section 7 of the Clayton Act, 15 U.S.C. § 18. The complaint alleges that the acquisition of Pullman by WFI would substantially lessen competition in the United States in two markets—the design, engineering, and sale of electric arc furnaces and the design, engineering, and construction of tall reinforced concrete chimneys. The complaint seeks an order by the Court for an injunction to prevent the acquisition of Pullman by WFI. The proposed Final judgment seeks an order by the Court for the divestiture of the Pullman-Swindell Furnace Group and Pullman's chimney business and the divestiture of the electric arc furnace business of either WFI or Pullman. An Order of the Court requires that WFI and Pullman, until final resolution of the case, hold these businesses separate and continue the normal business operations of each. The Court's Order would not preclude the sale of WFI's chimney business and Pullman's furnace business to Union Boiler Company, Nitro, West Virginia, under a letter of intent entered into before this action was commenced.

The United States and Pullman and WFI have stipulated that the proposed Final Judgment may be entered after compliance, with the Antitrust Procedures and Penalties Act. Entry of the proposed Final Judgment will terminate the action, except the Court will retain jurisdiction to construe, modify, or enforce the proposed Judgment. The Order will be dissolved upon entry of the proposed Final Judgment.

II Events Giving Rise to the Alleged Violation

In August 1980, WFI entered into an agreement to merge with Pullman. The merger was to take place in two steps. First, WFI would purchase up to four million shares of Pullman common stock at $52.50 per share. Second, WFI would exchange 1.4 shares of WFI stock for each ungendered share of Pullman common stock and effect a merger. In the event Pullman is unable to fulfill its obligations under the merger agreement, WFI has an agreement with Pullman to purchase its engineering and construction divisions for $200 million.

WFI, through Whiting Corporation, and Pullman, through its Swindell Division, are both engaged in the design and engineering of electric arc furnaces. Electric arc furnaces are used by primary steel makers and by iron and steel foundries as a melting device. Electric arc furnaces are used in integrated primary steel mills to supplement the basic steel-making capacity normally provided by open-hearth furnaces and basic oxygen furnaces. Electric arc furnaces are used in "mini" and "midi" steel mills as the primary steel-making furnace. Electric arc furnaces are also used by specialty steel and iron and steel foundries and others. There is no alternative to an electric arc furnace in a mini or midi steel mill.

During the 1972-1977 period, Pullman's and WFI's sales of electric arc furnaces accounted for approximately 24% and 16% of total U.S. sales of electric arc furnaces, respectively. Only two other firms are significant competitors in the design, engineering, and sale of electric arc furnaces. WFI, through the Rust Chimney Division of Rust Engineering, and Pullman, through the Chimney Operations Unit of Pullman Power Products, are both engaged in the design, engineering, and sale of electric arc furnaces.

III Explanation of the Proposed Final Judgment

This case was brought because WFI's acquisition of Pullman (or its engineering and construction divisions) would substantially lessen competition in the design, engineering, and sale of electric arc furnaces and the design, engineering, and construction of tall reinforced concrete chimneys. The object of the proposed Final Judgment is to prevent this from occurring by requiring the divestiture of Rust Chimney and the divestiture of either Whiting's Metallurgical Division or Pullman-Swindell's Industrial Furnace Group at WFI's option, within 12 months of the date of WFI's merger with Pullman or the date of WFI's acquisition of Pullman's engineering and construction divisions, if the divestiture is not accomplished within 12 months. One trustee will be appointed to sell Rust Chimney and a separate trustee will be appointed to sell either Whiting's Metallurgical Division or Pullman-Swindell's Industrial Furnace Group, at the trustee's option. As of the date the complaint in this action was filed, WFI had entered into a letter of intent to sell Pullman's Industrial Furnace Group and Rust Chimney to Union Boiler Company, Nitro, West Virginia.

The proposed Final Judgment provides that there is no exclusion of any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(e), the entry of the proposed Final Judgment is conditioned upon a determination by the court that the proposed Final Judgment is in the public interest.
authority to sell Rust Chimney. The furnace
trustee is given the power and authority to
sell either Whiting's Metallurgical Division or
Pullman-Swindell's Industrial Furnace Group,
but not both, at the trustee's discretion. The
power and authority of the trustee to sell
shall be at whatever price and terms are
obtainable, subject to the Court's approval.
Each trustee shall have complete access to
the books, records and facilities which he or
she has responsibility to sell. The trustees
will be paid by WFI at whatever terms and
conditions the Court sets, WFI will receive
the proceeds from the sales of the businesses,
less expenses incurred by the trustees for the
sale and the trustees' fees for their services.
The proposed Final judgment bars WFI from
reacquiring any business previously divested.

The proposed Final judgment requires
Pullman to continue the normal business
operations of Pullman-Swindell's Industrial
Furnace Group and to maintain its personnel,
assets, and working capital at a level
commensurate with its business activity until
it merges with WFI or WFI acquires its
engineering and construction division.
After the merger with Pullman or acquisition
of Pullman's engineering and construction
division, WFI must continue the normal
business operations of Rust Chimney
separately from the Pullman Chimney
business until Rust Chimney is sold. WFI also
must operate Whiting's Metallurgical
Division separately from Pullman-Swindell's
Industrial Furnace Group until one of them is
sold. In the meantime, WFI must maintain the
personnel, assets and working capital of each
business at a level commensurate with its
level of business activity.

WFI is not allowed, without the consent of
the United States to employ any person who
is an employee of one of the divested
businesses for a period of three years from
the date of divestiture. The consent of the
United States shall not be unreasonably
withheld.

WFI must maintain records of its efforts to
accomplish the divestiture, including the
identification of persons to whom the
businesses have been offered or persons
expressing interest in purchasing each
business, and the terms and conditions of
each offer to sell, purchase, WFI must file
with the Court every three months, until
divestiture is completed, an affidavit with
relevant documents to demonstrate its efforts
to comply with the proposed Final judgment.

To determine and secure compliance with
the proposed Final judgment, duly authorized
representatives of the Department of Justice,
upon written request of the Attorney General
or Assistant Attorney General in charge of
the Antitrust Division and upon reasonable
notice to WFI or Pullman, shall be permitted
access during office hours to inspect and
copy all records and documents of the
defendants which relate to any matters
contained in the proposed Final judgment
and to interview officers or employees of the
defendants. Any information or document
obtained in this manner may only be divulged
to duly authorized representatives of the
Executive Branch of the United States or in
the course of legal proceedings to which the
United States is a party or for the purpose of
securing compliance with the proposed Final
judgment. If any trade secrets or other
confidential research, development or
commercial information or documents are
furnished by the defendants to the United
States, the United States must give
defendants 10 days notice prior to divulging
such material in any legal proceeding (other
than a Grand Jury proceeding) to which the
defendant is not a party.

IV

Remedies Available to Potential Private
Litigants

Section 4 of the Clayton Act, 15 U.S.C. § 15,
provides that any person who has been
injured as a result of conduct prohibited by
the antitrust laws may bring suit in federal
court to recover three times the damages the
person has suffered, as well as costs and
reasonable attorney fees. Entry of the
proposed Final judgment will neither impair
nor assist the bringing of any private antitrust
damage actions. Under the provisions of
Section 5(a) of the Clayton Act, 15 U.S.C.
§ 15(a), the proposed Final judgment has no
prima facie effect in any subsequent private
lawsuit that may be brought against the
defendants.

V

Procedures Available for Modification of the
Proposed Final Judgment

The proposed Final judgment may be
entered by the Court after compliance with
the provisions of the Antitrust Procedures
and Penalties Act, provided that the United
States has not withdrawn its consent. The
Act conditions entry upon the Court's
determination that the proposed Final
judgment is in the public interest.

The Act provides a period of at least sixty
(60) days preceding the effective date of the
proposed Final judgment within which any
person may submit to the government written
comments regarding the proposed Final
judgment. Any person who wants to
comment should do so within the statutory
sixty (60) day comment period. The United
States will evaluate the comments, determine
whether it should withdraw its consent, and
respond to the comments. The comments and
the response of the United States will be filed
with the Court and published in the Federal
Register. Written comments should be
submitted to:

Anthony V. Nanni, Chief, Trial Section, U.S.
Department of Justice, Antitrust Division,
Room 3288, 10th & Pennsylvania Avenue,
N.W., Washington, D.C. 20530.

The proposed Final judgment provides that
the Court will retain jurisdiction over this
action, and that the parties may apply to the
Court for such orders as may be necessary or
appropriate for its modification or
enforcement.

VI

Alternatives to the Proposed Final Judgment

The United States actually considered only
one alternative to divestiture. That
alternative would have required WFI and
Pullman to license their technology and
know-how in chimneys and electric arc
furnaces. This alternative was rejected since
there has been no significant entry into either
of these highly concentrated markets for
quite some time. This indicates that mere
licensing of technology and know-how would
probably be inadequate to prevent a
lessening of competition in these markets as
a result of this merger. Thus, divestiture was
seen as the only practical way to prevent a
lessening of competition in these markets.

The United States actually considered only
one alternative to divestiture. That
alternative would have required WFI and
Pullman to license their technology and
know-how in chimneys and electric arc
furnaces. This alternative was rejected since
there has been no significant entry into either
of these highly concentrated markets for
quite some time. This indicates that mere
licensing of technology and know-how would
probably be inadequate to prevent a
lessening of competition in these markets.

The United States did consider asking for
divestiture of the Chimney Operations Unit of
Pullman Power Products. However, since the
divestiture of either Rust Chimney or
Pullman's Chimney Operations Unit would
prevent a lessening of competition in the tall
chimney market, the United States agreed
that Rust be the unit divested.

The proposed Final judgment will dispose of
the United States claim for injunctive relief.
The only alternative available to the
Department of Justice is a trial of this case on
the merits. Such a trial would require a
substantial expenditure of public funds and
judicial time. Since the relief the Department
of Justice would expect to obtain after
winning a trial on the merits is substantially
similar to that in the proposed Final
judgment, the United States believes that
entry of the proposed Final judgment is in the
public interest.

VII

Determinative Documents

Pursuant to 15 U.S.C. § 18(b), there are no
determinative documents. Consequently none
are filed with this Competitive Impact
Statement.

Respectfully submitted,
Peter E. Halle,
David A. Blotner,
Attorneys, U.S. Department of Justice.

Drug Enforcement Administration

Manufacture of Controlled
Substances; Application of Ciba-Geigy
Corporation

Pursuant to § 1301.43(a) of Title 21 of the
Code of Federal Regulations (CFR), this is
notice that on July 3, 1979, Pharmaceuticals
Division, Ciba-Geigy Corporation, 550 Morris
Avenue Summit, New Jersey 07901, made application to the
Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance
methylphenidate.

Any other such applicant, and any
person who is presently registered with
DEA to manufacture such substance,
may file comments or objections to the
issuance of the above application and
may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than November 1, 1980.


Peter B. Bensinger, Administrator, Drug Enforcement Administration.

BILLING CODE 4410-05-M

Manufacture of Controlled Substances; Registration; Cordova Chemical Co.

By Notice dated August 8, 1980, and published in the Federal Register on August 14, 1980 (45 FR 159), Cordova Chemical Company, Highway 80 at Hazel Avenue, P.O. Box 15400, Sacramento, California 95813, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Schedule I controlled substance Tetrahydrocannabinol.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, §1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.


Peter B. Bensinger, Administrator, Drug Enforcement Administration.

BILLING CODE 4410-05-M

Manufacture of Controlled Substances; Application of Wyeth Laboratories, Inc.

Pursuant to §1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 9, 1980, Wyeth Laboratories, Inc., 611 E. Nield Street, West Chester, PA 19380, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance Meperidine.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than November 1, 1980.


Peter B. Bensinger, Administrator, Drug Enforcement Administration.

BILLING CODE 4410-05-M

Office of Justice Assistance, Research, and Statistics

National Minority Advisory Council on Criminal Justice; Conference

This is to provide notice of a conference by the National Minority Advisory Council on Criminal Justice (NMACCJ), OJARS.

The National Minority Advisory Council on Criminal Justice will hold a conference on October 16-18, 1980 at the Sheraton Washington Hotel at Connecticut Avenue and Woodley Road, North West in Washington, D.C. The conference, entitled "Towards Equal Justice Now," will present the results of the Council's assessment of criminal justice issues as they impact on minority groups throughout the nation. The findings and recommendations of the Council's three-year study will be published in its Report: The Inequality of Justice: A Report on Crime and the Administration of Justice in the Minority Community, that will form the base for workshops and discussion groups at the conference.

Registration will be held from 3 PM to 6 PM on October 16, and from 8:30 AM to 2 PM on October 17. The conference will run from 9 AM to 5 PM on October 17 and 18. The sessions are open to the public with a registration fee of $25 which includes two luncheons, reception, and all materials.


BILLING CODE 4410-15-M

DEPARTMENT OF LABOR

Office of the Secretary


Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 2, 1980 in response to a worker petition received on August 7, 1980 which was filed on
The application for reconsideration claimed that the Department's customer survey was not consistent with other surveys conducted by the Department for other Firestone plants. The union further claimed that Firestone LaVergne's private brand customers were not included in the Department's survey.

Conclusion

After review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C. this 22nd day of September 1980.

Marvin J. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-30208 Filed 9-25-80; 8:45 am]  
BILLING CODE 4510-28-M

[TA-W-847]

BDP Co., Industry, Calif., Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 21, 1980 in response to a worker petition received on July 11, 1980 which was filed on behalf of workers of BDP Company, Industry, California. The workers produce heaters and air conditioners.

In a letter postmarked September 9, 1980, the petitioner requested withdrawal of petition. On the basis of this withdrawal, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 23rd day of September 1980.

Marvin J. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-30365 Filed 9-28-80; 8:45 am]  
BILLING CODE 4510-28-M

[TA-W-782]

Hurn Shingle Co., Inc., Concrete, Wash.; Negative Determination Regarding Application for Reconsideration

By an application dated August 19, 1980, the petitioners and former workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers producing shakes and shingles at the Hurn Shingle Company, Inc., Concrete, Washington. The determination was published in the Federal Register on August 19, 1980, [45 FR 55297].

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioners claim that if imports have hurt one or two shake and shingle mills, then imports of shakes and shingles have hurt all the mills in the industry. It's also claimed that imports of shakes and shingles from Canada together with the slump in the housing industry make it impossible for American shake and shingle mills to operate. Finally, it's claimed that Hurns could have developed other customers if it were not for the fact that they were already purchasing Canadian imports.

The Department's review showed that workers of the Hum Shingle Company, Inc., at Concrete, Washington, did not meet the "contributed importantly" test of the Trade Act of 1974. A Department of Labor survey of Hurn's customers revealed that the customers' overall demand for cedar shakes and shingles declined sharply during the first four months of 1980 compared with the same period in 1979, coincident with the decline in home construction. Sources cited the sharp downturn in the home construction industry as the primary reason for the reduction in purchases of shakes and shingles.

The Department does not agree with the petitioners' contention that if imports have hurt a few mills in the industry then they have hurt the entire industry. The Trade Act specifically states that increased imports of products like or directly competitive with those produced at the workers' firm must have contributed importantly to the decline in sales or production and employment at that firm or appropriate subdivision thereof. Adverse impact at other firms in the industry is not evidence of such an impact.

With respect to the petitioners' claim concerning Canadian imports and the slump in the housing industry were making it impossible for U.S. mills to operate, the Department found that the decline in employment at the mill during the first four months of 1980 compared with the same period in 1979 coincided with a sharp downturn in domestic housing starts which began in late 1979 and has continued through the first quarter of 1980. The annual rate of housing starts in March 1980 was 42 percent lower than in March 1979, and is the lowest rate in five years.

The Department does not consider the claim of potential lost business as relevant for rebutting the basis of the Department's denial. Losses of potential future business cannot be considered as contributing importantly to actual worker separations. The actual layoffs in this case were attributable to the slump in housing starts aggravated by high interest rates.

Conclusion

After review of the application and the investigative file I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.
Signed at Washington, D.C., this 23rd day of September 1980.
Harry J. Gilman,
[FR Doc. 80-30252 Filed 9-29-80; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-10,634]
Jones & Laughlin Steel Corp., Pittsburgh Works, Pittsburgh, Pa.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1980 in response to a worker petition received on August 11, 1980 which was filed on behalf of workers and former workers of the Jones & Laughlin Steel Corporation, Pittsburgh Works, Pittsburgh, Pennsylvania.

On July 10, 1980, a petition was filed by the United Steelworkers of America on behalf of the same group of workers (TA-W-9,736).

Since the identical group of workers is the subject of the ongoing investigation TA-W-9,736, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 24th day of September 1980.
Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.
[FR Doc. 80-30253 Filed 9-29-80; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-9,577]
Para-Quality Carpentry, Inc., Utica, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was instituted on July 28, 1980 in response to a worker petition which was filed on behalf of workers at Para-Quality Carpentry, Incorporated, Utica, Michigan. The workers are involved in carpentry operations.

On September 10, 1980, pursuant to an earlier investigation, workers at Para-Quality Carpentry were denied eligibility to apply for adjustment assistance (TA-W-9,514). The petition alleged that imports of automobiles caused layoffs at the firm. The investigation revealed no evidence that indicated increased imports of automobiles or new homes had contributed importantly to layoffs at Para-Quality Carpentry in 1979 or year-to-date 1980.

The current petition also alleges that imports of automobiles were responsible for the layoffs at the firm.

Since an investigation has already been conducted pursuant to the facts and statements presented in the current petition (TA-W-9,577) and since the current petition presents no additional information pursuant to the previous determination (TA-W-9,514) that would change that determination, another investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 23rd day of September 1980.
Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.
[FR Doc. 80-30252 Filed 9-29-80; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-10,680]
Ken Brown Motors, Detroit, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 8, 1980 in response to a worker petition received on August 20, 1980 which was filed on behalf of workers and former workers of Ken Brown Motors, Detroit, Michigan. The workers sold and serviced Chrysler cars and trucks.

On July 21, 1980, an investigation (TA-W-9,670) was initiated on behalf of the same group of workers as TA-W-10,680.

Since the identical group of workers is the subject of the ongoing investigation TA-W-9,670, a new investigation would serve no purpose. Consequently, this investigation has been terminated.

Signed at Washington, D.C. this 24th day of September 1980.
Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.
[FR Doc. 80-30253 Filed 9-29-80; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-10,911]
United Pocahontas Coal Co., Algoma Mine No. 14, Algoma, W. Va.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 15, 1980 in response to a worker petition received on June 30, 1980 which was filed by the United Mine Workers of America on behalf of workers and former workers mining metallurgical coal at the Algoma Mine #14 of the Pocahontas Coal Company, Algoma, West Virginia.

The petitioning group of workers was certified as eligible to apply for adjustment assistance in a determination issued on March 9, 1979 (TA-W-6393). Since workers of the Algoma Mine #14 of the Pocahontas Coal Company newly separated, totally or partially, from employment on or after November 1, 1979 (expiration date of the certification) are covered by an existing determination, a new investigation would serve no purpose. Therefore, it is recommended that this investigation be terminated.

Signed at Washington, D.C. this 24th day of September 1980.
Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.
[FR Doc. 80-30252 Filed 9-29-80; 8:45 am]
BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

[Application No. D-1733]

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 Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of two parcels of improved real property by R. Perry Realty, Inc. Profit Sharing Plan (the Plan) to Richard Perry, a disqualified person with respect to the Plan. Since Mr. Richard Perry is the sole stockholder and employee of R. Perry Realty, Inc. and the only participant in the Plan, there is jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to section 4975 of the Code. The proposed exemption would exempt the sale of two parcels of improved real property by R. Perry Realty, Inc. Profit Sharing Plan (the Plan) to Richard Perry, a disqualified person with respect to the Plan.

DATES: Written comments and requests for a public hearing must be received by the Department on or before October 31, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523-5196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pending before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Plan trustee, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc 75-26, Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan that had total assets of $189,523 as of May 31, 1979. The investment decisions are made by the Plan trustee (the Trustee), Mr. Richard Perry.

2. In 1979, the Plan purchased an eight unit apartment (Parcel One), located on Pleasure Street in Milford, Michigan, for $121,590 ($20,700 cash and a $100,890 mortgage) and a six unit apartment (Parcel Two), located on Wilmer Street in Westland, Michigan for $62,300 ($18,000 cash and a $44,300 mortgage) from unrelated parties (Parcel One and Parcel Two are hereinafter collectively referred to as the Properties).

3. Since 1979, the Properties have not generated sufficient income to cover mortgage amortization and operational expenses. As of May 31, 1979, total losses on the Properties have been $2,539 (Parcel One) $239 and Parcel Two $2,148. The Properties represented approximately 64% of the Plan's assets as of May 31, 1979.

4. In addition to the fact that the Properties are non-income producing, the market for the Properties is depressed because of high mortgage interest rates and uncertain economic conditions in the area of the Properties. Thus, the Trustee believes that a sale of the Properties would be beneficial to the Plan because monies received as a result of the sale of the Properties can be invested in assets earning a greater return. As a result, the Plan's financial liquidity would be enhanced. Therefore, the Trustee proposes to sell the Properties to himself for cash. Mr. Keith A. Metcalfe, an independent appraiser and a real estate broker, on December 5, 1979 valued Parcel One at $123,000 and Parcel Two at $62,500. Accordingly, the terms of the sale will be as follows: the Plan will receive cash for its equity in the Properties; the sales price will also include $2,539 for the losses incurred by the Plan; and Mr. Richard Perry will assume the outstanding mortgages. No commissions will be paid in connection with the sale.

5. In summary, the applicant represents that the proposed sale of the Properties meets the statutory criteria for an exemption under section 4975(c)(2) of the Code because: (1) It is a one time transaction for cash; (2) the amount to be paid for the Properties would be equal to the independent appraised fair market values of the Properties at the date of sale less the outstanding principal owed on the Properties plus $2,539 for the losses incurred by the Plan; (3) the Plan will be able to dispose of investments which are non-income producing for a profit and reinvest the proceeds in income producing assets; (4) no commissions will be paid in connection with the sale; and (5) the Trustee has determined that the transactions are appropriate for the Plan and are in the best interests of the Plan participant and beneficiaries.

Notice to Interested Persons

Since Richard Perry is the only participant in the Plan and the sole stockholder of the Employer, it has been determined that there is no need to distribute the notice of pendency to interested persons.

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 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; 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 4975(c)(1)(F) of the Code;

3. Before an exemption may be granted under 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 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 set forth 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 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc 75-26, Effective December 31, 1978. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale by the Plan of the Properties to Mr. Richard Perry for $185,500 provided that amount is not less than the fair market value of the Properties at the date of sale, less the outstanding mortgage balances owed...
with respect to the Properties plus $2,539 for losses incurred by the Plan.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 25th day of September, 1980.

Ian D. Lanoff,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-30223 Filed 9-29-80; 8:45 am]
BILLING CODE 4510-29-M

[Application No. D-1746]


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 sanctions imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the prior lease of certain improved real property (the Property) from the R. M. Wilson Company Pension Trust Plan (the Plan) to the R. M. Wilson Company (the Employer) and the proposed cash, sale of the Property by the Plan to the Employer. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, and the Employer.

DATES: Written comments must be received by the Department on or before November 7, 1980.

EFFECTIVE DATES: June 1, 1977, as to the lease of the Property by the Plan to the Employer; date of sale as to the sale of the Property by the Plan to the Employer.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4529, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Attention: Application No. D-1746. 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, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Hazel A. Witte of the Department, telephone (202) 523-8882. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of 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 January 22, 1980 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 23, 1975). Effective December 31, 1976, section 102 of Reorganization Plan No. 1 of 1974 (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 defined benefit plan with approximately 21 participants. The Plan has total assets of $229,210.80 as of December 31, 1978. Since 1974, the Plan trustee (the Trustee) has been Reeves Banking and Trust Company of Dover, Ohio, which has full investment authority for the Plan and has been independent of the Plan and the Employer.

2. The Employer is engaged in the business of selling mining machinery and truck parts. The business facilities of the Employer are located in Wheeling, West Virginia.

3. On February 2, 1972, the Plan purchased a parcel of improved real property (the Property), immediately adjacent to the existing principal place of business of the Employer, from an unrelated party for $16,500. The Property is located at 35th & Chapline Street in the South Wheeling section of Wheeling, West Virginia. The area in which the Property is located had been a developing area for commercial business even though it is on the flood plain of the Ohio River. The area had not been flooded for approximately twenty years prior to purchase of the Property by the Plan, and dams constructed during the 1860's were presumed to have alleviated the threat of flooding. However, approximately one and one half years after the purchase, the entire area flooded and the commercial area was never rebuilt.

4. At various times from February 1972 until April 1977, the Plan leased the Property to three unrelated parties. Despite the Employer's efforts to secure tenants for the Property, the Property remained vacant from July 1976 until March 1977, and again from April 1977 until June 1977. During the periods the Property was leased to the unrelated parties and the periods it remained vacant, the Plan paid the taxes and insurance due on the Property.

5. On June 1, 1977, a lease (the Lease) was entered into between the Trustee on behalf of the Plan and the Employer. The Lease is effective for a term of five years, ending May 31, 1982, at a rental rate of $165 per month, which is higher than the rental rate in the previous leases of the Property with unrelated third parties. The Lease is a triple net lease. The annual rate of return on the investment for the Lease has been 12 percent, which is the independent Trustee determined to be the fair market rate of return on short term investments.

6. The Employer and Trustee also propose that the Property be sold to the Employer, for cash, at the appraised price of $24,300, provided this is not less than the fair market price at the time of sale. The appraised value was made on May 23, 1980, by Mr. William Dye of Dye Realty Company, an independent appraiser. No sales commission or other administrative costs will be involved. The Trustee represents that, in light of its rental history and location, the Property is not readily marketable to an unrelated party. The Trustee has also determined that the sale to the Employer is appropriate for the Plan and in the best interests of plan participants and beneficiaries.

7. In summary, the applicants represent that the proposed transactions satisfy the statutory criteria of section 408(a) of the Act because:

With regard to the Lease:

(a) The Plan was able to avoid losses due to the inability of the Plan to continuously lease the Property;

(b) The Plan has received and continues to receive, from the Employer at least the fair market rent on the Property as determined by an independent appraisal;
The Lease was negotiated and monitored by an independent trustee.

With regard to the proposed sale of the Property to the Employer:

(d) It will be a one time cash transaction;

(e) The Plan will receive the fair market value of the Property as determined by an independent appraisal;

(f) The Plan will be able to dispose of Property which historically has been difficult to rent and is not readily marketable;

(g) The Trustee has determined that the proposed transaction is appropriate for the Plan and is in the best interests of its participants and beneficiaries;

(h) No sales commission or other administrative costs will be involved.

Notice to Interested Persons

Within 7 days of its publication in the Federal Register a copy of the notice of the application for exemption at the address above, within the time period set forth above. All comments will be made a part of the record. 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 26, 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 Lease, effective June 1, 1977, of the Property located in Wheeling, West Virginia, by the Plan to the Employer, and the proposed sale of the Property to the Employer for the appraised price of $24,300, provided this amount is not less than 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 transactions which are the subject of this exemption.

Signed at Washington, D.C., this 24th day of September.

Ian D. Landoff,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[Application No. D-1794]
Southern Electric, Inc., Employees' Profit Sharing Trust, Fort Smith, Ark.; Proposed Exemption for Certain Transactions

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 the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale for cash of unimproved real property by the Southern Electric, Inc. Employee's Profit Sharing Trust (the Plan) to Marvin Silmon and Dorothy Silmon, his wife and M. Douglas Silmon (the Purchasers), parties in interest with respect to the Plan because the Purchasers are officers and 10% or more shareholders of Southern Electric, Inc. (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Purchasers.

DATES: Written comments and requests for a public hearing must be received by the Department on or before November 14, 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 N-4529, U.S. Department of Labor, 20 Constitution Avenue, N.W., Washington, D.C. 20210, Attention: Application No. D-1794.

For further information contact: Horace C. Green of the Department, telephone (202) 533-8196. (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 408(a) and 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (F) of the Code. The proposed exemption was requested in an application filed by Steven F. Tiley pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in...
Trustees believe that the Property has would be beneficial to the Plan because the Plan's assets as of November 1979, the Plan's total expenses (interest, taxes, etc.) for the Property have been. As of November 1979, the Plan's total expenses (interest, taxes, etc.) for the Property have been made a lease between the Plan and a party-in-interest a prohibited transaction. As a result, the intention of the Plan to sell the Property to the Purchasers for cash. Mr. A. J. Standiford, M.A.I., an independent appraiser, on November 1, 1979, valued the Property at $36,350. Mr. Standiford's valuation of the Property took into consideration the unique value of the Property to the Purchasers. Accordingly, the Plan will receive the greater of: (a) the previously appraised value of $36,350; or (b) the Property's fair market value at the time of sale. No commissions will be paid in connection with the sale.

