

Transportation

Monday
December 1, 1980

Highlights

- 79407 **Suspension of Meat Import Limitations**
Presidential notice
- 79662 **Transportation DOT/Sec'y solicits proposal for Transportation System Management (TSM) approaches to improving operation of local transportation systems; apply by 3-1-81 (Part III of this issue)**
- 79664 **Grant Programs—Transportation DOT/FHWA, UMTA, and NHTSA provide discretionary funds for a program to accomplish energy conservation, air quality, and related objectives; apply by 3-1-81 (Part III of this issue)**
- 79666 **Grant Programs—Ridesharing DOT/FHWA seeks participants for discretionary funding program; apply by 3-1-81 (Part III of this issue)**
- 79669 **Grant Programs—Public Transportation DOT/UMTA proposes policies and procedures for grants to States and local public bodies for projects in management and operation of services; comments by 2-16-81 (Part III of this issue)**
- 79412 **Credit Unions NCUA allows greater flexibility in establishment of policies and procedures for selling and cashing of checks and money orders; effective 12-2-80**

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Highlights

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

- 79494 **Mortgages** NCUA proposes to allow use of adjustable rate mortgages (ARM's) when granting real estate loans; comments by 1-31-81
- 79427 **Housing** HUD/FHC increases maximum interest rates on insured loan programs; effective 11-24-80
- 79453 **Medicare** HHS/HCFA issues final rule for collection action on unpaid premiums and clarifies sources from which unpaid premiums are recovered; effective 12-31-80; comments by 1-20-81
- 79582 **Public Assistance Programs** HHS/Sec'y announces percentages for use in determining Federal matching shares in State welfare and Medicaid expenditures; effective 10-1-81 through 9-30-83
- 79575 **Energy Conservation Program** DOE/SOLAR provides representative average unit costs of residential energy for electricity, natural gas, No. 2 heating oil and propane for consumer products; effective 12-31-80
- 79427 **Natural Gas** DOE/FERC prescribes incremental pricing acquisition cost threshold for 12-80; effective 12-1-80
- 79573 **Grant Programs—Environmental Protection** EPA requests input for study by 12-31-80, on exclusion of major industrial users from grant assistance for construction of publicly owned wastewater treatment works after 11-15-81
- 79493 **Mortgages** Treasury/Comptroller/FHLBB announces extension of comment period to 12-30-80 on adjustable-rate mortgages
- 79489 **Incorporation by Reference** OFR lists final approvals for documents given previous extensions; effective 10-1-80 for one year
- 79508 **Improving Government Regulations** DOD releases semiannual agenda of regulations
- 79527 **Privacy Act Document** DOD/DLA
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Federal Register

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Title 3—

Notice of November 28, 1980

The President

Intent To Suspend Meat Import Limitations for Calendar Year 1981

The Act of August 22, 1964, as amended (78 Stat. 594; 93 Stat. 1291; 19 U.S.C. 1202 note) (the "Act"), requires the imposition of limitations on imports of certain meat articles if expected imports in any calendar year exceed 110 percent of the allowable import level as defined by the Act. However, the Act further provides that the President may, after giving 30 days notice and opportunity for public comment, suspend the import limitations if certain controlling factors specified in the Act are present.

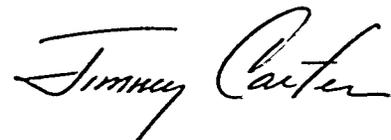
On November 26, 1980, the Secretary of Agriculture published in the Federal Register (45 F.R. 78740) his estimate of (1) the allowable level of imports of fresh, chilled or frozen cattle meat (TSUS 106.10), fresh, chilled or frozen meat of goats and sheep, except lambs (TSUS 106.22 and 106.25), and prepared fresh, chilled or frozen, but not otherwise preserved, beef and veal, except sausage (TSUS 107.55 and 107.62), calculated according to the formula provided in the Act, and (2) the level of imports of those articles in the absence of imposition of import limitations. The allowable level of imports announced is 1,315 million pounds. The expected level of imports announced is 1,458 million pounds. Since the expected level of imports is more than 110 percent of the allowable level of imports, Section 2(f)(1) of the Act requires the imposition of import limitations.

The Act permits the President to suspend the import limitations on meat when the supply of meat articles will be inadequate to meet domestic demand at reasonable prices if the quotient determined in accordance with Section 2(d) of the Act is equal to or greater than 1.0. The Secretary has calculated this quotient for calendar year 1981 to be 1.16.

Information has been submitted to me which indicates that the supply of meat in the United States for calendar year 1981 will be inadequate to meet domestic demand at reasonable prices.

Therefore, in accordance with Section 2(g) of the Act, I, Jimmy Carter, President of the United States of America, hereby give notice that I intend to suspend the import limitations ordinarily required by the Act, such suspension to remain in effect for the calendar year 1981 unless changed circumstances necessitate further action under the Act.

Comments may be submitted within 30 days to the Under Secretary for International Affairs and Commodity Programs, U.S. Department of Agriculture, Room 6616, 14th and Independence Avenue, S.W., Washington, D.C. 20250, Attention of Mr. R. E. Anderson, for analysis and referral for my consideration. The Draft Impact Statement analyzing this action is available on request from the same person.



Rules and Regulations

Federal Register

Vol. 45, No. 232

Monday, December 1, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

GENERAL ACCOUNTING OFFICE

COST ACCOUNTING STANDARDS BOARD

4 CFR Ch. III

Sponsorship of Regulations

Editorial Note.—The Office of the Federal Register (OFR) has received a letter from the Comptroller General Informing OFR that the General Accounting Office will sponsor the continued publication of the regulations of the Cost Accounting Standards Board presently codified in Title 4, CFR, Chapter III (Parts 300-420).

The basis for this sponsorship is detailed in an accompanying letter from the Comptroller General to the heads of agencies which enter into national defense contracts subject to the requirements of Pub. L. 91-379. That letter reads in part:

The Cost Accounting Standards Board, established by Pub. L. 91-379, August 15, 1970, has completed its work in establishing basic Cost Accounting Standards and has recommended that the continuing maintenance responsibility for Standards be transferred to the Office of Management and Budget.

Standards, rules and regulations which have been promulgated by the Board, as provided in section 719(i)(A) of Pub. L. 91-379 "shall have the full force and effect of law," and must be observed in negotiating and administering contracts where such Standards, rules and regulations now apply. Therefore, these Standards and other Board promulgations must be observed in both existing and future negotiated national-defense procurements.

Without an authoritative body to issue,

amend, or interpret Standards, and in keeping with its general responsibilities, the General Accounting Office will be required to take an active role to determine whether the Standards, rules and regulations which the Board has promulgated are applied properly by the procurement agencies. Also, in keeping with the general responsibilities of the GAO, the results of its reviews to determine compliance with CASB requirements will be reported to Congress together with such recommendations as may be appropriate.

Based on this communication, the Office of the Federal Register will print the current text of the Cost Accounting Standards regulations (4 CFR Chapter III) in the next revision of Title 4, CFR scheduled for January 1, 1981. In the event that the Congress transfers authority to amend the regulations to the Office of Management and Budget prior to that date, an appropriate announcement will be published in the Federal Register.

BILLING CODE 1505-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 70, and 150

Uranium Mill Licensing Requirements: Change of Effective Date for Reporting and Recordkeeping Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; extension of effective date.

SUMMARY: The Nuclear Regulatory Commission is extending from November 17, 1980, to January 5, 1981, the effective date for the reporting and recordkeeping requirements contained in a final rule establishing Uranium Mill Licensing Requirements which was published as FR Doc. 80-30597 appearing at page 65521 on October 3, 1980. This extension of the effective date for the reporting and recordkeeping requirements contained in the rule is made in order to allow additional time for completion of the review of those requirements by the General Accounting Office.

EFFECTIVE DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Don Harmon, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone: 301-443-5910).

SUPPLEMENTARY INFORMATION: In a final rule published in the Federal Register on October 3, 1980 (45 FR 65521) the NRC published Uranium Mill Licensing Requirements. That rule was to become effective on November 17, 1980. In order to allow additional time for the Comptroller General's review conducted under the Federal Reports Act, as amended, 44 U.S.C. 3512, the effective date for the reporting and recordkeeping requirements contained in the rule, unless advised to the contrary, is extended to January 5, 1981. The effective date for all of the other regulatory requirements contained in the rule remains unchanged.

Since the amendment relates solely to a minor procedural matter, notice of proposed rulemaking and public procedure thereon are unnecessary, and good cause exists to make the amendments effective December 1, 1980.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 475; sec. 201, Pub. L. 93-438, 88 Stat. 1242-2143, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 2201, 5841))

Dated at Bethesda, Md., this 19th day of November 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,
Executive Director for Operations.

[FR Doc. 80-37242 Filed 11-26-80; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 50

Fire Protection Program for Operating Nuclear Power Plants

Correction

In FR Doc. 80-36175 appearing on page 76602 in the issue of Wednesday, November 19, 1980, the effective date now reading "February 19, 1981" should have read "February 17, 1981".

BILLING CODE: 1505-01-M

10 CFR Part 73

Searches of Individuals at Power Reactor Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is extending its current relief from pat-down searches of regular employees at nuclear power reactors in order to accommodate a rulemaking proceeding concerning revisions to its rules in § 73.55 intended to finalize requirements for entry searches at such facilities.

EFFECTIVE DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT: L. J. Evans, Jr., Chief, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427-4181.

SUPPLEMENTARY INFORMATION: On July 31, 1979, the Commission changed the date from August 1, 1979, to November 1, 1979, when pat-down searches of regular employees of nuclear power plant licensees had to be implemented. The rationale for this extension was provided in the Federal Register notice on this subject, 44 FR 47758, August 15, 1979. The Commission further extended the implementation date to November 1, 1980. The rationale for that extension is contained in 44 FR 65969.

The Commission plans to issue proposed revisions to 10 CFR § 73.55(d)(1) to finalize requirements for personnel searches at protected area entry portals of power reactors. The extension of the relief from physical pat-down searches of regular employees contained herein is intended to allow sufficient time for public comment on the proposed search requirements and their implementation, if adopted. Because this rule delays a requirement, and merely continues a temporary situation for another limited period of time, the Commission finds that notice and public procedure are unnecessary and that the change can be made immediately effective without the customary 30 day period of notice required by 5 U.S.C. 553.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following Amendment to Title 10 Chapter 1, Code of Federal Regulations, Part 73 is published as a document subject to codification.

1. The unnumbered prefatory paragraph of § 73.55 of 10 CFR Part 73 is revised to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage.

Each licensee who is authorized on February 24, 1977, to operate a nuclear power reactor pursuant to Part 50 of this Chapter shall comply with the requirements of paragraphs (b), (d), (f), (g), and (h) of this section, except for any requirement involving construction and installation of equipment not already in place expressed in paragraphs (d)(1), (d)(7), (d)(8), (f)(3) and (h)(4), by May 25, 1977. The licensee shall submit by May 25, 1977, an amended physical security plan describing how the licensee will comply with all of the requirements of this section including schedules of implementation. The licensee shall implement his plan and comply with all of the provisions of this section as soon as practicable after NRR approval of his plan but no later than February 23, 1979. Each applicant for a license to operate a nuclear power reactor pursuant to Part 50 of this chapter whose application was submitted prior to February 24, 1977 shall submit by May 25, 1977, an amended physical security plan describing how the applicant plans to comply with the requirements of this section including schedules of implementation. If such applicant receives an operating license after February 24, 1977 he shall comply with the requirements of paragraphs (b), (d), (f), (g), and (h) of this section, except for construction and installation not already in place pursuant to paragraphs (d)(1), (d)(7), (d)(8), (f)(3) and (h)(4) of this section by May 25, 1977, or on the date of receipt of the operating license, whichever is later, and implement his plan and comply with all of the requirements of this section by February 23, 1979 or on the date of receipt of the operating license whichever is later. Each applicant for a license to operate a nuclear power reactor pursuant to Part 50 of this Chapter whose application is submitted after February 24, 1977, shall include in the physical security plan required by § 50.34(c) the information identified in paragraphs (a) through (h) of this section and if such applicant receives an operating license, shall comply with the provisions of this section on receipt of the operating license. Except for individuals for whom the licensee has a well-grounded suspicion that such individuals are carrying firearms, explosives, or incendiary devices, a licensee need not

implement the physical search requirement of paragraph (d)(1) of this section for individuals who are regular employees of the licensee at the site at which the licensee is authorized to operate a nuclear power reactor pursuant to Part 50 of this Chapter until 60 days following Commission approval of security plan amendments which define how the final search requirements of paragraph (d)(1) of this section will be met. Until that date the Commission has determined that the search requirement of paragraph (d)(1) of this section, implemented using only equipment capable of detecting firearms, explosives and incendiary devices, satisfies the performance requirements of this section as they apply to searches of regular employees of the licensee at the site entering the protected area of the nuclear power reactor.

* * * * *

(Sec. 161i, Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 475; Sec. 201, Pub. L. 93-438, 88 Stat. 1242-1243, (42 U.S.C. 2201, 5641))

Dated at Washington, D.C., this 28th day of November 1980.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 80-37431 Filed 11-28-80; 8:45 am]
BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303, 309

Public Access to Application Files

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: FDIC regulations have provided that, with respect to most applications filed by banks, FDIC create and make available for public review separate files consisting of the nonconfidential portions of the application files. The FDIC found, however, that, compared to the number of applications filed, very few requests were made by the public to review these public files. As a result, most public files on pending applications were prepared and never used. The FDIC is amending its regulations to eliminate the separate public files as such. Instead, the information currently kept in a public file will be retained as a part of the application file and, up to 180 days after a final decision is made on an application, the nonconfidential portions of the application file will be made available within one day after a request to see the file is made.

DATE: Effective on December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Douglas H. Jones, Legal Division, FDIC, 550 17th Street NW., Washington, D.C. 20429 (202-389-4618).

SUPPLEMENTARY INFORMATION: Section 303.14(c) of FDIC's regulations (12 CFR 303.14(c)) has provided that, with respect to any application for deposit insurance, to establish a branch, to relocate a main office or a branch, or to merge, FDIC maintain and make available for public inspection a file consisting of the following: (1) The application with supporting data and supplementary information; (2) the data, comments and information submitted by interested persons in favor of or in opposition to the application; and (3) those portions of the investigation report which were prepared by the FDIC's field examiner in connection with the application and which covered (a) the convenience and needs of the community to be served by the applicant and (b) either the future earnings prospects or the future prospects of the applicant or applicants. In addition, although not required by the regulation, a summary assessment of the application, based on the applicant's last Community Reinvestment Act examination (*see* 12 CFR 345.7), was made a part of the public file. The public file did not contain any confidential information that represented: (1) Personal information, the release of which could constitute a clearly unwarranted invasion of privacy; (2) commercial or financial information, the disclosure of which would result in substantial competitive harm to the submitter; or (3) information, the disclosure of which could seriously affect the financial condition of any financial institution.

The FDIC found that in most instances no one ever asked to view the public file on a pending application. As a result, most public files were prepared, copied, filed and eventually shredded without ever being used. The maintenance of separate public files on each application proved to be a waste of FDIC filing space, paper and personnel time.

To eliminate the expenses incurred under these procedures, while meeting the need for public access when it is desired, on August 8, 1980, the FDIC published in the Federal Register (45 FR 52819) notice of a proposal to revise Section 303.14(c). The FDIC proposed that specified nonconfidential portions of an application file be publicly available upon request. According to the proposal, the information to be available would be the same as has been contained in the public file, and FDIC

would no longer maintain a separate public file. To ensure quick access, the FDIC proposed that the nonconfidential portions of the application file be made available to a requestor no later than one working day after receipt of a request to review the file. Interested persons were given until October 20, 1980, to comment on the proposal. No comments were received from the public.

Alternatives considered other than the proposal were: (1) Leaving the regulation unchanged; or (2) eliminating the public file and requiring requestors to use the procedures of the Freedom of Information Act (the "FOIA," 5 U.S.C. 552) to obtain information relating to pending applications. As discussed above, the FDIC determined that retaining the public file would result in a large expenditure of resources with little corresponding public benefit. Eliminating the public file with no provisions for expedited access would unreasonably burden any individual who has a need to review a file. Under the FOIA, a file need not be made available for ten days after receipt of the request. Also, under FDIC procedures for FOIA requests, the request must be made in writing to the Executive Secretary in Washington, D.C. When an individual needs to view the application file, the FOIA procedures may be inconvenient or slow. The proposed regulation provided access to more information than is required to be released under the FOIA, permitted a request for access to be made either in writing or orally and required the material to be made available no later than one working day after receipt of the request. The proposed amendment would relieve regional staff of the administrative burdens and costs attendant with the current public file, while not adversely affecting the public's interest.

With the exception of one change from the proposal, the Board of Directors of the FDIC has determined to adopt the proposed amendments. According to the proposal, the nonconfidential portion of an application file would always be available for inspection within one day after a request to see the file is made. This provision, read literally, requires the permanent retention of the application files. This result would be both impractical and inefficient.

Instead, the Board of Directors determined that, for a period from the acceptance of an application until 180 days after final disposition of an application, the nonconfidential portion of the application file will be produced

for inspection at the appropriate regional office within one working day of a request (either written or oral) to see the file. (In most instances, the FDIC expects to make the file available almost immediately upon request.) After this 180-day period, the nonconfidential portion of the application file will be made available at a regional office as soon as practicable, but no later than ten days after a request is made, as long as the file is retained in the regional office. Otherwise, a request for the file must be made to the office of FDIC's Executive Secretary and the request will be processed in accordance with FDIC's Freedom of Information regulations. (12 CFR 309.5).

FDIC also is making certain technical amendments to other sections of Parts 303 and 309 that refer to the public file in order to make them conform to the change to Section 303.14(c). In addition, a correction to a previous improper citation is being made.

The authorities for the amendments to Part 303 are Sections 5, 6, 7(j), 9 "Seventh" and "Tenth", and 18 of the Federal Deposit Insurance Act, as amended. (12 U.S.C. 1815, 1816, 1817(j), 1819 "Seventh" and "Tenth", 1828). The authority for the amendment to Part 309 is Section 9 "Seventh" and "Tenth" of the Federal Deposit Insurance Act, as amended. (12 U.S.C. 1819 "Seventh" and "Tenth"). In order to bring its citations into conformity with the Office of the Federal Register's requirements for regulations, the FDIC is revising the form of its authority citations for all of Parts 303 and 309.

Because the amendments are internal in nature (i.e., affect the manner in which FDIC files applications), these changes in FDIC procedures will have no effect on any insured bank. In particular, they will not affect the recordkeeping, reporting requirements, or competitive status of banks. In view of this, FDIC has concluded that a cost-benefit analysis (including a small bank impact statement) regarding the change is unnecessary.

In consideration of the foregoing, 12 CFR Chapter III is amended as follows:

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, AND NOTICES OF ACQUISITION OF CONTROL

1. The authority citation for Part 303 is revised to read as follows:

Authority: Secs. 2(5), 2(6), 2(7)(j), 2(9) "Seventh" and "Tenth", 2(18), Pub. L. No. 797, 64 Stat. 876, 881, 892 as amended by Pub. L. No. 86-643, 74 Stat. 129; Pub. L. No. 88-563, 78 Stat. 940; Pub. L. No. 89-356, 80 Stat. 7; Title II, Sec. 201, Pub. L. No. 89-695, 80 Stat. 1646;

secs. 6(c)(7),(12), (13) and (25), Pub. L. No. 95-369, 92 Stat. 616-620; and Title III, sec. 309 and Title VI, sec. 602, Pub. L. No. 95-630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1819 "Seventh" and "Tenth", 1828).

2. Section 303.14 is amended by revising paragraphs (b)(3), (c) and (f)(6)(i) and by deleting and reserving paragraph (h) as follows:

§ 303.14 Application procedures.

* * * * *

(b) * * *
 (3) *Notice of right to comment or protest.* In order to fully apprise the public of its rights under paragraph (b)(2) of this section, the notice described in paragraph (b)(1) of this section shall include a statement describing the right to comment upon, or protest the granting of, the application. This notice, except in the case of additional sites or relocations of remote service facilities, shall consist of the following statement:

Any person wishing to comment on this application may file his or her comments in writing with the regional director of the Federal Deposit Insurance Corporation at its regional office (address of the regional office). If any person desires to protest the granting of this application he or she has a right to do so if he or she files a written notice of his or her intent with the regional director by the (15th day following the last date of required publication): The nonconfidential portions of the application are on file in the regional office and are available for public inspection during regular business hours.

In the case of additional sites or relocations of remote service facilities, this notice shall consist of the notice required by paragraph (d)(2) of this section.

* * * * *

(c) *Public access to application file—*
 (1) *Inspection of application.* Any person may inspect the nonconfidential portions of an application file. For a period extending until 180 days after final disposition of an application, the nonconfidential portions of the file will be available for inspection in the regional office of the Federal Deposit Insurance Corporation in which an application has been filed. During this period, the nonconfidential portion of the file will be produced for review not more than one working day after receipt by the regional office of the request (either written or oral) to see the file. Photocopies of the nonconfidential portions of the file will be available, upon request, to any person. A charge for making copies will be made in accordance with the fee schedule contained in § 309.5(b) of this chapter. No charge will be imposed for the

search for, and review of, the application file. One hundred and eighty (180) days after the final disposition of an application, the nonconfidential portions of an application file will be made available in accordance with the provisions of § 309.5 of this chapter.

(2) *Nonconfidential portions of application.* Subject to the provisions of paragraph (c)(3) of this section, the following information in an application file will be available for public inspection:

(i) The application with supporting data and supplementary information.

(ii) Data, comments, and other information submitted by interested persons in favor of, or in opposition to, such application.

(iii) Those portions of the investigation report prepared by the Corporation's field examiner in connection with the application which cover the convenience and needs of the community to be served by the applicant or applicants and either the future earnings prospects or the future prospects of the applicant or applicants.

(iv) A summary assessment of the applicant or applicants, based on their last Community Reinvestment Act examination.

(v) Where a hearing has been held pursuant to paragraph (e) of this section, any evidence submitted pursuant to paragraph (f)(3) of this section and the hearing transcript described in paragraph (f)(5) of this section.

(3) *Withholding of confidential information.* No material described in paragraph (c)(2) of this section shall be available if it is determined to be confidential under the provisions of 5 U.S.C. 552. The following information generally is considered confidential:

(i) Personal information, the release of which would constitute a clearly unwarranted invasion of privacy.

(ii) Commercial or financial information the disclosure of which would result in substantial competitive harm to the submitter.

(iii) Information the disclosure of which could seriously affect the financial condition of any financial institution.

* * * * *
 (f) *Hearing rules.* * * * *

(6) *The hearing record.—*(i) *Contents.* The nonconfidential portions of the application, as described in paragraph (c) of this section, shall automatically be a part of the hearing record.

(ii) * * *

(h) [Reserved].

* * * * *

§ 303.14 [Amended]

3. In § 303.14 paragraph (j) is amended by deleting the citation "308.18" and by inserting the citation "308.22" in its place.

PART 309—DISCLOSURE OF INFORMATION

4. The authority citation for Part 309 is revised to read as follows:

Authority: Sec. 2(9) "Seventh" and "Tenth", Pub. L. No. 797, 64 Stat. 881 as amended by Title III, sec. 309, Pub. L. No. 95-630, 92 Stat. 3677 (12 U.S.C. 1819 "Seventh" and "Tenth"); sec. 309.5 also issued under (5 U.S.C. 552).

5. In § 309.4, Paragraph (b)(2) is revised to read as follows:

§ 309.4 Information made available for public inspection.

* * * * *

(b) *Information made available at the Corporation's discretion.* (1) * * *

(2) Nonconfidential portions of application filed with the Corporation as provided in § 303.14(c). These files are maintained at the regional office of the Corporation where the applicant bank is located and include applications for deposit insurance, to establish branches, to relocate main or branch offices and to merge.

* * * * *

Dated: November 24, 1980.

By order of the Board of Directors.

Alan J. Kaplan,

Assistant Executive Secretary.

[FR Doc. 80-37280 Filed 11-28-80; 8:45 am]

BILLING CODE 6714-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Selling and Cashing Checks and Money Orders; Deregulation

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: In accordance with the established policy goals of clarifying and simplifying its regulations, the National Credit Union Administration Board has reviewed its existing regulations concerning the selling and cashing of checks and money orders. As a result of this review, NCUA will delete the two regulations. This action will allow greater flexibility to the boards of directors of Federal credit unions in the establishment of policies and procedures for selling and cashing of checks and money orders as provided for in Section 107(12) of the Federal Credit Union Act, 12 U.S.C. § 1757(12).

EFFECTIVE DATE: December 2, 1980.

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

FOR FURTHER INFORMATION CONTACT: Joseph W. Petrosky, Office of Examination and Insurance. Telephone: (202) 357-1055.

SUPPLEMENTARY INFORMATION: On September 25, 1980, the NCUA Board conducted a preliminary review on a proposal to determine the need for regulations concerning the selling and cashing of checks and money orders and alternative approaches to achieve the purpose of the regulations.

After deliberating on these issues at the open board meeting of September 25, 1980, it was the unanimous decision of the NCUA Board to eliminate or delete all of the provisions of the two regulations.

This action will allow greater flexibility to the board of directors of Federal credit unions in the establishment of policies and procedures concerning the selling and cashing of checks and money orders.

The NCUA Board indicated that this action was taken in the interest of reducing the regulatory burden imposed upon Federal credit unions. The NCUA Board is particularly interested in reducing the cumulative effects of regulations upon small Federal credit unions.

With the elimination of the regulations, a Federal credit union is still restricted in the fee it can assess upon a member under the Federal Credit Union Act (12 U.S.C. § 1757(12)). This section provides that the fee for selling or cashing of checks or money orders can not exceed the direct and indirect costs incident to providing such services.

NCUA plans to incorporate the informational provisions of paragraphs (b), (c), (d) and (e) of the regulations into an appropriate NCUA manual so that guidance is available for Federal credit union should they wish to provide this service.

Regulatory Analysis: No regulatory analysis has been developed for this regulatory action because it will not result in (i) an annual effect on the economy of \$100 million or more, or (ii) a major increase in costs or expenses for all, or a significant portion of, Federal or federally insured credit unions with assets under \$1 million or for other financial institutions.

Failure To Solicit Public Comment: The deletion of these two regulations will permit Federal credit unions to exercise the authority to sell and cash checks and money orders to the full

extent permitted by the Federal Credit Union Act. It is the NCUA Board's opinion that consumers, credit unions and other financial institutions will not be harmed by this action. Therefore, the Board, for good cause, finds that notice and public procedure on this action is unnecessary and thus exempt by 5 U.S.C. § 553(b)(B). Further, since this action relieves restrictions, a 30 day delayed effective date is not provided, 5 U.S.C. § 553(d)(1).

Procedure for Regulatory Development: The procedures set forth in NCUA's Final Report "In Response to Executive Order No. 12044: Improving Government Regulations" have been waived in accordance with the exception provided in Part 1 of the final report. The official responsible for the decision is Robert M. Fenner, Assistant General Counsel.

Rosemary Brady,
Secretary, National Credit Union
Administration Board.

November 24, 1980.

(Sec. 107(12), 73 Stat. 630 (12 U.S.C. § 1757(12)); Sec. 12, 73 Stat. 635 (12 U.S.C. § 1786))

Accordingly, 12 CFR 701.22 and 701.23 are hereby amended as set forth below.

§ 701.22 [Deleted]

1. 12 CFR 701.22 is deleted.

§ 701.23 [Deleted]

2. 12 CFR 701.23 is deleted.

[FR Doc. 80-27269 Filed 11-26-80; 8:45 am]
BILLING CODE 7536-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

[Amdt. 10]

Definition of Social Disadvantage

AGENCY: Small Business Administration.

ACTION: Interim rule.

SUMMARY: Section 8(a) of the Small Business Act ("the Act"), 15 U.S.C. 637(a), establishes a business development program in which SBA enters into contracts with other Federal agencies and then arranges for the performance of such contracts by negotiating or otherwise letting subcontracts to socially and economically disadvantaged small business concerns. This program, commonly referred to as "the 8(a) program", was given a firm statutory foundation in Pub. L. 95-507, enacted October 24, 1978.

To be certified as an 8(a) firm (and thus eligible for 8(a) program benefits), a

small business concern must, among other things, be owned and controlled by socially and economically disadvantaged individuals. Section 8(a)(5) of the Act, 15 U.S.C. 637(a)(5), defines socially disadvantaged individuals as "those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities." SBA's experience over the past two years suggests that existing criteria appearing at 13 CFR 124.1-1(c)(3) need to more specifically define social disadvantage in order to provide more meaningful guidance to the general public, 8(a) applicants, and SBA personnel.

This interim rule clarifies SBA's existing policy with respect to defining social disadvantage for purposes of SBA's Section 8(a) business development program.

DATES: This interim rule is effective on December 1, 1980. SBA invites comments on the rule prior to its publication in final form. Comments must be received on or before January 30, 1981.

ADDRESS: Comments should be submitted to: Dana Stebbins, Special Assistant to the Associate Administrator for Minority Small Business and Capitol Ownership Development, Small Business Administration, Room 317, 1441 L St., NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Dana Stebbins (202) 653-6589.

SUPPLEMENTARY INFORMATION: In promulgating this more specific definition of social disadvantage, SBA has adhered to the legislative intent behind Pub. L. 95-507: that statutorily designated racial and ethnic minorities be the primary beneficiaries of the 8(a) program, but that other disadvantaged individuals be eligible for the program.

This regulatory definition is published as an interim rule for two reasons. First, it primarily clarifies existing policy rather than proposes new policy. Second, and far more important, administrative considerations require that the rule be effective on date of publication. A number of 8(a) applications which are pending in SBA, and which raise questions about the social disadvantage of the applicants, need to be processed. The interim nature of this rule will ensure expeditious decisions, and the criteria contained in the rule will enhance the soundness of those decisions.

As a matter of fairness, however, SBA will allow any current applicant deemed ineligible for the 8(a) program for failure to establish his or her social

disadvantage to present further evidence of social disadvantage in light of the criteria contained in this interim rule. Similarly, SBA will allow any future applicant who, prior to the final promulgation of this rule, seeks entry into the 8(a) program, and who is deemed ineligible for failure to establish social disadvantage, to present further evidence of social disadvantage in light of the criteria contained in the final rule.