6. In summary, the applicant represents 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 sales price for the Property was determined by an independent appraiser; (3) the Plan will be able to dispose of a non-income producing asset for a profit and reinvest the proceeds in income producing assets, without paying a commission; and (4) the Trustees have determined that the transaction is appropriate for the Plan and is in the best interest of the Plan participants and beneficiaries.

Notice to Interested Persons
Notice to all present participants shall be made by posting at the usual places of such notices to employees and by first class mail to all other interested parties. Notice shall be given within 15 days of the day the notice of pendency of such exemption is published in the Federal Register. Such notice shall include a copy of the notice of pendency and shall inform these persons of their right to comment on or request a hearing regarding the requested 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 or other party in interest or disqualified person from other provisions of the Act and the Code, including any modified 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 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 408(b)(3) of the Act and section 4975(c)(1) 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 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 depository 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 408(a) and 408(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)
(A) through (E) of the Code shall not apply to the proposed cash sale by the Plan of the Property to the Purchasers provided that the Plan receives the greater of (1) the fair market value at the date of sale or (2) $30,350.

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 materials terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 24th day of September 1980.

Ian D. Lanoff,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-30222 Filed 9-29-80; 8:45 am] BILLING CODE 4510-29-M

[Applications Nos. D-2007 and D-2008]


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). The proposed exemption would exempt the cash sale of a $14,000 first mortgage bond by the St. Paul Electrical Workers Vacation Fund (the Vacation Fund) to the St. Paul Electrical Construction Pension Fund (the Pension Fund). (Both funds are collectively referred to as the Funds.) The proposed exemption, if granted, would affect the participants and beneficiaries of the Funds as well as other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before November 19, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(1) through (E) of the Code shall not apply to the proposed cash sale by the Plan of the Property to the Purchasers provided that the Plan receives the greater of (1) the fair market value at the date of sale or (2) $30,350.

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 materials terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 24th day of September 1980.

Ian D. Lanoff,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-30222 Filed 9-29-80; 8:45 am] BILLING CODE 4510-29-M

[Applications Nos. D-2007 and D-2008]


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). The proposed exemption would exempt the cash sale of a $14,000 first mortgage bond by the St. Paul Electrical Workers Vacation Fund (the Vacation Fund) to the St. Paul Electrical Construction Pension Fund (the Pension Fund). (Both funds are collectively referred to as the Funds.) The proposed exemption, if granted, would affect the participants and beneficiaries of the Funds as well as other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before November 19, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

ATTENTION: Application Nos. D-2007 and D-2008. 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-4577, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department, telephone (202) 533-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department for an application for exemption from the restrictions of section 406(b)(2) of the Act. The proposed exemption was requested in an application filed on behalf of the Funds, pursuant to section 406(a) of the Act, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Funds are multi-employer trust funds, established pursuant to section 303 of the Taft-Hartley Act of 1947, for the purpose of providing vacation and pension benefits, respectively, to employees in the electrical and construction industry. The Pension Fund is currently in the process of being terminated. (A new Vacation and Holiday Fund has been subsequently established pursuant to a collective bargaining agreement.)

2. There are approximately 1,470 participants in the Pension Fund and 1,479 participants in the Vacation Fund. Many of the Vacation Fund participants also are participants in the Pension Fund.

3. The Funds are jointly administered by six common trustees (the Trustees), of whom half are designated by the St. Paul Electrical Workers Union (the Union) and the other half by participating employers. The applicant has represented that neither Fund is a party in interest with respect to the other and that the investment manager for both Funds is the First Trust Company of St. Paul, Minnesota.

4. In accordance with a decision made several years ago by the Trustees, the Vacation Fund is currently in the process of being terminated. (A new Vacation and Holiday Fund has been subsequently established pursuant to a collective bargaining agreement.) Because of the Trustees' termination plan, no new contributions have been received by the Vacation Fund since November 1979. At present, the total assets of the Vacation Fund are approximately $30,000, consisting of cash and a $14,000 first mortgage bond (the Bond). Under the Vacation Fund's plan of liquidation, these assets will be paid out as vacation benefits at the end of the fiscal year.

5. The Trustees propose to have the Vacation Fund sell the Bond to the Pension Fund. The Bond was originally purchased by the Vacation Fund on March 4, 1965 and was issued by the Portland General Electric Company of St. Paul, Minnesota. The Bond bears interest at a rate of 4.7% and matures on March 1, 1995. The Pension Fund proposes to purchase the Bond for cash at its fair market value as of the closing date of the transaction. The purchase price of the Bond will represent an average of valuations given the instrument in writing by three independent brokerage firms (Merrill, Lynch, Pierce, Fenner and Smith, Salomon Brothers, and Kidder Peabody). By letter dated July 18, 1980, Salomon Brothers indicated the Bond was worth $7,035.

6. The total net assets of the Pension Fund as of October 31, 1979 were $5,971,250.86. The proposed transaction would represent approximately .0028% of total Pension Fund assets and would not involve the payment of brokerage commissions or fees.

7. In summary, the applicant represents that the proposed transaction will satisfy the criteria of section 406(a) of the Act because: (1) it will be a one-time transaction for cash; (2) the Funds and Trustees will not pay any brokerage commissions or fees with respect to the sale; (3) the purchase price for the Bond would be its fair market value as determined by three brokerage houses; and (4) the Trustees have determined that the proposed transaction is appropriate for the Funds, and is in the best interests of the Funds' participants and beneficiaries.

Notice to Interested Persons

Notice will be given to all interested persons within 20 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 and request a hearing within the time period set forth in the notice of proposed exemption. The notice will be given to current participants of the Vacation Fund and Pension Fund by posting it in conspicuous places in the union hall and at the place of business of the employers who employ the participants. These notices will be posted in areas frequented by the participants. Notice will be mailed to those Pension Fund participants and
beneficiaries who are retirees or terminated participants with vested interests, by depositing such notice in the U.S. mails addressed to such participants' last known address.

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 does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act, 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.

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a), 406(b)(1) and 406(b)(3) of the Act.

(3) Before an exemption may be granted under section 408(a) of the Act, 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, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative 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 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 in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 19471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) of the Act shall not apply to the cash sale of a $14,000 Portland General Electric Company first mortgage bond by the Vacation Fund to the Pension Fund, provided that the sales price is the fair market value on the date 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 24th day of September, 1980.

Ian D. Laneff,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

NATIONAL ENDOWMENT ON THE ARTS AND THE HUMANITIES

Opera Musical Theatre Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Opera Musical Theatre Panel to the National Council on the Arts will be held October 15, 1980 from 8:00 a.m. to 10:00 a.m. and October 16, 1980 from 8:00 a.m. to 6:00 p.m. in room 1422 in the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C.

A portion of this meeting will be open to the public on October 15, 1980 from 9:00 to 10:30 a.m. to discuss panel orientation.

The remaining sessions of this meeting on October 15, 1980 from 10:30 a.m. to 6:00 p.m. and October 16, 1980 from 8:00 a.m. to 6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (8)(b) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 684-6070.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

SUMMARY MINUTES:

Meeting:
9:30—10:30 a.m.—Discussion of EAS/NSF Reorganizations and Advisory Subcommittee participation in NSF Long-Range Plan development.
10:30—10:45—Break.
10:45—12:15 p.m.—National Earthquake Hazards Reduction Program and related subjects.
12:15—1:15 p.m.—Lunch.
1:15—3:15 p.m.—Report on Tsunamis Workshop.
3:40—4:30 p.m.—Topical Subjects Including National Strong Motion Program, Relation of EHM to other NSF Engineering Programs, and Program Announcements for Societal Response and Existing Hazardous Buildings.
October 24, 9:00-10:30 a.m.—Continuation of Discussion of Topical Subjects.
10:00—12:00 Noon—Task Committee Meetings.

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering and Applied Science; Subcommittee for Earthquake Hazards Mitigation; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463 as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Earthquake Hazards Mitigation (EHM) of the Advisory Committee for Engineering and Applied Science.

Date and Time: October 23, 1980—9:00 a.m. to 5:00 p.m.; October 24, 1980—9:00 a.m. to 12:00 noon.

Place: Room 1242, National Science Foundation, 1800 G St., NW, Washington, D.C.

Type of Meeting: Open.

Contact Person: Ms. Ramona Landau, Professional Assistant, Division of Problem-Focused Research, Room 1134A, NSF, Washington, D.C. 20550 (202) 357-7165.

Summary Minutes: May be obtained from the Contact Person at the above address.

Agenda:
9:30—10:30 a.m.—Discussion of EAS/NSF Reorganizations and Advisory Subcommittee participation in NSF Long-Range Plan development.
10:30—10:45—Break.
10:45—12:15 p.m.—National Earthquake Hazards Reduction Program and related subjects.
12:15—1:15 p.m.—Lunch.
1:15—3:15 p.m.—Report on Tsunamis Workshop.
3:40—4:30 p.m.—Topical Subjects Including National Strong Motion Program, Relation of EHM to other NSF Engineering Programs, and Program Announcements for Societal Response and Existing Hazardous Buildings.
October 24, 9:00-10:30 a.m.—Continuation of Discussion of Topical Subjects.
10:00—12:00 Noon—Task Committee Meetings.
Advisory Committee for Mathematical and Computer Sciences; Subcommittee for Computer Science; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Computer Science of the Advisory Committee for Mathematical and Computer Sciences.

Date and Time: October 20, 21, and 22, 1980—9:00 a.m. to 5:00 p.m. each day.

Place: Room 628, National Science Foundation, 1800 G. Street, N.W., Washington, D.C. 20550.

Type of Meeting: Closed.

Purpose of ad hoc subcommittee: To plan for the Manganese Nodule Project.

Purpose of the meeting: To review and evaluate research and development of the Manganese Nodule Project.

Contact person: Dr. Bruce Malfait. Division of Ocean Sciences.

Adjournment: 6:00 p.m.

Wednesday, October 22, 1980—9:00 a.m. to 5:00 p.m.—Open

9:00 a.m.—September 13 Meeting of Advisory Committee Chairman, Dr. Jack Minker.

9:30 a.m.—NSF Support of Cryptology Research, Dr. Jack Minker.

12:00 Noon.—Lunch.

1:30 p.m.—Committee Business, Dr. Jack Minker.

2:00 p.m.—Chairman’s Items, Dr. Jack Minker.

3:00 p.m.—Adjourn.

Reason for Closing: The subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler, Committee Management Coordinator.

September 25, 1980.
DOE/NSF Nuclear Science Advisory Committee Subcommittee on Computational Capabilities for Nuclear Theory

In accordance with the Federal Advisory Committee Act, P. L. 92-463, the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee Subcommittee on Computational Capabilities for Nuclear Theory.

Date and time: November 5, 1980, 9:00 am-5:00 pm.

Place: Room H-209 (Enter through South Lobby), Administration Building, Department of Energy, Germantown, Maryland.

Type of meeting: Open.

Contact person: Dr. Harvey B. Willard, Program Director for Intermediate Energy Physics, National Science Foundation, Washington, DC 20550.

Purpose of committee: To provide advice on continuing basis to both DOE and NSF on support for basic nuclear science in the United States.

Agenda: November 5, 1980, 9:00 am-5:00 pm. 9:00 am-12:30 pm Discussion of information obtained by members of the Subcommittee. 12:30 pm-1:30 pm Lunch. 1:30 pm-5:00 pm Discussion of Charge—Division of Tasks.

M. Rebecca Winkler,
Committee Management Coordinator.
September 25, 1980.

BILLING CODE 7555-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

September 24, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

- The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents are available);
- The office of the agency issuing this form;
- The title of the form;
- The agency form number, if applicable;
- How often the form must be filled out;
- Who will be required or asked to report;
- An estimate of the number of forms that will be filled out;
- An estimate of the total number of hours needed to fill out the form; and
- The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 720 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201.

New Forms

- Foreign Agricultural Service Regulations Covering CCC’s Export Credit Guarantee Program

This request for clearance may be acted upon before the normal 10-day public comment period is up. These reporting requirements will be used to implement regulations proposed (June 5, 1979) by the Commodity Credit Corporation to facilitate banking institution support of increased export of agricultural commodities. Public comment on the proposed rules has resulted in changes in their reporting and recordkeeping requirements.
Revisions

- Bureau of the Census
  Pumps and Compressors (Shipments)
  MA-35p
  Annually
  Manufacturers of pumps and compressors, 540 responses; 540 hours
  Off. of Federal Statistical Policy and Standard, 673-7974

- Bureau of the Census
  Household Interview Survey of Residential Alterations and Repairs
  QHS-710
  Quarterly
  Owner-occupants of 1-4 unit residential properties, 13,600 responses; 2,207 hours
  Off. of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Sinard—245-7493

New Forms

- Food and Drug Administration
  Physician Interpretation of Research Data
  Single time
  Physicians, 120 responses; 60 hours
  Off. of Federal Statistical Policy and Standard, 673-7974

- National Institutes of Health
  Investigator Animal Colony File
  On occasion
  Research Scientists, 700 responses; 700 hours
  Eisinger, Richard, 395-6880

- National Institutes of Health
  Grant Application (RCDA modification)
  PHS-398
  Annually
  Principal investigators, 450 responses; 9,000 hours
  Eisinger, Richard, 395-6880

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

- Bureau of the Census
  Underwear and Nightwear (Production and Shipments)
  MA-23S and MA-23G(S)
  Annually
  Underwear and nightwear manufactureres and jobbers, 500 responses; 650 hours
  Off. of Federal Statistical Policy and Standard, 673-7974

- Bureau of the Census
  Women's and Children's Outerwear (Production and Shipments)
  MA-23G and MA-23G(S)
  Annually
  Manufacturers and jobbers of women's and children's outerwear, 3,300 responses; 5,610 hours
  Off. of Federal Statistical Policy and Standard, 673-7974

- Bureau of the Census
  Men's and Boys' Outerwear (Production and Shipments)
  MA-23E and MA-23E(S)
  Annually
  Manufacturers and jobbers of apparel, 1,200 responses; 2,040 hours
  Off. of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larson—633-5528

New Forms

- Law Enforcement Assistance Administration
  Criminal Defense Trainer Needs Assessment and Training
  Resource Inventory
  LEAA (Series 3350)
  Single time
  Criminal defense trainers, 160 responses; 80 hours
  Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—523-6341

Revisions

- Employment and Training Administration
  Targeted Jobs Tax Credit (TJTC) Report Forms
  ETA 8469—ETA 8473
  On occasion
  SESA's and other participating agencies, 1,066,624 responses; 67,036 hours
  Arnold Strasser, 395-6880

- Employment Standards Administration
  Rehabilitation Plan and Award
  OWCP-16
  On occasion
  Injured workers and rehabilitation counselors, 1,100 responses; 550 hours
  Arnold Strasser, 395-6880

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor, Acting—426-1887

Revisions

- Federal Aviation Administration
  Repair Station Certification—FAR 145
  FAA 8310-3
  On occasion
  Aircraft manufacturers and repair stations, 1,896,300 responses; 1,555,225 hours
  Hayward, Corinne D., 395-7340

- Federal Aviation Administration
  FAA Grantee's Civil Rights Data—FAR 152
  FAA 8190-10
  Annually
  Airpt oper. subj. to 49 CFR pt. 21 and 14, CFR pt. 152, 2,156 responses; 51,786 hours
  Hayward, Corinne D., 395-7340
Postal Rate Commission

Notice of Visit

September 24, 1980.

Notice is hereby given that Commissioner Clyde S. DuPont will be visiting the Progressive Farmer Company, Birmingham, Alabama, publisher of Southern Living, Progressive Farmer, and other periodicals, on Tuesday, September 30, 1980, for the purpose of acquiring general knowledge of a publisher’s operations.

A report of the visit will be on file in the Commission’s docket room.

David F. Harris, Secretary.

Action: Notice of public meeting.

Summary: In accordance with the Federal Advisory Committee Act, notice is hereby given of the first meeting of the Commission on Executive, Legislative, and Judicial Salaries, to consider organization, work plans, and schedules of activities. The meeting is open to observers.

Date: 10 a.m., Wednesday, October 15, 1980.

Address: Room 3104, New Executive Office Building, 728 Jackson Place, N.W., Washington, D.C.

For Further Information: After October 6, contact Loraine Halsey, Suite 440, 1815 Lynn Street, Arlington, Virginia 22209. Telephone (703) 235-2782.

Supplementary Information: Pursuant to section 225 of Pub. L. 90-206, the Commission is appointed every fourth fiscal year to make recommendations to the President on the appropriate level of compensation for the Vice President, and for positions in the executive branch from Cabinet officers through positions at level V, for the Members of Congress, for Supreme Court Justices and other members of the Federal Judiciary, and for certain other Federal officers. The Office of Personnel Management is publishing this notice in order to assist the Commission in beginning its work in a timely fashion. Kathryn Anderson Fetzer, Assistant Issuance System Manager, Office of Personnel Management.

Securities and Exchange Commission

[Release No. 11365; 812-4698]

Hilliard-Lyons Cash Management, Inc.; Filing of an Application of the Act for an Order of Exemption From the Provisions

September 19, 1980.

Notice is hereby given that Hilliard-Lyons Cash Management, Inc. (“Applicant”), 545 South Third Street, Louisville, Kentucky 40202, registered under the Investment Company Act of 1940 (“Act”) as an open-end, diversified management investment company, filed an application on June 27, 1980, and amendments thereto on July 17, 1980 and July 31, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit the Applicant to compute its net asset value per share, for purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects, its portfolio securities will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9768 (May 31, 1977) (“IC-9768”). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated under the laws of the State of Maryland on June 5, 1980. Applicant has filed with the Commission a Registration Statement on Form N-1 pursuant to Section 8(b) of the Act and the Securities Act of 1933, as amended. The 1933 Act Registration Statement on Form N-1 has not yet been declared effective. Thus, Applicant has not yet commenced a public distribution of its shares. Applicant states that its investment adviser will be J. J. B. Hilliard, W. L. Lyons, Inc.

Applicant states that it is a “money market” fund, the investment objectives of which are preservation of capital and liquidity while seeking the highest possible current income that is consistent with these objectives. Applicant further states that, by resolution of its Board of Directors, Applicant has adopted a policy of investing its assets exclusively in securities issued or guaranteed by the U.S. Government, its agencies or instrumentalities (which, except for the securities underlying the repurchase agreements within the Applicant’s portfolio, will mature in six months or less) or in repurchase agreements collateralized by such securities or in a combination of both government backed securities and repurchase agreements. According to the application, Applicant may enter into repurchase agreements with any member bank of the Federal Reserve System and dealers with whom the Federal Reserve conducts open market transactions. Applicant further states that the securities subject to the repurchase agreements within its portfolio may bear maturities in excess of one year. While Applicant may invest all of its assets in repurchase agreements at any given time, Applicant represents that it will not enter into a repurchase agreement of a duration of more than seven business days if, as a result, more than 10% of the value of Applicant’s total assets would be so invested.

Applicant further represents that the yield differential between the securities Applicant intends to invest in and other high quality short-term investments such as certificates of deposit, bankers’ acceptances and high-grade commercial paper is normally quite small. Should this differential widen significantly, Applicant states that its Board of Directors may at its discretion, but only after 30 days written notice to Applicant’s shareholders, authorize investment in securities other than those issued or guaranteed by the U.S. Government, its agencies or...
instrumentalities, or in repurchase agreements collateralized by such securities, provided such investments are not prohibited by Applicant's investment restrictions or by applicable federal and state law. Applicant has no present plans to change its policy with regard to the types or maturities of the securities in which it intends to invest.

Applicant states that in calculating its total net assets to determine the offering price of its shares each day, it intends to value all its portfolio securities which, on the date of valuation, have sixty days or less to maturity, on the basis of the amortized cost valuation technique. As stated by the Applicant, the amortized cost valuation technique involves valuing a security at its cost and thereafter assuming a constant amortization to maturity of any discount or premium, regardless of the impact of fluctuating interest rates on the market value of the security. Applicant further states that portfolio securities which on the date of valuation have remaining maturities in excess of sixty days and for which market quotations are readily available will be valued at the mean between the bid and asked prices in the over-the-counter market. Securities for which market quotations are not readily available will be valued at their value as determined in good faith by the board of directors of the registered company.

In Release No. 9786 the Commission issued an interpretation of Rule 2a-4 (expressing its views that it is inconsistent with the provisions of Rule 2a-4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' proper portfolio value as required by Rule 2a-4. On the basis of the foregoing, Applicant states that, without an exemption form the provisions of Rules 2a-4 and 22c-1 under the Act, Applicant may be prohibited from determining its net asset value in the manner set forth above.

Section 6(c) of the Act provides in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or any rule or regulation thereunder, if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that it wishes to attract individual and institutional investors. Applicant further understands that many of these investors require a "money market" fund which maintains a constant net asset value per share even though this might result in dividends which fluctuate to reflect daily changes in the value of its portfolio securities. Applicant believes that granting of the relief requested would provide Applicant's shareholders, after the effective date of Applicant's Registration Statement, with the convenience of being able to determine the value of their shares of Applicant simply by knowing the number of shares they own, and would make the task of maintaining an investment record easier. Applicant further believes that computing its net asset value per share to the nearest one cent on a share value of $1.00 would eliminate the periodic fluctuation in Applicant's net asset value per share which could occur and which might cause Applicant's shareholders to realize unwanted capital gains and losses upon redemption of their shares.

Applicant asserts that a substantial number of "money market" funds, which will be in direct competition with Applicant, now effect sales, redemptions and repurchases of their shares at prices calculated to the nearest one cent on a share having a $1.00 net asset value.

Applicant further states that its Board of Directors has determined in good faith that this method of calculation the net asset value per share of Applicant under such circumstances is appropriate and would be in the best interest of Applicant's shareholders. Applicant further agrees that the following conditions may be imposed in any order granting the requested exemptions.

1. That Applicant's Board of Directors, in supervising operations and delegating special responsibilities involving Applicant's portfolio management to Applicant's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's shares as computed for purposes of effecting sales, redemptions and repurchases, rounded to the nearest one cent, will not deviate from $1.00.
2. That Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and that Applicant will neither (a) purchase an instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.
3. That Applicant's purchases of portfolio instruments, including repurchase agreements, will be limited
to those United States dollar denominated instruments which the Board determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

Notice is further given that any interested person may, not later than October 31, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of this interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission then orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advise as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-30081 Filed 9-29-78; 8:45 am]
BILLING CODE 4101-01-M

[Release No. 11368; 812-4704]


September 19, 1980.

Notice is hereby given that Security Cash Fund, Inc. ("Applicant"). Security Benefit Life Building, 700 Harrison Street, Topeka, Kansas 66603, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on July 22, 1980, and an amendment thereto on September 4, 1980, requesting an order of the Commission, pursuant to Section 8(c) of the Act, exempting Applicant from the provisions of Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to compute its net asset value per share, for purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects its portfolio securities will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 [May 31, 1977] ("IC-9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated under the laws of the State of Kansas on March 21, 1960. Applicant further states that it has filed with the Commission a Notification of Registrant on Form N-8A pursuant to Section 8(a) of the Act, together with a Registration Statement on Form N-1 under the Act and the Securities Act of 1933. The Registration Statement under the Securities Act of 1933 has not yet been declared effective and the Applicant has not yet commenced a public distribution of its shares.

Applicant states that its investment adviser will be Security Management Company, Inc.

Applicant states that it proposes to operate as a "money market" fund designed to earn as high a level of current income as is consistent with preservation of capital and liquidity. According to the application, Applicant intends to invest in high grade money market instruments consisting of (i) obligations issued or guaranteed by the United States or its agencies or instrumentalities and instruments fully collateralized with such obligations; (ii) obligations of United States banks that are members of the Federal Deposit Insurance Corporation or of savings and loan associations that are members of the Federal Savings and Loan Insurance Corporation; (iii) commercial paper issued by corporations rated Prime-1 or Prime-2 or better by Moody's Investors Service, Inc. or A-1 or A-2 or better by Standard & Poor's Corporation, or other corporate debt instruments rated at least Aaa or Aa or better by Moody's or AAA or AA or better by Standard and Poor's; and (iv) repurchase agreements with respect to any of the foregoing securities (but without limitation as to the maturity dates thereof). Applicant further states that all of its portfolio securities must have maturities of not longer than one year, or be subject to repurchase agreements usually maturing within not more than seven days from the date of purchase. Applicant further intends to maintain a dollar weighted average portfolio maturity of less than 120 days.

According to the application, the net asset value per share of Applicant will be determined on each business day as of the normal close of the New York Stock Exchange by dividing the total value of its portfolio securities and other assets, less liabilities, by the total number of shares outstanding. Applicant further proposes to compute its net asset value per share to the nearest one cent on a share value of one dollar. Securities for which quotations are readily available are valued at the mean of the most recent bid and asked prices. Other assets are valued at fair value under procedures determined in good faith by Applicant's Board of Directors. If market quotations for particular securities are not readily available, then in determining fair value, such securities will generally be valued at prices based on market quotations for securities of similar type, yield, quality and duration, except that securities with less than sixty days to maturity will be valued at amortized cost.

Applicant states that it wishes to maintain a net asset value per share of $1.00; that it will be its policy to distribute daily, on each day it is open for business, all of its net income, increased or reduced by realized or unrealized capital gains and losses, through a policy of distributing dividends on a daily basis and by "rounding off" its net asset value per share to the nearest penny, Applicant hopes that its net asset value per share will remain constant.

Rule 22c-1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 under the Act provides, as here relevant that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for purposes of distribution, redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good...
faith by the board of directors of the registered company. In Release No. 2786 the Commission issued an interpretation of Rule 2a-4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a-4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund’s board of directors. Applicant further asserts that unfair treatment to stockholders of Applicant may result if the Applicant is unable to “round off” its price per share but must value such shares to within one-tenth of one percent, thereby accentuating variations in its share price.

On the basis of the foregoing, Applicant submits that granting of the requested relief is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant further agrees that the following conditions may be imposed in any order granting the requested exemptions.

1. That Applicant’s Board of Directors, in supervising operations and delegating special responsibilities involving Applicant’s portfolio management to Applicant’s investment adviser, undertake— as a particular responsibility within their overall duty of care owed to Applicant’s shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant’s investment objective, that the price per share of Applicant’s shares as computed for the purpose of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from one dollar.

2. That Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and that Applicant will not (i) purchase an instrument with a remaining maturity of greater than one year, or (ii) maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. That Applicant’s purchases of portfolio instruments, including repurchase agreements, will be limited to those United States dollar denominated instruments described above which are of high quality as determined by major rating services. And, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

Notice is further given that any interested person may, nor later than October 14, 1980, submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 6-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission’s own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

DEPARTMENT OF THE TREASURY
Office of the Secretary
[Supplement to Department Circular—Public Debt Series No. 29-80]
Series F-1984 Notes; Interest Rate
September 24, 1980.

The Secretary announced on September 23, 1980, that the interest rate on the notes designated Series F-1984, described in Department Circular—Public Debt Series No. 29-80, dated September 15, 1980, will be 12 1/2 percent. Interest on the notes will be payable at the rate of 12 1/2 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 Assistance Secretary.
Sunshine Act Meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

Federal Communications Commission. 1, 2
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International Trade Commission. 7
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1 FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, September 30, 1980.
PLACE: Room 856, 1919 M Street NW., Washington, D.C.
STATUS: Special closed Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

Hearing—1—Title: Consideration of licenses held by RKO General, Inc. for stations WHBQ-TV, WHBQ, WOR, WXLO(FM), WRKO, WOR(FM), KJU, KXTH(FM), WGEN, WGEN-FM, KFRC, WAXY(FM) and WFRY(FM).
Summary: The Commission will consider what action, if any, should be taken with respect to RKO's broadcast licenses in light of its decision in the WNAC-TV (Boston, Massachusetts) proceeding, 78 FCC 2d 1 (1980).

This meeting may be continued the following work day 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) 254-7674.

Issued: September 23, 1980.
[S-1793-80 Filed 9-26-80; 12:47 p.m.]
BILLING CODE 6712-01-M

2 FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., Thursday, September 25, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.
STATUS: Open Commission meeting.

CHANGES IN THE MEETING: Additional item to be considered.

Agenda, Item Number, and Subject

Complaints and Compliance—1—Title: Application for Review filed on behalf of the "You Can't Afford Dodd Committee" of the Broadcast Bureau's ruling dated June 10, 1980. Summary: The FCC will consider whether to adopt the Broadcast Bureau's ruling which held that the Committee, as an unauthorized political committee, was not entitled to reasonable access, equal opportunities or quasi-equal opportunities.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 23, 1980.
[S-1793-80 Filed 9-26-80; 12:47 p.m.]
BILLING CODE 6712-01-M

3 FEDERAL ENERGY REGULATORY COMMISSION.

September 26, 1980.
TIME AND DATE: 10 a.m., September 28, 1980.
STATUS: Closed.

MATTERS TO BE CONSIDERED:

Deliberations concerning the agency's participation in a civil action.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary.

[S-1791-80 Filed 9-28-80; 9:51 a.m.]
BILLING CODE 6450-01-M

4 FEDERAL HOME LOAN BANK BOARD.


PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., September 30, 1980.
PLACE: 1700 G Street N.W., sixth floor, Washington, D.C.
STATUS: Open.


MATTERS TO BE CONSIDERED: The following item has been withdrawn from the agenda for the open meeting:


The notice previously sent to the Federal Register on September 25, 1980 had an error in the number at the bottom of the page, the number should have been 386 instead of 350.

No. 398, September 26, 1980.
[S-1796-80 Filed 9-28-80; 3:00 p.m.]
BILLING CODE 6720-01-M

5 FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: 2:30 p.m., September 29, 1980.
PLACE: 1700 G Street NW., sixth floor, Washington, D.C.
STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Henry Judy (202-783-4734).

MATTERS TO BE CONSIDERED: Mortgage insurance applications for approval.

No. 397, September 26, 1980.
J. J. Finn, Secretary.

[S-1797-80 Filed 9-28-80; 3:31 p.m.]
BILLING CODE 6720-02-M

6 FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, October 6, 1980.
STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Federal Reserve Board officer salary administration.
3. Proposed revision of a policy on employee emergency loans.
4. Any agenda items carried forward from a previously announced meeting.

Federal Register
Vol. 45, No. 191
Tuesday, September 30, 1980
3

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m. Tuesday, October 7, 1980.
PLACE: Room 117, 701 E Street NW.,
Washington, D.C. 20549.

STATUS: Parts of this meeting will be
open to the public. The rest of the
meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions
open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 701-TA-64 [Preliminary]
Glass-Lined Pressure Vessels from France—
vote.
6. Any items left over from previous
agenda.

Portions closed to the public:

5. Investigation 701-TA-64 [Preliminary]
Glass-Lined Pressure Vessels from France—
briefing.

CONTACT PERSON FOR MORE
INFORMATION: Richard R. Mason,
Secretary (202) 523-0161.

[5-1794-80 Filed 9-26-80 12:17 pm]
BILLING CODE 7020-05-M

8 UNIFORMED SERVICES UNIVERSITY OF THE
HEALTH SCIENCES.

TIME AND DATE: 8 a.m., October 9, 1980.
PLACE: Uniformed Services University of
the Health Sciences, 4301 Jones Bridge
Road, Bethesda, Maryland 20014.

STATUS: All discussions will be open to
the public except faculty appointments
which may be closed if discussion of
individuals is involved.

MATTERS TO BE CONSIDERED:

8 a.m.

Meeting—Board of Regents.
(1) Approval of Minutes, 24 May 1980; (2)
Faculty Appointments; (3) Admissions—
Class of 1984; (4) Financial Report; (5)
Report—Acting President; (6) Report—Dean,
School of Medicine—[a] Report of 1980
Faculty Retreat—Associate Dean; (b)
Delegation of Authority for Academic
Appointments; (c) USUHS Awards; (d)
Revised Appointment, Promotion and Tenure
Document.

New Business.
Scheduled meetings.

CONTACT PERSON FOR MORE
INFORMATION: Frank M. Reynolds,
Executive Secretary of the Board,
(202) 225-3023.

GENERAL COUNSEL CERTIFICATION: I
certify that the portion of this meeting
for discussion of faculty appointments
may be closed to the public under 5
U.S.C. § 552b(c)(6) and that the meeting
may be closed to public observation.

Margaret P. Glaubiger,
Legal Counsel.

M. S. Healy,
OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.
September 25, 1980.

[5-1794-80 Filed 9-26-80 12:17 pm]
BILLING CODE 7202-52-M
Tuesday
September 30, 1980

Part II

Department of the Treasury
Internal Revenue Service

Improving Government Regulations:
Semiannual Agenda of Regulations
DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service (IRS).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This semiannual agenda lists the regulations determined as of September 1, 1980, that the Internal Revenue Service will be developing from September 1, 1980 through March 31, 1981. The purpose of this semiannual agenda is to give the public adequate notice of Internal Revenue Service regulatory activities.

FOR FURTHER INFORMATION CONTACT: George H. Bradley, Chief, Technical Section, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:LR:T.

SUPPLEMENTARY INFORMATION:

General

Executive Order 12044, "Improving Government Regulations," and Treasury Directive 50-04.5, "Criteria and Procedures for the Preparation, Review, and Approval of Regulations," require that a semiannual agenda of regulations under development and review be published in the Federal Register. In the Federal Register of Wednesday, November 1, 1978, it was announced that the Internal Revenue Service will publish its semiannual agenda on March 31 and September 30 of each calendar year. The next semiannual agenda of the Internal Revenue Service will be published in the Federal Register of Tuesday, March 31, 1981.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service as of August 1, 1980, for the development of regulations to appear in the Code of Federal Regulations. This agenda is divided into three parts. Part I lists existing regulations under development by the Legislation and Regulations Division, Office of the Chief Counsel. Part II lists existing regulations under development by the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel. Part III lists separately projects also appearing in Part I or Part II under for which existing regulations are to be reviewed pursuant to paragraph 12 of the Treasury Directive. Part IV lists the various regulation projects closed since February 29, 1980, which was the closing date with respect to which the last semiannual agenda of the Internal Revenue Service was prepared. All other projects appearing on the last semiannual agenda are reported in Parts I, II, or III, as the case may be, of this semiannual agenda. A table defining abbreviations used throughout this agenda and a second table listing attorneys (and their telephone numbers) within the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division follow Part IV. Regulations are issued under the authority contained in section 7603 of the Internal Revenue Code of 1954 (98A Stat. 917; 26 U.S.C. 7805) in order to provide necessary guidance to Internal Revenue Service personnel who administer the law and to the public, who must comply with the law. Additionally, in some instances the specific sections of the Internal Revenue Code of 1954 and the sections of the act of Congress given in this agenda with respect to projects may specifically require or authorize regulations. Each of the regulation projects within each part of this agenda is listed in order by reference to the first section of the Internal Revenue Code of 1954 to which the project is in important measure addressed. The following information is disclosed in columnar form with respect to each regulation project.

1. 1954 Code Section and File Number.—The first column lists sections of the Internal Revenue Code of 1954 (Code) with which the subject project is directly concerned and the file number of the Internal Revenue Service under which the project is maintained.

2. Subject, Drafters, and Reviewer.—The second column names the part of Title 26 of the Code of Federal Regulations to be amended, describes briefly the subject of the regulation, names each section of each act of Congress (if any) which gives rise to the project, and names the drafting and reviewing attorneys (in that order) within the Legislation and Regulations Division or Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, who are responsible for drafting the regulation. As appropriate, the reviewing attorney within the Office of Tax Legislative Counsel or Office of International Tax Counsel, Department of the Treasury, is also named. Where a section of an act of Congress is specified in connection with a project, that project is necessary to provide regulations under the amendments to the Code made by that section of the act. In all other cases, regulations are needed under the Code sections named to provide corrective or clarifying changes in existing regulations relating to the subject matter.

3. Office in Which Pending and Status.—The third column names the office or offices within the Internal Revenue Service and/or the Department of the Treasury in which the project is presently under consideration and describes the status of the project.

4. Priority and Regulatory Analysis.—The fourth column discloses the relative degree of importance and necessity for publication assigned to the regulation. A priority of #1 shows that the project is of substantial importance; a priority of #2 shows that the project is of medium importance; and a priority of #3 shows that the project is of lesser importance. If a regulatory analysis is required for a project, a note to this effect and whether the regulatory analysis has been prepared appears in this column.


By direction of the Secretary of the Treasury.

Jerome Kurtz,
Commissioner of Internal Revenue.
<table>
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<tr>
<th>1964 code section and file no.</th>
<th>Subject and draftsmen and reviewer</th>
<th>Office in which pending and status</th>
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<td>§§ 46, LR-139-76</td>
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<td>§§ 103-8, LR-8-73</td>
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<td>§§ 103(i)</td>
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<td>TLC, T.I., E.A.—7/15/80 Comments from T.I.</td>
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<td>§§ 103(c), LR-59-74</td>
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<td>TLC, T.I., E.A.—7/15/80 Comments from T.I.</td>
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Note: The above table is a sample of the information provided in the image.
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<td>§ 472; LR-84-77</td>
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<td>Inc. Tax—Part 1—Various sections of the Code affecting personal holding cos. (§ 226, in part); RA 1964; also P.L. 93-640, § 104(a), 206; 91-172, § 101(b)(1); TRA 1976, §§ 210(a), 1423(a), 1901(b), 2131(e) (Schrenker/Cyan—TLC-Sims).</td>
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<td>T.D. published in FR on 6-6-80.</td>
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<td>Project closed without regulations on 6-26-80 by merger into EE-7-80.</td>
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Table of Abbreviations

Abbreviation, Meaning

ACTS or TX—Office of Assistant Commissioner (Taxpayer Service and Returns Processing)  
ad—adjustment  
admin—administration  
amndt—amendment  
appvd—approved  
C or Comm. or Comm.—Office of Commissioner  
CC—Office of Chief Counsel  
CCI—Office of Chief Counsel Interpretive Division  
ccc—company  
corp.—corporation  
E or EPEO—Office of Assistant Commissioner (Employee Plans and Exempt Organizations)  
EE—Office of Chief Counsel, Employee Plans and Exempt Organizations  
EO—Exempt Organizations Division  
EP—Employee Plans Division  
ERISA—Employee Retirement Income Security Act  
est—estate  
exc.—excise  
F.R.—Federal Register  
fwd.—forwarded  
govt.—government  
hrg.—hearing  
in.—income  
ITC—Office of International Tax Counsel (Treasury)  
LR—Office of Chief Counsel, Legislation and Regulation Division  
mfr.—manufacturer  
misc.—miscellaneous  
org.—organization  
perm.—permanent  
P.L. or Pub. L.—Public Law  
P & R—Office of Assistant Commissioner (Planning and Research)
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Johnson, Richard L., 566-3544
Kamikawa, Ray K., 566-3422
Kerby, Charles K., 566-3422
Maldonado, Kirk F., 566-3430
Margit, Jonathan P., 566-3651
McGovern, James J., 566-4173
Miaher, Norman J., 566-3430
Simter, Thomas L., 566-6212
Thrasher, Michael A., 566-3961
Wickersham, Richard J., 566-3250

[Bill No. 80-2470, Filed 3-25-82; 8:45 am]
Part III
Office of the Federal Register

64816  Approved Incorporations by Reference in Titles 42–50

64816  Title 42
  Chapter I—Public Health Service,
  Department of Health and Human Services
  Chapter IV—Health Care Financing
  Administration, Department of Health and
  Human Services

64819  Title 45
  Chapter XIII—Office of Human
  Development Services, Department of
  Health and Human Services

64820  Title 46
  Chapter I—U.S. Coast Guard, Department
  of Transportation

64832  Title 47
  Chapter I—Federal Communications
  Commission

64832  Title 49
  Subtitle A—Office of the Secretary of
  Transportation
  Chapter I—Research and Special Programs
  Administration, Department of
  Transportation
  Chapter II—Federal Railroad
  Administration, Department of
  Transportation
  Chapter V—National Highway Traffic
  Administration, Department of
  Transportation
  Chapter X—Interstate Commerce
  Commission
OFFICE OF THE FEDERAL REGISTER

1 CFR Part 51

Approval of Incorporations by Reference

AGENCY: Office of the Federal Register.

ACTION: Approval of incorporations by reference.

SUMMARY: The Director of the Federal Register has received requests from several agencies to approve materials incorporated by reference into Titles 42 through 50 of the Code of Federal Regulations (CFR). This document contains a table of items that have been approved by the Director.

EFFECTIVE DATE: The Director approves the following incorporations by reference for one year effective October 1, 1980, unless otherwise noted.

FOR FURTHER INFORMATION CONTACT: Rose Anne Lawson at (202) 523-4534.

SUPPLEMENTARY INFORMATION:

Authority. Each agency that wishes material incorporated by reference in the CFR to remain effective must annually submit to the Director a list of that material and the date of its last revision (1 CFR 51.13).

The materials included on the table below are incorporated by reference in the CFR under 5 U.S.C. 552(a) and 1 CFR Part 51. These procedures provide that material approved for incorporation by reference by the Director of the Federal Register has the same legal status as if it were published in full in the Federal Register.

Availability. Before an agency may incorporate by reference any material into the Code of Federal Regulations, it must make the material reasonably available to the class of persons affected by it. Agencies have indicated where you can obtain each item included in the table. The materials approved for incorporation by reference are available for inspection and copying at the Office of the Federal Register, 1100 L Street, N.W., Washington, D.C. (202) 633-6930.

Amendments. If the producer of materials approved for incorporation by reference changes or updates the material, and the agency wishes to enforce the changed or updated version, the agency shall publish an amendatory document in the Federal Register indicating that the material is amended. The agency also shall make the amended material available as indicated on the table, or as modified in the amendatory document. Amendments are not properly incorporated until a document is published in the Federal Register, and the amendment is filed at the Office of the Federal Register and made available to the public.

Extensions. The Director has granted extensions of approval with respect to some material. These extensions are necessary in order to complete the review process under 1 CFR 51.13. Materials to which an extension applies are marked in the table.

Other CFR Titles. For materials approved for incorporation by reference in Titles 28 through 41 of the CFR, see documents published on June 30, 1980 at 45 FR 44090; on July 14, 1980 at 45 FR 47111; and on September 9, 1980 at 45 FR 59297.

For materials approved for incorporation by reference in Titles 1 through 16 of the CFR, a document will be published on December 31, 1980.

For materials approved for incorporation by reference in Titles 17 through 27 of the CFR, a document will be published on March 31, 1981.

Problems. If you have any problems getting the material, notify the agency. If you find the material is not available, notify the Director of the Federal Register (NARS), Washington, D.C. 20408 or call (202) 523-4534.

Martha B. Girard,
Acting Director, Office of the Federal Register.
September 22, 1980.

42 CFR CHAPTER I (PARTS 1-199)—PUBLIC HEALTH SERVICE DEPARTMENT OF HEALTH AND HUMAN SERVICES

CIR Citation

American National Standards Institute, Inc. (ANSI)
1430 Broadway, New York, NY 10018
ANSI A117.1 1961 (R-1971). American National Standard Specifications for Making Buildings Accessible to, and Usable by, the Physically Handicapped. 36.110(b)(10);
510.503(a)(7)(iii)(A); 510.6(j).
American Society of Heating, Refrigerating and Air Conditioning Engineers (ASERAE)
United Engineer Center, 345 East 47th Street, New York, N.Y. 10017
Extension granted to Nov. 1, 1980.

American Society of Mechanical Engineers (ASME)
United Engineer Center, 345 East 47th Street, New York, N.Y. 10017


Compressed Gas Association (CGA)
500 Fifth Avenue, New York, N.Y. 10036
Pamphlet P-2-1, Standard for Medical-Surgical Vacuum Systems in Hospitals: S2b.11(b)(4).

Emergency Department Nurses' Association
P.O. Box 1566, East Lansing, Mich. 48823; and
American Nurses' Association
242 Pershing Road, Kansas City, Mo. 64108
ANA Publication Code MS-S "Standards of Emergency Nursing Practice": 57.2106(b)(3)(i).

General Services Administration
Specifications and Consumer Information, Distribution Section (WFSIS), Washington Navy Yard, Building 197, Washington, D.C. 20407

Department of Health and Human Services
The following documents are available for public inspection and copying at the Central Information Center, Department of Health and Human Services, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201 and Regional Office Information Centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.


Department of Health and Human Services' General Administration Manual, Chapter 9, Committee Management.


Chapter 14 of DHHS Publication No. (MRA) 79-14500. Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities, "Small Primary Health Care Centers," except for the last sentence of paragraph 14.1A, the parenthetical phrase "(usually 4)" in paragraph 14.1B(1) and paragraph 14.1B(3) in its entirety: 110.1005(b).

Extension granted to Nov. 1, 1980.

International Conference of Building Officials
5360 South Workman Mill Road, Whittier, Calif. 90601

National Association of Plumbing-Heating-Cooling Contractors
1016 20th Street NW., Washington, D.C. 20036

Extension granted to Nov. 1, 1980.
National Standard Plumbing Code............................................. 52b.11(b)(2).
Extension granted to Nov. 1980

National Conference of States on Building Codes and Standards
481 Carlisle Drive, Herndon, Va. 22070
Extension granted to Nov. 1980

National Council on Radiation Protection and Measurement
P.O. Box 30715, Washington, D.C. 20014. (Also available for examination at ALOSH, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505 and National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Md. 20857.)
NCRP Report No. 48, Medical Radiation Protection for Medical and Allied Health Personnel (issued August 1, 1976).
NCRP Report No. 49, Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma-Rays of up to 10 MeV (issued September 15, 1976).

National Fire Protection Association
470 Atlantic Avenue, Boston, Mass. 02110
NFPA No. 101, 1974, Life Safety Code............................................. Part 38, Subpart H, Appendix A(c), 51c.503(a)[7][iii][B]; 52b.11(c); 52b.11(d).
NFPA No. 70, 1981, National Electric Code .................................... Part 38, Subpart H, Appendix A(c), 52b.11(c).

United States Public Health Service
Dr. Charles T. Hall, Bureau of Laboratories, Laboratory Training and Consultation Division, VD Training Branch, Building 3, Room B-43, Center for Disease Control, 1600 Clifton Road NE, Atlanta, GA. 30333

Department of Transportation, National Highway Traffic Safety Administration

American Hospital Association
(The following document is available from: Health Care Financing Administration, Office of Management and Budget, Division of Communication Services, Printing and Publishing Branch, Gwynn Oak Building, Baltimore, Md. 21226)
42 CFR CHAPTER IV (PART 400 TO END)—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Citation
Extension granted to Nov. 1, 1980

American Lung Association (Formerly National Tuberculosis Association)
1740 Broadway, New York, N.Y. 10019
Diagnostic Standards and Classification of Tuberculosis, 1974 Edition .... 405.1039(b)(2).

American National Standards Institute (ANSI)
1430 Broadway Street, New York, N.Y. 10018
ANSI Standard No. A117.1 (1971) Specification for Making Buildings and Facilities Accessible by the Physically Handicapped. 405.1134(c); 442.330 (a)(c) and (b).

American Psychiatric Association
1700 18th Street NW., Washington, D.C. 20009
Diagnostic and Statistical Manual of Mental Disorders, 3rd Edition 405.243(b);
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National Fire Protection Association (NFPA)
470 Atlantic Ave., Boston, Mass. 02210
NFPA Standard No. 101, Life Safety Code, 1976................................ 442.322; 405.1023(b);
405.1134(a);
442.321(a);
442.507(a).

NFPA Standard No. 56A, Section 252; Inhalation Anesthetics, 1973 .... 405.1022(b)(3).
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405.1134(a).

National Academy of Sciences
Academy Press, 2101 Constitution Avenue NW., Washington, D.C. 20418
Recommended Dietary Allowances, Current Edition [9th, 1980]............ 405.1025(c)(2); 442.332(a)(1);
442.486(c).

Health Care Financing Administration
Office of Management and Budget, Division of Communication Services, Printing and Publication Branch, Gwynn Oak Building, Baltimore, Md. 21235 (HCFA Publication)
Part 7-71-00 of the Medical Assistance Manual ................................ 433.110; 433.111;
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Long Term Care Manual ................................................................. 442.323(b)(1); 442.509.

45 CFR CHAPTER XIII (PARTS 1300-1399)—OFFICE OF HUMAN DEVELOPMENT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

American Bureau of Shipping (ABS)
65 Broadway, New York, N.Y. 10006
Rules for Building and Classing Steel Vessels 1980.......................... 31.10-1; 32.60-1;
32.55-5; 32.55-40.

American Society for Testing and Materials (ASTM)
1916 Race St., Philadelphia, PA 19103
D-93, Test for Flash Point by Pensky-Martens Closed Tester, 1979 ....... 35.25-10.
Extension granted to Nov. 1, 1980
Inter-Governmental Maritime Consultative Organization (IMCO)
IMCO Sales, New York Nautical Instrument and Service Corp., 140
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Extension granted to Nov. 1, 1980
National Fire Protection Association (NFPA)
470 Atlantic Ave., Boston, Mass. 02210
506, Control of Gas Hazards on Vessels to be repaired, 1975 .......... 35.01-1.
Coast Guard
G-MMt/12, 2100 2nd St. SW., Washington, D.C. 20593
A.160.14, "Compass and mounting, dated December 14, 1944" (Specification for Compasses, Magnetic, Liquid-filled, Mariners, Compensating for Lifeboats (with mounting) for Merchant Vessels), 1944.
Naval Publications and Forms Center
Customer Service—Code 1052, 5801 Tabor Avenue, Philadelphia, PA 19120
46 CFR SUBCHAPTER F—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

American Boat and Yacht Council (ABYC)
15 East 26th St., New York, N.Y. 10017
F-1, Recommended Practice and Standards Covering Safe Installation of Exhaust systems for Propulsion and Auxiliary Machinery, 1971. Extension granted to Nov. 1, 1980
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1430 Broadway, New York, N.Y. 10018
Extension granted to Nov. 1, 1980 for all the following ANSI standards.
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B2.1, Pipe Threads, 1986 ........................................................... 56.60-1.
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B16.1, C.L. Flanges and Fittings, 1976 ......................................... 56.60-1; 56.60-10;
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B16.21, Non-metallic Gaskets for Flanges, 1978 ....................... 56.60-1.
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B31.5, Refrigeration Piping, 1974 .......................................... 56.20-5; 56.20-20.
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B323.5, Recommended Practice for the Use of Fire Resistant Fluids for
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Production Department, 300 Corrigan Tower Bldg.; Dallas, Tex. 75201
"Requirements for Piping", 1978 .............................. 56.01-1.
Extension granted to Nov. 1, 1980.
American Society of Mechanical Engineers (ASME)
United Engineering Center, 345 East 47th St., New York, N.Y. 10017
Boiler and Pressure Vessel Code, Section I, Power Boilers, 1979, with
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A36, Structural Steel, 1977a ........................................ 56.30-10.
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A139, Electric Fusion (Arc)-Welded Steel Pipe (sizes 4 in. and over),
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A193, Alloy Steel and Stainless Steel Bolting Materials for High Tem-
A197, Cupola Malleable Iron, 1979 .................................. 56.60-1.
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A249, Welded Austenitic Steel Boiler, Superheater, Heat Exchanger,
and Condenser Tubes, 1979b. ........................................ 56.60-1.
A268, Seamless and Welded Ferritic Stainless Steel Tubing for Gener-
A312, Seamless and Welded Austenitic Stainless Steel Pipe, 1979 ........ 56.60-1.
A369, Carbon and Ferritic Alloy Steel Forged and Bored Pipe for High Temperature Service, 1979a.
A376, Stainless Austenitic Steel Pipe for High Temperature Central Station Service, 1979a.
A403, Wrought Austenitic Stainless Steel Piping Fittings, 1979 ............ 56.60-1.
A575, Merchant Quality Hot Rolled Carbon Steel Bars, 1973 .................. 56.60-2.
A576, Steel Bars, Carbon, Hot Rolled, Special Quality, 1974 ................ 56.60-2.
B21, Naval Brass Rod, Bar, and Shapes, 1980 .................................. 56.60-2.
B42, Seamless Copper Pipe, Standards Sizes, 1960 ........................... 56.60-1.
B48, Seamless Copper Tube, Bright Annealed, 1980 ........................... 56.60-1.
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B68, Seamless Copper Water Tube, 1980 ....................................... 56.60-1.
B98, Copper Silicon Alloy Plate and Sheet for Pressure Vessels, 1980 .... 56.60-2.
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B111, Copper and Copper Alloy Seamless Condenser Tube and Ferrule Stock, 1980.
B122, Copper-Nickel-Tin Alloy, Copper-Nickel-Zinc Alloy (Nickel Silver) & Copper-Nickel Alloy Plate, Sheet Strip and Rolled Bar, 1980.
B124, Copper and Copper Alloy Forging Rod, Bar and Shapes, 1980 ........ 56.60-1.
B127, Nickel Copper Alloy (UNS No 4400) Plate, Sheet and Strip, 1974 .. 56.50-5; 56.50-10.
B153, Copper Sheet, Strip, Plate, and Rolled Bar, 1979 ...................... 56.50-5.
B154, Mercuric Nitrate Test for Copper and Copper Alloys, 1990 .......... 56.60-1.
B161, Nickel Seamless Pipe and Tube, 1975 .................................. 56.60-1.
Extension granted to Nov. 1, 1980.
B209, Aluminum Alloy Sheet and Plate, 1978 .................................. 56.50-5; 56.50-10.
B260, Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, 1980.
B283, Copper and Copper Alloy Die Forging (Hot-pressed), 1980 .......... 56.60-2.
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<td>Poly (Vinyl Chloride) (PVC) Plastic Pipe Schedules 40, 80, and 120, 1976</td>
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<td>Threaded Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 60, 1976</td>
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<td>E23</td>
<td>Notched Bar Impact Testing of Metallic Materials, 1972 Reapproved 1978</td>
<td>54.05-5; 54.50-105</td>
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<td>Conducting Drop-Weight Test to Determine Nil-Ductility Transition Temperature of Ferritic Steels, 1969 Reapproved 1975</td>
<td>54.05-5</td>
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<td>Compressed Gas Association (CGA)</td>
<td>500 Fifth Avenue, New York, N.Y. 10038</td>
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<td>S-1-2</td>
<td>Safety Relief Device Standards—Cargo and Portable Tanks for Compressed Gases, 1966</td>
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<td>Flow Test of Safety Relief Valves, 1966</td>
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<td>Fluid Controls Institute, Inc.</td>
<td>Plaza 222, U.S. Highway One, Tequesta, Fla. 33458</td>
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<td>Pressure Rating Standard for Steam Traps</td>
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<td>1815 North Fort Myer Drive, Room 913, Arlington, Va. 22209</td>
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<td>Ball Valves with Flanged or Butt-Welded Ends for General Service, 1970</td>
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<td>Silver Brazing Joints for Wrought and Cast Solder Joint Fittings, 1976</td>
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**Military Specification**

Naval Publications and Forms Center Customer Service, Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120

National Fire Protection Association (NFPA)
470 Atlantic Avenue, Boston, Mass. 02210
To, National Electrical Code, 1980 ..............................................63.05-65; 63.10-65.

Society of Automotive Engineers (SAE)
Two Pennsylvania Plaza; New York, N.Y. 10001
J429, Mechanical and Quality Requirements for Externally Threaded Fasteners, 1977.
Extension granted to Nov. 1, 1980.

Tubular Exchanger Manufacturers Association (TEMA)
707 Westchester Avenue, White Plains, N.Y. 10604.
Extension granted to Nov. 1, 1980.

Underwriters Laboratories (UL)
333 Pfingsten Road, Northbrook, Ill. 60062
UL286, Standard for Oil Burners, 1975 .................................................63.05-70; 63.05-65;
63.10-70; 63.10-65.
Extension granted to Nov. 1, 1980.
UL343, Standard for Pumps for Oil Burning Appliances, 1978 ..............63.05-55; 63.10-65.
UL614, Standard for Gas Tube Sign and Ignition Cable, 1978 ..............63.05-55; 63.10-55.
Extension granted to Nov. 1, 1980.
UL1102, Non-Integral, Marine Fuel Tanks, 1980 ........................................58.50-15.

46 CFR SUBCHAPTER H—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

American Bureau of Shipping (ABS)
65 Broadway, New York, N.Y. 10006
Rules for Building and Classing Steel Vessels, 1980 ..................................70.35-1; 71.15-1;
72.01-20; 72.01-15.

American Society for Testing and Materials (ASTM)
1916 Race St., Philadelphia, Pa. 19103
693, Test for Flash Point by Pensky-Martens Closed Tester, 1973 .......... 78.17-75.
Extension granted to Nov. 1, 1980.

Coast Guard
G-MMT/12, 2100 2nd St. SW., Washington, D.C. 20593
160.014, "Compass and mounting, dated December 14, 1944" (Specifications for Compasses, Magnetic, Liquid-filled, Mariners, Compensating for Life boats (with mounting) for Merchant Vessels), 1944.

Federal Specification
ZZ-H-451, Hose, Fire, Woven-Jacketed Rubber or Cambric-Lined, with Couplings, E.
Extension granted to Nov. 1, 1980.

Inter-Governmental Maritime Consultative Organization (IMCO) IMCO Sales
New York Nautical Instrument and Services Corp., 140 West Broadway, New York, N.Y. 10013

National Fire Protection Association (NFPA)
470 Atlantic Ave., Boston, Mass. 02210
309, Control of Gas Hazards on Vessels to be Repaired, 1980 .....................71.60-1.
Code for Flammable Anesthetics (Replaced by NFPA 56A, Inhalation 72.05-10.

Underwriters Laboratories (UL)
33 Pfingsten Rd., Northbrook, Ill. 60062
Extension granted to Nov. 1, 1980.