This interim rule replaces 13 CFR 124.1-1(c)(3)(i) and (ii) with new subparagraphs (i), (ii), and (iii). The existing subparagraph (iii), "Minority Group Inclusion", is renumbered subparagraph (iv). SBA is simultaneously proposing that this subparagraph (iv) be amended. See the notice of proposed rulemaking published in this issue of the Federal Register.

New subparagraph (i) reiterates the statutory definition of social disadvantage and expressly states that the social disadvantage of individuals must stem from circumstances beyond their control. The control test is based on the statutory requirement appearing at Section 2(e)(1)(B) of the Act, 15 U.S.C. 631(e)(1)(B), and on the legislative history of Pub. L. 95-507.

New subparagraph (ii) states that, in the absence of evidence to the contrary, members of the racial and ethnic groups identified as socially disadvantaged in Section 2(e)(1)(C) of the Act, 15 U.S.C. 631(e)(1)(C), or administratively designated as socially disadvantaged pursuant to subparagraph (iv) of this rule, are considered socially disadvantaged. Since Congress has found that Black Americans, Hispanic Americans, Native Americans, and, with the enactment of Pub. L. 96-302 on July 2, 1980, Asian Pacific Americans, are socially disadvantaged, members of those groups need not, as a general rule, present an individualized case of social disadvantage. If SBA is aware of evidence suggesting that an applicant who is a member of a designated group is not actually socially disadvantaged, however, the Agency may require the applicant to submit further documentation of his or her social disadvantage.

New subparagraph (iii) establishes standards by which SBA can assess the social disadvantage of those who are not members of designated groups. Such individuals must establish their social disadvantage on the basis of clear and convincing evidence. While no system for assessing individual social disadvantage can be perfect, SBA believes that this approach is equitable and consistent with Congressional intent.

In enacting Pub. L. 95-507, Congress did not mean to bestow 8(a) program benefits indiscriminately on small business persons. Rather, it sought to single out for special treatment those persons who have had greatest difficulty, through no fault of their own, in achieving a competitive position in the business world. Hence, its designation of members of certain minority groups as socially disadvantaged. The clear and convincing evidence standard will ensure that only those individuals who have been socially disadvantaged to the same degree as designated group members will have access to the 8(a) program. A lesser standard of proof, such as the preponderance of evidence test used in many civil cases, would allow weak cases of social disadvantage to be made, thereby flooding the program with firms having little claim to, or need for, its remedial benefits. A more rigorous standard of proof, such as the reasonable doubt test used in criminal cases, would make it overly difficult for socially disadvantaged individuals who are not members of designated groups to gain entry into the program.

New subparagraph (iii) outlines the various elements which an individual must demonstrate to establish a clear and convincing case of social disadvantage. Each of these elements is discussed below.

First, the individual's social disadvantage must stem from one or more listed causes. The factors of color and national origin are based on the statutory concepts of racial or ethnic prejudice. The factors of gender, physical handicap, and long-term residence in an environment isolated from the mainstream of American society, fall within the statutory rubric of cultural bias. These factors are intended to be illustrative rather than exhaustive as to the meaning of cultural bias.

Essentially, the individual must be able to relate his or her social disadvantage to one or more of the listed causes, or similar causes. The individual cannot establish social disadvantage on the basis of factors which are common to small business persons who are not socially disadvantaged. For example, many small businesses have difficulty obtaining credit through normal banking channels. An individual predicating a social disadvantage claim on denial of bank credit would have to establish that the denial was based on a factor such as color or gender, not simply on the marginal business status of the

applicant firm—a condition shared by many small businesses.

Second, the individual must demonstrate that he or she has personally suffered social disadvantage. This can be achieved, for example, by describing specific instances of discrimination which the individual has experienced, or by recounting in some detail how his or her development in the business world has been thwarted by one or more of the factors previously discussed. In assessing such facts, SBA will place substantial weight on prior administrative or judicial findings of discrimination experienced by the individual. Such findings, however, are not necessarily conclusive evidence of an individual's social disadvantage; nor are they a prerequisite for establishing social disadvantage.

In essence, it is insufficient for a person who is a member of a non-designated group to merely assert his or her membership in the group as proof of social disadvantage. For example, since Congress did not intend for women to be designated as a socially disadvantaged group, a female applicant could not simply claim that her status as a woman established her social disadvantage for purposes of the 8(a) program. In assessing an individual female's claim, however, SBA's judgment would be informed by relevant legislative, administrative, or judicial findings pertaining to women in business, e.g., the report of the President's Task Force on Women Business Owners, *The Bottom Line: Unequal Enterprise in America* (June 28, 1978). Similarly, while Hasidic Jews seeking entry into the 8(a) program must make an individualized showing of social disadvantage in accordance with SBA's April 9, 1980 decision, the findings in the decision pertaining to Hasidic Jews in general will help to inform SBA's judgment as to the strength of particular cases.

Third, the individual's social disadvantage must be rooted in treatment which he or she has experienced in American society. Each of the statutorily designated groups has historically been abused in this country (e.g., the enslavement and subsequent disfranchisement of Blacks; the near-extirmination of Native Americans). The 8(a) program is in large part designed to overcome the effects of such past injustices. It is not designed to assist newcomers to America who have been oppressed in foreign lands.

Fourth, the individual's social disadvantage must be chronic, longstanding, and substantial. Without prejudging any particular case, it would be difficult for an individual to present clear and convincing evidence of social

disadvantage based on only one incident in which the individual's status held him or her back in the business world. Typically, a number of incidents illustrating a person's social disadvantage would be necessary to make a successful claim. Usually, only by demonstrating a series of obstacles which he or she has faced in the business world can an individual demonstrate chronic, longstanding social disadvantage—the type of social disadvantage which the 8(a) program was designed to ameliorate.

Fifth, the individual's social disadvantage cannot be established in the abstract. Instead, the individual must demonstrate how his or her social disadvantage has had a negative impact on professional or career development and has impeded advancement in the business world. The closer the individual can link impairment of business opportunities to social disadvantage, the stronger the case. For example, SBA would place little weight on annoying incidents experienced by an individual which have had little or no impact on the person's career or business development. On the other hand, SBA would place greater weight on concrete occurrences which have tangibly disadvantaged an individual in the business world.

There is no limit to the type of evidence an applicant can present to attempt to establish the causal relationship between his or her social disadvantage and impairment of business opportunities. SBA is particularly interested, however, in receiving information pertaining to the individual's educational experience, employment background, and business history. A person's experience in those areas often will shed light on the impediments which he or she has faced in acquiring business-related skills, income, and business contacts.

Accordingly, pursuant to Section 5(b)(6) of the Act, 15 U.S.C. 634(b)(6), SBA amends 13 CFR Part 124 by redesignating existing § 124.1-1(c)(3)(iii) as (iv); revising (c)(3) (i) and (ii) and adding a new subparagraph (iii) as follows:

§ 124.1-1 The Section 8(a) program.

* * * * *
(c) *Eligibility.*
* * * * *

(3) *Social Disadvantage.*—(i) *General.* Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities. The social disadvantage of individuals must stem

from circumstances beyond their control.

(ii) *Members of Designated Groups.* In the absence of evidence to the contrary, the following individuals are considered socially disadvantaged: Black Americans; Hispanic Americans; Native Americans (American Indians, Eskimos, Aleuts, or Native Hawaiians); Asian Pacific Americans (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Northern Mariana Islands, Laos, Cambodia, or Taiwan); and members of other groups designated from time to time by SBA according to the procedures set forth at § 124.1-1(c)(3)(iv) of this section.

(iii) *Individuals Not Members of Designated Groups.* Individuals who are not members of the above-named groups must establish their social disadvantage on the basis of clear and convincing evidence. A clear and convincing case of social disadvantage must include the following elements:

(A) The individual's social disadvantage must stem from his or her color; national origin; gender; physical handicap; long-term resident in an environment isolated from the mainstream of American society; or other similar cause not common to small business persons who are not socially disadvantaged.

(B) The individual must demonstrate that he or she has personally suffered social disadvantage, not merely claim membership in a non-designated group which could be considered socially disadvantaged.

(C) The individual's social disadvantage must be rooted in treatment which he or she has experienced in American society, not in other countries.

(D) The individual's social disadvantage must be chronic, long-standing, and substantial, not fleeting or insignificant.

(E) The individual's social disadvantage must have negatively impacted on his or her entry into, and/or advancement in, the business world. SBA will entertain any relevant evidence in assessing this element of an applicant's case. SBA will particularly consider and place emphasis on the following experiences of the individual, where relevant: education, employment, and business history.

(1) *Education.* SBA shall consider, as evidence of an individual's social disadvantage, denial of equal access to business or professional schools; denial of equal access to curricula; exclusion from social and professional association with students and teachers; denial of

educational honors; social patterns or pressures which have discouraged the individual from pursuing a professional or business education; and other similar factors.

(2) *Employment.* SBA shall consider, as evidence of an individual's social disadvantage, discrimination in hiring; discrimination in promotions and other aspects of professional advancement; discrimination in pay and fringe benefits; discrimination in other terms and conditions of employment; retaliatory behavior by an employer; social patterns or pressures which have channelled the individual into non-professional or non-business fields; and other similar factors.

(3) *Business History.* SBA shall consider as evidence of an individual's social disadvantage, unequal access to credit or capital; acquisition of credit or capital under unfavorable circumstances; discrimination in receipt (award and/or bid) of government contracts; discrimination by potential clients; exclusion from business or professional organizations; and other similar factors which have retarded the individual's business development.

* * * * *
(Catalog of Federal Domestic Assistance Program No. 58.006, Minority Business Development—Procurement Assistance)

Dated: November 20, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-37133 Filed 11-26-80; 8:45 am]
BILLING CODE 4925-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-47-AD, Amdt. 39-3970]

Airworthiness Directives: Boeing Model 737 Series Airplanes Equipped With Auxiliary Body Fuel Tanks

Correction

In FR Doc. 80-34938 appearing on page 74487 in the issue for Monday, November 10, 1980, in the second column, first paragraph, second line "listed as 10-61707-711" should be corrected to read "listed as 10-61707-41 (Original Design); 10-61707-71 (Interim Design); and 10-61707-711".

BILLING CODE 1505-01-M

14 CFR Part 39

[Docket No. 80-SO-70; Amdt. No. 39-3984]

Airworthiness Directives; Teledyne Continental Motors Models GTSIO-520-L, -M, and -N Engines**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection of the oil filter for contamination, inspection of the propeller shaft end clearance for excessive thrust washer bearing wear and a preflight and post flight special engine oil pressure check on certain Teledyne Continental Motors Models GTSIO-520-L, -M, and -N engines installed on but not limited to certain Cessna Models 404 and 421C airplanes. This AD is necessary to detect malfunctioning propeller shaft thrust washers and subsequent loss of bearing material and propeller shaft thrust flange material which could result in low engine oil pressure, engine oil contamination, propeller shaft damage and subsequent engine failure.

DATE: Effective December 5, 1980. Compliance required as indicated.

ADDRESS: The applicable service bulletin may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, Alabama 36601.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

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

SUPPLEMENTARY INFORMATION: There have been reports of failed thrust washers which have resulted in low engine oil pressure, contaminated engine oil and friction heat damage to the propeller shaft thrust flange on certain Teledyne Continental Motors Models GTSIO-520-L, -M, and -N engines with 100 hours or less time in service. Since this situation is likely to exist or develop on other engines of the same type design, an Airworthiness Directive is being issued which requires inspection of the oil filter element to detect excessive quantities of bearing and thrust flange material, inspection of the propeller shaft end clearance to detect excessive thrust washer bearing wear, and a preflight and postflight special

engine oil pressure check on these engines.

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

Adoption of The Amendment

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

Teledyne Continental Motors: Applies to Models GTSIO-520-L, serial numbers 608324 and up; GTSIO-520-M, serial numbers 606619 and up; and GTSIO-520-N, serial numbers 610001 and up, engines with 100 hours or less time in service on the effective date of this AD, installed on but not limited to certain Cessna Models 404 and 421C model airplanes certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent engine failure due to loss of engine oil pressure, damage due to contaminated oil, and propeller shaft damage resulting from a malfunctioning thrust washer accomplish the following:

(a) Before each flight and immediately after each flight until the accumulation of 100 hours total time in service, perform a special oil pressure check to determine the oil pressure with engine power at the same level as the magneto check. If oil pressure fluctuates or is less than 30 psi, accomplish paragraphs (b)(1) and (b)(2) before further flight. This oil pressure check may be accomplished by the pilot as provided in FAR 43.3(h).

(b) Prior to the next flight and at each oil change until the accumulation of 100 hours total time in service:

(1) Remove the oil filter, disassemble the canister, and inspect the paper element between the pleats to determine the quantity of metallic material visually and by using a clean magnet. If total metallic contaminants are in excess of the quantity necessary to cover a ¼ inch diameter surface, before further flight take the necessary maintenance action to replace those parts that are malfunctioning.

Note.—Exercise caution to prevent contamination of the filter element during disassembly.

(2) Inspect to determine the end clearance (shaft end play) of the propeller drive shaft with engine at ambient temperature. If axial movement is in excess of .020 inch, before further flight take necessary maintenance action to replace those parts that are malfunctioning.

(c) Prior to the next flight, inspect the engine and airplane records and change oil if necessary to ensure that SAE No. 50 oil is installed for ambient temperature above 40°F or SAE No. 30 oil is installed for ambient temperatures below 40°F.

(d) Upon or before the accumulation of 25 hours, 50 hours and 100 hours total time in service, change oil and oil filter. At the 25 and 50 hour oil change, install either SAE No. 50 or SAE No. 30 oil as appropriate. For engines with 100 hours or more time in service, SAE No. 10W-30 may be substituted for SAE No. 30 oil.

(e) Make appropriate maintenance record entry when accomplishing each requirement of this AD.

The airplanes equipped with affected engines may be flown in accordance with FAR 21.197 to a location where the AD compliance procedures can be accomplished.

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

This amendment becomes effective December 5, 1980.

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

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

Issued in East Point, Georgia, on November 19, 1980.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 80-37294 Filed 11-28-80; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION**17 CFR Part 1**

[Form 1-FR]

Minimum Financial and Related Reporting Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FCMs, Form 1-FR. The amendments will alter, for certain FCMs, the amount of adjusted net capital which must be maintained. In addition, the Commission

is adopting amendments to the minimum financial regulations regarding the treatment of undermargined accounts and debit/deficit accounts, and the treatment of collateral used to secure receivables, as well as conforming changes to the financial early warning system and Commission Form 1-PR to reflect all the new amendments.

DATES: The rule amendments shall be effective on December 31, 1980.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Daniel A. Driscoll, Chief Accountant, Division of Trading and Markets, at the address listed above. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

A. Introduction

On June 25, 1980, the Commission published proposed amendments to the minimum financial and related reporting requirements for FCMs (45 FR 42633). The Commission originally permitted ninety days for public comment thereon,¹ and later extended the comment period for an additional fifteen days.² Fifty-two written comments were received in response to the proposed amendments, from forty-seven commentators.³ The commentators included thirty-five FCMs, four contract markets, three public accounting firms, and two trade associations, as well as a clearing organization, another government agency, and a law foundation. The Commission has carefully considered each of the comments, including those submitted after the close of the comment period extension.

B. Minimum Net Capital Requirement

The first proposed amendment was to delete one of the two methods by which FCMs compute minimum required levels of adjusted net capital (17 CFR 1.17(a)(1) (1980)). Specifically, the Commission proposed to eliminate the method of computation which, in effect, permits an FCM to maintain adjusted net capital equal to 6½ percent of its aggregate indebtedness. Under the proposal, all references to aggregate indebtedness would be deleted from the minimum

financial and related reporting requirements, and the current "alternative" method of computing the required amount of adjusted net capital would become the required method of computation for all FCMs, except those FCMs which are also securities brokers or dealers. This method of computation requires adjusted net capital equal to 4 percent of the funds required to be segregated under the Commodity Exchange Act, as amended ("Act") and the Commission's regulations. All FCMs which are also securities brokers or dealers would be required to compute the required minimum level of adjusted net capital, as under the present alternative method, based on the greater of 4 percent of the aggregate debit items computed in accordance with the formula for determination of reserve requirements under SEC regulations (Exhibit A to rule 15c3-3, 17 CFR 240.15c3-3), or 4 percent of segregated funds. In the June 25, 1980 release the Commission proposed no change in the required minimum dollar levels of adjusted net capital, which are currently \$50,000 for an FCM which is a member of a designated self-regulatory organization⁴ and \$100,000 for an FCM which is not a member. Six commentators recommended increasing the minimum dollar levels, although they did not agree on what those levels should be. Based upon those comments, and its own further experience with the operation of the minimum financial regulations, the Commission believes that such an increase may be necessary. Accordingly, the Commission is today proposing, in a separate release, to increase the minimum dollar levels for adjusted net capital to \$100,000 for members, and \$250,000 for non-members.

Commentators frequently cited two criticisms of the proposal to make the amount of adjusted net capital which must be maintained by an FCM equal to 4 percent of the funds required to be segregated pursuant to the Act and the

⁴The term "self-regulatory organization" ("SRO") means a contract market (as defined in 17 CFR 1.3(h)), or a registered futures association under Section 17 of the Act (no such association presently exists). The term "designated self-regulatory organization" ("DSRO") means a self-regulatory organization of which an FCM is a member or, if the FCM is a member of more than one self-regulatory organization and such FCM is the subject of an approved plan under 17 CFR 1.52, then a self-regulatory organization delegated the responsibility by such a plan for monitoring and auditing such FCM for compliance with the minimum financial and related reporting requirements of the self-regulatory organizations of which the FCM is a member, and for receiving the financial reports necessitated by such minimum financial and related reporting requirements from such FCM. 17 CFR 1.3 (e) and (f).

Commission's regulations. One is that if the proposal were adopted, it would create an incentive to FCMs to reduce the amount of margin which they assess their customers to the exchange minimum levels, and to return any excess customer funds to the customer. It was argued that the consequence of such actions might be an increase in the risks to the financial stability of FCMs. The second objection is that the 4 percent proposal is anti-competitive. Arguments supporting this contention were as follows: The proposal will have the greatest impact on smaller and newer firms. It will inhibit the growth of all firms. It will cause upward pressure on commissions due to increases in the cost of doing business. And, finally, it will give an advantage to FCMs who are securities brokers or dealers over FCMs which are not and will favor FCMs who are subsidiaries of large corporations, and thus able to obtain subordinated loans from the parent firm, over those FCMs not so situated.

While many of the commentators opposed the 4 percent of segregated funds proposal, a number of them also agreed with the principle that required minimum adjusted net capital for FCMs should be related to the amount of customer business undertaken by such firms and the amount of segregated funds. Alternative proposals presented by these commentators included using one, two, or three percent of segregated funds as the required minimum level of adjusted net capital; a percentage of the exchange minimum margin levels for customer positions; four percent of segregated funds for non-member FCMs, but a smaller percentage for members; and a graduated percentage scale based on the amount of segregated funds.

The Commission has carefully considered the comments on the four percent of segregated funds proposal. The Commission continues to believe, as it stated when it announced the proposal, that:

[A] net capital requirement based on a percentage of customers' segregated funds is a more accurate measure of the level of net capital which an FCM should maintain than is such a requirement based on (aggregate indebtedness). (Aggregate indebtedness) excludes amounts owed to customers by an FCM, and, thus, for those FCMs which are principally involved in servicing customer accounts, a potentially serious financial condition may go undetected. An FCM's net capital may be well below 4 percent of segregated funds, yet the FCM's computation of net capital based on (aggregate indebtedness), and the early warning system based on that computation, could fail to

¹The June 25, 1980 Federal Register release incorrectly listed August 25, 1980 as the close of the comment period. This error was corrected in a subsequent release which gave the correct original closing date for the comment period, September 23, 1980 (45 FR 44966, July 2, 1980).

²45 FR 62947 (September 22, 1980).

³Three commentators submitted two letters each, and one commentator submitted three letters.

reflect the potential danger to the FCM's financial condition.⁵

The Commission also remains convinced that four percent of segregated funds is the proper minimum adjusted net capital level (and, thus, falling below six percent would require notice to be given under the early warning system). While this will reduce the excess net capital of many firms if those firms maintain their current amounts of capital, the Commission believes that this is a necessary consequence of increasing capital requirements from the present level, which is too low, to a more appropriate level. The studies which the Commission has conducted, as well as the studies submitted by certain commentators, have shown that while many firms would have a reduced amount of excess net capital if the four percent of segregated funds requirement were applied to their present capital situation, relatively few firms would be undercapitalized. The firms that would be undercapitalized are those that should have more capital to carry on their current volume of business.

Of course, the studies of the effect of the four percent of segregated funds requirement are made under existing conditions, and do not take into account the fact that firms will be able to increase their amounts of capital. In addition, the Commission believes that there will be an incentive for firms to maintain higher margin levels than exchange minimums since this serves as a cushion for the firm's financial stability, and because firms are free to invest segregated funds in statutorily-authorized instruments, which many firms utilize to derive a significant portion of their income. Firms will have a further incentive to maintain higher margin levels than exchange minimum levels to avoid having to take capital charges for undermargined accounts, especially since the treatment of undermargined accounts is being tightened (*See discussion infra*).

As to the comments that the four percent of segregated funds requirement is anti-competitive, the Commission does not agree that growth will be unduly inhibited or that newer and smaller firms will be impacted disproportionately. Since the present financial rules became effective on December 20, 1978, and significantly increased the capital requirements from those previously in existence, the volume of commodity futures trading has continued to grow, as have the number of new firms of all sizes entering the industry. Moreover, in adopting this

regulation the Commission has, as required by Section 15 of the Act,⁶ taken into consideration the public interest to be protected by the antitrust laws and endeavored to take the least anti-competitive means of achieving the objectives of the Act, as well as the policies and purposes of the Act.⁷ As the Commission stated when it proposed the four percent of segregated funds requirement, such a requirement will

enhance the protection of customers' segregated funds and better protect the financial condition of FCMs, and those two results are of the greatest importance to the security and overall well-being of individual participants and institutions involved in the futures markets. [It will also] cause the minimum financial requirement to reflect more accurately the amount of customer business of an FCM, help to safeguard customers' funds and provide an improved system of early warning of the deterioration of an FCM's financial condition.⁸

Customer protection and the financial stability of the marketplace are central objectives of the Act, and their achievement by insuring an adequate minimum capital requirement for FCMs, when balanced against the public interest to be protected by the antitrust laws, must clearly take precedence.

Several commentators suggested changes in the treatment of various assets included in the net capital computation, and the Commission agrees that one such suggested change from the proposed amendments should be made. The Commission had proposed to delete § 1.17(c)(2)(v) because it referred to aggregate indebtedness, but, as one commentator pointed out, deletion of that entire paragraph would be incompatible with the financial rules of the Securities and Exchange Commission ("SEC"). The Commission's intended deletion was only for the purposes of eliminating the reference to aggregate indebtedness. Accordingly, consistent with the Commission's continuing effort to preserve as much uniformity as possible between the Commission's regulations and those of the SEC, § 1.17(c)(2)(v) will be amended to delete only the reference to aggregate indebtedness, and to make clear that current assets include fixed assets or other assets acquired in the ordinary course of the trade or business which collateralize long-term debt.

Another commentator correctly notes that, in connection with omnibus

⁵ 7 U.S.C. 19 (1976).

⁷ *Id. See also*, British American Commodity Options Corp. v. Bagley, [1975-1977 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶20,245, at 21,334 (S.D.N.Y. 1976), *aff'd and rev'd in part on other grounds*, 552 F. 2d 482 (2d Cir.), *cert. denied*, 434 U.S. 938 (1977).

⁸ 45 FR 42633, at 42635 (June 25, 1980).

accounts, both the originating FCM and the clearing FCM are required to segregate funds under the Act and Commission regulations. The commentator further notes that the four percent of segregated funds requirement would require that both such entities maintain minimum capital based on the same funds. The commentator requests consideration of relief on this point. The Commission has considered this comment but continues to believe that the proposed requirement is necessary and appropriate.

C. Undermargined Accounts

The Commissioner's June 25, 1980 release announced four proposed changes in the treatment of undermargined accounts (17 CFR 1.17(c)(5)(viii) and (ix)(1980)). These changes relate to the charges which an FCM is required to take against net capital because of such accounts, and offsets to be applied against the required charges due to outstanding margin calls.

The first such proposed change would shorten the period within which an FCM may collect margin on an undermargined customer account before the full charge against net capital for the undermargined amount must be incurred. The regulations currently allow five business days for such collection, and this period is scheduled to be reduced, under the regulations now in effect, to four business days beginning in 1981, and to three business days in 1983.⁹ Essentially, the proposed amendment would accelerate the three-business-day standard by two years.

The Commission also proposed, in connection with the proposed amendments to the treatment of undermargined accounts, to change its interpretation of how to count the business days for purposes of § 1.17(c)(5)(viii) and (ix).¹⁰ The proposed new interpretation was to have been applied to the amount of time allowed to collect margin calls discussed above. The new interpretation would have required that business day number one be the first day after an account becomes undermargined,

⁹ The Commission had proposed, during the rulemaking process culminating in the adoption of the current minimum financial and related reporting requirements, to have § 1.17(c)(5)(viii) of the regulations require the three-business-day standard beginning in 1981 (43 FR 15072, at 15080 (April 10, 1978)), but, after further deliberation, the Commission decided to permit the present schedule for phasing in the three-day requirement (43 FR 39956, at 39964, 39975 (September 8, 1978)).

¹⁰ *See* 43 FR 39956, at 39964; "Financial and Segregation Interpretation No. 1—Safety Factors on Undermargined Accounts," 1 Comm. Fut. L. Rep. (CCH) ¶7111, at 7071-72.

⁵ 45 FR 42633, at 42634-5 (June 25, 1980).

according to the following example. On Monday, market action causes a customer's account to become undermargined, and the resulting margin call is sent on Tuesday. Under the proposed new interpretation, Tuesday would be the first day the margin call would be outstanding; Wednesday would be the second day; and Thursday would be the third day. Thus, if no margin were received by the close of business on Thursday, the firm would be required, on that day, to take a charge against net capital. In this example, if the margin call were not made until Wednesday, or even if the call for margin had been made on Monday, the firm would still be required to make a charge to net capital if the funds are not received by the close of business on Thursday. Of course, if a margin call is not made, a charge to capital for the undermargined amount is made immediately.¹¹

The commentators who addressed the proposal to accelerate the institution of the three-business-day standard opposed it by a ratio of seven to one. The objection raised most frequently regarding the proposal was that the present banking, communications and mail systems make it impossible or extremely difficult to collect margin calls within the time frame allowed by the proposal. Several commentators stated that the three-business-day proposal would disadvantage customers in rural areas, small businesses and customers who were likely to transact business with banks which do not provide for wire transfer of money. Such customers, it was argued, have to use the mails to respond to margin calls, and, thus, are unable to respond to such calls as quickly as urban area customers and those larger customers normally transacting business with banks that do provide wire transfer services. A few commentators objected to the proposal as it would affect foreign accounts, citing problems with international wire transfers and currency regulations. The effect of the proposals, according to the majority of commentators, is that FCMs would be forced either to absorb additional capital charges, or frequently to liquidate positions for those without access to wire transfer services, and positions in foreign accounts.

Many of the commentators who objected to the acceleration of the three-business-day standard were especially opposed to the acceleration when combined with the proposed change in

the method of counting business days. These commentators, while objecting to the acceleration proposal, stated that if it were adopted, the Commission should at least continue to maintain the current method for counting days.

The Commission has reevaluated the acceleration of the three-business-day standard in conjunction with the proposed new method for counting days, and has determined to adopt the three-business-day standard but to retain the present method of counting days. The present method of counting business days for purposes of the capital charge to be taken for an undermargined account provides that business day one is the second business day following the business day upon which the account became undermargined. Thus, if an account becomes undermargined on Monday, Wednesday is counted as business day one.¹² The effect of the proposed three-day standard plus the new counting method would have been to eliminate two days. The Commission's decision to adopt the three-business-day standard but retain the present method for counting days will reduce the days allowed for collection of margin by one, rather than two. In view of the retention of the present method for counting business days, the Commission believes that acceleration of the effectiveness of the three-day collection period will not unduly inconvenience customers in rural areas, small businesses, and other customers without access to wire transfer services.

The Commission's third proposal related to undermargined accounts was to prohibit any reduction in the required charge to be taken against net capital for an undermargined account with respect to any customer commodity futures accounts for which any portion of a margin call remains outstanding for six (6) or more business days (for non-customer or omnibus accounts, the applicable time period would be four (4) or more business days). The Commission believes that undermargined accounts, in general, pose significant financial risks for an FCM. The Commission further believes that accounts remaining undermargined for longer than the periods of time specified in this paragraph pose significant additional risks to an FCM's financial condition which should be reflected in the computation of adjusted net capital.

Only a few commentators addressed this issue, and some of those stated that

extensive studies should be conducted to assess the impact of such a rule. While the Commission continues to view with concern the particular threats imposed by outstanding margin calls, particularly those outstanding for six or more business days, it recognizes that most commentators directed their attention to assessing the impact of other proposed changes, principally the four percent of segregation requirements for computing minimum adjusted net capital. The Commission, therefore, has decided not to adopt the proposed amendments to paragraphs (c)(5)(viii) (customer accounts) and (c)(5)(ix) (non-customer and omnibus accounts) of § 1.17 at this time but to repropose them so that interested persons, particularly those directly affected, may have a greater opportunity to study the effects of such a six-day cutoff and so that the Commission may further evaluate the rule in light of additional, more detailed, comments. The reproposal of these amendments is set forth in a separate release issued today. Comments already received on this issue will be considered as part of the record of this further rulemaking proceeding.

The fourth proposal in the undermargined account area was to require an FCM to take an immediate charge against its net capital when the FCM executes a new trade for an account which is already undermargined, or if such new trade would cause an account to become undermargined and in such circumstances not to permit any offset for a margin call. One commentator agreed with this proposal as it would apply to an account which was undermargined before the new trade was executed, but not to a new trade which causes an account to become undermargined. Another commentator agreed with the proposal in principle but stated that, with current data processing systems, the calculations which would be required would be very complicated or difficult to make. The remaining commentators who addressed this proposal expressed opposition, most frequently citing the problems that would be encountered in trying to make the required calculations. The Commission has reevaluated this proposal and has determined that the comments concerning the practical difficulties of making the calculations which would be required have merit. The Commission has, therefore, decided not to adopt this proposal. The Commission is concerned, however, that an FCM might attempt to use multiple or excess calls for margin, or margin calls for new trades, to improve its net capital

¹¹ If the above situation involved an undermargined non-customer or omnibus account, the FCM would be required to take a charge against its net capital if the margin call was not met by the close of business on Wednesday.

¹² This counting method will not apply to the treatment of debit/deficit accounts. See discussion *infra*.

position at a time when its net capital position is actually deteriorating,¹³ and wishes to emphasize that such a practice is impermissible under the regulations. An FCM may not apply as an offset to a charge against its net capital any portion of a call for margin that would have the effect of making prior, but non-current, margin calls appear current.

D. Debit/Deficit Accounts

The Commission also proposed to eliminate the one-business-day grace period relating to the exclusion from current assets of any unsecured commodity futures or option accounts consisting of a ledger balance and open trades which, when combined, would liquidate to a deficit, or which contain a debit ledger balance (17 CFR 1.17(c)(2)(i)(1980)). At present, for example, if market activity occurs on a Monday, and such market activity causes an account to be in a debit or deficit status, the FCM must collect money, securities or property which would alleviate the debit or deficit situation in the account by the close of business on Wednesday or exclude the account from current assets for net capital purposes. The proposal would have required such exclusion from current assets as of the close of business on Monday.

Of the twenty-three comments on this issue, twenty were opposed. Many of the arguments in opposition were similar to those made in response to the proposal to shorten the time within which to collect margin or undermargined accounts before the full capital charge must be incurred. (See discussion supra.) Several commentators stated that the proposal to eliminate the one-business-day grace period for debit/deficit accounts is unreasonable because there exists no on-line computer system which is capable of constantly updating accounts, and, thus, an FCM could not determine until the following business day whether, and by how much, an account is in a debit or deficit status. It was also frequently asserted in the comments on the debit/deficit proposal that it is impossible, even with wire transfer of funds, to collect margin calls and have them credited on the same day, especially when the markets involved are those, such as the financial futures markets, which close late in the day.

¹³ See discussion in "Financial and Segregation Interpretation No. 1—Safety Factors on Undermargined Accounts," 1 Comm. Fut. L. Rep. (CCH) ¶7111, at 7072-73.

While the majority of commentators objected to the proposal to completely eliminate the grace period for debit/deficit accounts, many indicated that they would not be opposed to an exclusion of debit or deficit accounts from current assets provided the FCM had twenty-four hours in which to alleviate the debit or deficit situation. The Commission has considered the comments on the debit/deficit proposal, reevaluated the proposal, and determined to adopt a somewhat less stringent requirement than the one proposed but one which strengthens § 1.17(c)(2)(i) as follows. Using the example referred to above, if market activity occurs on a Monday, and such market activity causes an account to be in a debit or deficit status, the FCM will have until the close of business on Tuesday to collect money, securities or property which would alleviate the debit or deficit situation in the account. If the debit or deficit were not alleviated on Tuesday, the FCM could not include the amount owed as a current asset in a capital computation as of the close of business on Tuesday.

The Commission wishes to emphasize that the method for counting business days with respect to undermargined accounts will, after the effective date of the new amendments, have no bearing on the calculation of business days for purposes of § 1.17(c)(2)(i). The Commission has determined that such differing treatment is necessary because any account liquidating to a deficit or containing a debit ledger balance presents a significantly greater risk to an FCM than one which is undermargined (frequently an account in a debit or deficit status will have been undermargined for quite some time).

E. Non-Cash Assets

The Commission proposed two amendments to the regulation which sets forth the standards for determining whether receivables are secured (17 CFR 1.17(c)(3)(1980)). For purposes of making such a determination, § 1.17(c)(3) currently allows the collateral for a receivable to be valued at 100 percent of its market value. The first proposed amendment would change the valuation method so that receivable would be considered secured only to the extent of the market value of the collateral after making the percentage deductions that would be required by § 1.17(c)(5) if the collateral were owned by the FCM. Only two commentators directly addressed this proposal. One commentator stated that the proposed amendment seemed reasonable and appropriate. The other commentator generally agreed with the amendment,

but expressed the view that commodities eligible for delivery on a contract market should be exempted from this provision. The Commission disagrees with this suggestion. Uncovered deliverable commodities, while readily marketable, are subject to potential adverse market movements and consequently should not be valued at 100 percent of market value.¹⁴ The Commission feels that the 20 percent safety factor which an FCM must apply to its uncovered commodity inventory which is eligible for delivery is also appropriate in the context of valuing the collateral for secured receivables. Therefore, this amendment will be adopted as proposed.

The second proposed amendment to § 1.17(c)(3) concerns certain situations in which a physical commodity is deposited to collateralize a loan, advance or other receivable, the proceeds of which are deposited with the FCM by the borrower to margin, guarantee or secure a futures account. The proposal was that the physical commodity so deposited would be given no value when determining to what extent the loan, advance or other receivable is secured. The Commission also proposed similar amendments to the safety factor charges relating to undermargined customer or non-customer accounts (paragraphs (c)(5)(viii) and (ix) of § 1.17). These proposed amendments would prevent an FCM from attributing any value to a physical commodity deposited to margin, guarantee or secure an account, if such account has an open futures contract in such commodity, unless the futures contract "covered" the deposited physical commodity.

Most commentators who addressed these proposed amendments expressed opposition to their adoption. The most frequently voiced concern was that a physical commodity will always have some value and that the proposal seemed to treat them as though that value could decline to zero. Commentators generally agreed that some percentage deduction from market value is appropriate, but argued that a 100 percent deduction would be excessive. Several individuals also asserted that the proposed amendments would interfere with the delivery

¹⁴ In general, commodities deposited as collateral by any person will not be considered as covered for purposes of this provision unless the futures contracts or fixed-price commitments that represent cover for the collateral are carried on the books of the FCM for such person. The Commission's Division of Trading and Markets will, however, consider, on a case-by-case basis, requests from FCMs for a "no-action" position with respect to situations where such person is covered but not on the books of the FCM.

process and restrict liquidity on the contract markets.

The experiences which led to the proposal of the above charges continue to be of significant concern to the Commission. However, based upon its own further study in this area and upon the comments, the Commission has determined to adopt a somewhat less stringent standard than the one proposed and to monitor its implementation with a view to possible further rulemaking on this subject. Accordingly, the second proposed amendment to § 1.17(c)(3) will not be adopted. Likewise, the Commission has chosen not to adopt this aspect of the proposed amendments to paragraphs (c)(5)(viii) and (ix) of § 1.17. Instead, the value attributed to any non-cash item deposited to margin, guarantee or secure a futures account (regardless of the commodities traded in the account) will be the lesser of (A) the value attributable to such item under the margin rules of the applicable board of trade, or (B) the market value of such item after application of the percentage deductions specified in § 1.17(c)(5).

The Commission continues to believe, however, that a more stringent safety factor may be appropriate in situations where a person or related group of persons have deposited significant amounts of a non-cash item with an FCM to margin, guarantee or secure a futures account or to collateralize a debt to the FCM and that person or related group of persons have a net long futures position in the same non-cash item so deposited. Accordingly, the Commission is today proposing, in a separate release, to add a new paragraph (c)(5)(iii) to § 1.17 which would provide that if, in the above circumstances, the total amount of all loans, advances or other receivables owed to, and included in the current assets of, the FCM, plus the amount of the maintenance margin requirements of the applicable boards of trade for all of the open futures contracts of such person or persons held by the firm, exceed 20 percent of the FCM's net capital, the FCM must first apply the non-cash item, at a rate not to exceed 50 percent of its market value, to the exchange maintenance margin requirements for such net long futures position. An exemption would be provided for obligations of the United States and obligations which are fully guaranteed as to principal and interest by the United States. An exemption would also be provided in a situation where an applicant or registrant has received collateral through the delivery process of a contract market and has not

held such collateral for more than five business days.

F. Miscellaneous Items

One contract market reaffirmed its long-standing position that the Commission is without legal authority to require contract markets to adopt the financial requirements for FCMs which are at least as stringent as the Commission's, as well as any amendments to the Commission's requirements, and it further stated that "[s]erious questions under Sections 5a(12) and 8a(7) of the Commodity Exchange Act are also posed by the proposed amendments." The Commission has previously considered these issues and fully expressed its views thereon in connection with its rulemaking proceeding in adopting the current minimum financial and related reporting requirements.¹⁵ The Commission wishes to reiterate those views.

The Commission also wishes to reiterate that central to the operation of its minimum financial and related reporting requirements for FCMs is that each contract market have in effect, and be responsible for enforcing, financial and reporting rules for their member FCMs which are at least as stringent as those contained in §§ 1.10 and 1.17. Most of the contract markets' rules in this regard incorporate, by reference, the requirements of §§ 1.10 and 1.17 and, hence, the amendments to § 1.17 will be incorporated automatically into the rules of those contract markets upon the effective date of the amendments. Two contract markets do not follow this approach, however, and instead have detailed financial and reporting rules of their own, and these exchange rules will require amendment to bring them into conformity with the amendments to § 1.17. If it would work an undue hardship on those latter contract markets to adopt conforming amendments to their rules prior to the effective date of the amendments described in this release, such markets may request that the Commission's Division of Trading and Markets take a "no-action" position, for a reasonable period of time, to allow the process of amending rules to be completed.

No comments were received on the Commission's proposed technical amendments to the regulations governing the filing of subordination agreements, and the proposals will be adopted. One commentator did, however, request clarification regarding the effect of the amendments concerning aggregate indebtedness upon existing

subordination agreements which refer to this concept.

Five technical changes are being adopted to eliminate reference to aggregate indebtedness from subordination agreements (17 CFR 1.17(h) (1980)). These concern collateral for secured demand notes, permissive prepayments, suspended repayment, notice of maturity or accelerated maturity, and temporary subordinations. Any subordination agreement which has been approved by a contract market or the Commission prior to the adoption of the new amendments will continue to be considered a "satisfactory subordination agreement" for net capital purposes.

The Commission has also examined standard form subordination agreements now in use and it believes that such forms could continue to be used after the new amendments become effective. The agreements are generally phrased in terms which permit an FCM to use either an aggregate indebtedness-based minimum net capital computation, or a computation based on four percent of segregation requirements. The existing forms may thus be used, and all FCMs which use them for future agreements will be considered to be operating under the four percent of segregated funds formula, previously referred to as the "alternative" method. Of course, FCMs and contract markets are free to amend any subordination agreement forms which they might have used previously to eliminate language which is not applicable.

In addition to the rule changes proposed by the Commission in the June 25 release, the Commission stated that it was considering the development and implementation of a capital charge for FCMs which would take into consideration large concentrations of positions in customer, non-customer or proprietary accounts held in a particular commodity or a particular group of commodities.¹⁶ The Commission expressed its concern that such concentrations of positions can greatly increase an FCM's financial exposure in the event of large price movements. The Commission stated that it was considering several possible approaches. One approach would compare a standard fluctuation based upon historical price changes in the concentrated future to the net capital of the firm, and require an FCM to make deductions from its capital based upon the comparison.¹⁷ Another approach would be to group certain commodity futures contracts based upon the

¹⁵45 FR 42633, at 42637.

¹⁷See 42 FR 27166, at 27171, 27175 (May 26, 1977).

¹⁶See 43 FR 39956, at 39966-7 (September 8, 1978).

historical tendency of their prices to move together. An FCM would calculate the total exchange margin required for all positions with the firm in each group, and be required to take a charge against its net capital equal to all or some percentage of the largest amount of margin that would be necessary for any one group. The Commission invited interested persons to submit comments which would assist in the development of such a capital charge.

The Commission received fifteen comments on this issue. One commentator stated that concentration was the issue of primary importance in the context of the financial rules, and that any new rules should be tied to a certain concentration formula. That commentator went on to state that, for example, if the amount of a margin call for an undermargined account(s) of a customer or related group of customers exceeds 10 percent of the FCM's net capital, a credit for such margin call(s) should be allowed only to the extent that it is outstanding three business days or less (for smaller calls, the present five-day rule should apply). Two other commentators suggested a similar approach when a physical commodity is used as margin so that if the margin requirements for one customer or related group of customers exceeds twenty percent of an FCM's net capital, a fifty percent deduction would be applied to the market value of the unhedged physical commodity. This suggestion, as discussed above, is being proposed for public comment, in a separate release. Other commentators suggested that the problem of concentration would best be addressed by exchange-established speculative position limits for all commodities (with Commission-established charges for any commodities without such limits), or by differential margin levels based on the number of open positions in a particular commodity in an account, or by predetermined limits on an FCM's business based on its net capital. Two commentators expressed the desire to study the issue further, and six commentators opposed any concentration charge.

The Commission expects to study this issue further, and it invites, in a separate release issued today, further comments from interested persons which will assist in the development of appropriate regulations respecting concentration charges. For the present, however, the only measure which will be formally proposed is the one previously discussed respecting physical commodities used, in essence, to margin

long futures contracts in the same commodity.

In consideration of the foregoing, the Commission, pursuant to the authority contained in Sections 4d, 4f, and 8a of the Act, 7 U.S.C. 6d, 6f, and 12a, as amended, 92, Stat. 865 *et seq.*, hereby amends 17 CFR Chapter I and Commission Form 1-FR in the manner set forth below. Certain non-substantive, technical changes (such as commas for clarity and capitalization) have also been made.

1. 17 CFR Part 1 would be amended by revising paragraph (b) of § 1.12 to read as follows:

§ 1.12 Maintenance of minimum financial requirements by futures commission merchants.

* * * * *

(b) Each person registered as a futures commission merchant, or who files an application for registration as a futures commission merchant, who knows or should have known that its adjusted net capital at any time is less than the greatest of 150 percent of the appropriate minimum dollar amount required by § 1.17, or 6 percent of the funds required to be segregated pursuant to section 4d(2) of the Act and these regulations, or, for securities brokers or dealers, 6 percent of aggregate debit items computed in accordance with the formula for determination of reserve requirements (§ 240.15c3-3 of this title), must file written notice to that effect as set forth in paragraph (g) of this section within five (5) business days of such event. Such applicant or registrant must also file a Form 1-FR (or, if such applicant or registrant is registered with the Securities and Exchange Commission as a securities broker or dealer, it may file (in accordance with § 1.10(h)) a copy of its Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II, in lieu of Form 1-FR, or such other financial statement designated by the Commission and/or the designated self-regulatory organization, if any, as of the close of business for the month during which such event takes place and as of the close of business for each month thereafter until three (3) successive months have elapsed during which the applicant's or registrant's adjusted net capital is at all times equal to or in excess of the minimums set forth in this paragraph (b) which are applicable to such applicant or registrant. Each financial statement required by this paragraph (b) must be filed within 30 calendar days after the end of the month for which such report is being made.

* * * * *

2. 17 CFR Part 1 is further amended by revising paragraphs (a)(1), (b)(1), (c)(2)(i) and (v), (c)(3), (c)(4)(v), (c)(5)(viii) and (ix), (e), (f)(1), (f)(2)(i), (f)(3), (f)(4), (h)(2)(vi)(C), (h)(2)(vii), (h)(2)(viii), (h)(3)(ii), (h)(3)(v), and (h)(3)(vi) and by removing and reserving paragraphs (c)(6) and (g) of § 1.17 to read as follows:

§ 1.17 Minimum financial requirements—futures commission merchants.

(a)(1) Except as provided in paragraph (a)(2) of this section, each person registered as a futures commission merchant must maintain adjusted net capital equal to or in excess of the greatest of \$50,000, (\$100,000 for each person registered as a futures commission merchant who is not a member of a designated self-regulatory organization), or 4 percent of the funds required to be segregated pursuant to the Act and these regulations, or, for securities brokers and dealers, 4 percent of aggregate debit items computed in accordance with the formula for determination of reserve requirements (Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3).

* * * * *

(b) * * *

(1) Where the applicant or registrant has an asset or liability which is defined in Securities Exchange Act Rule 15c3-1 (§ 240.15c3-1 of this title) the inclusion or exclusion of all or part of such asset or liability for the computation of adjusted net capital shall be in accordance with § 240.15c3-1 of this title, unless specifically stated otherwise in this § 1.17.

* * * * *

(c) * * *

(2) * * *

(i) Exclude any unsecured commodity futures or option account containing a ledger balance and open trades, the combination of which liquidates to a deficit or containing a debit ledger balance only: *Provided, however,* Deficits or debit ledger balances in unsecured customers', non-customers' and proprietary accounts, which are the subject of calls for margin or other required deposits may be included in current assets until the close of business on the business day following the date on which such deficit or debit ledger balance originated;

* * * * *

(v) Include fixed assets and assets which otherwise would be considered noncurrent to the extent of any long-term debt adequately collateralized by assets acquired for use in the ordinary course of the trade or business of an applicant or registrant and any other long-term debt adequately collateralized

by assets of the applicant or registrant if the sole recourse of the creditor for nonpayment of such liability is to such asset: *Provided*, Such liabilities are not excluded from liabilities in the computation of net capital under paragraph (c)(4)(v) of this section;

* * * * *

(3) A loan or advance or any other form of receivable shall not be considered "secured" for the purposes of paragraph (c)(2) of this section unless the following conditions exist:

(i) The receivable is secured by readily marketable collateral which is otherwise unencumbered and which can be readily converted into cash: *Provided, however*, That the receivable will be considered secured only to the extent of the market value of such collateral after application of the percentage deductions specified in paragraph (c)(5) of this section; and

(ii)(A) The readily marketable collateral is in the possession or control of the applicant or registrant; or

(B) The applicant or registrant has a legally enforceable, written security agreement, signed by the debtor, and has a perfected security interest in the readily marketable collateral within the meaning of the laws of the State in which the readily marketable collateral is located.

(4) * * *

(v) Excludes liabilities which would be classified as long term in accordance with generally accepted accounting principles to the extent of the net book value of plant, property and equipment which is used in the ordinary course of any trade or business of the applicant or registrant which is a reportable segment of the applicant's or registrant's overall business activities, as defined in generally accepted accounting principles, other than in the commodity futures, commodity option, security and security option segments of the applicant's or registrant's business activities: *Provided*, That such plant, property and equipment is not included in current assets pursuant to paragraph (c)(2)(v) of this section.

(5) * * *

(viii) For undermargined customer commodity futures accounts the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or if there are no such maintenance margin requirements clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding three business days or less. If there are no such maintenance

margin requirements or clearing organization margin requirements on such accounts, then the amount of funds required to provide margin equal to the amount necessary after application of calls for margin, or other required deposits outstanding three days or less to restore original margin when the original margin has been depleted by 50 percent or more. *Provided*, to the extent a deficit is excluded from current assets in accordance with paragraph (c)(2)(i) of this section such amount shall not also be deducted under this paragraph (c)(5)(viii). In the event that an owner of a customer account has deposited an asset other than cash to margin, guarantee or secure his account, the value attributable to such asset for purposes of this subparagraph shall be the lesser of (A) the value attributable to the asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of the asset after application of the percentage deductions specified in this paragraph (c)(5);

(ix) For undermargined non-customer and omnibus commodity futures accounts the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or if there are no such maintenance margin requirements clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding two business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements, then the amount of funds required to provide margin equal to the amount necessary, after application of calls for margin, or other required deposits outstanding two days or less to restore original margin when the original margin has been depleted by 50 percent or more. *Provided*, to the extent a deficit is excluded from current assets in accordance with paragraph (c)(2)(i) of this section such amount shall not also be deducted under this paragraph (c)(5)(ix). In the event that an owner of a non-customer or omnibus account has deposited an asset other than cash to margin, guarantee or secure his account the value attributable to such asset for purposes of this subparagraph shall be the lesser of (A) the value attributable to such asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of such asset after application of the percentage deductions specified in this paragraph (c)(5).

* * * * *

(6) [Reserved].

* * * * *

(e) No equity capital of the applicant or registrant or a subsidiary's or affiliate's equity capital consolidated pursuant to paragraph (f) of this section, whether in the form of capital contributions by partners (including amounts in the commodities and securities trading accounts of partners which are treated as equity capital but excluding amounts in such trading accounts which are not equity capital and excluding balances in limited partners' capital accounts in excess of their stated capital contributions), par or stated value of capital stock, paid-in capital in excess of par or stated value, retained earnings or other capital accounts, may be withdrawn by action of a stockholder or partner or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor, or employee if, after giving effect thereto and to any other such withdrawals, advances, or loans and any payments of payment obligations (as defined in paragraph (h) of this section) under satisfactory subordination agreements and any payments of liabilities excluded pursuant to paragraph (c)(4)(v) of this section which are scheduled to occur within six months following such withdrawal, advance or loan, either adjusted net capital of any of the consolidated entities would be less than the greatest of 120 percent of the appropriate minimum dollar amount required by § 1.17 or 7 percent of the amount required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, 7 percent of the aggregate debit items computed pursuant to § 240.15c-3 of this title, or in the case of any applicant or registrant included within such consolidation, if equity capital of the applicant or registrant (inclusive of satisfactory subordination agreements which qualify as equity under paragraph (d) of this section) would be less than 30 percent of the required debt-equity total as defined in paragraph (d) of this section: *Provided*, That this provision shall not preclude an applicant or registrant from making required tax payments or preclude the payment to partners of reasonable compensation. The Commission may, upon application of the applicant or registrant, grant relief from this paragraph (e) if the Commission deems it to be in the public interest or for the protection of non-proprietary accounts.

(f)(1) Every applicant or registrant, in computing its net capital pursuant to

this section must, subject to the provisions of paragraphs (f)(2) and (f)(4) of this section, consolidate in a single computation, assets and liabilities of any subsidiary or affiliate for which it guarantees, endorses, or assumes directly or indirectly the obligations or liabilities. The assets and liabilities of a subsidiary or affiliate whose liabilities and obligations have not been guaranteed, endorsed, or assumed directly or indirectly by the applicant or registrant may also be so consolidated if an opinion of counsel is obtained as provided for in paragraph (f)(2) of this section.

(2)(i) If the consolidation, provided for in paragraph (f)(1) of this section, of any such subsidiary or affiliate results in the increase of the applicant's or registrant's adjusted net capital or decreases the minimum adjusted net capital requirement, and an opinion of counsel called for in paragraph (f)(2)(ii) of this section has not been obtained, such benefits shall not be recognized in the applicant's or registrant's computation required by this section.

* * * * *

(3) In preparing a consolidated computation of adjusted net capital pursuant to this section, the following minimum and non-exclusive requirements shall be observed:

* * * * *

(4) No applicant or registrant shall guarantee, endorse, or assume directly or indirectly any obligation or liability of a subsidiary or affiliate unless the obligation or liability is reflected in the computation of adjusted net capital pursuant to this section except as provided in paragraph (f)(2)(i) of this section.

- (g) [Reserved]
- (h) * * *
- (2) * * *
- (vi) * * *

(C) The secured demand note agreement may also provide that, in lieu of the procedures specified in the provisions required by paragraph (h)(2)(vi)(B) of this section, the lender with the prior written consent of the applicant or registrant and the designated self-regulatory organization or if the applicant or registrant is not a member of a designated self-regulatory organization, then the Commission, may reduce the unpaid principal amount of the secured demand note: Provided, that after giving effect to such reduction the adjusted net capital of the applicant or registrant would not be less than the greater of 7 percent of the funds required to be segregated pursuant to the Act and these regulations, or, for securities brokers or dealers, 7 percent of the

aggregate debit items computed in accordance with § 240.15c3-3 of this title: *Provided, further*, That no single secured demand note shall be permitted to be reduced by more than 15 percent of its original principal amount and after such reduction no excess collateral may be withdrawn. No designated self-regulatory organization shall consent to a reduction of the principal amount of a secured demand note if, after giving effect to such reduction, adjusted net capital would be less than 120 percent of the appropriate minimum dollar amount required by this section.

(vii) *Permissive prepayments.* An applicant or registrant at its option but not at the option of the lender, may, if the subordination agreement so provides, make a payment of all or any portion of the payment obligation thereunder prior to the scheduled maturity date of such payment obligation (hereinafter referred to as a "prepayment"), but in no event may any prepayment be made before the expiration of one year from the date such subordination agreement became effective: *Provided, however*, That the foregoing restriction shall not apply to temporary subordination agreements which comply with the provisions of paragraph (h)(3)(v) of this section. No prepayment shall be made, if, after giving effect thereto (and to all

payments of payment obligations under any other subordinated agreements then outstanding, the maturity or accelerated maturities of which are scheduled to fall due within six months after the date such prepayment is to occur pursuant to this provision, or on or prior to the date on which the payment obligation in respect to such prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the applicant or registrant, the adjusted net capital of the applicant or registrant is less than the greater of 7 percent of the funds required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, 7 percent of the aggregate debit items computed in accordance with § 240.15c3-3 of this title, or its adjusted net capital is less than 120 percent of the appropriate minimum dollar amount required by this section. Notwithstanding the above, no prepayment shall occur without the prior written approval of the designated self-regulatory organization and the Commission.

(viii) *Suspended repayment.* (A) The payment obligation of the applicant or registrant in respect of any subordination agreement shall be

suspended and shall not mature if, after giving effect to payment of such payment obligation (and to all payments of payment obligations of the applicant or registrant under any other subordination agreement(s) then outstanding which are scheduled to mature on or before such payment obligation), the adjusted net capital of the applicant or registrant would be less than the greater of 6 percent of the funds required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, 6 percent of the aggregate debit items computed in accordance with § 240.15c3-3 of this title, or its adjusted net capital would be less than 120 percent of the minimum dollar amount required by this section: *Provided*, That the subordination agreement may provide that if the payment obligation of the applicant or registrant thereunder does not mature and is suspended as a result of the requirement of this paragraph (h)(2)(viii) of this section for a period of not less than six months, the applicant or registrant shall then commence the rapid and orderly liquidation of its business, but the right of the lender to receive payment, together with accrued interest or compensation, shall remain subordinate as required by the provisions of this section.

* * * * *

(3) * * *

(ii) *Notice of maturity or accelerated maturity.* Every applicant or registrant shall immediately notify the designated self-regulatory organization and the Commission if, after giving effect to all payments of payment obligations under subordination agreements then outstanding which are then due or mature within the following six months without reference to any projected profit or loss of the applicant or registrant, its adjusted net capital would be less than 120 percent of the minimum dollar amount required by § 1.17, or its adjusted net capital would be less than the greater of 6 percent of the funds required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, 6 percent of the aggregate debit items computed in accordance with § 240.15c3-3 of this title.

* * * * *

(v) *Temporary Subordinations.* To enable an applicant or registrant to participate as an underwriter of securities or undertake other extraordinary activities and remain in compliance with the adjusted net capital requirements of this section, an applicant or registrant shall be permitted, on no more than three

occasions in any 12-month period to enter into a subordination agreement on a temporary basis which has a stated term of no more than 45 days from the date the subordination agreement became effective: *Provided*, That this temporary relief shall not apply to any applicant or registrant if the adjusted net capital of the applicant or registrant is less than the greater of 7 percent of the funds required to be segregated pursuant to the Act and these regulations or, for securities brokers or dealers, 7 percent of the aggregate debit items computed in accordance with § 240.15c3-3 of this title, or its adjusted net capital is less than 120 percent of the appropriate minimum dollar amount required by this section, or the amount of equity capital as defined in paragraph (d) of this section is less than the limits specified in paragraph (d) of this section. Such temporary subordination agreement shall be subject to all the other provisions of this section.

(vi) *Filing*. Two signed copies of any proposed subordination agreement (including nonconforming subordination agreements) shall be filed with the Commission at the Office of the Chief Accountant, Division of Trading and Markets, in Washington, D.C. at least ten days prior to the proposed effective date of the agreement or at such other time as the Commission for good cause shall accept such filing. Copies of the proposed agreement shall be filed in such quantities and at such time as the designated self-regulatory organization may require with the designated self-regulatory organization, if any, of which the applicant or registrant is a member. The applicant or registrant shall also file with said parties a statement setting forth the name and address of the lender, the business relationship of the lender to the applicant or registrant and whether the applicant or registrant carried funds or securities for the lender at or about the time the proposed agreement was so filed. All agreements shall be examined at the Commission or the designated self-regulatory organization with whom such agreements are required to be filed prior to their becoming effective. No proposed agreement shall be a satisfactory subordination agreement for the purposes of this section unless and until the designated self-regulatory organization or the Commission has found the agreement acceptable and such agreement has become effective in the form found acceptable.

3. By amending Form 1-FR as follows:

Form 1-FR

General Instructions

The terms "current assets," "liabilities," "net capital," and "adjusted net capital" are all defined terms. The definitions of these terms may be found in § 1.17 of the Commission's regulations.