46 CFR SUBCHAPTER I—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

American Bureau of Shipping (ABS)
65 Broadway, New York, N.Y. 10006
Rules for Building and Classing Steel Vessels, 1980 90.35-1; 91.15-1;
92.01-10.

American Society for Testing and Materials (ASTM)
1916 Race St., Philadelphia, Pa. 19103
D93, Test for Flash Point by Pensky-Martens Closed Tester, 1973 97.15-55.
Extension granted to Nov. 1, 1980.
D-323, Method of Test for Vapor Pressure of Petroleum Products (Reid Method), 1979.

Coast Guard
G-MMT/12, 2100 2d St. SW., Washington, D.C. 20593
100.014, “Compass and Mounting, dated December 14, 1944” (Specification for Compasses, Magnetic, Liquid-filled, Mariners, Compensating for Life boats (with mounting) for Merchant Vessels.), 1944.

Federal Specification
Naval Publications Forms Center, Customer Service, Code 1052, 5901 Tabor Avenue, Philadelphia, Pa. 19120

Inter-Governmental Maritime Consultative Organization (IMCO)
IMCO Sales, New York Nautical Instrument and Service Corp., 140 West Broadway, New York, N.Y. 10013
A-264 (VIII), Bulk Grain Cargoes, 1966 93.20-5.
Extension granted to Nov. 1, 1980.

National Fire Protection Association (NFPA)
470 Atlantic Ave., Boston, Mass. 02210
306, Control of Gas Hazards on Vessels to be Repaired, 1980 91.50-1.

Underwriters Laboratories (UL)
33 Pfingsten Rd., Northbrook, Ill. 60062
Extension granted to Nov. 1, 1980.

46 CFR SUBCHAPTER I—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

Extensions to Dec. 1, 1980 have been granted for all standards incorporated by reference in Subchapter I as follows:

American Bureau of Shipping (ABS)
65 Broadway, New York, N.Y. 10006
Rules for the Classification and Construction of Steel Vessels, 1979 110.10-1; 111.05-10;
111.10-5; 111.10-15;
111.30-30; 111.35-5.

American National Standards Institute (ANSI)
1430 Broadway, New York, N.Y. 10018
C42, Definition of Electrical Terms, 1979 110.10-1.
American Society for Testing and Materials (ASTM)
1916 Race Street, Philadelphia, Pa. 19103
D323, Test for Vapor Pressure of Petroleum Products (Reid Method), 111.85-5.
1979.

Instrument Society of America (ISA)
RP122, Recommended Practice for Intrinsically Safe and Non-Incendive Electrical Instruments, 1966.
Institute of Electrical and Electronic Engineers (IEEE)
345 East 47th St, New York, N.Y. 10017
No. 45, Recommended Practice for Electric Installations on Shipboard, 1977.

Military Specifications
Naval Publications Forms Center, Customer Serv.-Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120
  110.10-1; 111.30-5; 111.30-10; 111.60-1; 113.10-50; 113.15-90; 113.20-90.
  111.75-20.
  110.10-1; 111.60-1; 111.75-10.
- MIL-C-2194, Cable, Power Electrical, Reduced Diameter Type, Naval Shipboard, I.
  110.10-1; 111.60-1.
  110.10-1; 111.05-5; 111.25-10.

National Electrical Manufacturers Association (NEMA)
2101 L Street NW., Washington, D.C.
Large Circuit Breakers.......................................................... 110.10-1; 111.50-15.
Molded Case Circuit Breakers.................................................. 110.10-1.
MG 1, Motors and Generators, 1978 rev, 1979.......................... 110.10-1; 111.05-30; 111.25-10.

National Fire Protection Association (NFPA)
470 Atlantic Ave, Boston, Mass. 02210
Code of use of Flammable Anesthetics (Safe Practice for Hospital Operating Rooms) (Replaced by NFPA50A, Inhalation Anesthetic 1976).
70, National Electrical Code, 1978 ........................................ 110.10-1; 111.50-15; 111.60-5.

Naval Ships System Command:
Naval Publications Forms Center, Customer Serv. - Code 1052, 5801 Tabor Avenue, Philadelphia, Pa. 19120
NavShips 250-666-23, Cable Comparison Guide, 1975........................ 110.10-1; 111.60-1.

Underwriters Laboratories (UL)
21333 Pfingsten Road, Northbrook, Ill. 60062
UL 498, Attachment Plugs and Receptacles, 1974, with revs. thru 1976...... 110.10-1; 111.75-30.
UL 197, Commercial Electric Cooking Appliance, 1978, with revs thru 1979... 110.10-1; 111.60-65.
UL 498, Edison-Base Lampholders, 1975, with revs thru 1978................ 110.10-1.
UL 104, Elevator Electric Contacts and Elevator Hoistway Door Interlocks, 1973 ...
  110.10-1; 111.60-35.
UL 98, Enclosed Switches, 1974, with revs/supp. thru 9/78.................. 110.10-1; 111.55-5.
UL 303, Knife Switches, 1978 .......................................... 110.10-1; 111.55-5.
UL 595, Marine Type Electrical Light Fixtures, 1974, with revs. thru 1977...
  110.10-1; 111.75-20.
UL 514, Outlet Boxes, 1974, with revs thru 1979............................ 110.10-1; 111.75-35.
UL 67, Panel Boards, 1976, with revs thru 1478............................. 110.10-1; 111.45-1.
UL 153, Portable Electric Lamps, 1978 ...................................... 110.10-1.
UL 20, Snap Switches, 1976, with revs thru 1976............................ 110.10-1; 1211.55-5.
UL 480 A, Wire Connectors and Soldering Lugs, 1978.......................... 110.10-1; 111.60-25; 111.60-40.

46 CFR Subchapter D—United States Coast Guard, Department of Transportation

American Bureau of Shipping (ABS)
65 Broadway, New York, N.Y. 10006
Rules for Building and Classing Steel Barges for Offshore Service, 1973 151.10-20; 151.15-3; 151.50-20; 151.50-42.
Extension granted to Nov. 1, 1980.

151.10-20; 151.15-3; 151.50-20; 151.50-42.

Extension granted to Nov. 1, 1980.

Rules for Building and Classing Steel Vessels, 1980.  
Part 154.

American National Standards Institute (ANSI)

1430 Broadway, New York, N.Y. 10018

Extensions granted to Nov. 1, 1980 for all the following ANSI standards.

B31.1, Power Piping, 1977, with 1979 Addendum. 151.20-1; 151.50-10.
Z89.1, Safety Requirements for Industrial Head Protection, 1969. 154.1400.

American Society of Mechanical Engineers (ASME)

United Engineering Center, 345 East 47th St., New York, N.Y. 10017

Boiler and Pressure Vessel Code, Section VIII Pressure Vessels, 1979. 151.03-37.

with addenda thru Summer 1980.

Extension granted to Nov. 1, 1980.

American Society for Testing and Materials (ASTM)

1916 Race St., Philadelphia, Pa. 19103


Inter-Governmental Maritime Consultative Organization (IMCO)

Imco Sales, New York Nautical Instrument and Service Corp., 140 West Broadway, New York, N.Y. 10013


Medical First Aid Guide for Use in Accidents Involving Dangerous Goods. 154.1435; 154.1440.

Underwriters Laboratories (UL)

333 Pfingsten Rd., Northbrook, Ill. 60062

783, Flashlights and Lanterns, Electric, for Use in Hazardous Locations, Class 1, Div. 1, 1979. 154.1400.

Extension granted to Nov. 1, 1980.

46 CFR SUBCHAPTER Q—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

CGR Citation

American Society for Mechanical Engineers (ASME)

United Engineering Center, 345 East 47th Street, New York, N.Y. 10017

Boiler and Pressure Vessel Code, Section I:
par. HG-402, Discharge capacities of Safety and Safety Relief Valves, 1979. 162.012-1; 162.0-13-1.
par. PG71, Mounting, 1977 162.001-1.
par. PG-110, Stamping of Safety Valves, 1977 162.001-1.
par. UG-131, Certification of Capacity for Pressure Relief Valves, 1977 162.018-1.

American Society for Testing and Materials (ASTM)

1916 Race Street Philadelphia, Pa. 19103

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| D413 | Rubber Property—Adhesion to Flexible Substrate | 1978 | 160.055-1 |
| D570 | Water Absorption of Plastics | 1977 | 160.055-1 |
| D582 | Tensile Properties of Thin Plastic Sheeting | 1975 | 160.055-1 |
| D1004 | Initial Tear Resistance of Plastic Film and Sheeting | 1968 | 160.055-1 |
| D3574 | Flexible Cellular Materials—Slab, Bonded, and Molded Urethane Foam | 1977 | |
| E84 | Tentative Method of Fire Hazard Classification for Building Materials (Now "Surface Burning Characteristics of Building Materials") | 1977a | |
| E119 | Fire Testing of Building Construction and Materials | 1979 | 164.007-1; 164.008-1 |
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| Coast Guard | | | |
| G-MMT/12; 2100 Second St. SW, Washington, D.C. 20593 | | | |
| D-123 | Life Preserver, Kapok, Adult |
| D-124 | Life Preserver, Kapok, Child |
| D-125 | Life Preserver, Fibrous Glass Adult and Child (Jacket Type) | |
| | | | Extension granted to Nov. 1, 1980 |
| D-127 | Life Preserver, Balsa Wood Ring Life Buoy; Arrangement and Construction Details | 160.009-1 |
| D-128 | Life Preserver, Hatchet (Lifeboat and Life Raft) | 160.015-1 |
| D-129 | Life Preserver, Rectangular Balsa Wood Life Float with Platform, Net and Rigging | 160.027-1 |
| D-130 | Life Preserver, Jackknife (with Can Opener) | 160.045-1 |
| D-131 | Buoyant Vest, Kapok or Fibrous Glass, Adult and Child | 160.047-1 |
| D-132 | Buoyant Vest, Plastic Foam, Adult and Child | 160.049-1 |
| D-133 | Buoyant Cushion, Fibrous Glass | 160.048-1 |
| D-134 | Buoyant Cushion Plastic Foam | 160.049-1 |
| D-135 | Buoyant Vest, Unicellular Plastic Foam, Adult and Child | 160.052-1 |
| D-136 | Life Preservers, Unicellular Plastic Form, Adult | 160.055-1 |
| D-137 | Life Preservers Unicellular Foam, Child | 160.055-1 |
| D-138 | Buoyant Vest, Unicellular Polyethylene Foam, Adult and Child | 160.060-1 |
| D-139 | Buoyant Vest, Unicellular Polyethylene Foam | 160.050-1 |
| D-141 | Pattern, Trigonal Slit, for Polyethylene Foam Slab Material | 160.041-1 |
| | | | |
| Compressed Gas Association (CGA) | | | |
| 500 Fifth Avenue, New York, N.Y. 10036 | | | |
| S-1.2.5.2, Flow Tests of Safety Relief Valves (Pamphlet 1.2, Para. 5.2) | 1988 | |
| | | | Extension granted to Nov. 1, 1980 |
| Federal Specifications | | | |
| Extensions granted to Nov. 1, 1980 for the following Federal Specifications: | | | |
| C-C-91 | Candle, Illuminating, D | 160.015-1 |
| CCC-C-4202B | Cloth, Cotton Drill, D | 160.049-1; 160.049-1; 160.055-1 |
| CCC-C-443E | Cloth, Cotton, Duck, Plied Filling Yarns, Flat, E | 160.099-1 |
| CCC-C-700G | Cloth, Coated, Vinyl (Artificial Leather), G | 160.045-1; 160.049-1; 160.055-1 |
| GC-K-391 | Kits (Empty), First Aid, Burn Treatment and Snakebite; and Kit Contents, A, amd.4. | 160.041-1 |
| CCC-A-929 | Axes, C amd.2 | 160.013-1 |
| HH-M-351 | Millboard, Asbestos; dated Nov. 28, 1958 as amended Apr. 27, 1972. | 160.009-3 |
| L-P-375 | Plastic Film, Flexible, C, amd.3 | 160.002-1 |
L-P-375C, Plastic Film, Flexible ........................................................... 160.005-1; 160.047-1;
L-P-390, Plastic Molding and Extrusion and Copolymers Material, Polyethylene, C, amd.3. 161.010-1.
L-P-393, Plastic Molding Material Polycarbonate, Injection and Extrusion, A, amd.2. 161.010-1.
L-P-406, Plastics, Organic; General Specification (Test Methods), B, amd.1. 161.001-1.
QQ-B-611, Brass, Commercial; Bars, Plates, Rods Shapes, Sheets and Strip, A, amd.4. 161.006-1.
QQ-I-706, Iron and Steel; Sheet, Tinned (Tinplate), A, amd.1. 160.061-1.
RR-C-271, Chain and Attachments, Welded, Weldless, and Roller Chain, B. 160.017-1.
T-R-505, Rope, Manila and Sisal, B, amd.3. 160.017-1; 160.031-1.
TT-W-572, Wood Preservative, Water-repellent, B, amd.1. 160.017-1.
V-T-276, Thread, Cotton, H. 160.010-1.
V-T-276H, Thread, Cotton, H. 160.001-1; 160.009-1.
V-T-285D, Thread, Polyester, D. 160.001-1; 160.009-1.
VV-G-671, Grease, Lubricating, Graphite, E. 160.050-1.
W-B-101, Batteries and Cells; Dry, F, amd.5. 161.001-1; 161.010-1.
WW-C-621, Couplings; Hose, cotton (rubber-lined) and lined (unlined). 162.027-1.

Federal Standards and Test Method Standards
Naval Publications Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120
Extensions granted to Nov. 1, 1980 for all the following Federal Standards and Test Method Standards.
No. 151, Metals, Test Methods, B. 160.003-1.
No. 191, Textiles, Test Methods, A. 160.002-1; 160.005-1; 160.047-1;
No. 406, Plastics, Method of Testing. 160.035-1; 161.010-1.
No. 595, Colors, A. 160.050-1; 160.009-3; 160.055-1.
No. 751, Stitches, Seams, and Stitching, A, amd.1. 160.048-1; 160.049-1.
No. 751A, Stitches, Seams, and Stitching. 160.005-1; 160.005-1;
No. 751A, Stitches, Seams, and Stitching. 160.009-1; 160.047-1;
Military Specifications
Naval Publications Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.
Extensions granted to Nov. 1, 1980 for all the following Military Specifications.
MIL-B-18, Batteries, Dry, D, amd.2. 161.001-1; 161.010-1.
MIL-B-2766, Batt, Fibrous Glass, Lifesaving Equipment, B, amd.1. 160.048-1.
MIL-B-2766B, Batt, Fibrous Glass, Lifesaving Equipment, B. 160.005-1; 160.048-1.
MIL-B-30444, Bronze, Hydraulic (ounce metal); Castings, A. 162.027-1.
MIL-C-43006, Cloth Laminated, Vinyl-Nylon High Strength, Flexible, E. 160.049-1.
MIL-D-3716, Desiccants (Activated) for Dynamic Dehumidification, A, amd.2. 161.001-1.
MIL-D-5831D, Desalter Kit, Sea water Mark Q, E. 160.056-1.
MIL-E-15090, Enamel, equipment, Light Gray (Formula No. 111), B, amd.2. 160.028-1.

MIL-F-659, Fuel Oil, Boiler, E, amd.2. 164.015-1; 164.016-1.

MIL-I-16923, Insulating Compound, Electrical Embedding, G, amd.1 161.010-1.


MIL-L-2648, Light, Marker, Distress, Floating Automatic Nonmagnetic, D, amd.2. 161.001-1.

MIL-L-7178, Lacquer, Cellulose nitrate, glass for aircraft use, A, amd.1. 160.029-1.

MIL-L-17653A, Life Preserver, Vest, Work Type, Uncellular Plastic, B, amd.3. 160.053-1.

MIL-I-2648, Light, Marker, Distress, Floating Automatic Nonmagnetic, 161.001-1.


MIL-L-7178, Lacquer, Cellulose nitrate, glass for aircraft use, A, amd.1. 160.029-1.

MIL-L-17653A, Life Preserver, Vest, Work Type, Uncellular Plastic, B, amd.3. 160.053-1.

MIL-L-19496f (ships), Lifeboat, CO2 Inflatable Mark 5, 15-person Capacity, D, amd.1. 160.051-1.


MIL-P-18068, Plywood, Ship and Boat Construction, B, 160.035-1.

MIL-P-19844, Plastic Foam, Molded Polystyrene (Expaned Bend Type), C. 160.035-1.


MIL-R-2765, Rubber materials, Synthetic, Oil Resistant (Sheet, Strips, and Molded Shapes), C. 160.035-1.

MIL-R-7575, Resin, Polyester, Low Pressure Laminating, C, amd.2. 160.035-1.

MIL-R-16847, Ring Buoy, Lifesaving, Uncellular Plastic, E, amd.2. 160.050-1.

MIL-R-23139, Rocket Motors, Solid Propellant, Development Requirements for, B. 160.040-1.


MIL-W-530, Webbing, Textile, Cotton, Purpose, Natural or in Colors, F, amd.2. 160.035-1.

Navy Department Plans

Naval Publications Forms Center, 5901 Tabor Avenue, Philadelphia, Pa. 19120

Extensions granted to Nov. 1, 1980 for all the following Navy Department Plans.


National Fire Protection Association (NFPA)

470 Atlantic Avenue, Boston, Mass. 02210


Underwriters Laboratories (UL)

333, Pfingsten Road, Northbrook, Ill. 60062


UL 1988, Fuses (Class H Fuses), 1975 161.004-1.

46 CFR SUBCHAPTER R—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

CFR Citation

American Bureau of Shipping (ABS)

65 Broadway, New York, N.Y. 10006

Rules for Building and Classing Steel Vessels, 1980 167.15-2; 167.20-1.

Institute of Electrical and Electronic Engineers (IEEE) (Formerly American Institute of Electrical Engineers)

345 East 47th St., New York, N.Y. 10017

45, Recommended Practice for Electrical Installations on Shipboard, 1977.

Extension granted to Nov. 1, 1980.
Federal Specification
Naval Publications and Forms Center, Customer Service, Code 1052,
5801 Tabor Ave., Philadelphia, Pa. 19120
with Couplings, E.
Extension granted to Nov. 1, 1980.
National Fire Protection Association (NFPA)
470 Atlantic Ave., Boston, Mass. 02210
306, Control of Gas Hazards on Vessels to be Repaired, 1980 .......... 167.30-1.
Underwriters Laboratories (UL)
333 Pfingston Rd., Northbrook, Ill. 60062
Extension granted to Nov. 1, 1980.

46 CFR SUBCHAPTER T—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

American Boat and Yacht Council (ABYC)
15 East 26th St., New York, N.Y. 10010
P-1 Recommended Practices and Standards Covering Safe Installation
Extension granted to Nov. 1, 1980.
Institute of Electrical and Electronic Engineers (IEEE) (Formerly American Institute of
Electrical Engineers)
345 East 47th St., New York, N.Y. 10017
45, Recommended Practice for Electrical Installations on Shipboard,
1977. 183.01-15; 183.05-45; 183.10-20.
Extension granted to Nov. 1, 1980.
American Society for Testing and Materials (ASTM)
1916 Race St., Philadelphia, Pa. 19103
E37 Copper-Silicon Alloy Plate, Sheet, Strip, and Rolled Bar for General
B122, Copper-Nickel-Tin Alloy, Copper-Nickel Zinc Alloy (Nickel
Silver) and Copper-Nickel Alloy Plate Strip and Rolled Bar, 1979. 182.15-23.
B127, Nickel-Copper Alloy (UNS NO4400) Plate, Sheet and Strip, 1977. 182.15-23.
B150, Copper, Sheet, Strip, Plate and Rolled Bar, 1979. 182.15-23.
D393, Test for Flash Point by Pennsky-Martens Closed Tester, 1979. 182.15-23.
Extension granted to Nov. 1, 1980.
D-323, Test for Vapor Pressure of Petroleum Products (Reid Method),
1972. 182.15-23.

Federal Specification
Naval Publications and Forms Center, Customer Service, Code 1052,
5801 Tabor Avenue, Philadelphia, Pa. 19120
ZZ-H-45, Hose, Fire, Woven-Jacketed Rubber or Cambric-Lined, with
Couplings, E.
Extension granted to Nov. 1, 1980.
National Fire Protection Association (NFPA)
470 Atlantic Ave., Boston Mass. 02210
70, National Electrical Code, 1979 ........................................... 183.01-10; 183.05-45;
183.10-20.

Navships 250
Naval Publications and Forms Center, 5801 Tabor Avenue, Phila-
adelphia, Pa. 19120
Extension granted to Nov. 1, 1980.
Underwriters Laboratories (UL)
333 Pfingston Rd., Northbrook, Ill. 60062
UL-107, Commercial Electric Cooking Appliance, 1978, incl all revi-
sions thru 1979. 183.01-15; 183.10-45.
UL-595, Marine Type Electric Lighting Fixtures, 1974, all revisions thru
1977. 183.01-15; 183.10-20.
Extension granted to Nov. 1, 1980.
UL-1102, Tanks, Non Integral, Marine Fuel, 1980

48 CFR SUBCHAPTER U—U.S. COAST GUARD, DEPARTMENT OF TRANSPORTATION

### American Bureau of Shipping

66 Broadway, New York, N.Y. 10006
Rules for Building and Classing Steel Vessels, 1980

- 188.3; 189.1; 190.0
- 195.0

### Coast Guard

G-MMT/12; 2100 2nd St. S.W., Washington, D.C. 20593

180.014, "Compass and mounting. dated December 14, 1944" (Specification for Compasses, Magnetic, Liquid-filled, Markers, Compensating for life boats (with mounting) for Merchant Vessels.), 1944.

### Federal Specification


ZZ-H-451. Hose, Fire, Woven-Jacketed Rubber or Cambric-Lined, with Couplings, E.

- Extension granted to Nov. 1, 1980

### Military Specifications

Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120

MIL-V-17501, (Valve, Control, Automatic Sprinkler System)

- Extension granted to Nov. 1, 1980

### National Fire Protection Association (NFPA)

470 Atlantic Ave., Boston, Mass. 02210

308, Control of Gas Hazards on Vessels to Repair, 1975

- 189.50-1

### Underwriters Laboratories (UL)

333 Pfingsten Rd., Northbrook, Ill. 60062

UL 19, Woven Jacketed, Rubber Lined Fire Hose, 1978

- Extension granted to Nov. 1, 1980

47 CFR CHAPTER I (PARTS 0-199)—FEDERAL COMMUNICATIONS COMMISSION

National Association of Regulatory Utility Commissioners

1102 Interstate Commerce Commission Building, Constitution Avenue and 12th Street NW, Washington, D.C. 20005


In addition to the publisher, the NARUC Separations Manual is available for inspection at the following places:
- Field Office of the Common Carrier Bureau, Room 1309X, 90 Church Street, New York, N.Y.

49 CFR SUBTITLE A (PARTS 1-99)—OFFICE OF THE SECRETARY OF TRANSPORTATION

American National Standards Institute (ANSI)

1430 Broadway, New York, N.Y. 10018


Interagency Land Acquisition Conference


49 CFR CHAPTER I (PARTS 100-199)—RESEARCH AND SPECIAL PROGRAMS
ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Note.—For 1980 only, the revision date for Chapter I of Title 49 of the Code of Federal
Regulations is December 1, 1980. also, the Office of the Federal Register extends the review
of the incorporations by reference for which the agency requests reapproval until December
1, 1980.

49 CFR CHAPTER II (PARTS 200-299)—FEDERAL RAILROAD ADMINISTRATION,
DEPARTMENT OF TRANSPORTATION

CPR Citation

American National Standards Institute, Inc.
15th and New York Avenue NW, Washington, D.C. 20005
ANSI S1.13-1971, Method for Measurement of Sound Pressure Levels... 210.29(b)(2).
American Society for Testing and Materials
Federal Railroad Administration, Office of the Associate Adminis-
trator, Nassif Building, 400 Seventh Street SW, Washington, D.C.
20590
ASTM C90-70, Standard Specification for Hollow Load-Bearing Con-
crete Masonry Units.
ASTM C331-77, Standard Specification for Lightweight Aggregates for
Concrete Masonry Units...
American Society of Mechanical Engineers
United Engineering Center, 345 East 47th Street, New York, New
York 10017
ASME Boiler and Pressure Vessel Code (1971 Edition), Section II, Part
Division I.
223.51(a)(1).
Division I.
Association of American Railroads
1920 L Street NW., Washington, D.C. 20036
AAR Code of Rules for cars in interchange, 1979... 232.17(b).
AAR Code of Tests, Instruction Pamphlet No. 5039-4, Sup. 1, Single
AAR Railway Signaling Principles and Practices, Ch. 2: Symbols,
Aspects and Indications, 1956.
Illuminating Engineering Society
Federal Railroad Administration, Office of the Associate Adminis-
trator, Nassif Building, 400 Seventh Street SW, Washington, D.C.
20590
IES Guide for Calculating the Effective Intensity of Flashing Signal
Interagency Land Acquisition Conference
Superintendent of Documents, U.S. Government Printing Office,
Washington, D.C. 20402
Uniform Appraisal Standards for Federal Land Acquisition (1972 edi-
tion), Stock No. 5259-0002.
49 CFR CHAPTER V—NATIONAL TRAFFIC SAFETY ADMINISTRATION,
DEPARTMENT OF TRANSPORTATION

CPR Citation

American Association of Textile Chemists and Colorists (AATCC)
Post Office Box 886, Durham, N.C.
AATCC Chart for Measuring Transference of Color... 571.209.
Standard Test Method 8-1961 Colorfast to Crocking... 571.209.
Standard Test Method 107-1962 Colorfastness to Water... 571.209.
Geometric Gray Scale... 571.209.
American National Standards Institute (ANSI)
1430 Broadway, New York, N.Y. 10018
Glazing Materials for Glazing Motor Vehicles Operating on Land
Highways.
American Society for Testing and Materials (ASTM)
1916 Race Street, Philadelphia, Pa. 19103
49 CFR CHAPTER VI—INTERSTATE COMMERCE COMMISSION
DEPARTMENT OF TRANSPORTATION

CPR Citation

American National Standards Institute (ANSI)
1430 Broadway, New York, N.Y. 10018
Glazing Materials for Glazing Motor Vehicles Operating on Land
Highways.


ASTM A370-1972 Standard Methods and Definitions for Mechanical Testing of Steel Products.


ASTM D445-1985 Standard Method of Test for Viscosity of Transparent and Opaque Liquids (Kinematic and Dynamic Viscosity).

ASTM D471-1984 Tentative Method of Test for Change in Properties of Elastomeric Vulcanizates Resulting from Immersion in Liquids.


ASTM D523-1962 Tentative Method of Test for Specular Glass.


ASTM D1415-1968 Tentative Method of Test for International Hardness of Vulcanized Natural and Synthetic Rubbers.


ASTM E4-1964 Methods of Verification of Testing Machines.

ASTM E4-1972 Methods of Verification of Testing Machines.


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General Services Administration


Military Specifications
Naval Publication and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19134
MIL-S-13192

National Health Survey Data
5th percentile female: Public Health Service Publication No. 1000, Series 11, No. 8, "Weight, Height, and Selected Body Dimensions of Adults".

National Highway Traffic Safety Administration (NHTSA)
Material may be obtained by writing: Keuffle and Esser Company, 15121 North Danville Street, Arlington, Va. 22201
SA 150 M010 Head Assembly, 1973.
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Society of Automotive Engineers (SAE)

400 Commonwealth Drive, Warrendale, Pa. 15096
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<td>J902-1964</td>
<td>Recommended Practice, Passenger Car Windshield Defrosting Systems.</td>
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<td>J910b-1971</td>
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<td>Test Procedure for Determining Reflectivity of Rear View Mirrors.</td>
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<td>J977-1968</td>
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<td>J1100a</td>
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<td>Test Procedure for Determining Reflectivity of Rear View Mirrors.</td>
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49 CFR CHAPTER X (PARTS 1000-1399)—INTERSTATE COMMERCE COMMISSION

American National Standards Institute, Inc.
1430 Broadway (attn: sales), New York, N.Y. 10018


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Tuesday
September 30, 1980

Part IV

National Aeronautics and Space Administration

Privacy Act of 1974; Annual Publication of Systems of Records
National Aeronautics and Space Administration

[Notice 80-62]

Privacy Act of 1974; Annual Publication of Systems of Records

In accordance with 5 U.S.C. 552a(e)(4) of the Privacy Act of 1974 (Pub. L. 93-579), the National Aeronautics and Space Administration hereby publishes the systems of records currently maintained by the agency.

E. C. Kilgore,
Associate Administrator for Management Operations.
September 23, 1980.

BILLING CODE 7510-01-M
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S ystem name: A ircraft Crewmembers Q ualifications a nd P erformance R ecords - N A S A
S ystem location: L ocations 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12 as s et forth in Appendix A.
C ategories of individual s covered by the system: C rewmembers of N A S A aircraf t.
C ategories of records in the system: S ystem contains: (1) record of qualification, experience, and currency, e.g., flight hours (day, night, and instrument), types of approaches and landings, crew position, type aircraft, check ratings and related examination results, training performed and medical records; (2) flight itineraries and passenger manifests; and (3) biographical information.
R outine uses of records maintained in the system, including c ategories of users and the purposes of such uses: The information contained in this system of records is used within N A S A for: evaluation of crewmember performance by supervisory flight operations personnel and staff; by the individuals whose records are maintained; on occasion by flight operations and safety survey teams; and for the N A S A A ircraft Office. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of N A S A: (1) in cases of accident investigations, access to this system of records may be granted to federal or local agencies such as Department of Defense, Federal Aviation Administration, National Transportation Safety Board, or foreign governments; (2) to other agencies, companies, or governments requesting qualifications of crewmembers prior to authorization to participate in their flight programs; or to other agencies, companies, or governments whose crewmembers may participate in N A S A's flight programs; (3) with prior approval by the individual - publicity or press releases; and (4) routine standard uses 1 through 4 inclusive as set forth in Appendix B.
Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
Storage: Records are maintained in file folders, charts, punched cards, computer printouts.
Retrievability: Records are indexed by name or aircraft number.
Safeguards: Records are protected in accordance with the requirements and procedures which appear at 14 C.F.R. Part 1212.
Retention and disposal: Records are retained indefinitely.
System manager(s) and address: Chief, N A S A Aircraft Office, L ocation 1.
Subsystem Managers: Chief, Aircraft Operations Division, Location 2; Director, Flight Operations, Location 3; Chief, Aircraft Operation s Division, Location 5; Chief, Aircraf t Operations Section, Location 6; Chief, Operations Branch, Flight Research Division, Location 7; Chief, Aircraf t Operations Branch, Location 8; Chief, Aircraft Operations, Location 9; Chief Contract Management, Location 10; Director, Acquisition Manager, Q uartermaster, Location 11; Chief, Aeronautical Programs Branch, Location 12 (Locations are set forth in Appendix A).
Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.
Records access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.
Costkeeping record procedures: The N A S A regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.
Record source categories: Individuals, training schools or instructors, medical units or doctors.
N A S A 1 0 B R P A
S ystem name: B iographical Records for Public A ffairs - N A S A
S ystem location: L ocations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 as set forth in Appendix A.
C ategories of individual s covered by the system: P rincipal and prominent management and staff officials, program and project manag ers, scientists, engineers, speakers, other selected employees involved in newsworthy activities, and other participants in agency programs.
C ategories of records in the system: C urrent biographical information about the individual with a recent photograph when available.
Data items are those generally required by N A S A or the news media in preparing news or feature stories about the individual and/or his activity with N A S A.
R outine uses of records maintained in the system, including c ategories of users and the purposes of such uses: The information contained in this system of records is compiled, updated, and maintained at N A S A installations for ready reference material and for immediate availability when required by the news media for news stories about the individual generally involving his participation in a major N A S A activity.
The data serves as background information about the individual and is used within N A S A to prepare public appearance announcements of key officials, speaking engagements, special appointments, participation in professional societies, etc.; to write news stories about specific achievements, awards, participation in major N A S A activities, programs, etc.; and to prepare responses to inquiries submitted to the Office of Public Affairs from the news media.
Users are the staff members of the public information office within each Office of Public Affairs.
In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of N A S A: these records are made available to professional societies, civic clubs, industrial and other organizations, news media representatives, researchers, authors, Congress, other agencies and other members of the public in connection with N A S A public affairs activities.
Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
Storage: Paper records are maintained in file folders.
Retrievability: Records are indexed by name.
Safeguards: Since the records are a matter of public information, no safeguard requirements are necessary.
Retention and disposal: Records are maintained as long as there is potential public interest in them and are disposed of when no longer required.
System manager(s) and address: H ead, P ublic I nformation S ection, L ocation 1.
Subsystem Managers: The P ublic A ffairs O fficer at Locations 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.
Notification procedure: An individual desiring to find out if a Biographical System of Records contains a record pertaining to him

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should call, write, or visit the Office of Public Affairs at the appropriate NASA location.

Record access procedures: An individual may request access to his record by calling, writing, or visiting the Office of Public Affairs at the appropriate NASA locations. Individuals may examine or obtain a copy of their biographical record at any time.

Contesting record procedures: The information in the record was provided voluntarily by the individual with the understanding that the information will be used for public release. The individual is at liberty at any time to revise, update, add, or delete information in his biographical record to his own satisfaction.

Record source categories: Information in the biography of an individual generally with the aid of a form questionnaire.

System name: Equal Opportunity Records - NASA
System location: Locations 1 through 9 inclusive and Locations 11 and 12 as set forth in Appendix A.

Categories of records in the system: (1) Complaints and (2) applications.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to process complaints of alleged discrimination, including investigations, hearings, and appeals; to maintain active discrimination complaints files; to retain inactive discrimination complaints files; to analyze Headquarters workforce; to track the status of the Equal Opportunity programs; to provide Equal Employment Opportunity Commission and Merit Systems Protection Board with budget outlays for the Civil Rights Activity Report; to provide the Congress with accomplishments in Equal Opportunity programs; to refer applicants (minorities and females); and to determine contractors' compliance with Executive Orders 11246 and 11375 as amended.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Equal Employment Opportunity Commission and the Merit Systems Protection Board to facilitate their processing of discrimination complaints, including investigations, hearings and appeals; (2) Responses to other Federal agencies and other organizations having legal and administrative responsibilities related to the NASA Equal Employment Opportunity Programs and to individuals who may be adversely affected; (3) Disclosures may be made from a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (4) Routine uses are made one through four inclusive as set forth in Appendix A.

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 alphabetically; however, once this information is stored on cards and/or tape, it may be indexed by social security number or by educational and work experience codes.

Safeguards: Records are located in locked metal file cabinets, or in metal file cabinets in secured rooms with access limited to those whose official duties require access and are locked during non-duty hours.

Retention and disposal: Complaint files are maintained for one year after each case has been closed and then retired to the appropriate Federal Records Center. They are destroyed by the Records Center when the records are four years old. Other routine office records are reviewed periodically and retired to the appropriate Federal Records Center or destroyed.

System manager(s) and address: Director of Equal Opportunity Programs, Location 1.

Subsystem managers: Equal Employment Opportunity Officer at Locations 1, 3, and 8; Chief, Equal Employment Opportunity Programs Office at Location 2; Official files provided: Programs Office at Location 4; Equal Employment Opportunity Programs Officer at Location 5; Equal Opportunity Officer at Location 6; Head, Equal Opportunity Programs Office at Location 7; Director, Equal Employment Opportunity Office at Location 9; Equal Opportunity Office at Location 11; Equal Opportunity Officer at Location 12. Locations are as set forth in Appendix A.

Notification procedures: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees, applicants, installation EEO officers, complainants, EEO counselors, EEO investigators, EEO complaints examiners, MSPB officials, complaints coordinators, Director of Equal Opportunity Programs.

NASA 10EXOR

System name: Executive Development Records - NASA
System location: Locations 1 through 9 inclusive and Locations 11 and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Approximately 700 individuals with experience and education unique to the NASA mission in the technical and administrative fields who are considered to be replacement candidates for key positions within NASA or who are considered to be high potential candidates.

Categories of records in the system: Biographical data, education, training, government experience, other experience, military service, individual development plan data.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the identification of replacement candidates who are currently ready to assume the responsibility of a key position/positions throughout the Agency and for the identification of high potential and replacement candidates who are in need of a certain amount of training and/or experience before assuming a key position/positions. These candidates would then be groomed toward the identified key positions. There are no routine uses outside of NASA contained in this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on disks.

Retrievability: The records are indexed alphabetically; however, once this information is stored on cards and/or tape, it may be indexed by social security number or by educational and work experience codes.

Safeguards: Records are located in a locked metal file cabinet with access limited to those whose official duties require access.

Retention and disposal: These records will be retained and updated for as long as there is a need by NASA management to readily identify and groom replacement candidates for NASA's key positions throughout the Agency.

System manager(s) and address: Director, Office of Development, and Executive Development Officer, Location 1.

Subsystem Managers: Directors of Locations 2 through 9 inclusive and Locations 11 and 12 as set forth in Appendix A.

Notification procedures: Information may be obtained from the System Manager only.

Record access procedures: Requests from individuals should be addressed to the same address stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employers, top NASA officials through-out the Agency, other persons acquainted with the work performance of the individual, and NASA personnel records.

NASA 10GMVP

System name: Government Motor Vehicle Operators Permit Records - NASA
System location: Locations 1 through 15 inclusive as set forth in Appendix A.

Categories of Individuals covered by the system: NASA employees, contractor employees, other federal and state government employees.
Categories of records in the system: Name, home address, Social Security Number, physical description of individual, physical condition of individual, traffic record.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the purpose of identifying and checking record of applicant and issuing permits for operation of Government vehicles. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) National Driver Register, Department of Transportation, where Form 1047 is received for check and (2) Standard routine uses 1 through 4 inclusive, as set forth in Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Indexed by name.

Safeguards: Records are kept in a locked metal file cabinet with access limited to those whose official duties require access. Room is locked off and protected by an identification system.

Retention and disposal: Records are retained for a period of three years when permit expires or until permit holder leaves the Agency or requests cancellation. Records are destroyed when no longer required.

System manager(s) and address: Chief, Budget and Support Branch, Location 1.

Subsystem Managers:

Chief, Security Branch, Location 2: Transportation Officer, Location 3; Chief, Logistics Management Division, Location 4; Chief, Transportation Branch, Location 5; Chief of Transportation, Location 6; Chief, Management Support Division, Location 7; Head, General Services Section, Location 8; Director, Logistics Office, Location 9; Chief Contract Management, Location 10; Chief Installation Operations, Location 11; Director of Administration, Location 12; Contract and Property Specialist, Location 13; Chief, Maintenance and Administration Office, Location 14; Chief of Facilities, Location 15. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Press releases, newspapers, journals, and the individuals themselves.

System name: NASA Management Subsystem

System location: Locations 2, 3, 5, 6, 9, and 13 as stated in Appendix A.

Categories of individuals covered by the system: Individuals who have been involved in space flight, aeronautical research flight, and/or evaluated by NASA test personnel; Civil Service employees, military, employees of other government agencies, contractor employees, students, human subjects (volunteer or paid), and other volunteers on whom information is collected as part of an experiment or research.

Categories of records in the system: Data obtained in the course of an experiment, test, or research medical data from inflight records; other information collected in connection with an experiment, test, or research.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by NASA for the purposes of evaluating new analytical techniques, equipment, and re-examining flight data for alternative interpretations, developing applications of experimental techniques or equipment, reviewing and improving operational procedures with respect to experimental protocols (both inflight and ground), life support systems operating procedures, determining human engineering requirements, and carrying out other research.

In addition to the internal use of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to other individuals or organizations, including Federal agencies or local agencies, and nonprofit, educational, or private entities, who are participating in NASA programs or are otherwise furthering the understanding or application of biological, physiological, and behavioral phenomena as reflected in the data contained in this system of records; (2) the standard routine use 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Indexed by name.

Safeguards: Access is limited to Government personnel requiring access to records and for contesting contents and appealing initial determinations by the individual concerned.

Retention and disposal: Most biographical files are retained indefinitely, either in the archives or retired to the appropriate Federal Records Center.

System manager(s) and address: Director, History Office, Code L, Location 1.

Subsystems Managers: Administrative Operations Specialist, Code BE-4, Location 5 (Locations are as set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Press releases, newspapers, journals, and the individuals themselves.

System name: Human Experimental and Research Data Records

System location: Locations 2, 3, 5, 6, 9, and 13 as stated in Appendix A.

Categories of individuals covered by the system: Individuals who have been involved in space flight, aeronautical research flight, and/or evaluated by NASA test personnel; Civil Service employees, military, employees of other government agencies, contractor employees, students, human subjects (volunteer or paid), and other volunteers on whom information is collected as part of an experiment or research.

Categories of records in the system: Data obtained in the course of an experiment, test, or research medical data from inflight records; other information collected in connection with an experiment, test, or research.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by NASA for the purposes of evaluating new analytical techniques, equipment, and re-examining flight data for alternative interpretations, developing applications of experimental techniques or equipment, reviewing and improving operational procedures with respect to experimental protocols (both inflight and ground), life support systems operating procedures, determining human engineering requirements, and carrying out other research.

In addition to the internal use of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to other individuals or organizations, including Federal agencies or local agencies, and nonprofit, educational, or private entities, who are participating in NASA programs or are otherwise furthering the understanding or application of biological, physiological, and behavioral phenomena as reflected in the data contained in this system of records; (2) the standard routine use 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders; on punch cards, magnetic tapes, or discs; on microfilm, microfiche, still photographs, or motion picture film; and on various medical recordings such as electrocardiographic tape, strip charts, and x-rays.

Retrievability: By name, experiment or test; arbitrary experimental subject number; flight designation; or crew member designation on a particular space or aeronautical flight.

Safeguards: Access is limited to Government personnel requiring access to the discharge of their duties, and to appropriate support contractor employees on a need-to-know basis. Computerized records are protected by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations set forth in 14 C.F.R. Part 1212.

Retention and disposal: Astronaut records are retained indefinitely. General test and research data are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed, except that significant medical data will be handled in accordance with CSC regulations and NASA Instruction Schedule II.

System manager(s) and address: Chief, NASA Occupational Health Office, Location 1.
Investigations determines should be retained because of especially
index cards.

N A S A 1 0 1 G I C
System name: Inspector General Investigations Case Files - NASA
System location: National Aeronautics and Space Administration,
Washington, DC 20546.
Subsystem Locations: Locations 2, 5, 6, 7, 8, 9 and 10 as set forth in
Appendix A.
Categories of individuals covered by the system: Current and
former employees of NASA, contractors and subcontractors, and
others whose actions have affected NASA.
Categories of records in the system: Case files pertaining to matters
including, but not limited to, the following classifications of cases:
(1) Fraud against the Government, (2) Theft of Government property,
(3) Bribery, (4) Lost or stolen lunar samples, (5) Misuse of Govern-
ment property, (6) Conflict of interest, (7) Waiver of claim for
overpayment of pay, (8) Leaks of Source Evaluation Board informa-
tion, (9) Improper personal conduct, (10) Irregularities in awarding
contracts.
Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C.
3101; 28 U.S.C. 525 (b); 5 U.S.C. App. I; 4 C.F.R. 91; Executive
Order 11478.
Routine uses of records maintained in the system, including categor-
yes of users and the purposes of such uses: The information con-
tained in this system of records is used within NASA for: (1) Provid-
ing management with information which will serve as a possible basis
for appropriate administrative action or the establishment of NASA policy;
(2) Providing the Administrator of NASA (or the Comptroller
General, as appropriate) sufficient information to provide a basis
for decision concerning a request for waiver of claim in the case of an
erroneous payment of pay.
In addition to the internal uses of the information contained in this
system of records, the following are routine uses outside of NASA:
(1) Responding to the White House regarding matters inquired of;
(2) Disclosure to a Congressional office from the record of an individual
in response to a congressional request; (3) Disclosing the record at the
request of that individual; (4) Providing data to Federal intelligence
elements; (5) Providing data to any source from which infor-
mation is requested in the course of an investigation, to the extent
necessary to identify the individual, inform the source of the nature
and purpose of the investigation, and to identify the type of informa-
tion requested; (5) Providing personal identifying data to Federal,
State, local or foreign law enforcement representatives seeking con-
firmation of identity of persons under investigation; (6) Disclosing, as
necessary, to a contractor, subcontractor, or grantee firm or institu-
tion to the extent that the disclosure is in NASA's interest and is
relevant and necessary in order that the contractor/subcontractor/
grantee is able to take administrative or corrective action; (7) Standard
routine uses 1 through 4 inclusive as set forth in Appendix B.
Policies and practices for storing, retrieving, accessing, retaining, and
disposing of records in the system:
Storage: Information in the system is stored in file folders and on
index cards.
Retrievability: Information is retrieved by name of individual.
Safeguards: Information is kept in locked metal file cabinets.
Access is limited to Inspector General Division personnel.
Retention and disposal: Special interest case files are reviewed for
destruction or further retention 10 years after case is closed and
routine interest case files are reviewed and disposed of 5 years after case is closed.
Case is not closed until all judicial and administrative proceedings and
considerations or actions have been finally exhausted. (Special interest files are
those investigative files which the Assistant Inspector General for
Investigations determines should be retained because of especially
significant, sensitive, or historical content. All other files are routine
interest case files.)
System manager(s) and address: Assistant Inspector General for
Investigations, Location 1.
Subsystem Managers: Director of Investigations, Western Regional
Inspector General Office, Location 2; Acting Director of Investiga-
tions, Eastern Regional Inspector General Office, Location 4; Investiga-
tions Manager, Johnson Investigations Office, Location 5; Investiga-
tions Manager, Kennedy Investigations Office, Location 6; Investi-
gations Manager, Langley Investigations Office, Location 7; Inspector
in Charge, Lewis Investigations Office, Location 8; Inspector in Charge,
Southern Regional Inspector General Office, Location 9; Investigations
Manager, Jet Propulsion Laboratory Investigations Office, Location 10.
Locations are as set forth in Appendix A.
Notification procedure: None. System is exempt. See below.
Record access procedures: Same as above.
Record use procedures: Same as above.
Record source categories: Exempt.

N A S A 1 0 1 P A Y S
System name: Payroll Systems - NASA
System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set
forth in Appendix A.
Categories of individuals covered by the system: Present and former
NASA employees.
Categories of records in the system: The data contained in this
system of records includes payroll, employee leave, insurance, labor
and manpower distribution and overtime information.
Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C.
3101; 28 U.S.C. 525; 5 U.S.C. App. I; 4 C.F.R. 91; Executive
Order 10421; Department of Labor for employment, savings allotments and bond transmittal pertaining to each employee;
(1) To furnish the Administrator of NASA in accordance with 5 U.S.C. 552a(i) and Subpart 7 of the NASA regulations appearing in 4 C.F.R. Part
1212, for the reason that the Office of Inspector General, NASA, is a
component of NASA which performs as its principal function activity
pertaining to the enforcement of criminal laws, within the meaning
Routine uses of records maintained in the system, including categor-
yes of users and the purposes of such uses: The information con-
tained in this system of records is used within NASA for maintaining the
payroll records and related areas.
In addition to the internal uses of the information contained in this
system of records, the following are routine uses outside of NASA:
(1) To furnish to a third party a verification of an employee's status
upon written request of the employee; (2) To facilitate the verifica-
tion of employee contributions and insurance data with carriers and
colleagues agents; (3) To report to the Office of Personnel Manage-
ment (a) withholdings of premiums for life insurance, health ben-
etits and retirement, and (b) separated employees subject to retirement;
(4) To furnish the U.S. Treasury magnetic tape reports on net pay, net
savings allotments and bond transmittal pertaining to each employee;
(5) To provide the Internal Revenue Service with detail of taxes
owed under the Federal Insurance Contributions Act and to furnish
withholdings of insurance data with carriers and colleagues agents;
(6) To report to various Combined Federal Campaign offices total contribu-

tions withheld from employee wages; (10) To furnish leave balances and action of any selected office or personnel management upon request; (11) To furnish data to labor organizations in accordance with negotiated agreements; (12) To furnish pay data to the Department of State for certain NASA employees located outside the United States; and (13) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

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 microfilm.

Retrievability: Records are indexed by name and/or social security number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal:

Retentions are retained for audit by the General Accounting Office and are transferred to the National Personnel Records Center, St. Louis, Missouri, anywhere from one to three years. Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook - NGR-110-001.

System manager(s) and address: Director, Financial Management Division, Office of the Comptroller, Location 1.

Subsystem Managers: Chief, Financial Management Division, Locations 2, 4, 5, and 7; Chief, Financial Management Office, Location 3; Chief, Financial Management Office, Location 6; Director of Resources Management, Location 8; Director, Financial Management Office, Location 9; Chief, Financial Resources and Financial Management Office, Location 11; and Head, Financial Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the System Manager and must include employee's full name and NASA installation where employed.

Contesting record procedures: The NASA regulations and procedures for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Information collected directly from individual and from his official employment record.

NASA 10SCCF

System name: Security Records System - NASA.

System location: Locations 1 through 9 inclusive and Location 11, 12, 13, and 15 as set forth in Appendix A.

Categories of individuals covered by the system: Employees, applicants, NASA committee members, NASA consultants, NASA experts, NASA Resident Research Associates, guest workers, contractor employees, details, visitors, correspondents (written and telephonic), Faculty Fellows, sources of information.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel Security Records: The information contained in this category of records is used within NASA for the purpose of granting security clearances; for determining qualifications, suitability, and loyalty to the United States Government, for determining qualifications for access to classified information, security areas, and NASA installations, and for determining qualifications to travel to Communist controlled areas.

In addition to the internal uses of the information contained in this category of records, the following are routine uses outside of NASA: (1) To determine eligibility to perform classified visits to other Federal agencies and contractor facilities; (2) To provide data to Federal intelligence elements; (3) To provide data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (4) To determine eligibility to perform classified visits to other Federal agencies and contractor facilities; (5) To respond to White House inquiries; (6) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressionals; (7) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (8) Disclosure to a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Criminal Matter Records: The information contained in this category of records is used within NASA for providing management with information which will serve as a possible basis for administrative action. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.
Traffic Management Records: The information contained in this category of records is used within NASA to provide designated officials and employees with data concerning vehicle ownership, traffic accidents, violation of traffic laws, suspension of driver's license, traffic control, vehicle parking, and car pools. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (0) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigative or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, grantee, or other government organization; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punch cards, microfilm, and film.

Retrievability: Records are indexed by name, file number, organization, place of origin, badge number, decal number, date of event, space number, payroll number, and social security number.

Safeguards: Access to Personnel Security Records is controlled by Government personnel exclusively. Access to Criminal Matter Records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. After presenting proper identification to a personnel security representative, a person will need to know and, if appropriate, a proper clearance may have access to a file or record only after it has been retrieved and approved for release by a NASA security representative. These records are secured in accordance with 5 U.S.C. 552a where applicable.

Traffic Management Records: Access to these records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. Access to these records is permitted after a determination has been made that the requestor has an official interest. These records in accordance with 5 U.S.C. 552a where applicable.

Retention and disposal: Records, depending upon type, are retained from 6 months to 30 years before being destroyed. When current immediate need no longer exists, records are either transferred to the appropriate Federal Records Center or destroyed in accordance with records disposal instructions.

System manager(s) and address: Chief, NASA Security Office, Location 1.

Subsystem Managers: Chief, Security Branch, Locations 2, 4, and 5; Security Officer, Location 3; Chief, Security Office, Location 6; Security Officer, Locations 7, 8, 11, and 12; Chief, Security Division, Location 9; Privacy Officer at Location 13; Safety and Security Officer at Location 15. Locations are as set forth in Appendix A.

Notification procedures: Information may be obtained from the cognizant system manager listed above. Requests must contain the following identifying data concerning the requestor: first, middle, and last name; date of birth; social security number; period and place of employment with NASA, if applicable.

Record access procedures: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a confidential source. Exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (2) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Criminal Matter Records to the extent they constitute investigatory material compiled for law enforcement purposes are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (1) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

NASA 10S5MED

System name: System of Medical Records - NASA

System location: In Health Clinics/Units at locations 1 through 15 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: NASA Civil Service employees & applicants; other Agency civil service & military employees working at NASA; visitors to field installations; on-site contract personnel who receive job related examinations or come to clinic for emergency or first aid treatment; space flight personnel and their families.

Categories of records in the system: General medical records of first aid, emergency treatment, examinations, exposures, and consultations.

Information resulting for physical examinations, laboratory and other tests, and medical history forms; treatment records; screening examination results; immunization records; administration of medications prescribed by private/personal physicians; statistical records; examination schedules; daily log of patients; correspondence; radiation exposure records; alcohol/drug patient information; consultation records.

Applicants and their families - more detailed and complex physical examinations.


Routine uses of records maintained in the system, including categories and the purposes of each use: The information contained in this system of records is used within NASA for the following purposes: Reference by examining physicians in conduct of physical examinations; review by physicians in consideration of fitness for assignment to space flight personnel; statistical data development; patient recall; in-space medical evaluation for astronauts; exposure data for radiation/toxic exposure limits, compliance and examinations; consultations; evaluation of employees, applicants, and contractor employees for specialized or hazardous duties.
In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Requests for access to or use of NASA personnel records; (2) Reference by the individual when requested in writing; (2) Patient referrals; (3) Referral to OPM, OSHA and other Federal agencies as required in accordance with these special program responsibilities; (4) Referral of information to a non-NASA individual's employer; (5) Evaluation by medical consultants; (6) Standard routine use as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in file folders, punch cards, electrocardiographic tapes and magnetic tapes.

Retrievability: By name, by date of birth and social security number.

Safety: Access limited to concerned medical personnel on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: In accordance with CSC regulations and NASA Control Schedule II. Records on astronauts are retained permanently.

System manager(s) and address: Chief, NASA Occupational Health Office, Location 1

Subsystem Managers: Medical Director or Medical Administrator at Locations 1 through 15 inclusive as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: Individuals, physicians and previous medical records of individuals.

Nasa 10SPER

System name: Special Personnel Records - NASA

System location: Locations 1 through 9 inclusive and Locations 11 and 12 as set forth in Appendix A.

Categories of records covered by the system: Candidates for and recipients of awards or NASA training; civilian and active duty military detailees to NASA; participants in employee programs; Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; NASA contract and grant awardees and their associates having access to NASA premises and records; individuals with interest in NASA matters including Advisory Committee Members; NASA employees and family members, prospective employees and former employees.

Categories of records in the system: Special Program Files including: (1) Alien Scientist files; (2) Award files; (3) Counseling files, including alcohol and drug abuse, life and health insurance, retirement, upward mobility, and work injury counseling files; (4) Military and Civilian Detailee files; (5) Personnel Development files such as nominations for and records of training or education, Upward Mobility Program files, Intern Program files, Apprentice files, and Enrollee Program files; (6) Special Employment files such as Federal Junior Fellowship Program files, Stay-in-School Program files, Summer Employment files, Worker-Trainee Opportunity Program files, NASA Executive Position files, Expert and Consultant files, and Cooperative Education Program files; and (7) Supervisory appraisals under Merit Promotion Plan.

Correspondence and related information including: (1) Claims correspondence and records about insurance such as life, health, and travel; (2) Congressional and other Special Interest correspondence, including employment inquiries; (3) Correspondence and records concerning travel related to permanent change of station; (4) Debt complaint correspondence; (5) Employment interview records; (6) Information related to outside employment and activities of NASA employees; (7) Placement follow-ups; (8) Pre-employment inquiries and reference checks; (9) Preliminary records related to possible adverse actions; (10) Records related to reductions-in-force; (11) Records under agency as well as negotiated grievance procedures; (12) Separation determinations and exit interviews, death, retirement, and other information pertaining to separated employees; (13) Special planning, analysis, and administrative information; (14) Work performance records; (15) Working papers for prospective or pending records.

Special Records and Rosters including: (1) Locator files; (2) Listing of lists of employees; (3) Repromotion candidate lists; (4) Retired military employee records; (5) Retiree records. Agencywide and installation automated personnel information.

Retesters, applications, recommendations, assignment information and evaluations of Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; also, information about NASA contract and grant awardees and their associates having access to NASA premises and records.

Information about members of advisory committees and similar organizations.

All NASA-maintained information of the same types as, but not limited to, that information required in systems of records for which the Office of Personnel Management and other Federal personnel-related agencies publish governmentwide Privacy Act Notices in the Federal Register.


Routine uses of records maintained in the system, including categories of users and the purpose of such uses: The information contained in this system of records is by officials and employees within NASA for preview, planning, review and management decisions regarding personnel and activities related to the records.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Records may be made to organizations or individuals having need of information about individuals in the records; (2) Requests may be made to other Federal agencies, and other organizations having legal or administrative responsibilities related to programs and individuals in the records; (3) Requests may be made to other Federal agencies, and other organizations having legal or administrative responsibilities related to programs and individuals in the records.

Retirement and Disposal: Records are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed.

System manager(s) and address: Director, Personnel Programs Division, Location 1

Subsystem Managers: Director, Headquarters Personnel Division, Location 1; Director of Personnel, Locations 2, 3, 4, 5, 6, 7, 8, 9, and 12; Chief, Personnel Office, Location 11. Locations are as set forth in Appendix A.

Notification procedure: Apply to the System or Subsystem Manager at the appropriate location above. In addition to personal identification (name, social security number, etc.), indicate the specific type of record, the appropriate number, and the specific kind of individual applying (e.g., employee, former employee, contractor employee, etc.).

Record access procedures: Same as notification procedures above.

Contesting record procedures: The NASA regulations pertaining to access to records and for contesting contents and appealing initial determinations by the individual concerned are set forth in 14 C.F.R. Part 1212.