Form 1-FR.—Statement of Financial Condition as of _____/_____/_____ —Liabilities and Ownership Equity

	Liabilities	Total
19 Bank loans payable		\$
A. Secured.....		
B. Unsecured.....		
20. Securities sold under repurchase agreement		
21. Payable to clearing organizations:		
A. Securities accounts		
B. Commodities accounts:		
I. Customer segregated		
II. Customer non-segregated		
III. Noncustomer & firm		
22. Payable to other futures commission merchants or brokers:		
A. Payables relating to securities transactions (attach details or the FOCUS report)		
B. Payables relating to commodities transactions:		
I. Customer segregated		
II. Customer non-segregated		
III. Noncustomer & firm		
23 Payable to customers:		
A. Securities accounts		
B. Commodities accounts:		
I. Regulated futures		
II. Regulated options		
III. Non-regulated		
24 Payable to non-customers:		
A. Securities accounts		
B. Commodities accounts:		
I. General partners (not included in capital)		
II. Other non-customers		
25. Securities sold not yet purchased at market value—including arbitrage		
26 Accounts payable, accrued liabilities and expenses:		
A. Drafts payable		
B. Accounts payable		
C. Income taxes payable		
D. Deferred income taxes		
E. Accrued expenses and other liabilities		
F. Salaries, wages and commissions payable		
G. Advances against commodities		
H. Notes, mortgages and other payables due within twelve months of the date of this statement (See item 27)		
I. Other (itemize here or on a separate page)		
27 Notes, mortgages and other payables not due within twelve months of the date of this statement:		
A. Unsecured		
B. Secured		
28 Liabilities subordinated to claims of general creditors:		
A. Subject to a satisfactory subordination agreement		
B. Not subject to a satisfactory subordination agreement		
29 Total Liabilities		
14. Undermargined commodity futures accounts—amount in each account required to meet maintenance margin requirements less the amount of current margin calls in that account:		
A. Customer accounts		
B. Noncustomer accounts		
C. Omnibus accounts		
15 Uncovered open futures contracts in proprietary accounts—percentage of margin requirements applicable to such contracts:		
Less: equity in proprietary accounts not otherwise includable in adjusted net capital		
16 Amount of any commodity option premiums used to increase adjusted net capital where registrant or applicant is a holder of a commodity option		

Form 1-FR.—Statement of Financial Condition as of _____/_____/_____ —Liabilities and Ownership Equity—Continued

	Liabilities	Total
17 Amount of any commodity option premium which has not been previously recognized as income by a grantor of commodity options		
18 Ten percent (10%) of the market value of commodities which are the subject of commodity options earned long by the applicant or registrant which has value and such value increased adjusted net capital (this charge is limited to the value attributed to such options)		
19 Five percent (5%) of all unsecured receivables from unregistered futures commission merchants or securities brokers or dealers		
20 Secured demand note deficiency		
21 For securities brokers or dealers all other deductions specified in § 240.15c3-1		
22 Total Charges		
23 Adjusted Net Capital		
24 For minimum net capital required, enter the greatest of lines A, B, or C:		
A. Enter \$50,000 (\$100,000 if registrant is not a member of a designated self-regulatory organization)		
B. Enter 4% of the amount of funds required to be segregated for commodity futures and options customers		
C. If a securities broker-dealer, enter 4% of the aggregate debit items computed in accordance with the formula for determination of reserve requirements (attach the computation of Exhibit A to SEC Rule 15c3-3)		
25 Adjusted net capital—Item 23 this statement		
26 Excess net capital		
27 Enter the greatest of \$75,000 (\$150,000 for an FCM who is not a member of a designated self-regulatory organization) or 6% of funds required to be segregated for commodity futures and options customers, or, for securities broker-dealers, enter 6% of the aggregate debit items computed in accordance with the formula for determination of reserve requirements (if the amount on line 25 is less than the amount on line 27, the applicant or registrant must immediately notify its designated self-regulatory organization and the Commission and commence filing monthly statements of its financial condition pursuant to Regulation 1.12)		

*References are to item numbers on the Statement of Financial Condition.

Issued in Washington, D.C. on November 25, 1980, by the Commission.
 Jane K. Stuckey,
Secretary of the Commission.
 [FR Doc. 80-37150 Filed 11-28-80; 8:45 am]
 BILLING CODE 8351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-17321]

Record Production Obligations and Record Destruction and Disposition Rights of Registered Clearing Agencies, the Municipal Securities Rulemaking Board, National Securities Exchanges and Registered Securities Associations

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting proposed amendments to Rules 17a-1 and 17a-6 [17 CFR §§ 240.17a-1, 17a-6] under the Securities Exchange Act of 1934 ("Act") governing record retention, production and destruction by self-regulatory organizations which extend the requirements embodied therein to registered clearing agencies and the Municipal Securities Rulemaking Board. The amendments are being adopted to implement the recordkeeping and production requirements of Section 17(a) of the Act. In accordance with Section 17A(d)(3)(A)(i) of the Act, 15 U.S.C. 78q-1(d)(3)(A)(i), the Commission has consulted and requested the views of the Board of Governors of the Federal Reserve System.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Judith W. Axe, Esq., Division of Market Regulation; Securities and Exchange Commission, Room 357, 500 N. Capitol Street, Washington, D.C. 20549, (202) 272-2398.

SUPPLEMENTARY INFORMATION: On July 8, 1980, the Commission issued a release proposing to exercise its authority under Section 17(a) of the Securities Exchange Act¹ to amend Rules 17a-1 and 17a-6 [17 CFR §§ 240.17a-1, 240.17a-6] to extend the record retention, production and destruction requirements embodied therein to registered clearing agencies and the Municipal Securities Rulemaking Board ("MSRB").²

Presently, Rule 17a-1 requires only exchanges and associations to keep, and to permit copying by members of the Commission's staff of all documents made or received by such organizations in the course of their business and in the conduct of their self-regulatory activities. The rule also requires that such records be kept for a period of not less than five years subject to the provisions of Commission Rule 17a-6. Rule 17a-6, which permits the early destruction or conversion to microfilm or other recording media of records maintained under Rule 17a-1, pursuant to a record destruction plan filed with and approved by the Commission, also currently applies only to exchanges and associations.³

¹ 15 U.S.C. 78q(a).

² Securities Exchange Act Release No. 16966 (July 8, 1980), 45 FR 47160 (July 14, 1980). The Commission subsequently extended the comment period until October 10, 1980, Securities Exchange Act Release No. 17074 (August 18, 1980), 45 FR 56822 (August 26, 1980). No comments were received on the proposed amendments.

³ Of course, under Section 17(b) of the Act, representatives of the Commission have direct statutory authority to obtain copies of any records maintained by persons described in Section 17(a) in the course of periodic, special or other examinations.

The Commission believes that it would be appropriate at this time to extend its rules regarding record keeping and record destruction to registered clearing agencies and MSRB.⁴ Accordingly, the Commission has determined to exercise its rulemaking authority under Section 17(a) of the Act to amend Rules 17a-1 and 17a-6 in the manner proposed in its July release.⁵ The proposed amendments were not prompted by any lack of cooperation from the MSRB or the clearing agencies in furnishing documents requested by the Commission staff.

For the reasons stated above, the Commission finds that the proposed amendments are appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of the Act. Accordingly, the Commission, acting pursuant to its authority under Section 23(a)(1) of the Act,⁶ hereby revises §§ 240.17a-1 and 240.17a-6 of Part 240 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.17a-1 Recordkeeping rule for national securities exchanges, national securities associations, registered clearing agencies and the Municipal Securities Rulemaking Board.

(a) Every national securities exchange, national securities association, registered clearing agency and the Municipal Securities Rulemaking Board shall keep and preserve at least one copy of all documents, including all correspondence, memoranda, papers, books, notices, accounts, and other such records as shall be made or received by it in the course of its business as such and in the conduct of its self-regulatory activity.

(b) Every national securities exchange, national securities association, registered clearing agency and the Municipal Securities Rulemaking Board shall keep all such documents for a period of not less than five years, the first two years in an easily accessible place, subject to the

⁴ One year after Rules 17a-1 and 17a-6 were adopted by the Commission, Congress expanded the record keeping and production requirements of Section 17(a) to include, among others, registered clearing agencies and the MSRB as part of the Securities Acts Amendments of 1975. Pub. L. 94-26 (June 4, 1975).

⁵ At this time the Commission also is correcting a textual error made in drafting the original rule which inadvertently omitted national securities associations from subparagraph (a) of Rule 17a-6.

⁶ 15 U.S.C. 78w(a)(1).

destruction and disposition provisions of Rule 17a-6.

(c) Every national securities exchange, registered securities association, registered clearing agency and the Municipal Securities Rulemaking Board shall, upon request of any representative of the Commission, promptly furnish to the possession of such representative copies of any documents required to be kept and preserved by it pursuant to paragraphs (a) and (b) of this section.

§ 240.17a-6 Right of national securities exchange, national securities association, registered clearing agency or the Municipal Securities Rulemaking Board to destroy or dispose of documents.

(a) Any document kept by or on file with a national securities exchange, national securities association, registered clearing agency or the Municipal Securities Rulemaking Board pursuant to the Act or any rule or regulation thereunder may be destroyed or otherwise disposed of by such exchange, association, clearing agency or the Municipal Securities Rulemaking Board at the end of five years or at such earlier date as is specified in a plan for the destruction or disposition of any such documents if such plan has been filed with the Commission by such exchange, association, clearing agency or the Municipal Securities Rulemaking Board and has been declared effective by the Commission.

(b) Such plan may provide that any such document may be transferred to microfilm or other recording medium after such time as specified in the plan and thereafter be maintained and preserved in that form. If a national securities exchange, association, clearing agency or the Municipal Securities Rulemaking Board uses microfilm or other recording medium it shall (1) be ready at all times to provide, and immediately provide, easily readable projection of the microfilm or other recording medium and easily readable hard copy thereof, (2) provide indexes permitting the immediate location of any such document on the microfilm or other recording medium, and (3) in the case of microfilm, store a duplicate copy of the microfilm separately from the original microfilm for the time required.

(c) For the purposes of this rule a plan filed with the Commission by a national securities exchange, association, clearing agency or the Municipal Securities Rulemaking Board shall not become effective unless the Commission, having due regard for the public interest and for the protection of investors, declares the plan to be effective. The Commission in its

declaration may limit the applications, reports, and documents as to which it shall apply, and may impose any other terms and conditions to the plan and to the period of its effectiveness which it deems necessary or appropriate in the public interest or for the protection of investors.

By the Commission.

George A. Fitzsimmons,
Secretary.

November 21, 1980.

[PR Doc. 80-37288 Filed 11-26-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

18 CFR Part 282

[Docket No. RM 79-14]

Order of the Director, OPRP of
Publication of Incremental Pricing
Acquisition Cost Thresholds Under
Title II of the NGPA

AGENCY: Federal Energy Regulatory
Commission.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357-8500.

Issued November 24, 1980.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of December 1980, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,
Director, Office of Pipeline and Producer Regulation.

Table I.—Incremental Pricing Acquisition Cost Threshold Prices

	January	February	March	April	May	June	July	August	September	October	November	December
Incremental pricing threshold	\$1 702	\$1 738	\$1 750	\$1 782	\$1 776	\$1 790	\$1 804	\$1 819	\$1 834	\$1 849	\$1 863	\$1 877
NGPA section 102 threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA section 109 threshold	1.786	1.798	1.812	1.825	1.838	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130 percent of No. 2 fuel oil in New York City threshold	7.170	7.280	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580

[PR Doc. 80-37288 Filed 11-26-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner [Federal Housing Administration]

24 CFR Parts 201, 203, 205, 207, 213, 221, 234, 235, 236, 241, 244

[Docket No. R-80-892]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the HUD/FHA maximum interest rates on insured loan programs. This action by HUD is

designed to bring the maximum interest rate and financing charges on HUD/FHA-insured loans into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: November 24, 1980.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202-426-4667).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been raised

from 13.00 percent to 13.50 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 13.50 percent to 14.00 percent for graduated payment home loan programs (GPM). For insured multifamily project mortgage loan programs, the maximum interest rate has been raised from 13.00 percent to 13.50 percent for permanent financing loans. The maximum interest rate for multifamily construction and for Title X land development loans is raised from 14.00 percent to 17.00 percent. The maximum finance charge on mobile home loans has been raised from 15.50 percent to 17.00, and the finance charges on combination loans for the purchase of a mobile home and a developed or undeveloped lot has been raised from 15.00 percent to 16.50 percent. The maximum charge on property improvement loans has been raised from 15.50 percent to 17.00 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart A—Eligibility Requirements—Property Improvement Loans

1. Section 201.4(a) is revised to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 17.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

Subpart B—Eligibility Requirements—Mobile Home Loans

2. Section 201.540(a) is revised to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 17.00 percent simple interest per annum. No points or discounts of any kind may be assessed

or collected in connection with the loan transaction, except that a one percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

Subpart D—Eligibility Requirements—Combination and Mobile Home Lot Loans

3. Section 201.1511(a), paragraph (1) is amended to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.* (1) 16.50 percent per annum.

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

4. Section 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.50 percent per annum with respect to mortgages insured on or after November 24, 1980.

5. Section 203.45 paragraph (b) is revised to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.00 percent per annum with respect to mortgages insured on or after November 24, 1980.

6. Section 203.46 paragraph (c) is revised to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.00 percent per annum with respect to mortgages insured on or after November 24, 1980.

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

7. Section 205.50 is revised to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 24, 1980.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

8. Section 207.7 paragraph (a) is revised to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 24, 1980, which rate shall not exceed:

- (1) 13.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

9. Section 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 24, 1980, which rate shall not exceed:

- (1) 13.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Subpart C—Eligibility Requirements; Individual Properties Released From Project Mortgage

10. Section 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.50 percent per annum with respect to mortgages insured on or after November 24, 1980.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

11. In § 220.576 paragraph (a) is revised to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 24, 1980, which rate shall not exceed:

- (1) 13.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

12. Section 221.518 paragraph (a) is revised to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in mortgages involving insurance upon completion) on or after November 24, 1980, which rate shall not exceed:

- (1) 13.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal amount of

the mortgage outstanding on the due date of each installment.

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

13. Section 232.29 paragraph (a) is revised to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 24, 1980, which rate shall not exceed:

- (1) 13.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Subpart C—Eligibility Requirements—Supplemental Loans To Finance Purchase and Installation of Fire Safety Equipment

14. Section 232.560 paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 13.50 percent per annum with respect to loans insured on or after November 24, 1980.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

15. Section 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.50 percent per annum with respect to mortgages insured on or after November 24, 1980.

16. Section 234.75 paragraph (b) is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate will not exceed 14.00 percent per annum with respect to mortgages insured on or after November 24, 1980.

17. Section 234.76 paragraph (c) is revised to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 14.00 percent per annum with respect to mortgages insured on or after November 24, 1980.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Projects

18. Section 235.540(a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.50 percent per annum with respect to mortgages insured on or after November 24, 1980.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

19. Section 236.15(a) is revised to read as follows:

§ 236.15 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 24, 1980, which rate shall not exceed:

- (1) 13.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

20. Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

The loan shall bear interest at the rate agreed upon by the lender and the borrower; with respect to loans insured on or after November 24, 1980, which rate shall not exceed:

- (a) 13.50 percent per annum with respect to permanent financing;
 - (b) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.
- Interest shall be payable in monthly installments on the principal then outstanding.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

21. Section 242.33(a) is amended to read as follows:

§ 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after November 24, 1980, which rate shall not exceed:

- (1) 13.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

22. Section 244.45(a) is amended to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving endorsement (or endorsement in cases involving insurance upon completion) on or after November 24, 1980, which rate shall not exceed:

- (1) 13.50 percent per annum with respect to permanent financing;
- (2) 17.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

(Sec. 3(a), 82 Stat. 113; (12 U.S.C. 1709-1); sec. 7 of the Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)))
 Issued at Washington, D.C., November 21, 1980.

Lawrence B. Simons,
Assistant Secretary for Housing-Federal Housing Commissioner.
 [FR Doc. 80-37321 Filed 11-28-80; 8:45 am]
 BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement
 30 CFR Part 920

Conditional Approval of the Permanent Program Submission from the State of Maryland Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.
ACTION: Final rule.

SUMMARY: On March 3, 1980, the State of Maryland submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of the submission is to demonstrate the State's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program, 30 CFR Chapter VII. After providing opportunities for public comment and a thorough review of the program submission, the Secretary of the Interior has determined that the Maryland program meets the requirements of SMCRA and the permanent program regulations, except for minor deficiencies discussed below under "Supplementary Information."

Accordingly, the Secretary of the Interior has conditionally approved the Maryland program.

A new Part 920 is being added to 30 CFR Chapter VII to implement this decision.

EFFECTIVE DATE: This conditional approval is effective December 1, 1980.

This conditional approval will terminate as specified in 30 CFR 920.11 unless the deficiencies identified below have been corrected in accord with 30 CFR 920.11, adopted below.

ADDRESSES: Copies of the Maryland program and the administrative record on the Maryland program, including the letter from the Maryland Department of Natural Resources (DNR) agreeing to correct the deficiencies which resulted in the conditional approval, are available for public inspection and copying during business hours at: Office of Surface Mining, Region I, 603 Morris Street, Charleston, West Virginia 25311, Telephone: (304) 344-2331.

Office of Surface Mining, Room 153, Interior South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-4728.

Department of Natural Resources, Tawes State Office Building, Annapolis, Maryland 21401, Telephone: (301) 269-2261.

Copies of the full text of the proposed program with modifications are also available for inspection and copying during regular business hours at the OSM Region I Office and the central office of the state regulatory authority listed above, and at the following locations:

Office of Surface Mining, U.S. Department of the Interior, Morgantown Field Office, Federal Building, Room 229, Morgantown, West Virginia 26505, Telephone: (304) 291-5821.

Maryland Department of Natural Resources, Energy Administration, Bureau of Mines, 69 Hill Street, Frostburg, Maryland 21532, Telephone: (301) 689-4136.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, South Building, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C.

SUPPLEMENTARY INFORMATION:

Introduction:

This notice is organized to assist understanding of the findings underlying the Secretary's decision. It is divided into five major parts:

- A. General Background on the Permanent Program
- B. General Background on the State Program Approval Process
- C. General Background on the Maryland Program
- D. The Secretary's Findings, the Explanation of the Findings, and Disposition of Public Comments
- E. The Secretary's Decision.

Part A sets forth the statutory and regulatory framework of the environmental protection regulatory scheme under the Surface Mining

Control and Reclamation Act of 1977 (SMCRA) and the permanent program requirements of 30 CFR Chapter VII.

Part B sets forth the general statutory and regulatory scheme applicable to all states which wish to obtain primary jurisdiction to implement the permanent program on non-Indian and non-federal lands within their borders.

Part C summarizes the steps undertaken by Maryland and officials of the Department of the Interior, beginning with Maryland's program submission and leading to the decision being announced today.

Part D contains the findings the Secretary has made with respect to each of the thirty criteria for evaluation of a State program found in SMCRA and the Secretary's regulations and the reasons for each finding. Only the significant differences between the federal laws and rules and the Maryland program are discussed. Relevant public comments are analyzed and the provisions of Maryland's program, as proposed, are evaluated.

Part E identifies and explains the Secretary's decision and summarizes the Secretary's findings with regard to regulatory analysis and environmental impact of the decision.

A. General Background on the Permanent Program

The environmental protection provisions of SMCRA are being implemented in two phases—the initial program and the permanent program—in accordance with Sections 501–503 of SMCRA, 30 U.S.C. 1251–1253. The initial program became effective on February 3, 1978, for new coal mining operations on non-federal and non-Indian lands which received state permits on or after that date. The initial program rules were promulgated by the Secretary on December 13, 1977 under 30 CFR Parts 710–725, 42 FR 62639 *et seq.*

The permanent program will become effective in each state upon the approval of a state program by the Secretary of the Interior or implementation of a federal program within the state. If a state program is approved, the state, rather than the federal government, will be the primary regulator of activities subject to SMCRA.

The federal regulations for the permanent program, including procedures for states to follow in submitting state programs and minimum standards and procedures the state program must include to be eligible for approval, are found at 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56064), Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR

62639). The other permanent program regulations were published at 44 FR 15312–15463 (March 13, 1979). Errata notices were published at 44 FR 15485 (March 14, 1979), 44 FR 49673–49687 (August 24, 1979) 44 FR 53507–53509 (September 14, 1979), 44 FR 66195 (November 19, 1979), 45 FR 26001 (April 26, 1980), 45 FR 37818 (June 5, 1980) and 45 FR 47424 (July 15, 1980). Amendments to the regulations were published at 44 FR 60969 (October 22, 1979), as corrected at 44 FR 75143 (December 19, 1979), 44 FR 75302–75303 (December 19, 1979), 44 FR 77440–77447 (December 31, 1979), 45 FR 2626–2629 (January 11, 1980), 45 FR 25998–26001 (April 16, 1980), 45 FR 33926–33927 (May 20, 1980), 45 FR 37818 (June 5, 1980), 45 FR 39446–39447 (June 10, 1980), and 45 FR 52306–52324 (August 6, 1980). Portions of these regulations have been suspended pending further rulemaking. See 44 FR 67942 (November 27, 1979), 44 FR 77447–77455 (December 31, 1979), 45 FR 6913 (January 30, 1980), and 45 FR 51547–51550 (August 4, 1980).

B. General Background on State Program Approval Process

Any state wishing to assume primary jurisdiction for the regulation of coal mining under SMCRA may submit a program for consideration. The Secretary of the Interior has the responsibility to approve or disapprove the submission.

The federal regulations governing State program submissions are found at 30 CFR Parts 730–732. After review of the submission by OSM and other agencies, as well as an opportunity for the State to make additions or modifications to the program, and an opportunity for public comment, the Secretary may approve the program unconditionally, approve it conditioned upon minor deficiencies being corrected in accordance with a specified time table set by the Secretary, or disapprove the program in whole or in part. If any part of the program is disapproved, the State may submit revisions of the program to correct the items that need to be changed to meet the requirements of SMCRA and applicable federal regulations. If this revised program is also disapproved, SMCRA requires the Secretary of the Interior to establish a federal program in that State. The State may again request approval to assume primary jurisdiction after the federal program has been implemented.

Different criteria apply to various elements of a State program for the purpose of determining whether they can be approved by the Secretary. There are three categories of potential program elements, each with its own standard of review, as follows:

1. *"State window" proposals*—Pursuant to 30 CFR 731.13, an alternative proposed by the State to a provision of the Secretary's regulations must be both in accordance with SMCRA and consistent with the Secretary's regulations. Under 30 CFR 730.5, "in accordance with" SMCRA means that the State alternative meets the minimum requirements of and includes all applicable provisions of SMCRA, while "consistent with" the Secretary's regulations means that the State proposal is no less stringent than and meets the applicable provisions of 30 CFR Chapter VII.

The State window provision may not be used to vary the requirements of SMCRA. The Secretary will approve a State window item that achieves the same or greater degree of environmental protection and procedural safeguards as the federal regulation. In addition, the State must demonstrate that the alternative provision is necessary because local requirements or local environmental conditions are such that either the use of the federal regulations would not allow the State to accomplish the intended result or the alternative will accomplish the result in a more efficient or effective manner.

2. *Regulations for Inspection and Enforcement*—As required by Section 518 of SMCRA, the civil and criminal penalty provisions of a State program must be no less stringent than the requirements of Section 518 and must be consistent with the federal regulations in 30 CFR Part 845 (see item 1 above for meaning of "consistent with"). However, as discussed below in Finding 19, a recent court decision by the District Court for the District of Columbia *In re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144 May 16, 1980, p. 56) has held that States cannot be required to establish a point system like that in Part 845, and the Secretary cannot require that State systems result in penalties as high as those under OSM's point system. Under Section 521 of SMCRA, the enforcement sanctions of a State program must also be no less stringent than those in Section 521 and must be consistent with 30 CFR 808, 843.11, 843.12, 843.19, and Subchapter G (Permit Systems). State regulations which establish the procedural requirements related to civil and criminal penalties and enforcement sanctions must be the same as or similar to the procedures in Sections 518 and 521 of SMCRA and must be consistent with 30 CFR Parts 808, 843, 845 and Subchapter G.

3. *Other State Program Elements*—If a state provision is neither a state window

alternative nor a procedure or sanction related to inspection and enforcement, then the standard to be applied in the evaluating each element is whether the state provision is consistent with the corresponding provision of the federal regulations and in accordance with relevant section of SMCRA, as set forth in 30 CFR 732.15(b) for each of the sixteen state program requirements. Under Section 505 of SMCRA and 30 CFR 730.11, State provisions which provide more stringent land use and environmental controls are not to be considered to be inconsistent with the federal requirements.

State programs must contain provisions which regulate coal mining in accordance with the requirements of SMCRA and consistent with the Secretary's regulations. The requirements under SMCRA and 30 CFR Chapter VII for special bituminous coal mines in Wyoming and the special anthracite coal mines in Pennsylvania are inapplicable in Maryland.

The procedure and timetable for the Secretary's review of state programs was initially published March 13, 1979 (44 FR 15326) and codified at 30 CFR Part 732. 30 CFR 732.11(d), as published on March 13, 1979, required that states make any modifications and additions by November 15, 1979.

As a result of litigation in the U.S. District Court for the District of Columbia, the deadline for states to submit proposed programs was extended from August 3, 1979, to March 3, 1980. 30 CFR 732.11(d) required that if all required and fully enacted laws and regulations were not part of the program by November 15, 1979, the program would be disapproved. Because the submission deadline had been changed to March 3, 1980, 30 CFR 732.11(d) was amended to provide that program submissions that do not contain all required and fully enacted laws and regulations by the 104th day following program submission will be disapproved pursuant to the procedures for the Secretary's initial decision in Section 732.13 (45 FR 33927, May 20, 1980). The Maryland program was submitted to OSM on March 3, 1980; the 104th day after submission was June 16, 1980.

The Secretary's rules for the review of state programs implement his policy that industry, the public, and other agencies of government should have a meaningful opportunity to participate in his decision. The Secretary also has a policy that a state should be afforded the maximum opportunity possible to change its program, when necessary, to cure any deficiencies in it.

To accomplish both of these policy objectives, the Secretary determined

that the laws and rules upon which the state bases its program must be finalized at the beginning of the public comment period. By identifying the laws and rules in effect on the 104th day as the basis of his program approval decision, the Secretary assists commenters by informing them of program elements which should be reviewed. Meaningful public comment would be undermined if the program elements were constantly changing up until the day before the Secretary's decision.

The 104 day rule affords the state 3½ months following submission within which it may modify its laws and rules. In addition, after the Secretary's initial program decision, the states have additional opportunities to revise their laws and regulations.

All program elements other than laws and rules, including Attorney General's opinions, program narratives, descriptions and other information, may be revised by the state at any time prior to program approval. The Secretary will provide opportunity for public comment on those changes, as appropriate.

The Secretary, in reviewing state programs, is applying the criteria of Section 503 of SMCRA, 30 U.S.C. 1253, and 30 CFR 732.15. In reviewing the Maryland program, the Secretary has followed the federal regulations as cited in Part A above "General Background on the Permanent Program," and as affected by three recent decisions of the U.S. District Court for the District of Columbia in *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79-1144). Because of the complex litigation, the court issued its initial decision in two "rounds." The Round I opinion, dated February 26, 1980, denied several generic attacks on the permanent program regulations, but resulted in suspension or remanding of all or part of twenty-two specific regulations. The Round II opinion, dated May 16, 1980, denied additional generic attacks on the regulations, but remanded some 40 additional parts, sections or subsections of the regulations.

The court also ordered the Secretary to "affirmatively disapprove, under Section 503 of SMCRA, those segments of a state program that incorporate a suspended or remanded regulation" (Mem. Op., May 16, 1980, p. 49). However, on August 15, 1980, the court stayed this portion of its opinion. The effect of this stay is to allow the Secretary, when requested by a state, to allow the inclusion in the state program of provisions equivalent to remanded or suspended federal provisions. Unless the state requests that any equivalent

provisions be retained, the Secretary will disapprove them.

Therefore, the Secretary is applying the following standards in the review of permanent program submissions:

1. The Secretary need not affirmatively disapprove state provisions similar to those Federal regulations which have been suspended or remanded by the District Court where the State has adopted such provisions in a rulemaking or legislative proceeding which occurred either (1) before the enactment of SMCRA or (2) after the date of the Round II District Court decision, since such State regulations clearly are not based solely upon the suspended or remanded Federal regulations. The Secretary need not affirmatively disapprove provisions based upon suspended or remanded Federal rules if a responsible State official has requested the Secretary to approve them.

2. The Secretary will affirmatively disapprove, to the extent required by the court's decisions, all provisions of a State program which incorporate suspended or remanded Federal rules and which do not fall into one of three categories in paragraph one, above. The Secretary believes that the effect of his "affirmative disapproval" of a section in the State's regulations is that the requirements of that section are not enforceable in the permanent program at the Federal level to the extent they have been disapproved. That is, no cause of action for enforcement of the provisions, to the extent disapproved, exists in the Federal courts, and no Federal inspection will result in notices of violation or cessation orders based upon the "affirmatively disapproved" provisions. The Secretary takes no position as to whether the affirmatively disapproved provisions are enforceable under State law and in State courts. Accordingly, these provisions are not pre-empted or suspended, although the Secretary may have the power to do so under Section 504(g) of SMCRA and 30 CFR 730.11.

3. A State program need not contain provisions to implement a suspended regulation and no State program will be disapproved for failure to contain a suspended regulation. Nonetheless, a State must have the authority to implement all permanent program provisions of SMCRA, including those provisions of SMCRA upon which the Secretary based the remanded or suspended regulations.

4. A state program may contain any provision that is inconsistent with a provision of SMCRA.

5. Programs will be evaluated only as to those provisions other than the

provisions that must be disapproved because of the court's order. The remaining provisions will be unconditionally approved, conditionally approved or disapproved, in whole or in part in accordance with 30 CFR 732.13.

6. Upon promulgation of new regulations to replace those that have been suspended or remanded, the Secretary will afford States that have approved or conditionally approved programs a reasonable opportunity to amend their programs, as appropriate. In general, the Secretary expects that the provisions of 30 CFR 732.17 will govern this process.

The regulations suspended or remanded as the result of the Round I and Round II litigation were published in the Federal Register on July 7, 1980 (45 FR 45604).

To codify decisions on State programs, Federal programs, and other matters affecting individual States, OSM has established Subchapter T of 30 CFR Chapter VII. Subchapter T will consist of parts 900 through 950. Provisions relating to Maryland will be found at 30 CFR Part 920.

C. Background on the Maryland Program Submission

On March 3, 1980, OSM received a proposed regulatory program from the State of Maryland. The program was submitted by the Maryland Department of Natural Resources (DNR), the agency designated as the regulatory authority under the Maryland permanent program. Notice of receipt of the submission initiating the program review was published in the March 10, 1980, Federal Register (45 FR 15189) and in newspapers of general circulation in Maryland. The announcement invited public participation in the initial phase of the review process relating to the regional director's determination of whether the submission was complete.