Record source categories: Individuals to whom the records pertain, NASA employees, other Federal employees, other organizations and individuals.
NASA 10XROI

System name: Exchange Records on Individuals - NASA

Security classification: Locations 6, 7, 8, 9, and 12 as set forth in Appendix A.

Categories of records covered by the system: Present and former employees of, and applicants for, employment with, NASA Exchanges, Recreational Associations, and Employees' Clubs at NASA installations. Individuals with active loans or charge accounts at one or more of the several organizations.

Categories of records in the system: Exchange Employees' personnel and payroll records, including injury claims, unemployment claims, biographical data, performance evaluations, annual and sick leave records, and all other employee records. Credit records on NASA employees with active accounts.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for (1) maintaining exchange employees' payroll, leave, and other records; (2) determining pay adjustment eligibility; (3) determining Federal, State, and City tax withholdings; (4) determining leave eligibility; (5) determining person to notify in emergency; (6) certification of unemployment or injury claims; (7) determining eligibility for employment and promotion; and (8) determining credit standing.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions for insurance data with carriers and collection agents; (3) To provide various Federal, State, and local taxing authorities itemized listing of withholdings for individual income taxes; (4) To respond to State employment compensation requests for wage and separation data on former employees; (5) To report previous job injuries to workers' compensation organizations; (6) For emergency notice to person designated by employee; (7) To report unemployment record to appropriate State and local authorities; (8) When requested, provide other employers with work record; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

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: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. part 1212.

Retention and disposal: Exchange personnel records are permanent.

System manager(s) and address: Associate Administrator - NASA Controller, Location 1.

Subsystem Managers: Chairman, Exchange Council, Locations 6 and 7; Treasurer, NASA Exchange, Location 3; Exchange Operations Manager, Location 9; Head, Administrative Management Branch, Location 32. Locations are as set forth in Appendix A.

Notification procedures: Individuals may obtain information from the cognizant subsystem managers listed above.

Record access procedures: Requests from individuals should be directed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual on whom the record is maintained and the individual's supervisor.

NASA 20RER

System name: LeRC Occupational Radiation Exposure Records - NASA.

System location: NASA/Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44125.

Categories of individuals covered by the system: Present and former LeRC employees and contractor personnel who may be exposed to radiation.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, Social Security Number, employment and training history.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to inform individuals of their radiation dosage.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Standard routine uses 1 through 4 inclusive as set forth in Appendix B and (2) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

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: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user currently employed in NASA maintains them and thereafter as required by regulations of the Nuclear Regulatory Commission.

System manager(s) and address: Chief, Office of Environmental Health, address same as shown for system location.

Notification procedures: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

NASA 51RSC

System name: GSFC Radiation Safety Committee Records - NASA

System location: Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, Maryland 20771.

Categories of individuals covered by the system: Radiation users and custodians under GSFC cognizance.

Categories of records in the system: Employment and training history.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for review and inspection of custodians and users in fulfilling radiation by the Radiation Safety Committee. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources; (2) Occupational Safety and Health Administration (Federal and State) may inspect records pursuant to fulfilling their responsibilities under the Occupational Safety and Health laws. (3) The Environmental Protection Agency may inspect records pursuant to fulfilling their responsibilities under the Environmental Protection laws and executive order; (4) The Food and Drug Administration, DHEW, may inspect records pursuant to fulfilling their responsibilities respecting use of lasers and x-rays; (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

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 only.

Safeguards: Records are located in locked metal file cabinet in locked room with access limited to those whose official duties require access.

Retention and disposal: Records are kept for two years. If employee does not wish to be removed for position at the end of 2-year period, his record is removed and placed in inactive file.

System manager(s) and address: Chief, Health and Safety Engineering Office; address same as shown for system location.
Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees

NASA 538HIT
System name: Wallops Flight Center Base Housing Tenant Record - NASA.

System location: Wallops Flight Center, National Aeronautics and Space Administration, Wallops Island, Virginia 23337

Categories of individuals covered by the system: Tenants of Wallops Housing area.

Categories of records in the system: Housing Rental Agreements, records of rent receipts and records of dormitory occupants.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for control of family housing and dormitory facilities. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) To furnish to a third party a certificate of employemt data. Contains certification address, home phone, age, marital status), realtor/mortgage and employment data. Certifications are maintained in file folders and index cards. Retractability: Records are indexed by certificate number and person's name. Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms, with access limited to those whose official duties require access. Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Director, Personnel Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

NASA 72XOPR
System name: JSC Exchange Activities Records - NASA.

System location: Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, Texas 77058.

Categories of individuals covered by the system: Employees and past employees of JSC Exchange Operations, applicants under the JSC Exchange Scholarship Program, and JSC employees or JSC contractors who have participated in social or sports activities sponsored by the Exchange.

Categories of records in the system: For present and past employees of the JSC Exchange Operations, the system includes a variety of records relating to personnel actions and determinations made about an individual while employed by the NASA Exchange. These records contain information about an individual relating to birth data; social security number; home address and telephone number; marital status, references; veteran preference, tenure, handicap; position description; pay employees and advise employees through Leave and Earnings Statements, (b) provide for promotion opportunities, disciplinary actions, training, performance ratings, physical examinations, criminal matters; data documenting the reasons for personnel actions or decrees made about an individual; awards; and other information relating to the status of the individual. For successful applicants under the JSC Exchange Scholarship Program, the system contains information supplied by individual Center employees who have applied for an Exchange Scholarship for persons, or daughter and includes, but is limited to, an individual's financial transactions or holdings, employment history, medical data and other related information.

For participants in social or sports activities sponsored by the Exchange, information includes employees' personal and contractor's employee identification number, organization, location, telephone number, and other information directly related to status or interest in participation in such activities.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: (1) With respect to past or present employees of the JSC Exchange Operations, information in the system is used to: (a) pay employees and advise employees through Leave and Earnings Statements, (b) provide for promotion opportunities, disciplinary actions, training, performance ratings, physical examinations, and other related purposes; and (c) submit reports in accordance with legal or policy directives and regulations to center management and NASA Headquarters; (2) With respect to successful applicants under the JSC Scholarship Program, the information in the system is used to award scholarships to the sons and daughters of NASA-JSC employees; and (3) With respect to particip-
plicants in the social or sports activities sponsored by the Exchange, the information maintained in this system is used to facilitate participation in such activities.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA for information maintained on JSC Exchange Operations employees only: (1) Provide information in accordance with legal or policy directives and regulations to the Internal Revenue Service, Department of Labor, Department of Commerce, Texas State Government Agencies, labor unions; (2) Provide information to insurance carriers with regard to costs same as health and accident and retirement insurance coverages; (3) Provide employment or credit information to other parties as requested by a current or former employee of the JSC Exchange Operations; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: For Exchange employees, records are maintained by name and filed as current or past employee. For Scholarship applicants, records are maintained by name. For participants in social or sports activities, records are maintained by name.

Safeguards: Records are located in locked metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: For employees of JSC Exchange Operations, Personnel Records are retained indefinitely to satisfy payroll, reemployment, unemployment compensation, tax and employee retirement purposes.

For successful applicants under the JSC Exchange Scholarship Program, records are maintained until completion of awarded scholarship and then destroyed. Records pertaining to unsuccessful applicants are returned to them.

For participants in social or sports activities, records are maintained for a stated participation period, and are then destroyed.

System manager(s) and address: Manager, Exchange Operations, NASA Exchange Scholarship Program, the information maintained in this system of records is used within the Individual concerned appear at 14 C.F.R. Part 1212.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contracting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

FOR FDA 809

System name: WSFT Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: JSC White Sands Test Facility, National Aeronautics and Space Administration, P. O. Drawer MM, Las Cruces, New Mexico 88001.

Categories of individuals covered by the system: Contains personal (name, home address, phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, WSFT, and FHA.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. The above nature and content of the types of uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Chief, Administration Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contracting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

NASA 76RTES

System name: KSC Radiation Training and Experience Summary - NASA.

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: Custodians or users of radioactive materials or ionizing radiation-producing devices. Applicable to all users or custodians at KSC and NASA contractor personnel at Cape Canaveral Air Force Station, Florida, or Vandenberg Air Force Base, California.

Categories of records in the system: Name and nuclear related experience.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to determine the suitability of individuals for special assignments dealing with ionizing radiation and to preclude unnecessary exposure to self and others.

In addition to the internal uses of the information contained in this system of records, routine uses outside of NASA include: (1) Disclosures to Air Force Radiation Protection Officers at Cape Canaveral Air Force Station, Florida, and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices to facilitate protection of the individual and the public; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B; (3) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways, Inc., Biomedical Office or Pan American World Airwats Medical and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Both files are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the applicable NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and then destroyed.

System manager(s) and address: KSC Radiation Protection Officer, address same as shown for System Location.
Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

**NASA 76STCS**

System name: KSC Shuttle Training Certification System (YC 04)

System location: John F. Kennedy Space Center Systems Training and Employee Development Branch Kennedy Space Center, FL 32899

Categories of individuals covered by the system: KSC Civil Service, KSC contractor, and DOD personnel who have received systems, skills, or safety training in support of KSC or Space Shuttle Operations.

Categories of records in the system: Records of training attendance and certifications, including certifications of physical ability to perform hazardous tasks.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to determine training needs and the operational readiness of the work force, to provide data for budgeting and access control to hazardous areas or critical operations, to determine the size of individual protective equipment and to identify personnel with needed skill combinations. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA:

- Disclosure to Air Force Radiation Protection Offices at Cape Canaveral Air Force Station, Florida and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices, to facilitate the protection of individuals; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B; (3) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained for KSC by Computer Services Corporation on computer tape with printouts made quarterly. Complete printouts are filed in the KSC Systems Training and Employee Development Branch, and The Boeing Services International Training Office. Records containing raw data on course attendance and trainee statistics are maintained by Boeing Services International for KSC.

Retrievability: Indexed by name, organization, and skill.

Safeguards: These listings are automated systems, skills, and safety training records maintained under administrative control of responsible organizations in areas that are locked when not in use. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and then destroyed.

System manager(s) and address: Chief, Systems Training and Employee Development Branch, Kennedy Space Center, FL 32899

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

APPENDIX A

LOCATION NUMBERS AND MAILING ADDRESSES OF NASA INSTALLATIONS AT WHICH RECORDS ARE LOCATED:

Location 1
National Aeronautics and Space Administration
Washington, DC 20546

Location 2
Ames Research Center
National Aeronautics and Space Administration
Moffett Field, CA 94035

Location 3
Hugh L. Dryden Flight Research Center
National Aeronautics and Space Administration
P. O. Box 273
Edwards, CA 93523

Location 4
Goddard Space Flight Center
National Aeronautics and Space Administration
Greenbelt, MD 20771

Location 5
Lyndon B. Johnson Space Center
National Aeronautics and Space Administration
Houston, TX 77059

Location 6
John F. Kennedy Space Center
National Aeronautics and Space Administration
Kennedy Space Center, FL 32899

Location 7
Langley Research Center
National Aeronautics and Space Administration
Langley Station
Hampton, VA 23665

Location 8
Lewis Research Center
National Aeronautics and Space Administration
Standard rockwaller Road
Cleveland, OH 44135
APPENDIX B

STANDARD ROUTINE USES - NASA

The following routine uses of information contained in systems of records subject to the Privacy Act of 1974 are standard for many NASA systems. They are cited by reference in the paragraph 'Routine uses of records maintained in the system, including categories of users and the purpose of such uses' of the FEDERAL REGISTER notice on those systems to which they apply.

Standard Routine Use No. 1 - LAW ENFORCEMENT - In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Standard Routine Use No. 2 - DISCLOSURE WHEN REQUESTING INFORMATION - A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Standard Routine Use No. 3 - DISCLOSURE OF REQUESTED INFORMATION - A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Standard Routine Use No. 4 - COURT PROCEEDINGS - In the event there is a pending court or formal administrative proceeding, any records which are relevant to the proceeding may be disclosed to the Department of Justice or other agency for purposes of representing the Government, or in the course of presenting evidence, or they may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.
Part V

Department of the Interior

Fish and Wildlife Service

Devil's River Minnow (Dionda Diaboli) and Virgin River Chub (Gila Robusta Seminuda); Withdrawal of Expired Proposals for Listing as Threatened and Endangered
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Withdrawal of Expired Proposals for Listing Devil's River Minnow (Dionda Diaboli) and Virgin River Chub (Gila Robusta Seminuda)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of withdrawal of two expired proposed rules.

SUMMARY: As amended November 10, 1978, the Endangered Species Act mandates withdrawal of proposed rules to list species which have not been made final within two years of the proposal date. The amended Act also authorized a one-year suspension of all withdrawals, until November 10, 1979. The time limit has expired for proposals to list the Devil's River Minnow (Dionda diaboli) and the Virgin River chub (Gila robusta seminuda).

The Devil's River minnow and Virgin River chub were proposed for listing as Threatened and Endangered, respectively, on August 15, 1978 (43 FR 36117-20) and August 23, 1978 (43 FR 37668-70). The Devil's River minnow occurs in the Devil's River and San Felipe Creek in Val Verde County, Texas. The Virgin River chub occurs in the Virgin River in southwest Utah, northwest Arizona and southern Nevada. This notice constitutes the withdrawal of the two proposals for fishes for which the two-year time limit has expired.


SUPPLEMENTARY INFORMATION:

Background

Section 4(f)(5) of the Endangered Species Act of 1973, as amended November 10, 1978, states that:

"A final regulation adding a species to any list published pursuant to subsection (c) shall be published in the Federal Register not later than two years after the date of publication of the notice of the regulation proposing listing under paragraph (B)(i). If a final regulation is not adopted within such two-year period, the Secretary shall withdraw the proposed regulation and shall publish notice of such withdrawal in the Federal Register not later than 30 days after end of such period. The Secretary shall not propose a regulation adding to such a list any species for which a proposed regulation has been withdrawn under this paragraph unless he determines that sufficient new information is available to warrant the proposal of a regulation. No proposed regulation for the listing of any species published before the date of the Endangered Species Act Amendments of 1978 shall be withdrawn under this paragraph before the end of the one-year period beginning on such date of enactment."

The two-year time limit on proposals and one-year period suspension of withdrawals have expired for the Devil's River minnow and Virgin River chub. This action gives notice of the withdrawal of these species.

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543).


Dated: September 15, 1980.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service.
Environmental Protection Agency

State Implementation Plans; Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Date Extension
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51
[FRL 1604-6]
State Implementation Plans; Approval of 1982 Ozone and Carbon Monoxide Plan Revisions for Areas Needing an Attainment Date Extension

AGENCY: Environmental Protection Agency.

ACTION: Proposed policy.

SUMMARY: Provisions of the Clean Air Act Amendments enacted in 1977 require states that have received an extension of the attainment date for a national ambient air quality standard (NAAQS) for ozone or carbon monoxide beyond 1992 to submit a state implementation plan (SIP) revision by July 1, 1982. This proposed policy describes the criteria that the Environmental Protection Agency (EPA) will use to review these 1982 SIP submittals and also updates and supplements the Administrator's February 24, 1978 memorandum, "Criteria for Approval of 1979 SIP Revisions." (43 FR 21873).

DATES: Comments received on or before December 1, 1980, will be considered by the EPA in preparing the final policy.

ADDRESS: Comments should be submitted (in duplicate, if possible) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. A-79-43, 401 M Street, S.W., Washington, D.C. 20460. Docket No. A-79-43, containing material relevant to this action, is located at the EPA Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Additional information about the proposed policy is available from the following: General policy contact: Mr. David Stonefield, Standards Implementation Branch, Environmental Protection Agency (MD-45), Research Triangle Park, North Carolina 27711, telephone (919) 541-5497.

Transportation policy contact: Mr. Gary C. Hawthorn, Office of Transportation and Land Use Policy (ANR-445), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone (202) 755-0503.

Vehicle Inspection and maintenance contact: Mr. Donald White, Motor Vehicle Emission Test Lab, Environmental Protection Agency, 2585 Plymouth Road, Ann Arbor, Michigan 48105, telephone (313) 666-4350.

SUPPLEMENTARY INFORMATION:

Proposed Policy

Introduction

In circumstances where a state has received an extension beyond 1982 for attaining a NAAQS for ozone or carbon monoxide, the Clean Air Act Amendments of 1977 (section 129(c) of Public Law 95-95) require the state to adopt and submit a SIP revision to the Administrator of EPA by July 1, 1982. The states that include areas affected by this requirement are listed in Appendix A. The purpose of this notice is to outline the criteria that EPA proposes to use in evaluating the adequacy of the 1982 SIP revisions which fall into four general categories: (1) control strategies and attainment demonstration, (2) SIP development process, (3) data collection, and (6) modeling.

The Clean Air Act of 1977 requires all SIPs for the areas that have received an extension beyond 1982 to demonstrate attainment of the NAAQSs for ozone or carbon monoxide as expeditiously as practicable, but not later than December 31, 1987. As a condition for extending ambient standards attainment dates, Congress also required that each SIP contain certain control provisions covering stationary sources, vehicle inspection and maintenance (I/M) and transportation measures. These minimum measures and their relationship to the plan's attainment demonstration, as described in Section I. Section I also discusses the approach that EPA believes should be followed by those few large urban areas air quality problems are so severe that analyses may indicate that attainment by 1987 is not possible.

In addition to including a demonstration of attainment, the development of the 1982 SIP must conform to the process and follow the procedures required by the Clean Air Act and described in subsequent EPA guidance. Section II identifies the major steps in the SIP development process. Selected EPA guidance documents for the SIP process are listed in Appendix B. Terms used in the transportation-air quality process are defined in Appendix C. Also, the air quality and emissions data base to be used in developing the 1982 SIP must be updated. The data requirements for both ozone and carbon monoxide are explained in Section III. The data base for the ozone portion of the SIP must be sufficient to support Level III analysis as summarized in Appendix D.

Finally, Section IV describes the status of the various air quality models and alerts states to anticipated modeling requirements. EPA proposes recommending application of the city-specific Empirical Kinetic Modeling Approach (EKMA) for developing the ozone portion of the SIP. For the carbon monoxide portion, EPA proposes application of the models identified in existing EPA guidance.

I. Control Strategies and Attainment Demonstration

A. Summary

The Clean Air Act requires the 1982 SIPs to contain a fully adopted, technically justified program that adopts and commits to implement groups of control measures that will result in attainment of the ozone and carbon monoxide NAAQSs no later than 1987 and that will provide reasonable further progress in the interim. All plans must contain the minimum control measures described in this section. If these minimum control measures are not adequate to show attainment by 1987, additional measures which can be implemented by 1987 must be identified and adopted. If all measures which can be implemented by 1987 are not adequate to demonstrate attainment by 1987, additional measures which can be implemented after 1987 must be identified and adopted and attainment must be demonstrated by a specified date.

Subsections B-D describe in detail the minimum control measures which must be contained in each plan submitted in July 1982. The state must demonstrate that adoption and implementation of these elements will result in the attainment of the ozone and carbon monoxide standards by the most expeditious date possible. Control measures must be adopted in legally enforceable form. The SIP submittal must include implementation schedules and commitments. Subsections E and F describe reasonable further progress and attainment demonstration requirements. Subsection G describes the conformity of federal actions requirement.

B. Stationary Sources

Section 172(a) of the Clean Air Act, requires states to implement all reasonably available control measures as expeditiously as practicable and, in the interim, maintain reasonable further progress, including such reduction in emission from existing sources as may be obtained through the adoption, at a
minimum, of reasonably available control technology (RACT). In order to complete the requirement to adopt all reasonably available control measure, states must (1) adopt regulations apply RACT to all sources covered by a control technique guideline (CTG), and (2) adopt regulations on all remaining major stationary sources (more than 100 tons/year potential emissions) as part of the 1982 submittal.

The guidelines for the 1979 ozone submittals permitted states to defer the adoption of regulations until the CTG for a source category was published. This delay allowed the states to make more technically sound decisions regarding the application of RACT. EPA anticipates issuing a number of additional CTGs in 1981 for various source categories of VOCs. These documents, in conjunction with the previously issued CTGs, will address most of the major source categories which are of national importance. Legally enforceable measures implementing RACT for all sources addressed by these documents must be included in the July 1982 submittal.

There will remain numerous other major sources of VOCs that may be of local importance for which a CTG will not be available. For the major sources for which a CTG does not apply, a state must determine whether additional controls representing RACT are available. EPA will require the submittal to include either legally enforceable measures implementing RACT on these sources or documentation supporting a determination by the state that the existing level of control represents RACT for each of these sources.

If application of RACT to all sources covered by a CTG and all other major sources does not result in attainment of the ozone standards by 1987, then additional stationary source controls must be adopted by the state.

C. Vehicle Emission Inspection and Maintenance

All major urban areas needing an extension beyond 1982 for attainment of a standard for ozone or carbon monoxide were required to include vehicle emission I/M as an element of the 1979 SIP revision. States were required at that time to submit only evidence of adequate legal authority, a commitment to implement and enforce a program that will reduce hydrocarbon and carbon monoxide exhaust emissions from light duty vehicles in 1987 by 25 percent, and a schedule for implementation. Full implementation of that program, in accordance with EPA's I/M policy dated July 17, 1978 and subsequent guidance, is required in all cases by December 31, 1982.

States with areas that have I/M programs under development or operational as part of their 1979 SIP revisions were required to submit only qualitative descriptions of their I/M program elements in the 1979 SIP submittal. The documentation discussed below must be submitted by July 1982, if not previously submitted as evidence of compliance with the 1979 implementation schedule. The 1982 SIP revision must include rules and regulations and all other I/M elements which could affect the ability of the I/M program to achieve the minimum emission reduction requirements. More specifically, the 1982 submittal must include: (1) inspection test procedures; (2) emission standards; (3) inspection station and inspector licensing requirements; (4) emission analyzer specification and maintenance/calibration requirements; (5) recordkeeping and record submittal requirements; (6) quality control, audit, and surveillance procedures; (7) procedures to assure that noncomplying vehicles are not operated on the public roads; (8) any other official program rules, regulations, and procedures; (9) a public awareness plan; and (10) a mechanics training program if additional emission reduction credits are being claimed for mechanics training. EPA will update guidance for determining the adequacy of I/M programs. As part of the 1982 SIP review process, EPA will determine the overall adequacy of the critical elements of each I/M program and, therefore, the approvability of the 1982 SIP by comparing those elements to this I/M guidance. I/M program elements must be consistent with EPA guidance and demonstration must be made that the program elements are equivalent.

State or local governments that have I/M programs, but plan to increase the coverage and/or stringency of the programs in order to achieve greater reductions, must submit the program modifications in legally enforceable form through the 1982 SIP revision process.

D. Transportation Measures

The portion of the 1982 SIP addressing emission reductions to be achieved through the implementation of transportation measures must include the basic provisions listed below. Further guidance will be issued, as necessary, to describe these requirements in greater detail.

1. An updated emission reduction target for the transportation sector. As discussed below, the target must be determined by consultation among state and local officials using the procedures established under section 174 of the Act.

2. All reasonably available transportation measures and packages of measures necessary for the expeditious attainment of the transportation emission reduction target. Categories of reasonably available transportation measures are identified in section 106(f) of the Act. The submittal should present documentation, based on technical analysis, of the basis for not implementing any of the measures identified in this section. The 1982 SIP submittal must contain transportation emission reduction estimates for adopted measures and packages of measures for each year between 1982 and the attainment date. Any reasonably available transportation measures that have been adopted between the submission of the 1979 revision and the preparation of the 1982 revision should be included in the 1982 submittal along with the associated emission reductions.

3. Commitments, schedules of key milestones (no more than a year apart), and, where appropriate, evidence of legal authority for implementation, operation, and enforcement of adopted reasonably available transportation measures. Costs and funding sources for planning, implementing, operating, and enforcing adopted measures must be determined for all measures. Tasks and responsibilities of state and local agencies and elected officials in carrying out required programming, implementation, operation, and enforcement activities associated with adopted transportation measures must be identified. The 1982 submittal must also include documentation that state and local governments are continuing to meet the schedules and commitments for the transportation measures included in the 1979 SIP.

4. Comprehensive public transportation measures to meet basic transportation needs. The measures must be accompanied by an identification and commitment to use, to the extent necessary, federal, state and local funds to implement the necessary improvements. Commitments and schedules for the implementation of these measures must also be submitted.

5. A description of public participation and elected official consultation activities during development of the transportation measures.

6. A monitoring plan for regularly assessing the extent to which transportation measures are resulting in the emission reductions projected and the reasons for any short-falls in reductions.
7. Administrative and technical procedures and agency responsibilities for assessing, in response to section 176(c) of the Clean Air Act, the conformity of federal or federally assisted transportation plans, programs, and projects to the SIP. 

8. A contingency plan for achieving the implementation of additional transportation measures necessary to attain ozone and carbon monoxide standards may have to be applied if expected emission reductions or air quality improvements do not occur.

The demonstration of reasonable further progress must distinguish between those emission reductions projected to result from mobile sources and stationary source measures. The projected reductions to be achieved from these source categories must be consistent with the emission reduction targets established through the consultation process.

The criteria for approval of the 1979 submittal recognized that there would be a lag in the early years in achieving reasonable further progress because most measures could not achieve immediate reductions. By 1982, however, a significant number of the stationary source controls and transportation measures included in the 1979 submittal will be implemented, as will the vehicle emission I/M program. Accordingly, each plan must demonstrate reasonable further progress for each year until attainment is achieved. No lag period will be allowed in 1982 and later years.

F. Additional Control Measures Required for Attainment

If the minimum control measures described in subsections B-D are not adequate to demonstrate attainment by 1987, or achieve reasonable further progress, the state must identify, evaluate, and adopt additional measures which can be implemented by 1987. Examples of such measures include the following:

(1) requiring control of all major stationary sources to levels more stringent than those generally regarded as RACT;
(2) extending controls to stationary sources and source categories other than those subject to the minimum control measures described in subsection B;
(3) implementing a broader range of transportation controls, and
(4) increasing the coverage and stringency of the vehicle emission I/M program.

If implementation of all measures which can be implemented by 1987 will still not demonstrate attainment by 1987, the state should then analyze the transportation and other measures necessary to attain the ozone and carbon monoxide standards by 1987. If an area is unable to attain the ozone and carbon monoxide NAAQSs by 1987, the state and local governments must commit to implementing such measures.

Given the additional time and potential resources available to areas with a post-1987 attainment date, more extensive evidence will be required to demonstrate that any of the measures identified in section 108(f) of the Clean Air Act is not reasonably available.

Many transportation measures which are not reasonable by 1987 will become reasonable by a post-1987 attainment date. The 108(f) measures ultimately selected should, both individually and collectively, be at least as ambitious as applications of these measures in other comparable areas. EPA, in consultation with the DOT, will not accept “paper” demonstrations of attainment.

The 1982 SIP revision to achieve a post-1987 emission reduction target must include a convincing demonstration that the target cannot be achieved by 1987 and that the post-1987 date is the most expeditious date possible. The demonstration must identify the minimum times needed for planning, programming, and implementation of adopted transportation and stationary source control measures. In addition, the demonstration must show that projected resources from available sources (federal, state, and local) are insufficient for faster implementation of the measures.

EPA will use the technical evaluation prepared by a state to assess whether areas are making all efforts possible to attain the ozone and carbon monoxide standards by 1987. If an area is unable to attain the ozone and carbon monoxide NAAQSs by 1987, then the “most expeditious date beyond 1987” must be agreed to by state and local agencies. The transportation and stationary source control measures necessary for demonstrating attainment by the most expeditious date must be adopted as part of the 1982 SIP submitted to EPA.

EPA believes that an approach which requires a state to demonstrate attainment by a certain date using measures it is committed to implement is more in keeping with the spirit of the Clean Air Act than an approach which would accept “paper” demonstrations of attainment by 1987 which relied on measures which would be virtually impossible to implement. EPA will not approve plans which rely on such “impossible” measures to demonstrate attainment, because such plans would fail to meet the requirement that the state must be committed to implement and enforce the plan.
EPA will review plans with post-1987 attainment dates in accordance with the requirements of the Clean Air Act. If EPA concludes that the current provisions of the Act do not allow approval of a SIP that provides for expeditious attainment of standards after 1987, EPA intends to seek legislative changes that will allow such an approval. The nature of any legislative change that the Agency may request will be based on a careful evaluation of the status of state efforts to develop plans which attain the standards on or before 1987. One option for legislative change that EPA will consider would provide area-specific schedules and control requirements for each of the areas that cannot demonstrate attainment by 1987.

G. Conformity of Federal Actions

Section 176(c) of the Clean Air Act requires all federal projects, licenses, permits, financial assistance and other activities to conform to SIPs. In addition, section 316(b) requires that the direct and indirect emissions associated with any wastewater treatment facility funded under the Clean Water Act be accommodated in the SIP. States should identify, to the extent possible, the emissions associated with federal actions, including wastewater treatment facility grants, that will take place during the period covered by the SIP. To help enable determinations of conformity, the population projections on which the 1982 SIP revision is based should be capable of being disaggregated at the time of project analysis so that the areas affected by individual federal actions can be identified, if the actions are not explicitly accounted for in the SIP.

II. SIP Development Process

The Clean Air Act, as amended in 1977, and subsequent regulations, policies and guidance from EPA have defined specific procedural requirements for developing SIP revisions for nonattainment areas. Appendix B includes a list of selected guidance documents that should be used in the preparation of the 1982 SIP. EPA regional offices will work with states and affected local governments during the preparation of the SIP to help assure that procedural requirements are satisfied and that interim products and activities are completed on a schedule that will enable the July 1, 1982 submittal deadline to be met.

A. Consultation Among State and Local Officials

Section 121 of the Act requires the states to provide a process of consultation with local governments, organizations of local elected officials, and federal land managers during certain actions under the Act, including preparation of SIP revisions for nonattainment areas. Section 174 of the Act requires a joint determination of the roles that various governmental agencies will take in the SIP development, implementation, and enforcement process. This division of responsibilities should be completed early in the process and must be submitted as a part of the 1982 SIP revision. Final regulations on sections 174 and 121 (40 CFR Part 51, Subpart M) were published on June 18, 1979 (44 FR 35176).

B. Establishment of Emission Reduction Targets

The control strategy for the 1982 SIP must reflect agreement among affected state and local officials on the emission reductions to be achieved. It is particularly important that clear objectives in terms of emission reduction targets be established for both stationary and mobile sources. In most cases, the establishment of emission reduction targets will occur soon after the technical evaluation of reasonably available stationary and mobile source control measures.

C. Analysis of Alternatives and Their Effects

In order for decision-makers and the public to have adequate information during SIP development, alternative control strategies, including measures beyond the minimum level of required controls (see Section I), should be developed and analyzed. For example, where a vehicle I/S program and RACT applied to all major stationary sources will not be sufficient, in combination with reasonably available transportation measures, to attain standards, a range of more stringent stationary and mobile source controls should be evaluated to determine the best combination to achieve the required emission reductions.

The Clean Air Act requires that SIP submittals include an analysis of air quality, health, welfare, economic, energy, and social effects of the SIP and of the alternative measures considered during SIP development. EPA believes that, in assessing the effects of alternative control measures, two national concerns should receive special emphasis. These concerns are (1) conservation of petroleum and natural gas, and (2) protection of the economies of declining urban areas. Additional emphasis on the effects of SIPs on energy conservation and economies of distressed urban areas will implement the intent of Executive Order 12185, Conservation of Petroleum and Natural Gas (45 FR 8557, February 7, 1980), and the National Urban Policy.

III. Air Quality and Emission Data Bases

The requirements for the 1979 SIP submittal included use of the best data available at the time of SIP development. Although states generally complied with this provision, in many cases the available data base had many shortcomings. All states will have had adequate time by 1983 to have an updated data base.

States will need to have the data necessary for SIP development significantly before the July 1, 1982 submittal date. To ensure that this effort receives appropriate priority and attention, EPA expects states to complete data collection, analyses, and documentation by December 31, 1981.

Emission inventories should, where possible, be prepared for a 1980 base year and projected for the anticipated year of attainment. Population projections and other forecasts used for determining growth rates and areawide emission estimates must be consistent with the population projections developed in accordance with the Agency's cost-effectiveness guidelines for wastewater treatment facilities (40 CFR Part 35, Subpart E, Appendix A).

The most recent three years of air quality data from the state and local air monitoring system network must be reduced, validated, and summarized in the plan submittal. Generally, this will include all data collected through the third quarter of 1981. All data from special studies implemented to support the modeling effort must also be compiled, reduced, and documented.

A. Data for Ozone SIP Revisions

EPA previously described the minimum data that the Agency anticipated would be necessary to prepare an ozone modeling effort for four levels of analyses (44 FR 65667, November 14, 1979). It now appears, however, that many of the areas requiring the more sophisticated levels of modeling will not be able to complete the more extensive data base collection efforts required for these models in time to support the 1982 SIP submittal. Accordingly, every urban area must, at a minimum, complete a data base sufficient to support a Level III (city-specific EKMA) modeling analysis. The elements of this data base are summarized in Appendix D.

EPA anticipates that states with especially severe ozone problems will need to apply a photochemical
dispersion model or an equivalent technique in subsequent modeling analyses after 1982. Data collection efforts should be structured to provide for this contingency. In order to ensure that all the data bases will be compatible and that there is a consistent level of documentation and quality assurance, state submittals of environmental data must be consistent in format and content with the EPA draft guideline document, Emission Inventory Requirements for 1982 Ozone SIPs.

B. Data for Carbon Monoxide SIP Revisions

The emission inventory for carbon monoxide must be of sufficient accuracy and detail to provide the necessary input to models, and to determine the effectiveness of proposed control measures. The inventory should normally represent a typical week day during the worst carbon monoxide season and should cover the entire urban area. More detailed inventories for smaller areas ("hotspots") may be needed for analyzing specifically identified problems. The final acceptability of the inventory developed will be dependent on the modeling approach selected and will be judged on a case-by-case basis.

IV. Modeling

States will need to apply the best tools available in their 1982 SIP submittal. The air quality models that EPA considers acceptable are identified below.

A. Ozone Models

Photochemical dispersion models have the greatest potential for evaluating the effectiveness of ozone control strategies. This potential arises primarily from the ability to relate emissions directly to ambient ozone concentrations, taking into account atmospheric chemistry and dispersion. In most cases, however, data requirements associated with applying these models by 1982 are prohibitive. Of the generally available, less data intensive models, only the various applications of EKMA consider local meteorological influences and atmospheric chemistry in evaluating control requirements. The city-specific EKMA approach is the most promising for 1982 and we propose recommending its use.

The inability of other simpler models to adequately consider chemical kinetics and meteorological parameters reduces their ability to represent local situations. Accordingly, EPA will not consider plans based on linear or proportional rollback to provide an adequate demonstration of attainment.

B. Carbon Monoxide Models

States and urban areas must estimate the impact of local and regional control strategies on carbon monoxide nonattainment areas and demonstrate attainment of the carbon monoxide standard. The generally available carbon monoxide models are described in Guideline on Air Quality Models, April 1978, EPA 450-2-78-027. These guidelines, and any subsequent updates, should be followed in preparing a carbon monoxide attainment analysis. The acceptability of models other than those listed in the guideline will be evaluated on a case-by-case basis.

Other models proposed for use must be adequately documented and validated.

Dated: September 24, 1980.

Douglas M. Costle, Administrator.

Appendix A—States With Areas Requesting an Extension Beyond 1982 for Attaining the Ozone and Carbon Monoxide Standards

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<tr>
<th>EPA region</th>
<th>Ozone</th>
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Appendix B—Selected EPA Guidance for SIP Development Process

The following list identifies selected EPA guidance for SIP development. A compilation of major EPA guidance for SIP development is included in the "Air Programs Policy and Guidance Notebook," which is distributed to state and local agencies. Copies of the notebook are available for copying at the EPA Public Information Reference Unit in Washington, D.C. and at each EPA regional office.


8. EPA-DOT Expanded Public Participation Guidelines, May 1, 1980 (45 FR 42032).


Appendix C—Description of Terms Used in the Transportation-Air Quality SIP Development Process

Adopted Measures

A transportation measure, program, or policy that state and local planning and implementing agencies and governments have agreed to include in the official SIP submission.

Planning Process

The process defined in the September 17, 1976 Federal Highway Administration (FHWA)—Urban Mass Transportation Administration (UMTA) regulations, the June 1978 EPA-DOT Transportation-Air Quality Planning Guidelines, and the May 1, 1980 EPA-DOT Expanded Public Participation Guidelines. Through this process transportation measures are introduced, evaluated, placed in the Transportation Systems Management (TSM) or long range element of the urban transportation plan, and advanced to the Transportation Improvement Program (TIP) and the annual element of the TIP.

Programming Process

The process by which transportation measures are advanced from the annual element of the TIP to the capital programs and budgets of implementing agencies and then to funding by state and local
The attainment date approved in the 1979 SIP submission. This date may be modified if the analysis of alternatives done as part of the development of the 1982 SIP submittal shows that an earlier date is possible through expeditious implementation of all reasonably available control measures or that a later date is necessary because the approved attainment date cannot be achieved.

Reasonably Available Transportation Measures

A measure that has been determined to be beneficial to air quality and which will not result in substantial and long-term adverse impacts. These measures need to be adopted by the affected state and local officials participating in the planning and programming processes. The process of determining reasonably available transportation measures is analytical, participatory, and negotiable, and involves the public, as well as local, state, and federal agencies and officials. The analytic part of the process includes determinations of technical and economic feasibility.

Expeditious Implementation of Reasonably Available Transportation Measures

Implementation by the earliest possible date considering:

1. The minimum time required to advance the measure through planning and programming processes;
2. The minimum time required to obtain implementation commitments;
3. The minimum time required to construct (if needed) and begin operation of the measures.

Implementation Commitments

Certification by those federal, state, and local agencies with the ability to implement SIP projects that (1) funds to implement the measure are obligated; and (2) that all necessary approvals have been obtained. Identification by the implementing agency of a date for start of construction (if appropriate) and a date for start of operation. Alternatively, the implementation commitment may include a schedule that identifies all responsible agencies and all steps required to advance the measure through planning and programming processes; obligate all federal, state, and local funds; and obtain all approvals. The implementing agency must identify a date for start of construction (if appropriate) and a date for start of operation.

See pages 5 to 6 of “Checklist for Review of Transportation Component of 1979 SIP Submission” for further details.

Justification for Not Adopting a Section 106(f) Measure

Justification should include:

1. Documentation of air quality, health, welfare, economic, energy, social and mobility effects of the measure;
2. Determination that the adverse effects of the measure will be substantial, widespread, and long-term;
3. Determination that the measure is not reasonably available;
4. Demonstration that the air quality standards can be expeditiously attained without the measure.

Monitoring Plan

A monitoring plan provides for periodic assessments of whether and why or why not SIP transportation measures are achieving their projected emission reductions. The monitoring plan should include:

1. Transportation system performance indicators that will be used to evaluate measures (e.g., vehicle miles of travel, regional trip rates, transit ridership, auto occupancy, traffic speeds and volumes on selected links),
2. (2) the frequency of assessments, (3) an identification of transportation monitoring data, (4) an identification of transportation monitoring methods, and (5) a description of how monitoring data and methods will be used to assess the attainment of projected SIP transportation measures and to make decisions on contingency measures.

Contingency Plan

A contingency plan of activities provides for (1) the accelerated implementation of additional measures beneficial to air quality and/or the delay of projects with negative air quality impacts in the event that expected emission reductions or air quality improvements do not occur. The contingency plan should identify: (1) contingency measures to be analyzed, (2) analytical and programming activities to be carried out before and after a decision to implement a contingency measure, (3) criteria for deciding to implement contingency measures, and (4) to delay projects, and (5) commitments to carry out contingency planning activities by appropriate agencies. Preparation of this contingency plan is necessary to carry out the June 1980 EPA-DOT Procedures for Conformance, developed to implement section 176(c) of the Clean Air Act.

Appendix D—Summary of Minimum Level III Data Requirements for 1982 Ozone Monitoring Submittals

A. Emission Data Requirements

1. Spatial Resolution. County-wide emission inventories for VOCs and nitrogen oxides (NOx) are needed for a Level III analysis.
2. Temporal Resolution. Seasonally adjusted emission estimates are required as part of the Level III data submittal. Preparation of these estimates is described in the draft guideline, Emission Inventory Requirements for the 1982 Ozone SIPs.
3. VOC Categories. Classification into reactive species of VOCs is not required for a Level III analysis.
4. Source Category Delineation. It is necessary to separate the emissions estimates according to major source categories of the same type as described in the draft guideline, Emission Inventory Requirements for the 1982 Ozone SIPs. This disaggregation of estimates is useful for making projections of future aggregated emissions.

B. Air Quality Data Requirements

1. Ozone Monitors. (3 sites). Ozone monitors should be located at (a) one upwind site, (b) one downwind site at the edge of the urbanized area, and (c) one downwind site approximately 15–40 kilometers from the urbanized area.
2. THC/CH4/NOx Monitors (1 site required). Guidance presented in EPA-450/4-83-001, Guidance for the Collection of Ambient NMOC Data for Use in 1982 Ozone SIP Development, and Network Design and Siting Criteria for the NMOC and NOx Monitors, should be followed.
3. Upwind Precursor Data. Optional air quality data for Level III are measurements of ambient NOx and THC/CH4 at one site upwind of an urbanized area. These data are generally unnecessary and are needed only for unusual cases when it is desirable to take explicit account of transported precursors in the analysis. Most studies have indicated that expected ozone is of greater significance than transported precursors in contributing to urban problems. Because of the lack of precision associated with nonmethane hydrocarbon (NMHC) estimates from continuous THC/CH4 monitors at low concentrations, use of these instruments at upwind sites is not recommended. It is preferable to collect a limited number of grab samples, analyze these chromatographically, and species to estimate ambient NMHC. Guidance presented in EPA-450/4-80-006, Guidance for the Collection and Use of Ambient Hydrocarbon Species Data in the Development of Ozone Control Strategies, should be followed. Continuous measurement of NO/NOx is appropriate.

C. Meteorological Data Requirements

1. Upper Air and Surface Temperature Data. Estimates of the morning (0600 a.m.) and maximum afternoon mixing heights are required. Preferably estimates should be obtained using the nearest National Weather Service radiosonde data (if available) in conjunction with hourly urban surface temperature data. If radiosonde data are not available, morning and afternoon mixing heights can be estimated using AP-101, “Mixing Heights, Wind Speeds and Potential for Urban Air Pollution Throughout the Contiguous United States.”
2. Surface Wind Data. Surface wind data at two sites (one site located in an area of high precursor emissions and another outside the urban core) are required. The wind data are used to help ensure that the recorded design value is measured downwind of the city.

[FR Doc. 1979-20328 Filed 8-30-80; 8:15 am]
Part VII

Civil Aeronautics Board

Filing of Tariffs and Payment of Commissions to Air Freight Forwarders and Foreign Air Freight Forwarders; Proposed Rulemaking; Granting and Denial of Section 403 Exemptions
CIVIL AERONAUTICS BOARD

14 CFR Parts 221, 296, and 297

(Economic Regulations Docket 38746; EDR 408)

Filing of Tariffs and Payment of Commissions to Air Freight Forwarders and Foreign Air Freight Forwarders

Dated: September 24, 1980.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to allow airlines to file tariffs that state prices as maximum amounts instead of exact amounts, so that any price up to the maximum could be charged. The CAB also proposes to allow the payment of commissions to air freight forwarders and foreign air freight forwarders. The proposal is prompted by exemption requests from several airlines.

DATES: Comments by: October 30, 1980.

Requests to be put on the Service List by: October 10, 1980.

FOR FURTHER INFORMATION CONTACT: Mark S. Kahan, Assistant Director, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5371.

SUPPLEMENTARY INFORMATION:

Introduction

Airlines are currently required by section 403(a) of the Federal Aviation Act to file tariffs with the Board that state their passenger fares, international cargo rates, and associated charges. Under section 403(b), it is unlawful to charge a purchaser of air transportation anything other than that stated in the applicable tariff. The prohibition applies not only to overcharges but also to undercharges, which may take various forms, including rebates. Thus, for example, an agent must not share its commission with a passenger or shipper. And because the Board has considered, air freight forwarders to the shippers, section 403(b) prohibits the payment of commissions to them. That prohibition is also reflected in the Board’s rule at 14 CFR 296.32, which provides that no air freight forwarder, acting in that capacity, shall accept directly or indirectly any payment of a commission on traffic tendered to a direct carrier or its agents.

A corresponding provision for foreign air freight forwarders appears in 14 CFR 297.32.

This notice proposes a rule that would exempt airlines from section 403 to the extent necessary to file tariffs that state fares, rates, or charges as maximum amounts instead of exact amounts. Overcharges would still be prohibited, but any price up to the maximum stated in the tariff could be charged. The rebating prohibition described above in § 296.32 and 297.32 would also be revoked. Order 80-9-147, also issued today, grants several exemptions for the period while this rulemaking is in progress and denies another.

We regard the proposed “maximum tariff” scheme as an experiment. If we detected consumer problems or difficulties in carrying out our statutory mandate that outweighed its benefits, we would proceed to end the experiment.

Background

By application filed May 9, 1980, in Docket 38157, Pan American World Airways requested an exemption from section 403 of the Act to permit it to accept tickets issued by other airlines at the fares of such other airlines, between points in the U.S. and Southeast Asia. The authority was sought for a period of 1 year.

Essentially, Pan American asked for authority to accept tickets lawfully issued by competitive airlines at fares that it does not itself have on file. It also asked that such authority be extended to all other airlines. Braniff Airways applied for a similar exemption on May 29 in Docket 38245, and a number of other airlines have since asked that any such relief be extended to them.

By application filed June 6, 1980, in Docket 38284, Northwest Airlines requested an exemption from the requirements of sections 403, 404, and 411 of the Act, and from 14 CFR Parts 221 and 253, to the extent that these provisions make it unlawful for it to provide foreign air transportation of persons and property over a transpacific routing at prices that are lower or under conditions that are different than those stated in its tariffs. It asserted that, with the potential demise of existing injunctions, an increase in selective price-cutting through rebating is likely. Northwest fears having to choose between observance of the law and diversion of traffic to competitors who are prepared, it alleged, to break the law. In the alternative, it asked that we permit international fares and rates tariffs to be set forth as maxima only, so that price-cutting to meet competition can take place without implicating the anti-rebating provisions of the Act. The exemption request is set forth broadly, but is contingent upon dissolution of the injunction. The Flying Tiger Line filed an answer to Northwest’s request. While agreeing with Northwest on the likelihood of renewed rebating should the injunctions be terminated, it urged us to deny the request in favor of the total elimination of international cargo tariff filing requirements.

By application filed June 10, 1980, in Docket 38296, Trans World Airlines asked for an exemption from section 403(b) of the Act to permit it to pay commissions to cargo sales agents on consolidated shipments initiated by air freight forwarders. It considered an exemption or similar relief necessary because in certain transactions a restriction commission to an agent could be considered as amounting to a prohibited commission to a forwarder.

Alternatively, TWA asked for a blanket exemption to allow the direct payment of commissions to forwarders. The exemption was sought in connection with foreign air transportation only. Noting the express prohibition in § 296.32 of commissions for forwarders,

*This result could arguably be achieved by interpretation of the existing statutory requirements, although it would depart from past practice. Since such an approach would involve legal uncertainties, we have chosen to proceed by exemption, which is more certain within the Board’s power.

Footnotes continued on next page
TWA asserted that U.S.-origin traffic remains subject to the ban. It argued that the prohibition is being circumvented by a number of practices, resulting in commissions being paid on virtually all forwarder-originated traffic. In some instances, forwarders use agents which are affiliated with them, and in other instances, forwarders who are also agents engage in reciprocal dealings by which one routes shipments through another—on paper only—and is repaid in kind. TWA expressed its inability to police such borderline practices, and in any event does not object to payment from an economic standpoint. In essence, it asked that we reverse our historic interpretation that commission payments to forwarders constitute rebating, or waive the prohibition.

Disposition of the Pleadings

We are addressing these applications in a single proceeding as they all deal with basic issues of anti-rebating policy and the conditions under which we will permit divergences from prices set forth in tariffs. The pleadings and answers in the various dockets are set forth in greater detail in the Appendix to Order 80-9—, issued along with this notice. Upon consideration of these applications, we have tentatively decided to allow maximum tariffs as suggested by Northwest. This approach should best promote competition and resolve the uncertainties about both commissions for air freight shipments and the upcoming expiration of the anti-rebating injunctions. Because this approach would work a fundamental change in the tariff system, we have decided to obtain public comments through this rulemaking proceeding before taking final action. As a technical matter, therefore, Northwest's exemption application is being denied in the accompanying order. Northwest applied for an exemption only in Pacific markets, where the injunction does not expire until March 29, 1981. Final action in this rulemaking should come soon enough that, if the rule is adopted as proposed, Northwest will have the full relief that it requested.

There are obvious benefits in permitting airlines to meet their competitors' fares and rates. We are also aware of the competitive inhibitions that may flow from the present tariff system—indeed, from any posted price system—and the higher retail prices such a system may produce. To the extent that current tariff arrangements are not meeting the needs of the marketplace, we have an obligation to act consistently with our statutory policy goals. For these reasons, as well as the fact that the issues presented are much narrower than in Northwest's suggestion, we are granting Pan American's and TWA's exemption requests, pending the outcome of this proceeding. The grant also appears in Order 80-9-147.

On the other hand, we reject Flying Tiger's suggestion that cargo tariffs of direct air carriers be totally eliminated in foreign air transportation. Domestic cargo tariffs of direct air carriers are no longer filed with us (ER-1090; 43 FR 50383; November 16, 1978) and domestic passenger tariffs are scheduled to sunset after December 31, 1982. Indirect air carriers (forwarders) were previously exempted from filing both domestic and international cargo tariffs (ER-1094; 44 FR 6354; January 31, 1979). However, we are not at this time prepared to consider abandoning tariffs in foreign air transportation. The international aviation system, which is by no means fully competitive, could not function without even more fundamental changes, since tariffs or their functional equivalent are the means specified in bilateral aviation agreements by which prices are changed and governments exercise their supervisory powers.

The Proposal

The rule that we propose would add a new § 221.3(e) to Part 221, to establish an exemption from section 403 of the Act and from the rest of Part 221. Air carriers and foreign air carriers would be exempted to the extent necessary to file, at their option, tariffs that state fares, rates, or charges as maximum amounts instead of exact amounts. To make sure that agents and customers would be aware of the possibility of discounts and not be misled about the meaning of the amounts stated in the tariffs, each price that a carrier intended as a maximum amount would have to be clearly designated as a maximum. The designation would have to appear on the same tariff page as the price itself. Carriers could then charge any amount up to the maximum stated in the tariff without being considered in violation of the tariff observance requirements of section 403(b) of the Act and § 221.3(b) of the Board's rules. The charging of a greater amount, however, would continue to be a violation of those provisions.

Since the maximum tariff scheme could be used in all situations where direct carrier tariffs are still being filed, the proposed exemption would apply to domestic passenger tariffs and foreign tariffs for both passenger and cargo transportation. The need may be more compelling for foreign air transportation, however, because the pressures to rebate appear to be greater there. (Under current domestic tariff policy, airlines may generally change prices on one day's notice already.) We therefore propose in the alternative to allow maximum tariffs for foreign air transportation even if we choose not to allow them domestically.

The proposed rule does not include the other exemptions that Northwest suggested, from section 404(b) concerning unjust discrimination and section 411 concerning unfair and deceptive practices. Exemptions from these sections, which touch the core of our regulatory jurisdiction, are properly meted out only sparingly. We recognize that the carrier applications are defensive in nature, and are not intended to imply any desire to engage in such practices. Nonetheless, the uncertainties raised by the lapse of the anti-rebating injunctions do not require carriers to discriminate unjustly or engage in deceptive practices. Moreover, no justification for such far-reaching relief appears, since the carriers' legitimate objectives can be met entirely through the less drastic means of an exemption from section 403. While selective price cutting might give rise to accusations of unjust discrimination as prohibited by section 404(b), our recent policy statement on price discrimination makes it clear that strict standards must be met before the Board will consider such behavior unlawful. (FS-83; 45 FR 30065 May 29, 1980.) That policy statement by its terms applies only to domestic transportation. We noted when announcing it, however, that in light of the passage of the International Air Transportation Competition Act, many of the same policy considerations are equally applicable to foreign air transportation. Selective price cutting is discussed further in Order 80-7-63, dismissing complaints against discount fares for government employees.

The proposed rule would also revoke the ban on freight forwarder commissions that appears in §§ 296.32 and 297.32. Because these provisions are based upon rebating concepts, they would be inapplicable to situations where commissions were paid for traffic moving under maximum tariffs. If a carrier chose not to file a maximum tariff, however, the commission would continue to be prohibited by section 403, and a restatement of the prohibition in the freight forwarder rules would be unnecessary.

Footnotes continued from last page

provisions of section 403 of the Act, the distinction between payment and acceptance is, of course, immaterial.
Reporting Requirements

In addition to being the mechanism for government approval and disapproval of airlines' prices, the tariff system has served several other important functions. It has been the vehicle for airlines to communicate their prices to agents. It has also enabled the Board to monitor these prices. Under a maximum tariff regime, airlines might choose to continue tariffs as the primary means of establishing prices and develop a supplementary system for indicating when to discount from the tariff amounts. However, an airline could instead choose to cut its filing burdens by filing maximum prices at the highest levels allowed by the Board with no regard for the prices it would actually charge, and develop an alternative means of communicating with agents. In this event the filed tariffs would be useless for the Board's monitoring of airline pricing, a function that continues for several more years.

We might be able to continue adequate oversight of passenger fares, at least those of U.S. airlines, through the Origin and Destination (O&D) survey. Under this survey, each U.S. certificated airline transmits to the Board information, including dollar amounts, from every tenth ticket that it sells for domestic or foreign passenger transportation. The quarterly nature of this information and the lag in filing it, however, tend to diminish the value of the survey. In any event, the O & D survey does not cover the passenger fares of foreign airlines or the international cargo rates of any airlines. Information about actual prices might therefore be necessary to supplement the Board's monitoring of airline pricing, a function that continues for several more years.

We are allowing 30 days for public comments on this proposal. In view of the imminent expiration of the Atlantic anti-rebating injunction and the need to clarify the legal status of payments to air freight forwarders, we find that the public benefits from expedited consideration outweigh any adverse effects of a comment period shorter than 60 days.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Parts 221, Tariffs, 296, Air Freight Forwarders and Cooperative Shippers Associations, and 297, Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations, as follows:

1. In Part 221, § 221.3 would be amended by inserting "or (e)" in paragraph (a) and adding a new paragraph (e), to read:

§ 221.3 Carrier's duty.

(a) Must file tariffs. Except as set forth in paragraph (d) or (e) of this section, * * * * (e) Exemption for maximum tariffs. Air carriers and foreign air carriers are exempted from the requirements of section 403 (a) and (b) of the Act and the other provisions of this part to the extent necessary to file and observe tariffs that state fares, rates, or charges as maximum instead of fixed amounts. Each rate, fare, or charge that is intended as a maximum amount shall be clearly so designated on the tariff page on which it is filed. Carriers and ticket agents shall not charge, demand, collect, or receive greater compensation for air transportation or any service in connection with it than the maximum amount stated in such a tariff, and section 403(b) of the Act and paragraph (b) of this section remain in full effect in this respect.

§ 296.32 [Revoked]

2. In Part 296, § 296.32, Prohibition against receipt of commissions, would be revoked.

§ 297.32 [Revoked]

3. In Part 297, § 297.32, Prohibition against receipt of commissions, would be revoked.

(Secs. 204, 403, 404, 416, and 1002 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, 771, and 788, as amended, 49 U.S.C. 1324, 1373, 1374, 1386, and 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-30263 Filed 9-28-80; 8:45 am]
BILLING CODE 6710-01-M
CIVIL AERONAUTICS BOARD

[Order 85-9-147]

Pan American World Airways, Inc. et al; Order Granting and Denying Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of September, 1980.

Applications of Pan American World Airways, Inc., Braniff Airways, Incorporated, Japan Airlines Limited, Japan Airlines Company, Ltd., Philippine Airlines, Inc., Korean Air Lines (Dockets 38157, 38242, 38308, 38309, 38447, and 38554) for exemptions from section 403 of the Act to permit acceptance of tickets of other carriers at fares not on file; application of Northwest Airlines, Inc. (Docket 38284) for an exemption under section 4(b) of the Federal Aviation Act of 1958, as amended; application of Trans World Airlines, Inc. (Docket 38298) for an exemption pursuant to Section 418(b) of the Federal Aviation Act, as amended.

Pan American has applied for an exemption from section 403 of the Federal Aviation Act to allow it to accept tickets issued by other airlines at fares that it does not itself have on file with the Board. Several other air carriers have asked for the same exemption. Northwest applied for a broader exemption, so that it could provide air transportation at any price that is lower or under条件s that are different than those stated in its tariffs. In the alternative, it asked that we permit international fares and rates tariffs to be set forth as maxima only. TWA asked for exemptions from section 403 and 14 CFR 296.32 so that it could pay commissions directly to air freight forwarders.

The pleadings are set forth in detail in the Appendix. In EDR-408, issued along with this order, we are proposing an amendment of 14 CFR Part 222 to establish an exemption that would allow the filing of tariffs that state prices as maxima instead of exact amounts. For the reasons set forth in that notice, we are denying Northwest's exemption request and granting the others, pending final Board action in the rulemaking proceeding.