On April 9, 1980, the regional director held a public meeting in Frostburg, Maryland, on the completeness of the Maryland program. The public comment period on completeness began on March 10, 1980, and closed April 11, 1980.

On April 28, 1980, the regional director published a notice in the Federal Register announcing that the program submission had been determined to be complete (45 FR 28169-28170).

A detailed listing of deficiencies contained in the state program submittal was forwarded to the state by the Office of Surface Mining on May 23, 1980 (hereafter referred to as "the May 23 letter"). Please refer to Administrative Record No. MD 56.

On June 16, 1980, 104 days after the original submission date of March 3,

1980, the state submitted various amendments and modifications to the program. A summary of these was published in the Federal Register on June 23, 1980 (45 FR 41976-41977). Notices placed in newspapers of general circulation within the state also set forth procedures for the hearing and announced the public comment period on the adequacy of the Maryland program.

As a part of the June 16, 1980 submission, the Maryland Attorney General provided a supplemental opinion which stated that those provisions of the Maryland program based on suspended or remanded federal regulations were not to be considered as part of its program for the purpose of the Secretary's decision.

On July 11, 1980, public comment was invited on a tentative list of those parts of the Maryland program which might have to be disapproved under the district court's May 16, 1980, order mentioned above, because they appeared to be based on suspended or remanded federal regulations (45 FR 46820-46826).

On July 17, 1980, the regional director held a public hearing on the adequacy of Maryland's submission in Frostburg, Maryland. The public comment period on the adequacy of Maryland's permanent regulatory program ended on July 23, 1980.

On August 4, 1980, the regional director submitted to the Director of OSM his recommendation that the Maryland program be partially approved and partially disapproved, together with copies of the transcript of the public hearing, written presentations, exhibits, copies of all public comments received and other documents comprising the Administrative Record.

On August 11, 1980, OSM published in the Federal Register (45 FR 53182) a notice of the availability of the views on the Maryland program submitted by the Administrator of the Environmental Protection Agency, the Secretary of Agriculture through the Soil Conservation Service, the U.S. Forest Service, the U.S. Fish and Wildlife Service, the National Park Service, the Department of Energy, the Bureau of Land Management, the Science and Education Administration, the Appalachian Regional Commission, the Mine Safety and Health Administration, the U.S. Army Corps of Engineers, and the Advisory Council on Historic Preservation.

On August 18, 1980, the Maryland Department of Natural Resources responded to the May 23 letter. The DNR stated that it was in the process of

addressing each of the comments contained in that letter. As the letter from the DNR was received after the close of the public comment period, it was not considered for purposes of the Secretary's decision.

On August 22, 1980, the Director of OSM asked Maryland if there were any provisions in its program, based on suspended or remanded federal rules, which it did not want the Secretary to affirmatively disapprove under the district court order. Maryland has not replied to this request and the Secretary has reviewed the program on the basis of the June 16, 1980 letter from the Attorney General which said these provisions were not to be considered part of its program.

On September 16, 1980, the Administrator of the Environmental Protection Agency transmitted his written concurrence on the Maryland program.

On September 17, 1980, the Director recommended to the Secretary that the Maryland program be conditionally approved.

On October 3, 1980, the Secretary decided to conditionally approve the Maryland program.

The Secretary's decision to conditionally approve the Maryland program was conveyed in a letter to Governor Harry Hughes on October 3, 1980.

On October 28, 1980, Governor Hughes replied to the Secretary's letter and accepted the conditions of approval. Copies of these letters are available for review in the administrative record. The Maryland program consists of the formal submission of March 3, 1980, as amended on June 16, 1980. This represents the entire submission.

Throughout the period beginning with the submission of the program, OSM has had contacts with the staff of the Department of Natural Resources. Minutes or notes of the discussions were placed in the administrative record and made available for public review and comment. After the public comment period closed, no discussions were held at which new information was presented which might have influenced this decision. A meeting was held on September 8, 1980, to discuss with the State issues relating to the possibility of conditional approval. The date, time, and place of this meeting were posted in the administrative record in advance. All discussions at this meeting were based on information already contained in the administrative record for the Maryland program. The discussions at this meeting did not form the basis for the Secretary's decision but rather served to identify specific deficiencies in

the Maryland program. A summary of the meeting was placed in the administrative record on September 12, 1980.

All contacts between official and staff of the Department of the Interior and the State of Maryland were conducted in accordance with the Department's guidelines for such contacts published September 19, 1979 (44 FR 54444-54445).

D. The Secretary's Findings, Explanation of the Findings and Disposition of Public Comments

The findings in this section are based on a review of the Maryland program as submitted March 3, 1980, amendments to that program submitted on June 16, 1980, and the public comments in response to the state program submission. The March 3 submission contained, among other things, the enacted Maryland Strip Mining Law, Proposed amendments to the law, existing regulations, and regulations proposed to implement the state program. The modifications received on June 16, 1980 included revisions to the regulations; notice that they had been adopted formally on June 2, 1980 and promulgated on June 13, 1980; and notice that the amendments to the Maryland Strip Mining Law were signed by Governor Hughes on May 27, 1980.

The explanation of the findings below primarily discusses the differences between the Maryland program and the federal requirements which the Department of the Interior identified in the review of the program. In addition, issues or questions raised by commenters are addressed in this section. No detailed discussion is presented of those aspects of the Maryland program which are equivalent to the federal requirements and to which commenters did not object.

In the discussion of comments, individual commenters have been identified where it may assist the reader of this notice. All comments identified as coming from EPA were submitted by the EPA Region III office located in Philadelphia, Pennsylvania.

Where comments were based on the statutory and regulatory language prior to the enactment of amendments or revisions, the Secretary references new language in Maryland's legal authority.

Finding 1

The Secretary finds, subject to the exceptions noted in the findings below, that the Maryland Strip Mining Law and the regulations adopted thereunder provide for the regulation of surface coal mining and reclamation operations on non-Indian and non-federal lands in

Maryland in accordance with SMCRA and 30 CFR Chapter VII.

This finding is based on the requirements of Section 503(a)(1) of SMCRA (30 U.S.C. 1253(a)(1)). Analysis of the issues underlying this finding is found in the discussions in Findings 12 through 30, below.

Finding 2

The Secretary finds, subject to the exceptions noted in the findings below, that the Maryland Strip Mining Law provides sanctions for violations of Maryland laws, regulations of conditions of permits concerning surface coal mining and reclamation operations, and these sanctions meet the requirements of SMCRA, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, withholding of permits, and issuance of cease-and-desist orders by the Department of Natural Resources or its inspectors.

This finding is based on the requirements of Section 503(a)(2) of SMCRA (30 U.S.C. 1253(a)(2)). Analysis of the issues underlying this finding is found in the discussions of Findings 17, 18, 19 and 20 below.

Finding 3

The Secretary finds that the Department of Natural Resources has sufficient administrative and technical personnel and sufficient funds to enable Maryland to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA.

This finding is based on the requirements of Section 503(a)(3) of SMCRA (30 U.S.C. 1253(a)(3)).

Finding 4

The Secretary finds, subject to the exceptions noted in the finding below, that Maryland law provides for the effective implementation, maintenance and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-federal lands within Maryland.

This finding is based on the requirements of Section 503(a)(4) of SMCRA (30 U.S.C. 1253(a)(4)). An analysis of the issues underlying this finding is found in the discussion of Finding 14, below.

Finding 5

The Secretary finds that Maryland has established a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA.

This finding is based on the requirements of Section 503(a)(5) of SMCRA (30 U.S.C. 1253(a)(5)). An analysis of the issues underlying this finding is found in the discussion of Finding 21, below.

Finding 6

The Secretary finds that Maryland has established a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other federal and state permit processes applicable to the proposed operations for the purpose of avoiding duplication.

This finding is based on the requirements of Section 503(a)(6) of SMCRA (30 U.S.C. 1253(a)(6)). An analysis of the issues underlying this finding is found in the discussions of Findings 13 and 14, below.

Finding 7

The Secretary finds, subject to the exceptions noted in the findings below, that Maryland has enacted regulations consistent with regulations issued pursuant to SMCRA.

This finding is based on the requirements of Section 503(a)(7) of SMCRA (30 U.S.C. 1253(a)(7)) as discussed in Findings 12 through 30, below.

Finding 8

The Secretary has, through OSM, 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 pertinent to the proposed Maryland program.

This finding is based on the requirements of Section 503(b)(1) of SMCRA (30 U.S.C. 1253(b)(1)) and on information set forth in a Federal Register notice published August 11, 1980 (45 FR 53182), identifying the federal agencies from which comments were solicited, the agencies which responded, and the offices of OSM and the Maryland Department of Natural Resources at which copies of the comments were available.

Finding 9

The Secretary has, through OSM, obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the Maryland program relating to air or water quality standards promulgated under the authority of the Clean Water Act, as amended (33 U.S.C. 1151 *et seq.*) and the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

This finding is based on the requirements of Section 503(b)(2) of SMCRA (30 U.S.C. 1253(b)(2)) and on the letter transmitted by the Administrator of EPA to the Secretary on September 16, 1980. A copy of this letter has been placed in the Administrative Record.

Finding 10

The Secretary has, through the OSM regional director for Region I, held a public meeting in Frostburg, Maryland on April 9, 1980, to solicit comments on the completeness of the Maryland program submission, and held a public hearing in Frostburg, Maryland on July 17, 1980, on the adequacy of the Maryland program submission.

This finding is based on the requirements of Section 503(b)(3) of SMCRA (30 U.S.C. 1253(b)(3)).

Finding 11

The Secretary finds, subject to the exceptions noted in the findings below, that the State of Maryland has the legal authority and qualified personnel necessary for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII.

This finding is based on the requirements of Section 503(b)(4) of SMCRA (30 U.S.C. 1253(b)(4)). Analysis of the issues underlying this finding is found in the discussions of Findings 12 through 30, below.

Finding 12

The Secretary finds, subject to the exceptions noted in the findings below, that the Maryland program provides for Maryland to carry out the provisions and meet the purposes of SMCRA and 30 CFR Chapter VII. 30 CFR 731.13 provides that a state can propose alternatives to the provisions of 30 CFR Chapter VII. Alternatives are not available to requirements of SMCRA. Alternatives to the regulations must be proposed and justified through the submission of relevant data and information that demonstrates that alternatives are in accordance with SMCRA and consistent with the federal regulations. To be considered as an alternative approach, the provision must:

- (1) Identify the provision in the regulations of 30 CFR Chapter VII for which the alternative is requested;
- (2) Describe the alternative proposed and provide statutory or regulatory language to be used to implement the alternative;
- (3) Explain how and submit data, analysis and information, including identification of sources demonstrating that the alternative will be in accordance with the applicable

provisions of SMCRA and consistent with the regulations of 30 CFR Chapter VII and that the proposed alternative is necessary because of local requirements or local environmental or agricultural conditions (30 CFR 731.13).

Maryland included in its submission five alternatives which it presented as state window provisions. In some cases, these alternatives are better characterized as an explanation of the federal requirements or as a more stringent alternative. Alternatives which are more stringent than the federal regulations may be approved without the justification based on local needs that is required for a state window alternative. A discussion of Maryland's alternative provisions follow.

12.1 Section 522(e) of SMCRA and 30 CFR 761.11 establish areas where mining is prohibited or limited. Maryland NR 7-505(b) and COMAR 08.13.09.10B would allow the regulatory authority to waive the following prohibitions: (1) The prohibition against mining within the corridor of a National Wild and Scenic study river contained a Section 522(e)(1) of SMCRA and 30 CFR 761.11(a);

(2) The prohibition against mining within 300 feet of public buildings, schools, churches, community or institutional buildings and public parks contained at Section 522(e)(5) of SMCRA and 30 CFR 761.11(f);

(3) The prohibition against mining within 100 feet of a cemetery contained at Section 522(e)(5) of SMCRA and 30 CFR 761.11(g).

As noted above, alternatives are not available to requirements of SMCRA. The Secretary finds that these prohibitions are contained in Section 522(e) of SMCRA and therefore cannot be waived by the Secretary or by the state. Approval of the Maryland program is conditioned upon revision of the state program to remove the authority to grant waivers to these prohibitions.

12.2 30 CFR 807.12(b) allows for the release of a portion of the bond liability, contingent on the completion of either phase I or phase II reclamation. A formula is established to determine the maximum liability which may be released at any time prior to the release of all acreage from the permit area. Acreage release occurs only after phase III reclamation has been completed. However, Maryland felt the language in 30 CFR 807.12(c) was unclear and nullified the formula established in 807.12(b). Therefore, partial bond release might not be possible until phase III reclamation has been completed. To eliminate this possible confusion, COMAR 08.13.09.15H(3) proposes to always retain enough of the bond to

cover the cost of the reclamation and in no event less than \$10,000, rather than adopt the formula in 30 CFR 807.12 (b) and (c). The Secretary finds the Maryland proposal is better characterized as an explanation of 30 CFR Chapter VII rather than a "state window" alternative based on local conditions. Because it is more stringent than the federal requirement, the Secretary finds the Maryland provision to be acceptable.

12.3 30 CFR 816.116(b)(1) requires that postmining revegetation success be evaluated against reference areas or standards in technical guides approved by the Director of OSM. 30 CFR 816.116(d) establishes specific standards for evaluation of revegetation success which can be applied to permit areas of 40 acres or less. Maryland proposes in COMAR 08.13.09.35D(2) to apply the 30 CFR 816.116(d) standards, with some modifications, to all permit areas regardless of size. Since Maryland requires 90 percent total groundcover in lieu of the 70 percent groundcover of reference areas, the Secretary finds that this provision is more stringent than the federal requirements and is, therefore, acceptable.

12.4 Section 518(a) of SMCRA and 30 CFR Part 845 provide the criteria for a civil penalty system. Maryland proposes alternatives to 30 CFR 845.13, 845.14 and 845.15(a) at COMAR 08.13.09.41A(2), .41C(1) and .41D. As set forth more fully at Finding 19, several court decisions have held that the Secretary cannot require a point system for assessing civil penalties and cannot require penalties as stringent as those contained in the federal law. Accordingly, Maryland need not comply with 30 CFR 845.13, 845.14 and 845.14(a), at this time.

Although the states need not adopt the federal point system for assessing civil penalties set forth in the regulations, a system that meets the requirements of SMCRA is required. The system developed by Maryland is consistent with SMCRA but contains several minor deficiencies as set forth in Finding 19, below. Approval of the Maryland program is conditioned upon revision of the state program in accordance with Finding 19, below.

12.5 Section 521(a)(3) of SMCRA states that the period of abatement after issuance of a violation shall not exceed ninety days. Maryland has proposed in NR 7-507(c) and COMAR 08.13.09.40 E and F to allow an extension of the ninety-day abatement period. The Secretary finds that this proposal does not qualify as an alternative approach because it allows for variance from the requirements of SMCRA and is

inconsistent with 30 CFR 731.13. (See Finding 20.1 for additional discussion.)

Finding 13

The Secretary finds, subject to the exceptions noted in the findings below, that the Department of Natural Resources has the authority under Maryland laws and regulations to implement, administer, and enforce applicable requirements consistent with 30 CFR Chapter VII, Subchapter K (Performance Standards). This finding is based upon the requirements of 30 CFR 732.15(b)(1).

Maryland incorporates provisions corresponding to Sections 515 and 516 of SMCRA and Subchapter K of 30 CFR Chapter VII in Maryland statutes NR 7-508, NR 7-509 and NR 7-5A-03(f) and Maryland regulations 08.13.09.05A, .07G, .21-.38, .31-35, and .40. Discussion of significant issues raised during the review of the Maryland provisions for environmental performance standards follows.

Topsoil

13.1 COMAR 08.13.09.01B(93) defines topsoil as A and B horizon material and other material that will support revegetation. 30 CFR 701 defines "topsoil" as the A horizon material. 30 CFR 816.22 and 817.22 require topsoil to be removed in a separate layer, except that where the A horizon is less than six inches thick, the top six inches of soil (which includes the A horizon) must be removed in a separate layer. The Secretary finds Maryland's definition inconsistent because it would result in a blanket variance to the requirement for topsoil segregation. Such an alternative could result in widespread difficulty in establishing appropriate revegetation on the mining operation. However, mixing of soil horizons has been found appropriate in many Appalachian areas having thin A horizons and the practice is allowable under Federal regulations if site specific tests demonstrate that the salvaged material is equal to or better than the A horizon considering both quantity and quality. Approval of the Maryland program is conditioned upon revision of the regulation to define topsoil consistent with the Federal provision, or upon a demonstration that such a variance is reasonable and justified on the basis of local conditions.

Hydrologic Balance

13.2 COMAR 08.13.09.01B defines "hydrologic balance" as "the relationship between the quality of water * * *" whereas 30 CFR 701.5 defines it as "the relationship between the quality and quantity of water * * *". The Secretary finds the Maryland

definition is less stringent. Approval of the Maryland program is conditioned upon revision of the regulation to add "quantity" to the definition of hydrologic balance.

13.3 COMAR 08.13.09.23J requires that surface water may not be diverted or otherwise discharged into underground mine workings, whereas 30 CFR 817.55 specifies that neither water from the surface nor from an underground mine be diverted into underground mines. The Secretary finds that COMAR is less stringent than the Federal requirement because it fails to cover some discharges. Accordingly, approval of the Maryland program is conditioned upon revision of the regulation to provide that water from an underground mine shall not be diverted or discharged into other underground mine workings.

Coal Recovery

13.4 COMAR 08.13.09.05A(13) does not contain the requirement in 30 CFR 816.59 and 817.59 for using "the best technology currently available" to maintain environmental integrity in coal recovery. The failure to require operators to use the best technology currently available might limit the regulatory authority's ability to require certain technology be utilized to ensure environmental integrity in coal recovery. The Secretary finds that the Maryland provision is less stringent than the Federal requirement. Accordingly, approval of the Maryland program is conditioned on the revision of the regulation to add the requirement to use "best technology currently available" to assure environmental integrity in coal recovery.

Use of Explosives

13.5 COMAR 08.13.09.25C(4)(b)(ii) allows an eight-hour aggregate of blasting and is less stringent than 30 CFR 816.64(b)(2)(ii) which allows only a four-hour aggregate. The Secretary finds this less stringent and approval of the Maryland program is conditioned on revision of the regulation to restrict blasting to an aggregate of four hours in any one day.

Coal Processing Waste Banks

13.6 30 CFR 701.11(d)(2) specifies that coal waste dams and embankments are not eligible for exemptions to the existing or proposed structure provisions. COMAR 08.13.09.20B pertains to exemptions for pre-existing or proposed structures but does not specify that coal waste dams and embankments are not eligible. Maryland's provision is approved because the Secretary is not aware that

any coal waste dams and embankments exist in Maryland. If these are subsequently shown to exist in Maryland, the program will have to be amended.

13.7 NR 7-5A-03F and COMAR 08.13.09.26, relating to fish and wildlife protection, do not provide for the prevention of fires as contained in 30 CFR 816.97(d)(8). The federal requirements could be satisfied by Maryland demonstrating that Maryland statutory authority provides for the prevention of fires. Additionally, Maryland omits the phrase "best technology currently available" contained in 30 CFR 816.97(d). 30 CFR 816.97 requires any person conducting surface mining activities to use the "best technology currently available" to minimize disturbances and adverse impacts on fish, wildlife, and related environmental values. The omission of the phrase might result in a lesser degree of environmental protection. Accordingly, approval of the Maryland program is conditioned on the revision of the regulation to require the use of the "best technology currently available" and upon a revision to the state program to provide for the prevention of fires.

13.8 COMAR 08.13.09.35D does not contain the requirement in 30 CFR 816.116(c)(1) that the operator maintain necessary fences and proper management practices on revegetated areas. Inclusion of this requirement is important to assure the success of revegetation. Accordingly, approval of the Maryland program is conditioned on a revision to the regulation to require the operator to maintain necessary fences and proper management practices on revegetated areas.

13.9 COMAR 08.13.09.35D(1)(d)(iii) does not require that success of revegetation of cropland be determined on the basis of crop production, as found in 30 CFR 816.116(b)(3)(iii). Maryland's proposal to use soil surveys to predict yields is a less stringent requirement since soil surveys of mine soils cannot accurately predict crop production with the 90 percent statistical confidence that the federal regulation requires. Additionally, COMAR 08.13.09.35D(1) uses the term "productive capability in comparison to" rather than the term "productivity" contained in 30 CFR 816.116(b). "Productive capability in comparison" would be acceptable only if it is clearly stated that productive capability will be determined by on-site measurement of biomass, crop yields, tree heights or some other measure of the actual vegetation productivity. Accordingly, approval of the Maryland program is conditioned on a revision to

the regulation to provide that success of revegetation for cropland shall be determined on the basis of crop production and that productive capability shall be defined to be a measure of the actual vegetation productivity.

Roads

13.10 COMAR 08.13.09.03G(1)(b), relating to jurisdiction to regulate surface mining activities, only includes facilities which are connected by transportation mechanisms other than public roads. Section 701(28) of SMCRA extends jurisdiction to processing plants operated in connection with surface coal mining activities. Decisions of the Interior Board of Surface Mining Appeals make it clear that jurisdiction extends to plants that involve the use of public roads. The Maryland provision is less stringent because it would regulate fewer facilities than SMCRA. Accordingly, approval of the Maryland program is conditioned on a revision to the regulation to extend jurisdiction to facilities that involve the use of public roads.

Disposition of Agency and Public Comments

13.11 The Department of Energy (DOE) commented that Maryland should include provisions in COMAR 08.13.09.21 equivalent to those in 30 CFR 816.11(e) pertaining to surface mining buffer zones. In lieu of buffer zones, Maryland requires separate permit areas for a mine site that would require a buffer zone under the federal requirements (See COMAR 08.13.09.23C(1)). COMAR 08.13.09.21C provides for perimeter signs on each of the separate areas. The State provision adequately satisfies the federal requirements in providing the same degree of environmental protection.

13.12 DOE stated that Maryland should include provisions equivalent to 30 CFR 815.13 and 776 regarding coal exploration. The Secretary finds that Maryland has met the requirements of 30 CFR 815.13 and 776 in COMAR 08.13.09.07A, since no person may conduct any prospecting without a permit.

13.13 DOE and other commenters stated that Maryland should include requirements similar to the provisions of 30 CFR 785.16 and 826.15 regarding limited variances from the requirement to restore the area to its approximate original contour in steep slope areas. Maryland does not permit mining in steep slope areas unless it is performed in conjunction with reclamation of a previously orphaned surface or deep mining operation. Maryland does not,

under any circumstances, allow variances to the approximate original contour requirement for steep slopes and is therefore more stringent.

13.14 DOE said that Maryland should include the prohibition of mining within 300 feet of public buildings, as required by 30 CFR 761.11(f). Under COMAR 08.13.09.10B(6), mining is prohibited within 300 feet of any such buildings unless approved by the owner or agency with jurisdiction and the Bureau. Maryland presented its provision as a "state window" or alternative approach under 30 CFR 731.13. However, as discussed in Finding 12.1, Maryland's regulation does not qualify as a "state window" and is inconsistent with and less stringent than SMCRA.

13.15 The Environmental Protection Agency (EPA) expressed concern that COMAR 08.13.02.14 requires that the elevation of mine openings be equal to or greater than the highest elevation of coal extraction. The Secretary finds that Maryland's provisions are consistent with Section 516(b)(12) of SMCRA because locating mine openings at the highest elevation of coal extraction will prevent gravity discharge.

13.16 EPA commented that COMAR 08.13.09.24B(8), regarding the rainfall exemption for total suspended solids (TSS), is less stringent than 30 CFR 816.42(b). The federal section exempts discharges from the effluent limits during 10-year, 24-hour rainfall events. However, on December 13, 1979, OSM suspended this rainfall exemption and substituted EPA's rainfall exemption found in 40 CFR Part 434. This exemption applies to "any overflow or increase in discharge" emanating from a facility designed, constructed and maintained to contain or treat the volume of water resulting from a 10-year, 24-hour storm. To qualify for the exemption, the overflow or increase in discharge must result from precipitation or snowmelt.

The TSS rainfall exemption found in COMAR 08.13.09.24B(8) is consistent with the present EPA and OSM exemptions, except for one minor ambiguity. Maryland exempts discharges resulting from "inflows larger than baseflow." However, "baseflow" is defined as "flows that are not the direct result of a precipitation event." This definition makes it clear that discharges qualifying for the exemption must be a direct result of rainfall or other precipitation. The Secretary finds COMAR 08.13.09.24B(8) consistent with 30 CFR 816.42(b).

13.17 EPA noted that COMAR does not contain the general requirement for maintenance of the hydrologic balance

in underground mining activities in 30 CFR 817.41(a), (b), (c), (d)(1) and (3). However, COMAR 08.13.09.24A does contain this requirement and COMAR 08.13.09.13 states that the surface mining regulations are applicable to underground operations. The Secretary finds that the Maryland program submission does contain adequate information in regard to maintenance of the hydrologic balance.

13.18 EPA commented that COMAR 08.13.09.13F does not contain the explanatory information regarding the "disturbed area" in 30 CFR 817.42(a)(4). The Secretary does not concur since the cited omission is included in COMAR 08.13.09.13F(3)(b).

13.19 EPA suggested that COMAR 08.13.09.24E(2) is less stringent than 30 CFR 816.45(b) in that it does not allow for the reduction of the storage volume of a pond based on the use of other sediment control measures. However, the regulations concerning the size of ponds in relation to other measures found in 30 CFR 816.46(b) have been suspended. The Secretary cannot require that these provisions be contained in a state program at this time.

13.20 EPA commented that COMAR 08.13.09.24F(3) had deleted all that follows the first sentence in 30 CFR 816.46(c) concerning detention time of ponds. Everything after the first sentence of 30 CFR 816.46(c) has been suspended and the Secretary cannot require its inclusion in a state program at this time.

13.21 EPA commented that COMAR 08.13.09.23A(2) omitted the phrase "to control the effects of mine drainage," but retained "pits and cuts" and that this omission affects significantly the adequacy of the provision. The Secretary does not consider the omission of the introductory phrase contained in 30 CFR 816.50(b) significant because the Maryland provision retains the substantive requirement to prevent or control the adverse effects of acid, toxic, or otherwise harmful mine drainage.

13.22 EPA suggested that COMAR 08.13.09.13C(1), regarding casing and sealing of drilled holes, is inconsistent with 30 CFR 817.15 since Maryland omits the phrase "when no longer needed" for monitoring. This wording is contained in COMAR 08.13.09.23H.

13.23 EPA commented that COMAR 08.13.09.23H did not contain the phrase "upon finding no adverse environmental or health and safety effects" regarding permanent use of drill holes as provided for in 30 CFR 816.15. This is not a significant deletion since Maryland uses similar language to achieve the

protection of the environment and the health and safety of the public.

13.24 EPA commented that COMAR 08.13.09.24A(4) does not contain the statement of 30 CFR 816.41 that changes in the flow of drainage shall be used in preference to the use of water treatment facilities to prevent or minimize water pollution. Omission of this provision does not render the COMAR regulation less stringent since COMAR 08.13.09.24A contains the substantive language requiring that each person who conducts surface mining activities shall emphasize practices that prevent or minimize water pollution.

13.25 EPA commented that COMAR 08.13.09.22A(2), H(2), V(1) and W(1) omit the phrase "the best technology currently available," with regard to prevention of certain kinds of damage. COMAR 08.13.09.22A(2) and .22H(2) are regulations on roads. The corresponding federal provisions have been suspended and Maryland has withdrawn from consideration all of its regulations based on suspended regulations. COMAR 08.13.09.22V(1) and .22W(1) relate to other transportation and support facilities. Omission of the phrase "best technology currently available" means that damage must be prevented absolutely, which is a more stringent standard than the federal requirement.

13.26 The Fish and Wildlife Service (FWS) commented that notifications to government agencies of complete permit applications by the regulatory authority " * * * must include a map of the area and a description of the location." COMAR 08.13.09.04B(6) requires notification to include " * * * the applicant's intention to surface mine a particularly described tract of land" which is identical to the requirement of 30 CFR 786.11(b)(1).

13.27 The United States Forest Service (USFS) suggested that the Surface Mine Reclamation Fund be used to guarantee payment for the tree and shrub seedling orders from the State Forest Nursery. This is not required by SMCRA or the federal regulations. The Secretary is not empowered to impose on the states requirements beyond those authorized by SMCRA.

13.28 The USFS suggested that a sentence be added to COMAR 08.13.09.22X to provide that all trees cleared from an affected area be used as timber or firewood rather than burned or buried. Although the suggestion may be useful, the Secretary cannot require the states to amend a section unless such sections are inconsistent with the requirements of SMCRA or the permanent program regulations. The requirements here are consistent.

13.29 The Soil Conservation Service (SCS) commented that COMAR 08.13.09.01B(92) should define "topsoil" to mean the A horizon and/or B horizon material, and other material that will support vegetation. The suggested change would be less stringent since "or" would allow either the A or B horizon to be discarded. As discussed in Finding 13.1, Maryland's definition of "topsoil" as presented is not adequate for other reasons.

13.30 The SCS suggested that COMAR 08.13.09.35F be changed to read "Grazing and Harvesting of Revegetated Land. When the approved postmining land use is pasture land, the reclaimed land shall be used for livestock grazing at a grazing capacity, not to exceed its capability approved by the Bureau * * *." The comparable permanent program regulation, 30 CFR 816.115, was remanded by the court. On June 12, 1980, the State of Maryland requested that any of its provisions based on suspended or remanded federal regulations not be considered as a part of its program. Therefore, COMAR 08.13.09.35F is no longer under consideration.

13.31 The SCS suggested that Maryland's requirement for a reclamation plan for revegetation, COMAR 08.13.09.02P(6), should require information on materials, including agricultural limestone, fertilizer, species, inoculant, mulch anchoring, and seeding techniques. Some of these items are not required in the corresponding federal provision, 30 CFR 780.18(b)(5). Because the state's provision incorporates all the requirements on the contents of the revegetation plan found in 30 CFR 780.18(b)(5), the Secretary cannot require the State to include requirements not imposed in the federal regulations.