Accordingly,

1. The applications of Braniff Airlines, Incorporated, Japan Airlines Company, Ltd., Korean Air Lines, Pan American World Airways, Inc., Philippine Airlines, Inc., and Singapore Airlines Limited, in Dockets 38242, 38308, 38554, 38157, 38447, and 38309 are granted, and all U.S. and foreign air carriers are exempted from section 403 of the Federal Aviation Act to the extent necessary to accept tickets of other carriers at published fares lower than their own published fares in transpacific markets, pending final Board action on EDR-408;

2. The application of Trans World Airlines, Inc., in Docket 38298 is granted, and all U.S. and foreign air carriers and air freight forwarders are exempted from section 403 of the Act and 14 CFR 296.32 and 207.32, to the extent necessary for carriers to pay and forwarders to receive, directly or indirectly, commissions for U.S.-origin cargo shipments in foreign air transportation, pending final Board action on EDR-408;

3. The application of Northwest Airlines, Inc., in Docket 38284 is denied;

4. This order will be served on all U.S. and foreign direct air carriers and air freight forwarders.

This order will be published in the Federal Register.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,
Secretary.

All Members concurred.

Appendix A—Pleadings

TWA, Docket 38284

The Board has substantially liberalized its regulations for air freight forwarders and other indirect air cargo carriers, and these changes have significantly altered past practices with a major effect on the international air cargo market. One of the most important changes is the one that permits indirect air carriers to use direct air carrier sales agents, thus permitting direct air carriers to pay commissions on consolidated shipments.

Since the adoption of these new rules, several U.S. air freight forwarders have begun to use carrier agents on their outbound international consolidations. Consequently, this practice could serve to inhibit payment of commissions otherwise consistent with the prohibition on ER-1094, because of the possibility that a rebate, however indirect, could or might take place. This concern stems from the prohibition that no forwarder, acting in that capacity, may accept, directly or indirectly, any payment of a commission on traffic tendered to a direct carrier or its agent. The Board has long advocated the payment of commissions on consolidated consignments to assure that U.S. forwarders are on an equal competitive footing with their foreign counterparts. While the prohibition on ER-1094 remains on nonconsolidating shipments, it states that this practice is antithetical to inbound shipments to the United States. It further states that an exemption is necessary to assure that the flexibility permitted by ER-1094 is fully and effectively without unintentional limitations that could result from overly narrow interpretations concerning rebates.

Since the adoption of ER-1094, TWA's commission payments, as a percent of its international air freight revenues, have risen from approximately 4.1% in the third quarter of 1979 to a full 6.0% in the most recent three month period, which in the latter accounts for 100% of this traffic.

Some of the practices that have evolved since the issuance of ER-1094 are as follows:

(a) Forwarder A, who is the shipper and consignee, shows in the agency box on the airwaybill the agent of Forwarder B. Conversely, Forwarder B (as shipper and consignee) shows the agency services of Forwarder A.

(b) Forwarder C is a subsidiary of Corporation X. Corporation X also has another subsidiary, Agent A. Forwarder C shows Agent A on the airwaybill.

(c) Forwarder D owns a subsidiary, Company Y, which in turn owns a subsidiary, Agent B. Forwarder D shows Agent B in the agency box on international airwaybills.

(d) Forwarder E owns a subsidiary, Agent C, and shows Agent C as its agent on international airwaybill consolidations.

TWA states that agents in the above-described relationships are not prohibited from accepting commission payments and that forwarders and other carriers hold this view. It states if the prohibition against commissions was given a narrow interpretation it would leave arms length and proper bona fide commission practices open to question as to whether they are, or are not, a prohibited rebate.

The carrier further contends that it cannot and should not be expected to investigate beyond the representations on the airwaybill and verification of proper agency accreditation to assure that such requests for commissions are proper, and that to require otherwise would disrupt the flow of international air cargo shipments.

TWA as an alternative suggests that an exemption be granted permitting payment of commissions on traffic tendered to a direct carrier or its agent. 2

The Board stated in ER-1094: "Permitting indirect cargo carriers to use direct air carrier agents will give these greater flexibility where it is needed, similar to their authority to use other indirect carriers... forwarders may continue to operate as IATA (International Air Transport Association) cargo agents for the direct carrier on a shipment tendered by the shipper..." (Page 4)

Two states it has received a request for payment of commissions from a forwarder who wishes to show himself as agent. With the exception of this request, TWA has stated that the belief that ER-1094 permits an agent to accept commissions on any other forwarder shipments.
commissions to forwarders on all U.S.-originating international shipments. In support, it states that the Board now permits negotiated payments for services performed by forwarders in making air cargo "ready for carriage" which are not considered rebates and are thus permissible under the Act.4 It also states that there is little difference between requiring the price paid by direct air carriers for such services to be determined by negotiation with respect to each service provided, and alternatively allowing a commission rate that compensates all services provided by the forwarder. Thus it concludes that all that remains is whether forwarder commissions on outbound shipments from the U.S. should retain the character of being "rebates":

TWA states that its exemption request is consistent with the International Air Transportation Competition Act of 1979 (P.L. 96-102), and it would be inconsistent for the Board to now impede compensation similar to that already commonplace on inbound shipments to the U.S. in the form of commission payments to U.S. forwarders. This inconsistency, left over from long outdated history of forwarders as "purchasers" of air transportation, belies the true nature of the forwarder relationship with direct air carriers as one of joint-venturer in the promotion and development of air cargo transportation.

Because of the increasing number of requests for commissions being received by TWA, it urges the Board to act expeditiously on this application. Therefore TWA requests that the Board grant, on an expedited basis, an exemption, pursuant to section 416(b) of the Act, to the extent necessary to permit the payment by forwarders of commissions to agents identified in the airwaybill, subject to verification of proper agency accreditation, on outbound international shipments under the circumstances set forth above, or, alternatively, that the Board grant a blanket exemption to the extent necessary to permit the direct payment of commissions to air freight forwarders on all U.S.-originating international air shipments.

CF Air Freight (CF), Singapore Airlines Limited (SAL), Emery Air Freight; and the Air Freight Association of America (AFAA), support TWA's application. AFAA also suggests that the Board issue a policy statement declaring the payment of commissions on consolidated shipments to be legal. CF also asks that the requested exemption apply to foreign-origin inbound consolidated traffic to the U.S. and SAL asks that the exemption include foreign air carriers. Fritz Air Freight, "K" Line Air Service (U.S.A.), Inc., Kintetsu World Express (U.S.A.), Inc., and Traffic International Corp. (Joint Forwarders) state in their comments that they have no problem with TWA's request, but question whether an exemption is needed for the reason that it would be preferable for the Board to declare that the anti-rebate provisions of the Act are not applicable to payments to intermediaries, whether cargo agent or forwarder.

The Flying Tiger Line Inc. (FTL), in support of TWA's application states that the Board should separate the underlying question of whether its prohibition on the payment of commissions to forwarders for U.S. originating consolidations serves any meaningful purpose in an environment in which a number of consolidators are apparently circumventing the regulation. Like TWA, FTL states that with the adoption of the new regulations came a sharp change in the practices of the forwarders, and many telexes which previously had been made to a direct air carrier have now shifted through cargo agents. The balance of FTL's comments essentially are the same as those of TWA. Also, FTL believes that if the Board continues to adhere to the view that commissions to forwarders acting as consolidators constitute illegal rebates, that consideration must be given to enforcing the prohibition, since a regulation which is generally known to be unenforced is routinely ignored, and disadvantages those forwarders who attempt to comply. FTL states that several of their largest customers have voiced just such complaints and stressed the unfavorable economic consequences their companies are not joining in the type of "sham" agency transactions which they assert to be prevalent.

Northwest, Docket 32824

Northwest states that this exemption is necessary to respond to competition from carriers which are likely to engage in rebating practices if the United States District Court for the Northern District of California dissolves a currently effective consent decree (Decree). Accordingly, Northwest requests that the exemption sought becomes effective on December 9, 1980, the date the application was filed. Northwest requests that the Decree is dissolved, however, that the Court in enforcing the Decree, and that the same insufficiencies of the Act's anti-rebating provisions would of necessity severely restrict the Board's ability to enforce the Act's anti-rebating provisions administratively. In the absence of a credible deterrent in the form of vigorous Court or Board enforcement of the tariff-filing system, Northwest believes that market conditions in the Pacific will lead to the return of widespread, covert rebating practices. It also says the Board's actions in supporting the dissolution of the Decree and publicly announcing its enforcement strategy could be interpreted as condoning, or at least tolerating, some rebating practices as long as they lead to price reductions for consumers. Northwest notes that it is prepared to compete with those carriers that may engage in rebating; however, it needs the legal authority to do so, otherwise it would be a criminal offense and would subject it to other federal laws which may require the disclosure of such illegal practices.

Northwest further notes it is filing its opposition to the Dissolution of the Decree with the Court. It continues to believe that meaningful enforcement of the anti-rebating provisions of the Act not only best serves the public interest, but is required by law. In the event that the Decree is dissolved, however, it says that the exemption it seeks is necessary to permit it, as a U.S.-flag carrier, to compete fairly while continuing to adhere faithfully to federal legal requirements.

The carrier requests the Board to consider permitting it to file tariffs setting freight prices from which reductions or other departures would be permitted on an ad hoc basis, thus giving it the flexibility to negotiate reductions or changes in the practices it set forth in its tariffs. This approach would establish ceilings and restrictions that Northwest could reduce and change as necessary to meet competition.

FTL filed comment supporting and opposing Northwest's views and request. While agreeing with Northwest as to the situation which will likely prevail in the event the Decree is terminated, it does not favor either the requested exemption to depart from published tariffs, or to revise tariffs to reflect maximum rates only. Instead, it prefers to operate in a free market, without undue government regulation and advocates the total elimination of the current international cargo tariff filing requirement.

Pan American, Docket 38187, et al

In support of its request, PA states that the Board is aware of the troublesome problems

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5 TWA states that the Board itself has announced unequivocally a relaxed policy on anti-rebate enforcement in numerous instances, reflecting its view that in a deregulated environment, including internationally, strict prohibition of rebates may be anti-competitive; for example, in Order 79-12-49, December 7, 1978, the Board of served that rebating has diminished as an enforcement problem as the air transportation system has become more competitive and exempted all U.S. and foreign air carriers from Section 406(b) to permit compensation or monetary adjustments to resolve consumer grievances that might otherwise be precluded by their tariffs; more recently, the Board asked the federal court to dissolve an injunction against fare and rate rebating in Transpacific markets (The Wall Street Journal, May 27, 1980, page B) a similar injunction against North Atlantic rebating will be permitted to expire on June 29, 1980, the date 28 of this year.
6 TWA states that forwarders uniquely perform substantial services of material benefit to direct air carriers for which they are entitled to receive fair compensation; these benefits warrant remuneration, which include extensive air cargo sales and promotional efforts typically undertaken by forwarders, e.g., beyond the Limited "non-air transportation services" for which the Board now considers direct air carrier payments permissible (14 CFR § 399.86).
7 The Joint Forwarders also raise a question and seek certain clarification with respect to TWA's application (see page 2 supra. By our action here, however, their question is moot.
8 14 U.S.C. 415(c).
9 U.S. v. Air Freight Co., et al., No. C-76-0329 (N.D. Cal.) (final Judgment and Decree issued March 29, 1978). A copy of the Decree was attached as Appendix A to Northwest's application.
relating to fares in U.S.-Southeast Asia air transportation, not only with respect to rebating, but the wide array of fares, which vary from carrier to carrier and change frequently. All of this has caused confusion to the traveling public. It also states that this is further compounded by the fact that many carriers offer less than daily service to many of these points, and a change in day of travel can subject the passenger to an entirely different tariff; thus, if a person who has purchased a ticket on another airline wishes to utilize PA, he well may have to contend with these complexities and pay a "penalty" to do so. The carrier alleges that grant of the exemption would alleviate the confusion in the U.S.-Southeast Asia fares.

PA believes the requested exemption clearly is "consistent with the public interest" within the meaning of section 410(b)(1) of the Act. Additionally, it states that the exemption should benefit it, because it will allow it to attract some additional passengers.

PA notes this experiment will be limited in extent because an "endorsement" by the carrier whose ticket is used will be required, and the number of passengers which it will carry in this fashion is naturally circumscribed. This experiment, moreover, is proposed in the spirit of the Board's recent encouragement of carrier initiative in fashioning appropriate fares, based on market place considerations, for scheduled services. Thus it states it is making every effort to compete vigorously by offering appropriate fares and by increasing its scheduled service utilization where possible.

In addition to supporting Pan American's request, Braniff also requests that it be granted the same authority. While BN's transpacific operations, which serve Seoul and Hong Kong, are not as extensive as PA's BN states that its legal position is identical in all material respects to PA's, and views PA's petition in Docket 38157 as a request that the Board authorize a new form of competition in transpacific markets. Clearly, accordingly to BN, the rules must be the same for all carriers in the marketplace.

For these reasons, BN requests an exemption to permit it to accept, for transportation between points in the United States and Guam, on the one hand, and BN's authorized points in Asia, on the other, airline tickets of other carriers at fares lower than BN's filed fares, without collecting additional sums of money from the passengers affected.

Japan Air Lines Company, Ltd., Philippine Airlines, Inc., and Singapore Airlines Limited, by applications filed June 11, 1980, ask that whatever grant is given to BN and PA should likewise be given to them. By application filed August 4, 1980, Korean Air Lines joins the foregoing.
Part VIII

Department of Labor

Occupational Safety and Health Administration

Occupational Exposure to Cotton Dust; Unannounced Inspections of Agency Workplaces
DEPARTMENT OF LABOR
Occupational Safety and Health Administration
29 CFR Part 1910

Occupational Exposure to Cotton Dust

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.
ACTION: Temporary administrative stay of certain provisions of the respiratory protection requirements.

SUMMARY: This notice administratively stays the respirator provisions in 29 CFR 1910.1043(f)(1)(i) and (iii) for a period of 75 days. This action is deemed necessary because of apparent widespread misunderstanding in the textile industry about how an effective respirator program should be implemented and monitored. Such confusion, which is leading to overly burdensome requirements in some instances and under protection in others, could have a damaging effect on the overall implementation of the standard. During the stay, OSHA intends to meet with representatives of industry, labor and NIOSH to develop guidelines for implementing effective respirator programs in the textile industry.

DATES: The requirements of 29 CFR 1910.1043(f)(1)(i) and (iii) will be stayed until December 15, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Bailus Walker, Occupational Safety and Health Administration, Room N-3716, U.S. Department of Labor, Washington, D.C. 20210. (202) 323-7076.

SUPPLEMENTARY INFORMATION: OSHA issued a final occupational safety and health standard for occupational exposure to cotton dust on June 17, 1978 (codified at 29 CFR 1910.1043; published at 43 FR 27350-39, June 23, 1978). The standard applied to textile manufacturing and non-textile industries. (A separate standard was issued to regulate exposure to cotton dust in cotton gins. 29 CFR 1910.1040 and 1928.113: 43 FR 27434, June 23, 1978). Petitions for review of the standard were consolidated in the U.S. Court of Appeals for the District of Columbia Circuit and a stay of the standard pending judicial review was issued on October 20, 1978. Petitions filed by representatives of the cotton waste processing industries and purchasers and users of cotton bating were severed from the main action on November 1, 1978. No decision respecting these industries has been issued as of this time. On October 24, 1979, the D.C. Circuit affirmed the standard in the main action except as applied to cotton seed oil mills. It subsequently denied petitions for rehearing, suggestions for rehearing en banc, and motions to continue the stay (except for cottonseed oil mills), and the standard became effective and enforceable on March 27, 1980. See 45 FR 12416, February 28, 1980. Thereafter, the Department suspended enforcement of the standard for processing and warehousing industries for further consideration in light of the Supreme Court's ruling in Industrial Union Department, AFL-CIO v. American Petroleum Institute. (Nos. 78-911 and 78-1036). See 45 FR 50328, July 29, 1980.

Under the current timetable for implementation of the requirements of the standard, employers are required to complete initial monitoring of covered facilities by September 25, 1980.

Accordingly, on that date, the provisions of the standard for respirator usage will become effective as to all employers covered by the standard. These respirator provisions (29 CFR 1910.1043(f)) require respirator use (i) during the time periods necessary to install or implement feasible engineering controls and work practice controls; (ii) during maintenance and repair activities in which engineering and work practice controls are not feasible; (iii) in work situations where feasible engineering controls are not yet sufficient to reduce exposure to or below the permissible exposure limit; (iv) in so-called "blow-down" operations; and (v) whenever an employer requests a respirator. Many employers have implemented these provisions, having already completed their initial monitoring. Implementation of the respirator provisions has, however, not been successful in many cases. It has recently come to the agency's attention that there is fairly widespread misunderstanding throughout the textile industry about how an effective respirator program should be implemented and monitored. As a result; some employers are burdening workers with requirements that may not be necessary under the standard, while others may not be fully protecting workers against the dangers of cotton dust. The agency believes this situation to be a serious one which could have an overall damaging effect on implementation of the entire standard. To help correct this situation, the agency intends, as soon as possible, to meet with representatives of the cotton textile industry, workers and their unions, and the National Institute for Occupational Safety and Health to develop guidelines for proper use of, and training in the use of, respirators. Until such guidelines are developed, however, the agency believes it would be counterproductive to require employers to implement those portions of the standard requiring prolonged respirator use - i.e., during the time periods necessary to install or implement feasible engineering controls and work practice controls and in work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limit. 29 CFR 1910.1043(f)(1)(i) and (iii). In these situations employers may be wearing respirators for prolonged periods, a condition under which the adverse effects of an inadequate respirator program would be most readily evident. Accordingly, 29 CFR 1910.1043(f)(1)(i) and (iii) are hereby stayed for a period of 75 days.

On the other hand, during maintenance and repair activities and during "blow-down" operations, exposure levels are frequently extremely hazardous and respirator wear is less likely to be prolonged.

The agency thus believes that the provisions requiring the use of respirators in these two situations, and whenever an employee requests a respirator, should remain in effect.

Further, it is important to note that the standard already contains some specific provisions dealing with respirator selection, a respirator program and respirator usage. 29 CFR 1910.1043(f)(2) (3) and (4). These provisions remain unaffected by this administrative action. Thus, in either the circumstances where the requirements for respirator use are not stayed, i.e., 29 CFR 1910.1043(f)(1) (ii), (iv) and (v), or where otherwise an employer determines to initiate respirator use, he is obliged to comply with the provisions of 29 CFR 1910.1043(f)(2), (3) and (4).

This notice was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, Frances Perkins Labor Department Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210. (Secs. 6, 8, 64 Stat. 1593-60, 1599, (29 U.S.C. 655, 657); Secretary of Labor's Order 8-76 (41 FR 20059); (29 CFR 1911))

Signed at Washington, D.C., this 29th day of September, 1980.

Eula Bingham,
Assistant Secretary of labor.
DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1960

Occupational Safety and Health Programs; Unannounced Inspections of Agency Workplaces

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule.

SUMMARY: The Secretary of Labor is postponing the conducting of unannounced inspections of agency workplaces, except in the case of imminent danger, until the revised Part 1960 is issued. The complexity of Part 1960, which will provide new program elements to implement the Executive order, made a timely issuance not possible. The additional fifteen days granted by this notice should allow the Secretary to complete the issuance of Part 1960.

DATES: Implementation of Section 1-401(i) of Executive Order 12196 will be postponed to no later than October 15, 1980.


SUPPLEMENTARY INFORMATION: Executive Order 12196, issued February 26, 1980, dealing with "Occupational Safety and Health Programs for Federal Employees," becomes effective October 1, 1980. Section 1-401(i) of that Order requires the Secretary of Labor, under certain circumstances set forth in that section, to conduct unannounced inspections of Federal agency workplaces. It was anticipated that the revision of 29 CFR Part 1960, designed to provide new basic program elements to carry out the provisions of the new Executive Order would be published in the Federal Register in their final form on October 1, 1980 to coincide with the effective date of the Executive Order. Because the short time available between the close of the comment period on the revised Part 1960 and the effective date of the Executive order has not allowed full consideration of the complex matters raised by commentors, it will not be possible to publish the new Part 1960 on October 1, 1980.

The purpose of this notice is to inform all interested persons that, except where the Secretary of Labor deems it necessary in the case of an imminent danger, the Secretary will not conduct unannounced inspections as provided in Section 1-401(i) of the Executive Order 12196 until the revised Part 1960 is issued and then in accordance with terms of the new Part.

The revised Part 1960 will be published in final form in the Federal Register as early as possible in the month of October and, in any event, no later than October 15, 1980.

This notice was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, Frances Perkins Labor Department Building, 3rd Street and Constitutional Avenue, NW., Washington, D.C. 20210.

(Sec. 19, 84 Stat. 1609; Secretary of Labor's Order 8-76 (41 FR 25055))

Signed at Washington, D.C., this 29th day of September, 1980.

Eula Bingham,
Assistant Secretary of Labor.

[FR Doc. 80-30650 Filed 9-29-80; 10:05 am]

BILLING CODE 4510-2-U
Environmental Protection Agency

Noise Emission Standards for Transportation Equipment for Interstate Rail Carriers
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 201

[FRL 1619-6]

Noise Emission Standards for Transportation Equipment Interstate Rail Carriers

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of availability of new data and advance notice of intent.

SUMMARY: This notice announces the availability of additional data and information upon which the Agency will base its final rulemaking for a facility noise emission standard and additional noise source standards for interstate rail carriers.

DATES: The closing date of the comment period is 4:30 p.m. November 14, 1980. Comments postmarked on that date, but not later than, will be accepted.

ADDRESS: Written comments should be submitted to: Director, Standards and Regulations Division (ANR-490), Attention: ONAC Docket No. 04-80, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Persons wishing to review further information and the new data upon which the final rulemaking will be based may do so at the EPA's Public Information Center, Lobby West Tower Gallery Number 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, between the hours of 8:00 a.m. and 4:00 p.m. until November 14, 1980.

Information and data located at the Center includes: noise measurement results, statistical analysis, railyard sampling information, typical maps and overlays, population data, railyard activity information and other relevant materials. Summary information on various aspects of the regulatory work are also available.

FOR FURTHER INFORMATION CONTACT: Mr. Robert C. Rose, Standards and Regulations Division (ANR-490), U.S. Environmental Protection Agency, Washington, D.C. 20460, Phone (202) 557-9686.

SUPPLEMENTARY INFORMATION: Pursuant to Section 17 of the Noise Control Act of 1972, (42 U.S.C. 4916), the Environmental Protection Agency published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on Tuesday, April 17, 1979, 44 FR pages 22960-72, titled “Environmental Protection Agency [40 CFR Part 201] Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers” and corrections to that notice on Monday, April 30, 1979; 44 FR 25362-63. The NPRM established proposed standards for overall railroad facility and equipment noise, as well as specific proposed standards for railroad, refrigerator cars and car coupling operations. The subsequent notice of correction pertained primarily to an alternative microphone location schematic which was inadvertently left out of the proposed regulation.

As a result of previously submitted extensive and diverse public comments to the proposed regulation dealing with: (1) the stringency of regulatory levels for the proposed facility emission standard and specific equipment and operational sources of noise; (2) the technologies available for abatement and their cost; (3) the complexity and cost of the proposed measurement methodology and equipment; and (5) the development of a typical railyard modeling approach to noise configurations and its validity, the Agency has undertaken further investigations and activities in an effort to be responsive to these comments, taking into account the time reasonably available for such consideration.

Specifically, the Agency has undertaken the development of additional facility and source specific noise measurement information and data. EPA has increased the railyard sample size in an effort to analyze railyards on a "real yard" basis as opposed to a "typical" yard, and has instituted modeling modifications to analyze better the noise sources and levels generated. Further, the Agency has explored other optional technologies for abatement and control, particularly barrier technology, the use of other descriptors particularly Ldn, and the use of Type 1 and Type 2 sound level meters as an optional alternative to the integrating sound level meter.

EPA is considering the following changes from the proposal and invites comments on these changes and the new data and information which is being made available by this notice.

1. Use of the noise measurement descriptor Ldn in lieu of Lmax for measuring railyard facility emission noise levels. Measurements the Agency has made in railyards indicate a high correlation between Ldn and Lmax when Ldn is measured for a 24-hour period. The analysis indicates that Ldn is therefore a good estimate for Lmax for the purpose of computing the health and welfare benefits. Correction factors are determined when the yard is not active for the full 24 hour period. See paragraph 4 below.

2. Noise measurement methodology provisions to allow the use of the "Precision Type 1 or (SIA) and General Purpose Type 2 (SIA) sound level meter as an optional alternative to the integrating sound level meter. In view of the difficulties expressed by public comments associated with measuring railyard noise using an integrating sound level meter the Agency has devised a measurement procedure for this regulation using either the Type 1 or Type 2 sound level meter, or integrating sound level meter, whichever is selected by the user.

3. Regulatory stringency levels of 60 and/or 65 dB for a facility emission standard. The agency upon review of all available railyard noise data, including data made available by this notice, the technology available to abate and its cost (see paragraph 5, below), has determined that a more stringent facility emission standard may likely reflect the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance.

4. Allowance for the daytime (7:00 a.m. to 10:00 p.m.) 65 dB facility standard for railyards which are not fully active. A review of railyard noise measurement data indicates that in cases where the duration of railyard activity is low, a relaxation in the stringency of the facility emission standard is warranted during the daytime hours. The less stringent standard would apply only to the facility standard and would apply only during daytime hours. The allowances under consideration are as follows: 4 hours or less activity, +10dB; 4-12 hours activity, +15 dB; above 12 hours activity — no relaxation of facility standard.

5. Use of barrier technology as an effective railyard noise abatement and control technique.

The Agency has explored extensively the use of noise barriers between a railyard facility and receiving property as a technology to abate many of the highly random sounds. EPA has found that meaningful noise reduction can result from this type of technology application and at the same time provide flexibility to the railyard in determining cost and technology tradeoffs with the reduction of noise levels in order to meet individual source or facility emission levels. Barriers used to abate noise from one source are likely to reduce noise from other railyard sources as well.

6. Issuance of additional source specific emission standards for such sources as locomotives within railyards, parked cars with mechanical refrigeration units,
and trailer on flat car/container on flat car facilities (TOFC/COFC).

The Agency has identified, within its previously issued list of major noise sources as indicated in the proposed regulation, those sources which most readily lend themselves to effective source treatments. They include all working and parked locomotives, parked cars with mechanical refrigeration, and the TOFC/COFC facilities. Alternative technologies are available for abatement of the sources including: barriers, exhaust muffling and cooling fan treatment, engine shutdown, auxiliary electric power for refrigeration or heating of locomotive engines, relocation of parked locomotives and cars with mechanical refrigeration, as appropriate.

7. Use of the measurement descriptor \( L_{10} \) max hour for measuring specific railyard noise sources from working or parked locomotives, cars with mechanical refrigeration, and trailer on flat car/container on flat car facilities.

The \( L_{10} \) max measurement for these source standards are implicitly derived by methods which are consistent with the approach taken in the January 4, 1980 Final Source Standards rulemaking issued by the Agency. See 45 FR 1252-71.

8. Applicability of the facility emission standard to commercial residential land uses only.

The Agency is considering applying the final facility emission and additional source standards to only residential and commercial land uses. Other land uses surrounding railyards may receive protection as a result of noise abatement technology applied to reduce exposure levels on the commercial and residential land use areas.


The Agency is concerned over situations in which railyards would be allowed to become noisier and still be in compliance with the final facility emission standard. Currently, there are many yards with noise levels considerably less than those the Agency has under regulatory consideration. Many public comments advocated the insertion of a non-degradation requirement in the rule.

Dated: September 24, 1980.

David G. Hawkins,
Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-30247 Filed 9-29-80; 8:45 am]

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Reader Aids

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:
202-783-5238 Subscription orders and problems (GPO)
- "Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022 Washington, D.C.
312-663-0884 Chicago, Ill.
213-668-6694 Los Angeles, Calif.
202-523-5187 Scheduling of documents for publication
523-5240 Photo copies of documents appearing in the Federal Register
523-5237 Corrections
523-5257 Public Inspection Desk
523-5227 Index and Finding Aids
523-5235 Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):
523-5419
523-5517
523-5227 Index and Finding Aids

Presidential Documents:
523-5233 Executive Orders and Proclamations
523-5235 Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:
523-5266 Public Law Numbers and Dates, Slip Laws, U.S. -5282 Statutes at Large, and Index
275-3030 Slip Law Orders (GPO)

Other Publications and Services:
523-5239 TTY for the Deaf
523-3408 Automation
523-4534 Special Projects
523-3517 Privacy Act Compilation

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At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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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. This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

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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

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

FEDERAL COMMUNICATIONS COMMISSION

47427 7-15-80 / Providing for new Priority System for Restoration of Common Carrier Provided Intercity Private Line Service

[Originally published at 45 FR 32001, 5-15-80; corrected at 45 FR 49082, 7-23-80]

GENERAL SERVICES ADMINISTRATION

55721 8-21-80 / Small business concerns (for Government procurement); small purchase set-asides

List of Public Laws

Last Listing September 29, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).