13.32 The SCS recommended that the phrase "and mulch anchoring" be added to the end of the sentence in COMAR 08.13.09.08B(4)(s). This section concerns revisions which are not considered significant alterations in the original permit. The permanent program regulation at 30 CFR 788.12(a)(1) allows the regulatory authority to determine what changes shall constitute significant departures from the method of conducting mining or reclamation operations. The Secretary is not empowered to require the state to include any provision not imposed by the federal regulations.

13.33 The SCS commented that the requirement in COMAR 08.13.09.24F(7) that sedimentation ponds discharge through the emergency spillway only during the passage of runoff resulting from a 10-year, 24-hour or larger event

was insufficient. The commenter stated that the existing requirement would not adequately detain even relatively small storms. The SCS also suggested that SCS Engineering Memo MD-2 and the Maryland Pond Standard 378 should be used rather than the present COMAR regulation. However, the outflow requirement in COMAR 08.13.09.24F(7) should be read in conjunction with COMAR 08.13.09.24F(9) which requires that the elevation of the crest of the emergency spillway shall be a minimum of 1.0 foot above the crest of the principal spillway. This requirement is in conformity with 30 CFR 816.46(g) and (j) and meets the minimum requirements for sediment pond emergency spillway design and maintenance. Although the suggested reference materials may be useful, the Secretary is not empowered to require the state to include provisions not imposed in the permanent program regulations.

13.34 One commenter suggested that COMAR 08.13.09.22D be changed from "culverts with end area less than 35 sq. ft. shall safely pass the ten-year/24-hour event without a head of water at the entrance," to terminology consistent with Hydraulic Engineering Circular No. 5, "Hydraulic Charts for Selection of Highway Culverts," U.S. Department of Transportation, Federal Highway Administration, which contains the HW/D ratio. The corresponding federal regulation is 30 CFR 816.153(c) which has been suspended. On June 12, 1980, Maryland requested that any of its provisions based on suspended or remanded Federal regulations not be considered as a part of its program. Accordingly, COMAR 08.13.09.22D is no longer under consideration.

13.35 One commenter objected to Maryland's failure to establish more detailed land use standards and criteria than are contained in the federal provisions. The Secretary is not empowered to require the state to include provisions not imposed by the federal regulations.

13.36 One commenter suggested that Maryland should delete both COMAR 08.13.09.02N(2)(c), which provides that land may not be considered prime farmland if it has not been used historically as cropland, and COMAR 08.13.09.13D(1) which imposes certain requirements for reclamation plans for prime farmland used historically for cropland. The commenter felt that the determination that an area is not prime farmland should be made only on the basis of the soil survey of COMAR 08.13.09.02N(2)(d). The SCS also suggested that all the means of demonstrating that an area is not prime

farmland, other than the soil survey, should be deleted. The federal provision, 30 CFR 779.27(b), also allows a determination that an area is not prime farmland based on the operator's demonstration that it has not been used historically as cropland. 30 CFR 779.27(b) (1), (2), and (4) allows the same alternative means of demonstrating that an area is not prime farmland as does the state. The Secretary finds the Maryland provisions consistent with the federal provisions.

13.37 Several commenters objected that Maryland's definition of "prime farmland," COMAR 08.13.09.01B(68), does not limit itself to cropland as defined in 30 CFR 701.5. The Secretary finds that the language in COMAR 08.13.09.01B(68) is virtually identical to 30 CFR 701.5 and therefore is consistent with the federal provision.

Finding 14

The Secretary finds, subject to the exceptions noted in the findings below, that the Department of Natural Resources has authority under Maryland laws and regulations, and the Maryland program includes provisions to implement, administer and enforce a permit system, consistent with 30 CFR Chapter VII, Subchapter G (Permits). This finding is made under the requirement of 30 CFR 732.15(b)(2).

Maryland incorporates provisions corresponding to Sections 506 and 507 of SMCRA and to Subchapter G of 30 CFR Chapter VII in Maryland Statute NR 7-505 and COMAR 08.13.09.02, .03, .04, .05 and .06.

14.1 The definition of surface coal mining operations contained in Section 701(28) of SMCRA includes activities conducted on the surface of lands in connection with surface mining and also includes the surface effects of underground mines. A list of the examples in the definition illustrates that it was the intent of Congress to regulate a wide range of mining activities. The definition also covers adjacent land which is incidental to coal mining activities.

The Maryland law does not contain a definition of surface coal mining operations. NR 7-501(n) defines "open pit mining" and "strip mining" to mean "the mining or recovery of bituminous coal by removing the strata or the material which overlies or is above the coal deposit or seam in its natural condition." The Maryland law differs from federal law in that the Maryland definition is limited to mining activities which involve removal of the strata or material which overlies or is above the coal deposit or seam in its natural condition. This has the effect of

excluding operations such as the mining or remining of gob piles, which would be covered under the language in Section 701(28) of SMCRA. The fact that COMAR 08.13.09.01B(d) contains a definition of "mining" that is virtually identical to that contained in Section 701(28)(b) of SMCRA does not fully remedy the statutory problem noted above. The narrow definition of the facilities subject to regulation appearing in NR 7-501(n) of state law limits the authority of the state to legally assert the broader jurisdiction set forth in its regulations. Accordingly, approval of the Maryland program is conditioned on the revision of the Maryland Strip Mining Law to reflect the broader jurisdiction to regulate surface coal mining activities contained in Section 701(28) of SMCRA.

Although the definition of "open pit mining" or "strip mining" in Maryland law does not reference underground mining, this does not appear to be a problem. The Maryland Deep Mining Control Act, 7-5A-03(f) states that the surface effects of deep mining shall be subject to the applicable provisions of the Maryland Strip Mining Law and any rules and regulations adopted thereto. In addition, COMAR 08.13.09.13A states in pertinent part, "all surface mining operations conducted in conjunction with deep mining of coal . . . shall comply with the requirements of this chapter." Therefore, all surface mining regulations are applicable to deep mines even though the individual regulations do not specifically reference deep mining.

14.2 COMAR does not include the underground permit application requirements for coal development waste and mine development waste as required in 30 CFR 783.25(i) and 784.11(b)(4). The omission of these requirements might impair the regulatory authority's ability to determine from the permit application that mining activities will not adversely impact the hydrologic balance of the area. Accordingly, approval of the Maryland program is conditioned on revision to the regulations to include these requirements.

14.3 COMAR 08.13.09.020, .03, and .13 include the measures to be taken to reduce the likelihood of subsidence and the measures to be taken to prevent or lessen the value of use of the surface. However, provisions for monitoring subsidence as required by 30 CFR 784.20 and 784.23(b)(12) have been omitted. Therefore, approval of the Maryland program is conditioned on a revision of the regulations to provide for monitoring to measure deformations near specified

structures or features or otherwise as appropriate for the operation.

14.4 COMAR 08.13.09.33G requires the plan for return of coal processing waste to abandoned underground workings be approved by the state and by the Mine Safety and Health Administration (MSHA). However, 30 CFR 784.25 specifies specific details that must be included in the operator's disposal plan which are not included in the Maryland regulation. Accordingly, approval of the Maryland program is conditioned on the revision of the regulation to require the inclusion of specific details in an operator's plan.

14.5 Neither the Maryland Administrative Procedure Act nor COMAR 08.13.09.06B reference the right to appeal if the state fails to act within prescribed time limits. The State does provide the right of appeal by an aggrieved party if the state does act. The Secretary finds that Maryland should provide a confirmation of this right to be consistent with Section 514(f) of SMCRA and 30 CFR 787.12. Accordingly, approval of the Maryland program is conditioned on the revision of the state program to reference the right to appeal.

14.6 COMAR 08.13.09.03D provides that a permit can be approved for mining prime farmland if the applicant can demonstrate that the land is likely to be capable for use as prime farmland after mining. This is less stringent than 30 CFR 785.17(d) which requires that the postmining land use of prime farmland must be cropland. Approval of the Maryland program is conditioned on the revision of the regulation to require that the postmining land use of prime farmland must be cropland.

Disposition of Agency and Public Comments

14.7 DOE and others commented that COMAR should include permit application requirements for maps and plans for small operators pursuant to 30 CFR 771.23(e)(2)(B). The requirements in 30 CFR 771.23(e)(2)(B) are only applicable if small operator exemptions have been granted. Maryland did not issue any small operator exemptions in accordance with 30 CFR 710.12.

14.8 USFS suggested that COMAR 08.13.09.020(18)(d)(i), which requires that permit applications contain certain information on how the postmining land use will be achieved, should also require a recent aerial photograph of the area to be mined to assist with the determination of land use. 30 CFR 780.23 does not require aerial photos, and the Secretary is not empowered to require the state to include provisions not imposed in the federal regulations.

14.9 FWS commented that COMAR 08.13.09.08B should include a provision to ensure the protection of endangered or threatened species for both major and minor permit revisions. The federal regulations, 30 CFR 788.12(a)(1), allow the regulatory authority to determine what changes shall constitute significant (or major) departures from the method of mining or reclamation operations. Even if a revision to a permit is determined to be minor, the permittee must still comply with all the original permit conditions and all requirements of the Regulatory Program, including protection of endangered or threatened species.

14.10 FWS initially commented that COMAR 08.13.09.02K and 08.13.09.020(8) lack an adequate mechanism to ensure protection of endangered species and might result in jeopardy to these species. Upon further review, the FWS found, based on the provisions cited below, that Maryland's program contains adequate measures for the protection of endangered or threatened species. COMAR 08.13.09.02K(2)(1) provides for the applicant to supply general information with the permit application concerning fish and wildlife resources. COMAR 08.13.09.041(1) provides for a copy of the permit application to be forwarded to the Fish and Wildlife Administration for their review and comments and COMAR 08.13.09.04H(2) provides for commenters who object to the permit application to be notified by the Bureau of the public hearing on the permit application. Additionally, COMAR 08.13.09.05A(12) requires that a permit may not be approved unless the Bureau finds, in writing, that the "activities would not affect the continued existence of endangered or threatened species, or result in the destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act." Also, COMAR 08.13.09.26 provides for the protection of endangered and threatened species during the life of the permit.

14.11 The NPS commented that COMAR 08.13.09.04 should provide NPS an opportunity to be involved in the development and review of mining and reclamation plans and setting bonding requirements for surface mining which may affect the NPS units. The Secretary finds, based on the Attorney General's opinion, page 15, that Maryland has no federal lands, including NPS units, within the coal counties (Allegany and Garrett) in Maryland. Therefore, the Secretary cannot require that Maryland provide for NPS involvement.

14.12 The SCS suggested that COMAR 08.13.09.02P(6) be rewritten to give detailed specifications and requirements for agricultural limestone, fertilizer, species, inoculant, mulch anchoring and seeding techniques. The Secretary finds that the COMAR requirement is consistent with 30 CFR 780.18, and he is not empowered to require that the State include provisions not imposed in the federal requirements.

14.13 The SCS commented that Maryland should omit COMAR 08.13.09.02K(2)(g)(iii), which defines "grazing land" as a pre-mining land use category which must be identified in the permit application and reword the definitions of "fish and wildlife habitat" and "undeveloped land" in COMAR .02K(2)(g) (viii) and (x). The equivalent federal provision is 30 CFR 779.22(a)(1), which is more generalized and merely requires a map and supporting narrative of pre-existing land uses. The federal regulations do not use premining land use categories. The Secretary finds that Maryland's definitions of premining land use terms do not render its provision less stringent than the Federal provisions.

14.14 One commenter suggested that Maryland should advertise the number and location of permits granted, perhaps on a quarterly or yearly period, on an area basis. This would provide citizens with information pertaining to cumulative effects of mining in an area. The Secretary finds that such a provision is not required by SMCRA or 30 CFR Chapter VII; however, the suggestion will be forwarded to Maryland.

14.15 One commenter suggested that the COMAR 08.13.09.04 newspaper advertisement requirements should be improved by requiring larger advertisements with bolder type. The Secretary finds that Maryland meets the minimum requirements of 30 CFR 786.11.

14.16 One commenter questioned the necessity of the COMAR 08.13.09.02K(2)(k) permitting requirements for ecological information because the requirement appeared to be too stringent. The Maryland regulation allows the regulatory authority, in its discretion, to require information on existing vegetative types. This COMAR provision is consistent with 30 CFR 779.19, which is a discretionary Federal provision allowing the regulatory authority to require such information in a permit application.

14.17 One commenter questioned the necessity of COMAR 08.13.09.02 regarding required hydrologic information. The Secretary finds the Maryland regulations are consistent

with the Federal requirements, 30 CFR 779.13 to 779.18.

Finding 15

The Secretary finds that the Department of Natural Resources has the authority to regulate coal exploration consistent with the requirements of Section 512 of SMCRA (coal exploration) and 30 CFR Chapter VII, Subchapters G and K. This finding is made under the requirements of 30 CFR 732.15(b)(3).

Provisions corresponding to Section 512 of SMCRA and Subchapters G and K of 30 CFR Chapter VII for coal exploration operations are found in the Maryland Statute NR 7-514.6 and COMAR 08.13.09.07.

Disposition of Agency and Public Comments

DOE stated that Maryland regulations omitted provisions for coal exploration of more than 250 tons as required in 30 CFR 776 and 815. Since Maryland requires coal exploration greater than 200 tons to be fully permitted (COMAR 08.13.09.07C(1)), the provisions for coal exploration of more than 250 tons are not necessary.

Finding 16

The Secretary finds that the Department of Natural Resources has the authority under Maryland laws and regulations, and the Maryland program includes provisions to require that persons extracting coal incidental to government-financed construction maintain information on site, consistent with Section 528(3) of SMCRA and 30 CFR Chapter VII, Subchapter A (coal extraction incidental to government-financed highway or other construction). This finding is made under the requirement of 30 CFR 732.15(b)(4).

Provisions corresponding to Section 528(3) of SMCRA and Subchapter A of 30 CFR Chapter VII for coal extraction incidental to government-financed construction are found in Maryland statute NR 7-507 and COMAR 08.13.09.12.

Finding 17

The Secretary finds that the Department of Natural Resources has the authority and the Maryland program includes provisions to enter, inspect, and monitor all coal exploration and surface coal mining and reclamation operations on non-Indian and non-federal lands within Maryland consistent with the requirements of Section 517 of SMCRA and 30 CFR Chapter VII, Subchapter L (inspection and monitoring). This finding is made

under the requirements of 30 CFR 732.15(b)(5).

Provisions corresponding to Section 517 of SMCRA and Subchapter L of 30 CFR Chapter VII for inspection and monitoring of operations are found in Maryland statutes NR 7-507 and NR 7-518, and COMAR 08.13.09.40.

17.1 COMAR 08.13.09.40G(1) provides that an inspection will be made in response to a citizen's complaint that alleges a violation of the regulatory program. Although it does not expressly provide for such inspections where the complaint concerns "conditions or practices" which create an imminent danger to public health and safety, or significant, imminent harm to the environment, the language that Maryland provides is consistent with 30 CFR 842.12(a). That section specifies inspections are to be made for violations of the "regulatory program" which includes all federal and state law and regulations enforced under the state program.

Disposition of Agency and Public Comments

17.2 One commenter suggested that some form of inspection and enforcement be provided for after bond release to ensure successful reclamation and revegetation. 30 CFR 840 does not provide for inspection activity after bond release. This is based on 30 CFR 807.12 which requires that reclamation success must be judged prior to the release of the bond. The Secretary is not empowered to require the State to include requirements not imposed in SMCRA and the federal regulations.

Finding 18

The Secretary finds that the Department of Natural Resources has the authority under Maryland laws and regulations and that the Maryland program includes provisions to implement, administer and enforce a system of performance bonds and liability insurance, or other equivalent guarantees, consistent with the requirements of Sections 509 and 519 of SMCRA and 30 CFR Chapter VII, Subchapter J. This finding is made under the requirements of 30 CFR 732.15(b)(6).

Provisions corresponding to Sections 509 and 519 of SMCRA and to Subchapter J of 30 CFR Chapter VII which outline the requirement for performance bonds and insurance, are incorporated in the Maryland statutes NR 7-509 and NR 7-511 and COMAR 08.13.09.01, .15, .16 and .42.

Disposition of Agency and Public Comments

18.1 USFS suggested that experimental practices (COMAR 08.09.03A) be bonded separately from other mining operations. The federal regulations contain no special provision for bonding experimental practices. They are covered by the standard bonding requirements in 30 CFR Subchapter J. The Secretary is not empowered to require the State to include any requirement not imposed in the federal regulations.

18.2 One commenter suggested that the period of liability should be extended after bond release to ensure reclamation and revegetation success as contained in COMAR 08.13.09.15H. 30 CFR 807.12 provides for a five-year period of liability on the basis that success will have been determined within that time period. The Secretary is not empowered to require Maryland to include requirements not imposed in the federal regulations.

Finding 19

The Secretary finds that the Department of Natural Resources has the authority and the Maryland program provides for civil and criminal sanctions for violations of Maryland law, regulations and conditions of permits and exploration approvals, including civil and criminal penalties consistent with Section 518 of SMCRA, subject to the exceptions noted in the findings below. This finding is made under the requirements of 30 CFR 732.15(b)(7).

Provisions corresponding to section 518 of SMCRA and to 30 CFR 845 are incorporated in the Maryland statute, NR 7-517 and COMAR 08.14.09.41.

On February 28, 1980, the U.S. District Court for the District of Columbia issued its first round decision in the litigation on the permanent program regulations (*In Re: Permanent Surface Mining Regulation Litigation*, Civil Action No. 79-1144). In that decision, the court held that the Secretary could not require a point system for assessing civil penalties. On May 16, 1980, in its second round decision in this litigation, the court answered the Secretary's request for clarification regarding the round one decision demanding the penalty point system. The court stated that the Secretary may not require the states to develop a system to assess penalties at least as stringent as those imposed under the civil penalty system set forth in the federal regulations. The Secretary has interpreted the court's decision concerning penalty systems in such a way that the state need only develop a penalty system incorporating: (1) The

four criteria in Section 518(a) of SMCRA, (2) the procedural requirements of 30 CFR 845.17 through 845.20, (3) the requirement of 30 CFR 845.12 that all cessation orders must be assessed and (4) the requirement of 30 CFR 845.15(b) that a minimum of \$750.00 per day be assessed for all cessation orders issued for failure to abate a violation.

19.1 In Section 7-516(b) of the Maryland law, the state fails to provide criminal sanctions against a person who " * * * knowingly fails to make any statement, representation, or certification in any application * * * or other documents" and is therefore inconsistent with Section 518(g) of SMCRA. Maryland has not submitted any other laws which may provide equivalent sanctions. Accordingly, approval of the Maryland program is conditioned on the revision of the statute to provide criminal sanctions against a person who knowingly fails to make any statement or representation in any document, as provided in Section 518(g) of SMCRA.

19.2 COMAR 08.13.09.41A(2) provides for a \$5,000 penalty "for each day an operator is in violation * * *." Section 518(a) of SMCRA states that each day of each continuing violation may be assessed as a separate violation. Although Maryland statute NR 7-517(b) provides the necessary authority, COMAR is inconsistent with a less stringent than SMCRA because it limits total assessments per day to "operations," rather than extending it to each violation occurring on an operation. This could result in smaller penalties than authorized under SMCRA both for the initial violation and for continuing violations. Approval of the Maryland program is therefore conditioned on a revision to the regulation to provide that each day of each continuing violation may be assessed as a separate violation.

19.3 The formula for assessing dollar amounts with civil penalty criteria is contained in NR 7-517. However, COMAR 08.13.09.41C(1), which applies these criteria, would result in the regulatory authority being able to calculate a maximum penalty of \$3,500. Since Maryland's regulations limit maximum penalties to \$3,500, they are inconsistent with and less stringent than Section 518(a) of SMCRA which requires \$5,000 maximum penalties. Accordingly, approval of the Maryland program is conditioned on a revision to the regulations to provide for calculation of maximum penalties of \$5,000.

19.4 Maryland has proposed in COMAR 08.13.09.41D, that in lieu of a civil penalty assessment, the regulatory authority may order a suspension of

surface mining operations for an appropriate period of time such that the economic impact on the operator is equivalent to the amount of civil penalty which would have been assessed for the violation. Based on COMAR 08.13.09.41A(3), such an option would not be available where a cessation order had been issued for a violation creating imminent danger to public health or safety, or imminent environmental harm. Section 518(a) of SMCAR requires that civil penalties shall be assessed where such cessation orders have been issued. For other situations where such an option might be available, Maryland has not provided sufficient information to explain how such a system would work. Specifically, there is no information to show the standards to be used and the number and expertise of personnel who would exercise the judgments involved, how the system would maintain internal consistency and uniformity, and that the results would not be less stringent than the Federal requirements. Maryland should demonstrate how reasonable estimates of the economic cost to an operator of a shutdown could be calculated for those cases where a mandatory monetary penalty is not required. The Secretary finds that this procedure cannot be approved at this time but that it merits additional study that may demonstrate the feasibility of this alternative for future consideration.

19.5 COMAR 08.13.09.41E and NR 7-507(f) and NR 7-517(b)(4) fail to include provisions which establish an outside time limit for payment of a civil penalty as provided in Section 518 of SMCRA and 30 CFR 845.18. Approval of the Maryland program is conditioned on the revision of the regulation to provide an outside time limit for the payment of a civil penalty consistent with 30 CFR 845.18.

19.6 Maryland statute NR 7-517(c) and COMAR 08.13.09.41A(4) provide that the \$750 per day penalty for failure to abate shall be assessed for thirty days and may be assessed beyond thirty days if noncompliance continues. This provision is consistent with 30 CFR 845.15 as far as it goes, but Maryland must provide that the regulatory authority will continue mandatory enforcement action of other types if the penalty is not assessed after the thirty days elapses. Approval of the Maryland program is conditioned on a revision to the regulation to provide for mandatory alternative enforcement action beyond the thirty day period.

Disposition of Agency and Public Comments

19.7 DOE recommended that Maryland law be amended to create a

point system for the assessment of civil and criminal penalties pursuant to Section 518 of SMCRA and 30 CFR Part 845. The requirement for a point system was remanded by the District Court for the District of Columbia. (See Finding 19) and the Secretary lacks authority to require it at this time.

Finding 20

The Secretary finds, subject to the exceptions noted in the findings below, that the Department of Natural Resources has the authority under Maryland laws and regulations, and the Maryland program provides provisions to issue, modify, terminate and enforce notices of violation, cessation orders and show cause orders in accordance with Section 521 of SMCRA and consistent with 30 CFR Chapter VII, Subchapter L (Inspection and Enforcement). This finding is made under the requirements of 30 CFR 732.15(b)(8).

Provisions corresponding to Section 521 of SMCRA and Subchapter L of 30 CFR Chapter VII for inspection and enforcement of operations are found in Maryland statutes NR 7-507 and NR 7-518, and COMAR 08.13.09.40.

20.1 NR 7-507(c) provides for extending an abatement period for greater than the maximum 90 days allowed under Section 521(a)(3) of SMCRA and 30 CFR 843.12(c). COMAR 08.13.09.40E(3) also provides for extending the 90-day abatement period when the Bureau finds that it is necessary. Insofar as Maryland's statutory and regulatory authority provides for a greater than 90-day abatement period, the Secretary finds that it is inconsistent with SMCRA and the Federal regulations. Accordingly, approval of the Maryland program is conditioned on the revision of the statute and regulations to provide that the time period established for abatement of a violation shall not exceed 90 days.

20.2 COMAR 08.13.09.42A(5) does not specify that a pattern of violations may be determined based upon two inspections in a 12-month period and shall be determined upon three inspections during a 12-month period, as specified in 30 CFR 843.13(a) (2) and (3). Maryland uses terms like "repeated," "excessive," and "severe" in determining what constitutes a pattern of violations. The Secretary finds that the failure to establish minimum criteria which trigger the mandatory issuance of a show cause order and the lack of specific criteria for issuing a show cause order under certain situations is inconsistent with 30 CFR 843.13(a) (2) and (3). Approval of the Maryland

program is conditioned on the revision of the regulations to provide criteria for issuing show cause orders, consistent with 30 CFR 843.13(a) (2) and (3).

20.3 The Secretary finds COMAR 08.13.09.40F inconsistent with Section 521(a)(2) of SMCRA and 30 CFR 843.11 in that it does not establish that cease orders shall be issued on the basis of any one of four independent criteria. Approval of the Maryland program is conditioned on revision of the regulation to provide that a cease order shall be issued on the basis of any one of four independent criteria.

Disposition of Agency and Public Comments

20.4 The Citizens' Coalition on Surface Mining commented that the state's enforcement procedures appear to be based on state regulations previously in effect, together with a few new regulations, and that these procedures have not been particularly effective in the past. As explained in the preamble to 30 CFR 732.15 on criteria for approval or disapproval of state programs, the past history of a state cannot be the basis for approval or disapproval of a state program (44 FR 14961, March 13, 1979).

Finding 21

The Secretary finds, subject to the exceptions noted in the finding below, that the Department of Natural Resources has the authority and the Maryland program contains provisions to designate areas as unsuitable for surface coal mining consistent with Section 522 of SMCRA and 30 CFR Chapter VII, Subchapter F (designation of areas unsuitable for mining). This finding is made under the requirements of 30 CFR 732.15(b)(9).

Provisions corresponding to Section 522 of SMCRA and to Subchapter F of 30 CFR Chapter VII are included in Maryland statute NR 7-501 and COMAR 08.13.09.10 and .11.

21.1 NR 7-505(b)(2) and COMAR 08.13.09.10B allow the State to approve surface coal mining in the corridor of the Youghiogheny River, a National Wild and Scenic study river, when such mining is in conjunction with the reclamation of abandoned mine lands. The State also allows mining within 300 feet of public buildings and parks and within 100 feet of a cemetery if approved by the owner or agency with jurisdiction. These provisions are inconsistent with the prohibition of mining in areas designated unsuitable for mining in Section 522(e) of SMCRA and 30 CFR 761.11. These provisions are discussed at greater length in Finding 12.1.

Disposition of Agency Comments

21.2 The NPS commented that it should be given an opportunity to directly participate in developing criteria for designating lands unsuitable for surface coal mining adjacent to NPS units. The Secretary finds, based on the Attorney General's opinion, page 15, that Maryland has no federal lands, including NPS units, in its coal counties (Allegany and Garrett). Therefore, the Secretary cannot require that Maryland provide for NPS involvement.

21.3 The NPS commented that COMAR 08.13.09.10 should include the exact wording of the definitions of "fragile lands" and "historic lands" provided in 30 CFR 762.5. These definitions are included in COMAR 08.13.09.11A which contains substantially identical language to 30 CFR 762.5. The Secretary finds that the definitions of these terms in COMAR are consistent with the federal requirements.

Finding 22

The Secretary finds, subject to the exceptions noted in the findings below, that the Department of Natural Resources has the authority under Maryland laws and regulations and the Maryland program contains provisions to provide for public participation in the development, revision and enforcement of Maryland laws and regulations and the Maryland program is consistent with the public participation requirements of SMCRA and 30 CFR Chapter VII. This finding is made under the requirements of 30 CFR 732.15(b)(10).

Provisions corresponding to public participation requirements in SMCRA and 30 CFR Chapter VII are incorporated in the Maryland Environmental Standing Act, NR 1-501, *et seq.* and the Maryland program. In Volume I of the Maryland program submission, Sections G(8) and G(14) outline all opportunities provided in the Maryland law and regulations for public participation.

22.1 Section 525(a)(1) of SMCRA allows "any person having an interest which is or may be adversely affected * * *" to request an adjudicatory hearing during any stage of administrative proceedings. Although NR 7-507(f) allows "any person adversely affected" to request an adjudicatory hearing, the omission of "or may be" limits the right of the public to initiate review of actions by the regulatory authority and is inconsistent with SMCRA. COMAR 08.13.09.43C(3) limits intervention in an adjudicatory hearing to persons who can show they would have been entitled to request a

hearing in their own right. Each state program is required by 30 CFR 840.15 to provide for public participation in enforcement consistent with 43 CFR Part 4. 43 CFR 4.1110 provides that any person having an interest which is or may be adversely affected may intervene in administrative proceedings. Accordingly, approval of the Maryland program is conditioned on the revision of the statute to provide that any person who may be adversely affected may request an adjudicatory hearing and on revision to the regulations to provide for intervention rights consistent with 43 CFR 4.1110.

22.2 Maryland's Environmental Standing Act, NR 1-501, *et seq.*, restricts citizens suits to Maryland residents. Section 520(a) of SMCRA provides for "any person" to commence a civil action to compel compliance. The Secretary finds that the Maryland statute is not in accordance with Section 520(a) of SMCRA. Accordingly, approval of the Maryland program is conditioned on the revision of the statute to provide for the right of any person to commence a citizen suit.

22.3 Maryland law does not contain provisions allowing any person to intervene as a matter of right in an action initiated by the state or the Secretary of the Department of the Interior; or allowing the Secretary to intervene in a citizen suit as a matter of right and is therefore inconsistent with Sections 520(b)(1) and 520(c)(2) of SMCRA. Approval of the Maryland program is conditioned on the revision of the statute to provide for these intervention rights.

22.4 COMAR 08.13.07.40G(3) does not require a written response to be given to a citizen requesting an inspection within ten days of the inspection or within fifteen days if no inspection is conducted. The omission of this requirement is inconsistent with 30 CFR 842.12(d). Approval of the Maryland program is conditioned on the revision of the regulation to include the requirement to give a written response to a citizen requesting an inspection.

22.5 Maryland law provides for the award of costs, including attorney fees, at NR 7-507(g), except as noted below under Finding 22.8. However, the state program does not provide for awarding these costs in accordance with 43 CFR Part 4, Subpart L (rules for surface coal mining hearings and appeals) as required in the public participation requirements of 30 CFR 840.15. Specifically, the Maryland program contains no provisions comparable to 43 CFR 4.1290 *et seq.* which provides that costs may only be assessed against a citizen participant in an administrative

proceeding if that citizen initiated the proceeding in bad faith or for the purpose of harassing or embarrassing the permittee or the government, and that costs may be awarded to a citizen if he or she makes a substantial contribution to a full and fair determination of the issues. Approval of the Maryland program is conditioned on the revision of the regulations to provide for the award of costs in accordance with 43 CFR Part 4, Subchapter L.

22.6 The Maryland program does not contain provisions required by 30 CFR 840.15 to provide for public participation in enforcement of the state program consistent with the discovery procedures for administrative hearings in 43 CFR 4.1130 *et seq.* Approval of the Maryland program is conditioned on the revision of the regulations to include the discovery procedures for administrative hearings in 43 CFR 4.1130 *et seq.*

22.7 The Maryland program lacks provisions for notification of the public and public participation in mine site hearings as required in 30 CFR 843.15. Approval of the Maryland program is conditioned on the revision of the regulations to provide for notification of the public and public participation in mine site hearings.

22.8 Section 520(d) of SMCRA provides that costs, including attorney fees, may be awarded to any party where suit is initiated under Section 520 (Citizen Suits) to compel compliance with the Act. Maryland provides for the award of costs, including attorney fees, at NR 7-507(g). However, this section authorizes the recovery of the costs of litigation only for parties seeking administrative or judicial review of a notice or order. The Maryland Environmental Standing Act (ESA) provides at NR 1-507(a) that such costs may be awarded to a defendant where it is determined that a citizen suit brought under the ESA was brought in bad faith or solely for purposes of harassment or delay. No provision is made for a plaintiff in a citizen suit to recover the cost of litigation. Omission of a provision to authorize the recovery of costs, including attorney fees, for plaintiffs in citizen suits makes Maryland's law less stringent than Section 520(d) of SMCRA. Approval of the Maryland program is conditioned on the revision of the statute to provide for the award of costs, including attorney fees, for plaintiffs in citizen suits.

Finding 23

The Secretary finds, subject to the exception noted below, that the Department of Natural Resources has the authority under Maryland laws and regulations to monitor, review, and

enforce the prohibition against indirect or direct financial interest in coal mining operations by employees of the Maryland Department of Natural Resources consistent with Section 517(g) of SMCRA and 30 CFR Part 705 (restrictions on financial interests of state employees). This finding is made under the requirements of 30 CFR 732.15(b)(11):

Provisions corresponding to Section 517(g) of SMCRA and 30 CFR Part 705 are incorporated in the Maryland Public Ethics Law, Article 40A.

Section 517(g) of SMCRA provides that no employee of the state regulatory authority performing any function or duty under the Act shall have a direct or indirect financial interest in any underground or surface coal mining operation. 30 CFR 705.5 defines direct financial interest as "ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings * * * Direct financial interests include employment, pensions, creditor, real property and other financial relationships." Indirect financial interest is defined by 30 CFR 705.5 to mean the same financial relationships as for direct ownership, but the interests are held by the employee's spouse, child, or other relatives residing in the employee's home. The Maryland Public Ethics Law, § 1-120(1), defines financial interest as: (1) Ownership of any interest as the result of which the owner has received, is presently receiving, or is entitled to receive, more than \$1,000 per year, or (2) ownership, or the ownership of securities of any kind representing ownership, of more than 3 percent of a business entity. This definition is inconsistent with the Federal requirements which prohibit any interest, regardless of the amount.

Accordingly, approval of the Maryland program is conditioned on the revision of the statute to provide conflict of interest requirements consistent with Section 517(g) of SMCRA and 30 CFR Part 705.

Finding 24

The Secretary finds that the Department of Natural Resources has the authority under Maryland laws and the Maryland program includes provisions to require training, examination, and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA to the extent required for approval of its program. This finding is made under the requirements of 30 CFR 732.15(b)(12).

Provisions corresponding to Section 719 of SMCRA are incorporated in the

Maryland statute NR 7-520. However, under 30 CFR 732.15(b)(12), the State is not required to implement regulations governing training, examination, and certification of blasters until six months after Federal regulations have been promulgated. Federal regulations have not been promulgated as of this time. When OSM issues final rules on this subject, Maryland will be required to have regulations consistent with them and provide a description of the system for implementing these provisions as required by 30 CFR 731.14(g)(13).

Finding 25

The Secretary finds, subject to the exception noted below, that the Department of Natural Resources has the authority under Maryland laws and regulations, and the Maryland program contains provisions to provide small operator assistance consistent with 30 CFR Part 795 (Small Operator Assistance). This finding is made under the requirements of 30 CFR 732.15(b)(13).

Provisions corresponding to Section 507(c) of SMCRA and 30 CFR Part 795 are incorporated in Maryland statute NR 7-505(c) and COMAR 08.13.09.17.

Maryland statute NR 7-505(c)(4) limits the funding of the small operator assistance program "to the extent that Federal funds are available." Such a limitation is not consistent with Section 507(c) of SMCRA. The Federal funds currently available to Maryland for small operator assistance are sufficient to meet the present needs of Maryland. However, this may not be the case in the future. Approval of the Maryland program is conditioned on a revision to the statute to remove the limitation on funding of the small operator assistance program.

Finding 26

The Secretary finds that the Department of Natural Resources has the authority under Maryland laws to provide protection of employees of the Department of Natural Resources corresponding to the protection afforded Federal employees under Section 704 of SMCRA (protection of employees). This finding is made under the requirements of 30 CFR 732.15(b)(14).

Provisions corresponding to Section 704 of SMCRA are incorporated in Maryland statute NR 7-516(E).

Disposition of Agency and Public Comments

DOE commented that Maryland law, NR 7-516, does not contain adequate provisions for the protection of state employees as set forth in Section 704 SMCRA and 30 CFR 732.15(b)(14). The Secretary finds that Maryland statute

NR 7-516(E), as amended on June 1, 1980, is consistent with the Federal requirements.

Finding 27

The Secretary finds, subject to the exception noted below, that the Department of Natural Resources has the authority under its laws and regulations and the Maryland program contains provisions to provide for administrative and judicial review of state program actions in accordance with Sections 525 and 526 of SMCRA (Review of Decisions) and 30 CFR Chapter VII, Subchapter L (Inspection and Enforcement). This finding is made under the requirements of 30 CFR 732.15(b)(15).

Provisions corresponding to Sections 525 and 526 of SMCRA and to 30 CFR Chapter VII are incorporated in Maryland statute NR 7-507, the Maryland Administrative Procedure Act, and COMAR 08.13.09.41 and .42.

COMAR 08.13.09.42D(2), pertaining to suspension or revocation of permits, contains no provision for notification of the public of the date, time and place of a hearing. 30 CFR 843.13(d) provides that the date, time, and place of a hearing shall be published, if practicable, in a newspaper of general circulation in the area of the surface coal mining and reclamation operations, and shall be posted at the regional, district or field office closest to those operations. Accordingly, approval of the Maryland program is conditioned on the revision of the regulation to provide for public notification as required in 30 CFR 843.13(d).

Finding 28

The Secretary finds that the Maryland Department of Natural Resources has the authority under Maryland laws and the Maryland program contains provisions to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under the provisions of 30 CFR Chapter VII. This finding is made under the requirements of 30 CFR 732.15(b)(16).

The provisions for cooperation, coordination and provision of documents are contained in COMAR 08.13.09.04M(2) and (3), and the Maryland Public Information Act (Article 76A of the Annotated Code of Maryland) provides for the availability of information to the public.

Disposition of Agency and Public Comments

The SCS recommended that Maryland's program contain a new memorandum of understanding between the Allegheny and Garrett Soil

Conservation Districts and the Maryland Bureau of Mines pursuant to 30 CFR 731.14(f). The federal regulations require only that existing supporting agreements be included in a state program.

Finding 29

The Secretary finds that the Maryland laws and regulations and the Maryland program contain provisions which do not interfere with or preclude implementation of those in SMCRA and 30 CFR Chapter VII. This finding is made under the requirements of 30 CFR 732.15(c).

Finding 30

The Secretary finds that the Department of Natural Resources and other agencies having a role in the program have sufficient legal, technical and administrative personnel and sufficient funds to implement, administer and enforce the provisions of the program, the requirements of 30 CFR 732.15(b) (Program Requirements), and other applicable state and federal laws. This finding is made under the requirements of 30 CFR 732.15(d).

Disposition of Agency and Public Comments

30.1 The Advisory Council on Historic Preservation (ACHP) commented that if the survey of cultural resources by the Maryland State Historic Preservation Officer (COMAR 08.13.09.02K(2)(b)) is completed prior to the issuance of any permits, the regulations should be amended to cite this survey directly. The ACHP suggested that if the survey was not completed in that period, the program should contain evidence of how historic lands will be identified. The Secretary believes that the proposed Programmatic Memorandum of Agreement between OSM and ACHP (See 45 FR 41988, June 23, 1980), when signed and implemented will assure compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

30.2 EPA commented that the administrative capability of the Maryland program satisfied the requirements of 30 CFR 731.14(e)-(p). The Secretary concurs that Maryland's administrative capability is adequate.

30.3 USFS suggested that the Maryland Forest Service be allowed to review mining permits to insure that the correct tree seedlings will be available from the State nursery when needed. USFS also recommended that the State forester should be a member of the Land Reclamation Committee. The Secretary finds that the permanent program

regulations do not require either of these suggested provisions and he is not empowered to require the State to include requirements not imposed in the Federal regulations.

E. The Secretary's Decision

Background on Conditional Approval

The Secretary is fully committed to two key aims which underlie SMCRA. The Act calls for comprehensive regulation of the effects of surface coal mining on the environment and public health and safety and for the Secretary to assist the States in becoming the primary regulators under the Act. To enable the states to achieve that primacy, the Secretary has undertaken many activities of which several are particularly noteworthy.

The Secretary has worked closely with several State organizations such as the Interstate Mining Compact Commission, the Council of State Governments, the National Governors Association and the Western Interstate Energy Board. Through these groups OSM has frequently met with State regulatory authority personnel to discuss informally how the Act should be administered, with particular reference to unique circumstances in individual States. Often these meetings have been a way for OSM and the States to test new ideas and for OSM to explain portions of the Federal requirements and how the States might meet them. Alternative State regulatory options, the "state window" concept, for example, were discussed at several meetings of the interstate Mining Compact Commission and the National Governors Association.

The Secretary has dispensed over \$6.9 million in program development grants and over \$37.6 million in initial program grants to help the States to develop their programs, to administer their initial programs, to train their personnel in the new requirements, and to purchase new equipment. In several instances OSM detailed its personnel to States to assist in the preparation of their permanent program submissions. OSM has also met with individual States to determine how best to meet the Act's environmental protection goals.

Equally important, the Secretary structured the State program approval process to assist the States in achieving primacy. He voluntarily provided his preliminary views on the adequacy of each State program to identify needed changes and to allow them to be made without penalty to the State. The Secretary adopted a special policy to insure that communication between him and the States remained open and

uninhibited at all times. This policy was critical to avoiding a period of enforced silence with a State after the close of the public comment period on its program and has been a vital part of the program review process (see 44 FR 54444, September 19, 1979).

The Secretary has also developed in his regulations the critical ability to approve conditionally a State program. Under the Secretary's regulations, conditional approval gives full primacy to a State even though there are minor deficiencies in a program. This power is not expressly authorized by the Act; it was adopted through the Secretary's rulemaking authority under 30 U.S.C. 301(c), 502(b), and 503(a)(7).

The Act expressly gives the Secretary only two options—to approve or disapprove a State program. Read literally, the Secretary would have no flexibility; he would have to approve those programs that are letter-perfect and disapprove all others. To avoid that result and in recognition of the difficulty of developing an acceptable program, the Secretary adopted the regulation providing the authority to approve conditionally a program.

Conditional approval has a vital effect for programs approved in the Secretary's initial decision: it results in the implementation of the permanent program in a State months earlier than might otherwise be anticipated. While this may not be significant in States that already have comprehensive surface mining regulatory programs, in many States that earlier implementation will initiate a much higher degree of environmental protection. It also implements the rights SMCRA provides to citizens to participate in the regulation of surface coal mining through soliciting their views at hearings and meetings and enabling them to file requests to designate lands as unsuitable for mining if they are fragile, historic, critical to agriculture, or simply cannot be reclaimed to their prior productive capability.

The Secretary considers three factors in deciding whether a program qualifies for conditional approval. First is the state's willingness to make good faith efforts to effect the necessary changes. Without the state's commitment, the option of conditional approval may not be used.

Second, no part of the program can be incomplete. As the preamble to the regulations says, the program, even with deficiencies, must "provide for implementation and administration for all processes, procedures, and systems required by the Act and these regulations" (44 FR 14961). That is, a state must be able to operate the basic

components of the permanent program: The designation process; the permit and coal exploration systems; the bond and insurance requirements; the performance standards; and the inspection and enforcement systems. In addition there must be a functional regulatory authority to implement the other parts of the program. If some fundamental component is missing, conditional approval may not be used.

Third, the deficiencies must be minor. For each deficiency or group of deficiencies, the Secretary considers the significance of the deficiency in light of the particular state in question. Examples of deficiencies that would be minor in virtually all circumstances are correction of clerical errors and resolution of ambiguities through attorneys general opinions, revised regulations, policy statements, changes in the narrative or the side-by-side.

Other deficiencies require individual consideration. An example of a deficiency that would most likely be major would be a failure to allow meaningful public participation in the permitting process. Although this would not render the permit system incomplete because permits could still be issued, the lack of any public participation could be such a departure from a fundamental purpose of the Act that the deficiency would most likely be major.

The use of a conditional approval is not and cannot be a substitute for the adoption of an adequate program. Section 732.13(j) of Title 30 of the regulations gives the Secretary little discretion in terminating programs where the state, in the Secretary's view, fails to fulfill the conditions. The purpose of the conditional authority power is to assist, not excuse, states from achieving compliance with SMCRA.

As indicated above under "Secretary's Findings," there are minor deficiencies in the Maryland program which the Secretary requires be corrected. In all other respects, the Maryland program meets the criteria for approval. The deficiencies identified in prior findings are summarized below and an explanation is given to show why the deficiency is minor, as required by 30 CFR 732.13(i).

1. The State law and regulations allow waivers to certain prohibitions on mining contained in Section 522(e) of SMCRA and 30 CFR 761.11. The State as a matter of policy has stated that it will not exercise its authority to grant such waivers. Based on this representation, there is little likelihood of environmental damage prior to the revision of the statute and regulations. (See Finding 12.1)

2. The State regulations improperly define topsoil to include more than the A horizon. This would allow mixing of the A and B horizons without a specific showing of need. This practice is allowable under Federal regulations if site-specific tests demonstrate that the salvaged material is equal to or better than the A horizon considering both quantity and quality. Little or no adverse impact is likely to occur as a result of continuing the Maryland practice for a short time because the mixing of horizons has been found appropriate in most Appalachian areas having thin A horizons and because only a small number of additional acres are likely to be disturbed before an appropriate change is made. (See Finding 13.1)

3. The State regulations fail to define "hydrologic balance" in terms of both the quality and quantity of water. The State presently considers water quality but not quantity. Maryland is an eastern State with an ample supply of well distributed precipitation. It is reasonable to assume that precipitation will provide sufficient quantity of water for mining and other uses during the short period necessary for adoption of revised regulations. (See Finding 13.2)

4. The State regulations fail to require that water from an underground mine shall not be diverted or discharged into other underground mine workings. All mines in Maryland must comply with the regulations of the Mine Safety and Health Administration (MSHA) which prohibit the discharge of water unless MSHA has given prior approval. This will assure that unsafe practices are not initiated prior to modification of the State regulations. (See Finding 13.3)

5. The State regulations fail to require use of the "best technology currently available" to maintain environmental integrity in coal recovery. Compliance with other performance standards of the State program will assure maintenance of environmental integrity during normal coal recovery operations. It is unlikely that unique situations requiring advanced or unusual technology for coal recovery will occur during the short period required to modify present State regulations. (See Finding 13.4)

6. The State regulations fail to restrict blasting to an aggregate of four hours per day. The State does, however, require a detailed blasting schedule which must be published in a newspaper of general circulation in the locality of the blasting site and which must be delivered or mailed to each residence within one-half mile of the permit area. Strict enforcement of the blasting schedule by the State will ensure adequate public notice and

minimize impact of blasts occurring over a longer period of time during the time required to adopt revised State regulations. (See Finding 13.5)

7. The State regulations fail to require the use of "best technology currently available" to minimize adverse impacts on fish, wildlife and related environmental values, and fail to require prevention of fires as one of the measures necessary to minimize adverse impacts. The Maryland regulation contains all other substantive requirements for fish and wildlife protection and will provide sufficient control over adverse effects prior to adoption of revised regulations. (See Finding 13.7)

8. The State regulations fail to require that the operator maintain necessary fences and proper management practices on revegetated areas. The winter months constitute a dormant period for vegetation so that the impact of management practices and fences will be less important. Revised regulations are scheduled to be adopted prior to the time when this requirement will be most needed. (See Finding 13.8)

9. The State regulations fail to provide that success of revegetation for cropland shall be determined on the basis of crop production and that productive capability shall be defined to be a measure of the actual vegetation productivity. These criteria are applicable at the end of the operator's bond liability period, i.e., a minimum of five years after initial planting. In addition, the current regulation does require a showing of productive capability which ensures some protection. Thus, the State regulations can be modified before the criteria need be applied, with little if any practical effect. (See Finding 13.9)

10. The State regulations fail to extend jurisdiction to regulate surface mining activities such as tipples connected to mines by public roads. There are approximately 12 tipples in the State, some but not all of which may be classified as coal preparation facilities because of crusher operations, which are neither located at a mine site nor connected to a specific mine by other than public roads. Such facilities may fall outside of present State regulatory definitions. Because of the small number of facilities, the probability is low of significant environmental harm from these limited operations during the short time required to modify State regulations. (See Finding 13.10)

11. The State statute fails to give Maryland jurisdiction to regulate gob piles. Only one operation now reworking coal refuse piles in Maryland has been identified which would not be

subject to regulation prior to the time that a statutory amendment can be enacted. The effects from this one operation are minor. (See Finding 14.1)

12. The State regulations fail to include the underground permit application requirements for coal development waste and mine development waste. The Maryland statute and regulations provide broad authority to allow the State to require such other information as may be needed to assure that these wastes are properly managed pending regulation modifications to incorporate more specific provisions. (See Finding 14.2)

13. The State regulations fail to provide for monitoring of subsidence, as required by 30 CFR 784.20 and 784.23(b)(12). Maryland does require a plan for preventing or controlling subsidence and reclamation of subsidence damage, so that the lack of a requirement to monitor is unlikely to result in significantly less environmental protection during the period prior to adoption of revised regulations though it may result in less effective enforcement. The regulatory authority can minimize this problem in major cases by inspections. (See Finding 14.3)

14. The State regulations fail to require the inclusion of specific details in an operator's plan for return of coal processing waste to abandoned underground workings, as required by 30 CFR 784.25. Maryland does require that the plan be approved by the State and by the Mine Safety and Health Administration (MSHA). Prior to the time revised regulations are adopted, neither the State nor MSHA is very likely to approve any plan which does not contain sufficient detail to assure the operations are conducted so as to minimize or avoid adverse impacts. (See Finding 14.4)

15. The State statute and regulations fail to reference the right to appeal if the State fails to act within prescribed time limits. The State program does provide the right of appeal by an aggrieved party if the State does act. There is little likelihood that a person would be denied the right to appeal on this narrow basis during the period prior to the required change in the state program. In addition, citizen suit remedies would be available if the State failed to act and no administrative remedy was available. (See Finding 14.5)

16. The State regulations fail to require that the postmining land use of prime farmland must be cropland. At this time, no prime farmlands have been identified in Maryland, so it is unlikely that the necessity of using this provision will arise prior to the adoption of revised regulations. (See Finding 14.6)

17. The State statute fails to provide for criminal sanctions against a person who knowingly fails to make any statement, representation, or certification in any application or other document. Maryland does provide criminal sanctions against anyone "who does not fully comply with every provision of this subtitle or any rule, regulation, permit, notice or order issued pursuant thereto," which could apply to the knowing omission of any required element. Prior to the adoption of a statutory amendment, there is little likelihood that any person will avoid criminal liability for a knowing failure to make any statement or other representation. (See Finding 19.1)

18. The State regulations fail to require that: (1) Each day of each continuing violation may be assessed as a separate violation, and (2) that the State be able to calculate maximum penalties of \$5,000. Maryland State laws provide for penalties consistent with Federal law and regulations. The deficiencies noted in these findings appear to be the result of inadvertent errors in regulation drafting. Based on the compliance status of mines in Maryland, the relatively few mines, and the compliance record of operators in the State, it is unlikely that assessment of civil penalties will be significantly less stringent during the period prior to adoption of revised regulations. (See Finding 19.2 and 19.3)

19. The State regulations fail to provide an outside time limit for the payment of a civil penalty. The State procedures are substantially similar to those included in the Federal regulations but fail to include the necessary requirement for payment of penalties within a specific period of time. This procedural deficiency may result in a lower rate of fine collections and an extension of the time for hearings on violations. The amount of fines and delays will probably be small during this period. (See Finding 19.5)

20. The State regulations fail to provide for continuing enforcement action for non-abatement beyond the 30-day period during which a penalty for non-abatement is assessed. The State has the authority to pursue alternative enforcement actions for failure to abate after the 30 days in which mandatory penalties are assessed. The change required is simply to make the use of alternative enforcement actions mandatory. (See Finding 19.6)

21. The State statute and regulations fail to provide that the total time for abatement of a notice of violation shall not exceed 90 days. The authority now in the State program to extend the abatement period beyond 90 days

applies only in exceptional cases and is unlikely to be used during the period prior to an amendment to the State program. (See Finding 20.1)

22. The State regulations fail to establish minimum criteria for mandatory issuance of a show cause order in certain situations. The State has full authority for issuance of show cause orders but has adopted criteria for such issuance which are ambiguous or vague. The State is not precluded from taking these enforcement actions pending revision of the State regulations. (See Finding 20.2)

23. The State regulations fail to provide expressly that a cessation order shall be issued on the basis of any one of four independent criteria and should be clarified. Maryland's current regulation is ambiguous on whether all four points might be required for a cessation order. Based on the broad authority in the Maryland statute to issue cessation orders, it is highly unlikely that this regulation would be interpreted to require all four bases to exist concurrently before a cease order could be issued. (See Finding 20.3)

24. The State statute fails to provide that any person having an interest which is or may be adversely affected may request an adjudicatory hearing, and the State regulations fail to provide that any person having an interest which is or may be adversely affected may intervene in an adjudicatory hearing. Present State laws and regulations may require more specific showings of interest or adverse affect if interpreted narrowly than do the Federal law and regulations. The probability is low that such interpretations will actually result in a denial of access to any person before an amendment to the program is made. (See Finding 22.1)

25. The State statute fails to provide for any person to commence civil action to compel compliance. Present State law extends the opportunity to commence civil action to compel action by the regulatory authority to State residents, consistent with Federal requirements. Non-residents will have recourse, pending amendment of the State law, through the oversight authorities and functions of OSM or through action in Federal court. (See Finding 22.2)

26. The State statute fails to allow any person to intervene as a matter of right in an action initiated by the State or the Secretary of the Department of the Interior; or to allow the Secretary to intervene in a citizen suit as a matter of right. The effect of this is minimized because anyone who wants to participate can bring their own suit. (See Finding 22.3)

27. The State regulations fail to require a written response to be given a citizen requesting an inspection within 10 days of the inspection or within 15 days if no inspection is conducted. The State regulations do require that inspections be conducted in response to citizen complaints, do allow citizens to accompany inspectors, do require that a copy of the inspection report be provided to a citizen requesting an inspection, and do provide public access to inspection records. These factors plus the Secretary's oversight inspection authority make the effect of the failure to obtain this information minimal. (See Finding 22.4)

28. The State regulations fail to provide that costs may only be assessed against a citizen participant in an administrative proceeding if that citizen initiated the proceeding in bad faith or for the purpose of harassing or embarrassing the permittee or the government, and that costs may be awarded to a citizen if he or she makes a substantial contribution to a full and fair determination of the issues. An adjudicatory hearing is one of the last steps in the administrative process relating to inspection and enforcement. Based on the time periods involved in the administrative process, it is highly unlikely that the occasion to use this provision would arise prior to the adoption of revised regulations. In addition, the Secretary believes that in view of his action, it would not be possible for the State to lawfully award fees against a citizen except as required by Federal law. Consequently, the omission of this provision will not affect a person's ability to participate in a significant way. (See Finding 22.5)

29. The State regulations fail to provide for public participation in enforcement of the State program consistent with the discovery procedures for administrative hearings in 43 CFR 4.1130 *et seq.* Based on the time periods involved in the administrative process, there are likely to be only a very small number of administrative hearings, if any, prior to revision of the State program. It is considered unlikely that the results of any such hearing would be materially affected by the lack of discovery procedures. (See Finding 22.6)

30. The State regulations fail to provide for notification of the public and public participation in mine site hearings as required in 30 CFR 843.15. The State does make information available on hearings but does not formally post or advertise announcements of them. It is anticipated that the number of mine site hearings

held during the period prior to adoption of revised regulations will be small. Any interested person could learn of the hearings through inquiry to the regulatory authority. (See Finding 22.7)

31. The State statute fails to provide for plaintiffs in citizen suits to recover costs, including attorney fees. Present State law allows the award of costs but may be subject to an interpretation which would deny costs to citizen plaintiffs. The probability of citizen suits and of a narrow interpretation regarding the award of costs is considered minimal during the period required for modification of the State program. In addition, the Secretary believes that such an interpretation would not be consistent with SMCRA. (See Finding 22.8)

32. The State statute fails to provide for enforcement of the prohibition against indirect or direct financial interest by employees who perform duties under the State program in violation of conflict of interest provisions. The State regulatory authority has consistently complied with Federal regulations regarding direct and indirect financial interests. Compliance with these requirements precludes any minor conflicts of interest that might be allowed under existing less stringent State laws. (See Finding 23)

33. The State statute fails to provide that the small operator assistance program shall be funded by the State. Federal funds currently available to Maryland for small operator assistance are sufficient to meet the present needs of the State, so there should be no impact during the period prior to adoption of a revised statutory provision. (See Finding 25)

34. The State regulations fail to provide for notification of the public of hearings on suspension or revocation of permits. Suspension or revocation of a permit is an enforcement action taken only after a pattern of violations has been determined to exist. A pattern of violations is determined on the basis of separate inspections conducted within a certain period of time. The effect of this should be minimal since the substantive remedy will be enforced during this period. (See Finding 27)

About one-third of the deficiencies are administrative in nature, one-third are operator performance standards, and the remainder are enforcement and public participation requirements. Most of the deficiencies are of such a nature that they do not apply to activities or situations which will be in progress prior to the State's adoption of revisions.

Given the nature of the deficiencies set forth in the Secretary's Findings and their magnitude in relation to all the

other provisions of the Maryland program, the Secretary of the Interior has concluded they are minor deficiencies. Accordingly, the program is eligible for conditional approval under 30 CFR 732.13(j) because:

1. The deficiencies are of such a size and nature as to render no part of the Maryland program incomplete since all other aspects of the program meet the requirements of SMCRA and 30 CFR Chapter VII and these deficiencies, which will be promptly corrected, will not directly affect environmental performance at coal mines;

2. Maryland has initiated and is actively proceeding with steps to correct the deficiencies; and

3. Maryland has agreed, by letter dated October 28, 1980 to correct the regulation deficiencies by April 1, 1981 and the statutory deficiencies by October 1, 1981.

Accordingly, the Secretary is conditionally approving the Maryland program. This approval shall terminate if regulations correcting the deficiencies are not enacted by April 1, 1981 or if State legislation correcting the statutory deficiencies is not enacted by October 1, 1981.

This conditional approval is effective December 1, 1980. Beginning on that date, the Maryland Department of Natural Resources shall be deemed the regulatory authority in Maryland and all Maryland surface coal mining and reclamation operations on non-federal and non-Indian lands and all coal exploration on non-federal and non-Indian lands in Maryland shall be subject to the permanent regulatory program.

On non-federal and non-Indian lands in Maryland, the permanent regulatory program consists of the State program approved by the Secretary.

The Secretary's approval of the Maryland program relates at this time only to the permanent regulatory program under Title V of SMCRA. The approval does not constitute approval of any provisions related to implementation of Title IV under SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 884, Maryland may submit a State reclamation plan now that its permanent program has been approved. At the time of such a submission, all provisions relating to abandoned mined lands reclamation will be reviewed by officials of the Department of the Interior.

Additional Findings

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact

statement need be prepared on this conditional approval.

Note.—The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this conditional approval.

Dated: November 19, 1980.

Joan M. Davenport,

Assistant Secretary of the Interior.

A new part, 30 CFR Part 920, is adopted to read as follows:

PART 920—MARYLAND

Sec.

920.1 Scope.

920.10 State Program Approval.

920.11 Conditions of State Program Approval.

920.12 State Program Provisions Disapproved.

Authority. Pub. L. 95-87, Surface Mining, Control and Reclamation Act of 1977, (30 U.S.C. 1201 note).

§ 920.1 Scope.

This part contains all rules applicable only within Maryland that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

§ 920.10 State program approval.

The Maryland state program, as submitted on March 3, 1980 and amended and clarified on June 16, 1980, is conditionally approved, effective December 1, 1980. Beginning on that date, the Maryland Department of Natural Resources shall be deemed the regulatory authority in Maryland and all Maryland surface coal mining and reclamation operations on non-federal and non-Indian lands in Maryland shall be subject to the permanent regulatory program. Copies of the approved program together with copies of the letter of the Maryland Department of Natural Resources agreeing to the conditions in 30 CFR 920.11, are available at:

(a) Maryland Department of Natural Resources, Tawes State Office Building, Annapolis, Maryland 21401, Telephone: (301) 269-2261

(b) Maryland Department of Natural Resources, Energy Administration, Bureau of Mines, 69 Hill Street, Frostburg, Maryland 21532, Telephone: (301) 689-4136

(c) Office of Surface Mining, Region I, 603 Morris Street, Charleston, West Virginia 25311, Telephone: (304) 344-2331

(d) Office of Surface Mining, Room 153, Interior South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343-4728

§ 920.11 Conditions of State program approval

The approval of the Maryland State program is subject to the State revising its program to correct the deficiencies listed in this section. The program revisions may be made, as appropriate, to the statute, the regulations, the program narrative, or the Attorney General's opinion. The section lists, for the general guidance of the State, the component of the program to which the Secretary recommends the change be made.

(a) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland's Strip Mining Law and fully enacted regulations containing provisions which remove the authority to grant waivers to Section 522(e) of SMCRA and 30 CFR 761.11 relating to mining within a National Wild and Scenic study river and mining within 300 feet of public buildings and within 100 feet of a cemetery, or otherwise amends its program to accomplish the same result.

(b) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland's Strip Mining Law containing provisions amending the definitions of "lands affected," "open pit mining," and "strip mining" to reflect the broader jurisdiction to regulate surface coal mining activities contained in Section 701(28) of SMCRA, or otherwise amends its program to accomplish the same result.

(c) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland law and fully enacted regulations which reference to the right to appeal if the State fails to act within prescribed time limits, as provided in Section 514(f) of SMCRA and 30 CFR 787.12, or otherwise amends its program to accomplish the same result.

(d) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland's Strip Mining Law containing provisions which are the same or similar to those in Section 518(g) of SMCRA, providing criminal sanctions against a person who knowingly fails to make any statement, representation, or certification in any application or other document, or otherwise amends its program to accomplish the same result.

(e) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland's Strip

Mining Law and fully enacted regulations containing provisions which are the same or similar to those in Section 521(a)(3) of SMCRA and 30 CFR 843.12 providing a maximum ninety day period for abatement of a violation, or otherwise amends its program to accomplish the same result.

(f) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland's Strip Mining Law containing provisions which are the same or similar to those in Section 525(a)(1) of SMCRA, relating to the right of any person who may be adversely affected to request an adjudicatory hearing; and copies of fully enacted regulations containing provisions which are the same or similar to 30 CFR 840.15, relating to the right of any person who is or may be adversely affected to intervene in administrative proceedings as provided in 43 CFR 4.1110, or otherwise amends its program to accomplish the same result.

(g) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland law which contain provisions which are the same or similar to those in Section 520(a) of SMCRA, relating to the definition of "person" and the right of any person to file a citizen suit, or otherwise amends its program to accomplish the same result.

(h) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland law containing provisions which are the same or similar to those in Sections 520(b)(1) and 520(c)(2) of SMCRA, relating to the right of a citizen or the Secretary of the Interior to intervene in a citizen suit, or otherwise amends its program to accomplish the same result.

(i) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland law containing provisions which are the same or similar to those in Section 520(d) of SMCRA, relating to the awarding of costs, including attorney fees, for plaintiffs in citizen suits, or otherwise amends its program to accomplish the same result.

(j) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland law containing provisions which are the same or similar to Section 517(g) of SMCRA relating to the prohibition against indirect or direct financial interest in coal mining operations by

employees, or otherwise amends its program to accomplish the same result.

(k) The approval found in § 920.10 will terminate on October 1, 1981 unless Maryland submits to the Secretary by that date copies of Maryland's Strip Mining Law containing provisions which are the same or similar to those in Section 507(c) of SMCRA, relating to funding of the small operator assistance program, or otherwise amends its program to accomplish the same result.

(l) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 701.5, relating to the definition of "topsoil," or otherwise amends its program to accomplish the same result.

(m) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 701.5, relating to the definition of "hydrologic balance" as the relationship between the quality and quantity of water, or otherwise amends its program to accomplish the same result.

(n) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 817.55, relating to the diversion or discharge of water into underground mine workings, or otherwise amends its program to accomplish the same result.

(o) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 816.59 and 817.59, relating to the use of the best technology currently available to maintain environmental integrity in coal recovery, or otherwise amends its program to accomplish the same result.

(p) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 816.64(b)(2)(ii), relating to a four-hour aggregate of blasting, or otherwise amends its program to accomplish the same result.

(q) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which

are the same or similar to those in 30 CFR 816.97(d) and 816.97(d)(8), relating to the protection of fish and wildlife, including the requirement to use the best technology currently available to minimize adverse impacts and requiring the prevention of fires as one of the measures necessary to minimize adverse impacts, or otherwise amends its program to accomplish the same result.

(r) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 816.116(c)(1), relating to the operator maintaining necessary fences and proper management practices on revegetated areas, or otherwise amends its program to accomplish the same result.

(s) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 816.116(b) and 816.116(b)(3)(iii), relating to: (1) The success of revegetation for cropland be determined on the basis of crop production; and (2) productive capability be determined by on-site measurement of biomass, crop yields, tree heights or some other measure of the actual vegetation productivity, or otherwise amends its program to accomplish the same result.

(t) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in Section 701(28) of SMCRA, relating to the jurisdiction over facilities connected by transportation mechanisms involving the use of public roads, or otherwise amends its program to accomplish the same result.

(u) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 783.25(i) and 784.11(b)(4), relating to the underground permit application requirements for coal development waste and mine development waste, or otherwise amends its program to accomplish the same result.

(v) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30

CFR 784.20 and 784.23(b)(12), relating to the monitoring of subsidence, or otherwise amends its program to accomplish the same result.

(w) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 784.25, relating to the inclusion of specific details in an operator's plan for return of coal processing waste to abandoned underground mine workings, or otherwise amends its program to accomplish the same result.

(x) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 785.17(d), requiring that the postmining land use of prime farmland must be cropland, or otherwise amends its program to accomplish the same result.

(y) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in Section 518(a) of SMCRA, relating to the assessment of each day of each continuing violation as a separate violation and relating to the maximum civil penalty amount of \$5,000, or otherwise amends its program to accomplish the same result.

(z) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in Section 518 of SMCRA and 30 CFR 845.18, relating to the outside time limits for the payment of penalties, or otherwise amends its program to accomplish the same result.

(aa) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in Section 518(h) of SMCRA and 30 CFR 845.15, providing for mandatory alternative enforcement actions beyond the 30-day period during which a penalty for nonabatement is assessed, or otherwise amends its program to accomplish the same result.

(bb) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which

are the same or similar to those in 30 CFR 843.13(a)(2) and (3), relating to the mandatory issuance of a show cause order and the specific criteria for the issuance of a show cause order under certain situations, or otherwise amends its program to accomplish the same result.

(cc) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in Section 521(a)(2) of SMCRA and 30 CFR 843.11, relating to the bases for issuance of cease orders as being independent of each other, or otherwise amends its program to accomplish the same result.

(dd) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 842.12(d), relating to a written response being given to the citizen requesting an inspection within ten days of the inspection or within fifteen days if no inspection is conducted, or otherwise amends its program to accomplish the same result.

(ee) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 840.15, relating to the awarding of costs in accordance with 43 CFR Part 4, Subpart L, or otherwise amends its program to accomplish the same result.

(ff) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 840.15, relating to public participation in enforcement of the State program consistent with the discovery procedures for administrative hearings in 43 CFR 4.1130 *et seq.*, or otherwise amends its program to accomplish the same result.

(gg) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 843.15, relating to the notification of the public and public participation in mine site hearings, or otherwise amends its program to accomplish the same result.

(hh) The approval found in § 920.10 will terminate on April 1, 1981 unless Maryland submits to the Secretary by

that date copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 843.13(d), relating to the notification of the public of hearings on the suspension or revocation of permits, or otherwise amends its program to accomplish the same result.

§ 920.12 State program provisions disapproved.

The following provision of the Maryland permanent regulatory program submission is hereby disapproved: COMAR 08.13.09.41D, which proposes that in lieu of a civil penalty assessment, the regulatory authority may order a suspension of strip mining operations for an appropriate period of time such that the economic impact on the operator is equivalent to the amount of the civil penalty which would have been assessed for the violation.

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BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1685-4]

Approval and Promulgation of Implementation Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action revises the Federally promulgated Ohio State Implementation Plan (SIP) for sulfur dioxide (SO₂) as it applies to the Youngstown Sheet and Tube Company (YST), Mahoning County, Ohio. This revision will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards.

EFFECTIVE DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 886-6039

SUPPLEMENTARY INFORMATION: On August 27, 1976 (41 FR 36324), the USEPA promulgated regulations establishing a SIP for the control of sulfur dioxide in the State of Ohio. The regulations for Mahoning County were amended on May 31, 1977 (42 FR 27588).

The USEPA is revising the Federally promulgated Ohio SIP for sulfur dioxide as it applies to the sources owned by

Youngstown Sheet and Tube Company (YST) in Mahoning County, Ohio. YST owns and operates steel production sources at its Brier Hill, Campbell, and Struthers facilities located in Mahoning County, Ohio.

On November 9, 1978, YST petitioned USEPA for a revision to the Federally promulgated sulfur dioxide plan for its Youngstown district facilities. YST requested three changes: (1) to reclassify Mahoning County, Ohio as an attainment area for sulfur dioxide, (2) to allow its operating sources of sulfur dioxide emissions status quo emission limitations, and (3) to assign the specific processes that have been permanently shut down an emission limitation of zero. On October 9, 1979 (44 FR 57929), USEPA reclassified Mahoning County as an attainment area for sulfur dioxide. The redesignation was based on ambient air monitoring data collected over several years and USEPA's "rollback" modeling. On December 5, 1979, YST modified its revision request to reflect the permanent shut down of its spike machine and to update status quo emissions.

The YST facilities and the majority of nearby sulfur dioxide sources are located in the Mahoning River Valley. Prior USEPA efforts to model the area by dispersion modeling failed to correlate the predicted concentrations with actual ambient air monitoring data. Therefore, USEPA applied a "rollback" model to set the existing emission limitations. The rollback model uses a direct linear relationship between the measured air quality concentrations and actual SO₂ emissions.

To support the proposed YST emission limitations, ambient SO₂ monitoring data from 1977, 1978, and 1979 and the USEPA's modified rollback modeling methodology were employed. While the rollback methodology is the same as that used previously by the USEPA in developing the original YST regulations, the monitoring data reflect more current air quality levels.

On July 17, 1980, USEPA proposed in the Federal Register approval of this SIP revision (45 FR 47877). A 30 day public comment period was provided. During the public comment period one comment was received in support of USEPA's proposed action. No other public comments were received regarding this revision.

Under the August 7, 1980 (45 FR 52676) Prevention of Significant Deterioration (PSD) regulations, the baseline date is triggered for a particular area when a source subject to PSD submits a complete PSD application. Since no applications have been submitted for sources subject to the August 7, 1980

regulations for this attainment area (designated under Section 107 of the Clean Air Act) the baseline date has not yet been triggered for this area. Therefore, no analysis of PSD increments consumption is required for this SIP revision.

Based on the analysis of the ambient air quality data and USEPA's modified rollback model, USEPA has determined that approval of this SIP revision will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards. Therefore, USEPA is revising the State Implementation Plan for sulfur dioxide as it applies to the Youngstown Sheet and Tube Company in Mahoning County.

Under Executive Order 12044 (43 FR 12661) USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized". I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110 of the Clean Air Act as amended 42 U.S.C. 7410)

Dated: November 24, 1980.

Douglas Costle,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended by adding 52.1881(b)(40)(viii) and (b)(40)(ix):

Subpart KK—Ohio

1. Section 52.1881 is amended as follows:

§ 52.1881 Control Strategy: Sulfur Oxides (sulfur dioxide).

(b) Regulations for the control of sulfur dioxide in the State of Ohio

(40) In Mahoning County * * *

(viii) The Youngstown Sheet and Tube Company or any subsequent owner or operator of the Brier Hill Works located in Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 0.00 pound sulfur dioxide per million BTU actual heat input.

(ix) The Youngstown Sheet and Tube Company or any subsequent owner or operator of the Campbell and Struthers Works located in Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide except as specified below:

(A) 2.67 pounds of sulfur dioxide per million BTU actual heat input from any stack at the coke plant.

$$BF = \frac{\text{BTU content of coke oven gas}}{\text{BTU content of combined gas}} \text{ (from any boiler unit)}$$

(3) 1.06 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when fuel oil is being combusted.

(4) 0.93 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when tar is being combusted.

(5) 4.77 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when coal is being combusted.

(6) 4747 tons of sulfur dioxide per any continuous 365 day period from the boilerhouse as a whole plus the fraction of the 365 day period emission limitation for the seamless mills not consumed by emissions from the seamless mills in the same 365 day period.

[FR Doc. 80-37247 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-38-M

(B) For the seamless mills, paragraphs (1), (2) or (3) apply in conjunction with paragraph (4).

(1) 2.67 pounds of sulfur dioxide per million BTU actual heat input from any stack when coke oven gas is being combusted.

(2) When mixed gases are being combusted the maximum allowable emission limit from each stack shall be determined by the following equation:
EL = BF x 2.67 lbs SO₂/MMBTU

$$BF = \frac{\text{BTU content of coke oven gas}}{\text{BTU content of combined gas}}$$

(3) 18.68 pounds of sulfur dioxide per ton of process weight from any stack when any fuel is being combusted.

(4) 2309 tons of sulfur dioxide per any 365 day period from the seamless mills as a whole.

(C) For the boilerhouse, paragraphs (1), (2), (3), (4) or (5) apply in conjunction with paragraph (6).

(1) 2.67 pounds of sulfur dioxide per million BTU actual heat input from any boiler unit when coke oven gas is being combusted.

(2) When mixed gases are being combusted the maximum allowable emission limit from each stack shall be determined by the following equation:
EL = BF x 2.67 lbs SO₂/MMBTU

40 CFR Part 60
[AD-FRL-1638-9]

Standards of Performance for New Stationary Sources Petroleum Refineries; Clarifying Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action clarifies which gaseous fuels used at petroleum refineries are covered by the existing standards of performance for petroleum refineries (40 CFR 60, Subpart J) and is implemented under the authority of Section 111 of the Clean Air Act. This action does not change the environmental, energy, and economic impacts of the existing standards.

EFFECTIVE DATE: December 1, 1980.

ADDRESSES: Docket No. A-79-56, containing all supporting information

used by EPA in supporting this action, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ms. Susan R. Wyatt, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number, (919) 541-5477.

SUPPLEMENTARY INFORMATION:

Summary of Amendment

The amendment as promulgated defines fuel gas as any gas which is generated at a refinery and which is combusted. It also includes natural gas when it is combined and combusted with a gas generated at a refinery. Gases generated by catalytic cracking unit catalyst regenerators and fluid coking burners are excluded from the definition of fuel gas.

The final amendment contains a minor wording change, but does not substantively differ from the proposed amendment. This action does not have any impact on the coverage of the existing standard and does not affect the economic, energy or environmental impacts of the present standard.

Summary of Comments and Changes to the Proposed Amendment

On March 3, 1980, EPA proposed in the Federal Register (45 FR 13991) an amendment intended to clarify the definition of fuel gas which is included in 40 CFR 60.101. The amendment proposed on March 3, 1980, defined fuel gas as "natural gas generated at a petroleum refinery, or any gas generated by a refinery process unit, which is combusted separately or in any combination with any type of natural gas." It excluded gases generated by catalytic cracking unit catalyst regenerators and fluid coking burners. The previous definition of fuel gas has been "natural gas or any gas generated by a petroleum refinery process unit which is combusted separately or in any combination." The purpose of the proposed amendment of March 3, 1980, was to clarify that natural gas produced outside of a refinery is not covered by the definition of fuel gas, unless the natural gas is combined with gases produced at a refinery. The purpose of the standard in 40 CFR 60, Subpart J is to prevent emissions of sulfur dioxide resulting from the burning of gaseous fuels containing hydrogen sulfide. If

commercial natural gas is combusted, there is essentially no potential for sulfur dioxide emissions since this gas has to be relatively free of hydrogen sulfide in order to meet pipeline specifications.

Another purpose of the amendment proposed on March 3, 1980, was to clarify that any gas with the composition of natural gas which is generated at the refinery where it is combusted is covered by the definition of fuel gas. There are a number of gases generated on-site at a refinery, such as propane, butane, by-product gas resulting from catalytic cracking and reforming/hydrating processes, and occasionally, methane and ethane. Since these gases do not have to be treated to meet pipeline specifications, combustion of these gases can be a significant source of sulfur dioxide emissions.

Interested persons were given an opportunity to comment on the proposed change during a 60-day comment period which ended on May 2, 1980. Three comment letters were received, two from oil industry representatives and a third from a State environmental agency. All commenters agreed, in principle, with the definition of fuel gas included in the proposed action.

However, the commenters expressed concern over the specific wording of the definition. One commenter said the wording used was generally confusing. The other two commenters specifically expressed concern over the phrase "natural gas generated at a petroleum refinery", since they argued natural gas is not conventionally thought of as being generated at a petroleum refinery.

EPA agrees that gases generated at a refinery which have the same composition as natural gas are not commonly referred to as natural gas. Furthermore, defining fuel gas as "any gas which is generated at a petroleum refinery" includes any gas which has the composition of natural gas. Therefore, the amendment which is being promulgated has been changed to remove the terminology "natural gas generated at a refinery." However, the intent and substance of the promulgated amendment is the same as the proposed amendment.

Docket

Docket No. A-79-56, containing all supporting information used by EPA, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1 (see Addresses section of this preamble).

The docketing system is intended to allow members of the public and

industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the promulgated rule and EPA responses to comments, the contents of the dockets will serve as the record in case of judicial review [Section 307(d)(a)].

Miscellaneous

The effective date of this amendment is (date of promulgation). It applies to any affected facilities covered by Subpart J of 40 CFR Part 60.

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. These other regulations are labeled "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Dated: November 24, 1980.

Douglas M. Costle,
Administrator.

Part 60 of chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.101 is amended by revising paragraph (d) as follows:

§ 60.101 Definitions.

* * * * *

(d) "Fuel gas" means any gas which is generated at a petroleum refinery and which is combusted. Fuel gas also includes natural gas when the natural gas is combined and combusted in any proportion with a gas generated at a refinery. Fuel gas does not include gases generated by catalytic cracking unit catalyst regenerators and fluid coking burners.

* * * * *

(Secs. 111 and 301(a) of the Clean Air Act is amended (42 U.S.C. Sections 7411 and 7601(a))).

[FR Doc. 80-37246 Filed 11-28-80; 8:45 am]

BILLING CODE 6590-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Collection of Unpaid Medicare Premiums

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: This regulation specifies (1) the conditions under which HCFA will cease collection action on unpaid hospital insurance and supplementary medical insurance premiums; and (2) when collection action will be renewed. We are also clarifying the provision that specifies the sources from which we recover unpaid premiums. Under the regulations we will stop collection efforts when: 1. An individual, who is no longer entitled to a civil service annuity or to benefits under Title II or Title XVIII (Medicare) of the Social Security Act or the Railroad Retirement Act, is unable to make payment;

2. An individual's estate is unable to make payment; or

3. The cost of the collection activity is likely to exceed the amount to be recovered. (If an individual against whom collection activity has ceased later becomes entitled to benefits, HCFA will renew collection activity.)

Ceasing collection activity in these cases will enable us to reduce the costs of billing and records maintenance.

We are issuing these regulations as a final rule because they are technical regulations that authorize an internal operating procedure to clear our records. The regulations will not adversely affect any person or organization. Accordingly, we find good cause to waive the notice of proposed rulemaking. However, we are providing a comment period and will make any further revisions we find necessary based on comments we receive.

DATES: Effective December 31, 1980. To assure consideration, comments should be received by January 30, 1981.

ADDRESSES: Please address your comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17073, Baltimore, MD 21235.

If you prefer, you may deliver your comments to room 309-G Hubert H. Humphrey Building, 200 Independence Avenue, SW., in Washington, D.C.; or to room 789, East High Rise Building, 6401 Security Boulevard, in Baltimore, Maryland.

In commenting, please refer to file code BPP-86-FC. Comments will be available for public inspection, beginning approximately two weeks from today, in room 309-G of the Department's offices at 200 Independence Avenue, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (telephone 202-245-7890).

FOR FURTHER INFORMATION CONTACT: Harold Fishman, Health Care Financing Administration, Bureau of Program

Policy, 448 East High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-9077.

SUPPLEMENTARY INFORMATION: Individuals generally become eligible for hospital insurance (section 1811 of the Social Security Act) under the Medicare program as a result of meeting a combination of requirements relating to age and entitlement to retirement or disability benefits under the Social Security or Railroad Retirement Acts. These individuals do not pay any premiums for this coverage. Section 1818 of the Social Security Act provides, however, that a person who is age 65, but who is not otherwise qualified for hospital insurance, may receive the coverage if a monthly premium is paid and certain other qualifications are met. For supplementary medical insurance (section 1831 of the Social Security Act), a basic requirement for all eligible individuals is that they pay a monthly premium.

Thus, HCFA or its designated agents receive premiums from those persons who must pay for hospital insurance as well as from all persons who enroll for supplementary medical insurance. If an enrollee receives monthly retirement, survivors or disability benefits under Title II of the Social Security Act, the Railroad Retirement Act, or an act (e.g., the Civil Service Retirement Act) administered by the Office of Personnel Management (formerly the Civil Service Commission), the premiums are automatically deducted from the benefits each month. Other enrollees mail the premium to HCFA or to designated agents each month or each quarter in response to billing, or the premium may be paid by a State in certain circumstances involving Supplemental Security Income or Medicaid entitlement. Under sections 1818(c) and 1838(b) of the Act, a grace period, during which entitlement is continued, is provided to enrollees for payment of overdue premiums. At the end of the grace period, if past due premiums have not been paid, HCFA terminates entitlement. Consequently, an enrollee may have several months of Medicare coverage for which premiums were not paid. These unpaid premiums are debts owed to the Federal government, and in accordance with the terms of the Federal Claims Collection Act of 1966 (31 U.S.C. 951-953), HCFA attempts to collect the debts.

In the case of supplementary medical insurance premiums, the amount of the debt is often small while the administrative costs of the collection effort are significant. We also encounter situations where individuals or their

estates are simply unable to pay overdue premiums making further collection efforts futile.

The Federal Claims Collection Act (31 U.S.C. 952) authorizes the head of a Federal agency to compromise claims or to suspend or terminate collection action pursuant to regulations. Because HCFA does not currently have regulations on uncollectible premiums, we lack a legal basis for ceasing collection efforts in cases where the amount of indebtedness and the likelihood of recovery do not warrant the administrative, operational, or possible legal costs involved in further collection efforts.

Provisions of the Regulations

The regulations specify that HCFA will cease collection efforts if either of two basic conditions are met: (1) if the costs of the collection effort are likely to exceed the amount to be collected, or (2) if an individual whose enrollment under Medicare has been terminated or the estate of a deceased enrollee demonstrates an inability to pay the debt. Stopping collection efforts will mean that we will cease contacting persons who pay premiums directly to HCFA. For a person whose premiums normally have been deducted from monthly benefits payable under Title II of the Social Security Act, the Railroad Retirement Act or an act administered by the Office of Personnel Management, we will not terminate collection action until entitlement to these benefits ends and collection efforts have failed.

We will stop our efforts to collect from the estate of a deceased enrollee 27 months after the month of death. Under supplementary medical insurance, a claim can be submitted for as many as 27 months after the month in which the service is provided. (Section 1842(b)(3)(B) of the Social Security Act stipulates that a claim must be submitted no later than the end of the year following the year in which the service is furnished, but deems a service furnished in the last three months of a year to have occurred in the succeeding year.) Hence, a claim for a service provided in October, 1979 could be submitted to HCFA anytime through December, 1981. In this situation, we deduct any past due premiums from the amount payable to an enrollee or an enrollee's estate.

Finally, we state in the regulations that we will reinstate collection activities, which previously had been stopped if the individual begins to receive monthly benefits, either for the first time or on a renewed basis, under Title II of the Social Security Act, the Railroad Retirement Act, or an act administered by the Office of Personnel

Management. When collection efforts cease in the case of a living individual, we will document the file so that if benefits become due in the future, we will renew collection action accordingly.

Comment Period

This is a technical regulation required by the Federal Claims Collection Act, that authorizes an administrative procedure to clear our records. It will be of benefit to both HCFA and the individuals involved and will not adversely affect any person or organization. Therefore, we find that good cause exists to waive the notice of proposed rulemaking. However, we are providing a comment period, and we will revise the regulation as necessary based on comments we receive.

42 CFR Part 405, Subpart I is amended as set forth below: 1. The table of contents is revised as follows:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart I—Premiums for Supplementary Medical Insurance Benefits

* * * * *

§ 405.962 Collection of unpaid premiums.

* * * * *

2. Section 405.962 is revised as follows:

§ 405.962 Collection of unpaid premiums.

(a) *Purpose and basis.* (1) Unpaid hospital insurance or supplementary medical insurance premiums are debts owed to the Federal government by the enrollee or the enrollee's estate. This section describes how HCFA attempts to collect these debts and when HCFA will terminate collection action.

(2) Under the Federal Claims Collection Act of 1966 (31 U.S.C. 951-953), HCFA is required to collect any debts due it but is authorized to suspend or terminate collection action on debts of less than \$20,000 when certain conditions are met. (See 4 CFR, Parts 101-105 for general rules implementing the Federal Claims Collection Act.)

(b) *Collection of unpaid premiums.* Generally, HCFA will attempt to collect unpaid premiums—(1) By billing enrollees who pay the premiums directly to HCFA or to a designated agent in accordance with § 405.908 (rules governing direct remittance); or

(2) From any benefits payable to the enrollee or to the estate of a deceased enrollee under Title II or XVIII of the Social Security Act, the Railroad Retirement Act or any act administered by the Office of Personnel Management

(formerly the Civil Service Commission), in accordance with §§ 405.903(b) and 405.904 (payment of premiums).

(c) *Termination of collection action.* In cases of unsuccessful collection efforts, HCFA will terminate collection action on unpaid premiums except as provided in paragraph (d), if—

(1) The individual— (i) Is not entitled to benefits under the acts listed in paragraph (b)(2) of this section and is not currently enrolled in the supplementary medical insurance or premium hospital insurance programs; or

(ii) Has been deceased for more than 27 months (the maximum amount of time allowed for claiming supplementary medical insurance benefits); and

(2) Either of these conditions apply—

(i) The individual or the legal representative of his or her estate demonstrates, to the satisfaction of HCFA, the present and prospective inability to pay the debt within a reasonable time; or

(ii) The cost of continued collection efforts is likely to exceed the amount to be recovered.

(d) *Renewal of collection efforts.* Although payment of overdue premiums is not a precondition for entitlement, HCFA will renew collection efforts—(1) If the cost of renewed collection efforts does not exceed the amount to be recovered; and

(2) If the individual—(i) Enrolls again for premium hospital insurance or supplementary medical insurance; or

(ii) Becomes entitled to monthly benefits, either for the first time or on a renewed basis, under Title II of the Social Security Act, the Railroad Retirement Act or an act administered by the Office of Personnel Management.

(Secs. 1102, 1818, 1832, 1838, 1840, 1870 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395i-2, 1395k, 1395q, 1395s, 1395gg and 1395hh; and the Federal Claims Collection Act of 1966 (31 U.S.C. 951-953))

(Catalog of Federal Domestic Assistance Programs No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: September 5, 1980.

Howard Newman,
Administrator, Health Care Financing Administration.

Approved: November 19, 1980.

Patricia Roberts Harris,
Secretary.

[FR Doc 80-37320 Filed 11-28-80; 8 45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5948]

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-5581 or Toll Free Line (800) 424-8872.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations of the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.4) (presently appearing at its former Section 24 CFR 1915).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by 60.3 (presently appearing at its former Section 1910.3) of the program regulations are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former Section 24 CFR 1915.4):

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Connecticut	Middlesex	Town of Cromwell	<i>Middletown Press</i> , Dec. 6 and Dec. 13, 1979.	Mr. Paul R. Harrington, First Selectmen, Town of Cromwell, 5 West Street, Cromwell, Connecticut 06416.	Sept. 26, 1980.	090123, 0005C, 0010C.
New York	Suffolk	Village of Amityville	<i>Amityville Record</i> , Dec. 27, 1979 and Jan. 3, 1980.	Honorable Victor S. Niemi, Mayor, Village of Amityville, 21 Green Avenue, Amityville, New York 11701.	Sept. 26, 1980.	360788, 0001B.
New York	Suffolk	Village of Babylon	<i>Babylon Beacon</i> , Dec. 27, 1979 and Jan. 3, 1980.	Honorable Gilbert Hanse, Mayor, Village of Babylon, 153 West Main Street, Babylon, New York 11702.	Sept. 26, 1980.	360791, 0001C.
New York	Broome	Town of Conklin	<i>County Courier</i> , Feb. 21 and Feb. 28, 1980.	Mr. George S. Archie, Jr., Supervisor, Town of Conklin, 1070 Conklin Road, Box 182, Conklin, New York 13748.	Sept. 26, 1980.	360042, 0005C, 0010C, 0015C.

(National Flood Insurance Act of 1968 (Title XIII of Housing Urban Development Act 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: October 24, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-37079 Filed 11-28-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 5949]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or 30 days after the date of this Federal Register publication, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have

existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the Federal Register or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the Federal Register or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 of Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

BILLING CODE 6718-03-M

§ 65.3 List of communities with special hazard areas (FHBM's in effect).

Page 3

EFFECTIVE DATE December 2, 1980

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/COASTAL	6 HAZARD	7 603 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
ND	380311	Township of McKinney (Renville County)	0001A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Mr. Harold Nelson McKinney Township Clerk Tolley, ND 58787 (701) 467-3460
ND	380306	Township of Stafford (Renville County)	0001A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Mr. Eldon Cook Stafford Township Supervisor Norma, ND 58766 (701) 467-3474

EFFECTIVE DATE: December 5, 1980

PA	422398	Township of Sparta (Crawford County)	Index 0001B 0003B 0004B	I	FL	B	1	3	1	1/17/75 5/21/76	N/A	9 10 16	N/A	N/A	Steven Rasey, Chairman TWP. Board of Supervisors Municipal Building R. D. 2 Spartansburg, PA 16434 TWP. Phone: 814-654-7073 Home Phone: 814-654-7031
PA	421355	Township of Woodbury (Bedford Co.)	Index 0002B	I	FL	B	4	3	1	1/31/75	N/A	9 10 16	N/A	N/A	John Miller, Chairman TWP. Board of Supervisors R. D. 1 Woodbury, PA 16695 Phone: 814-766-3259
OH	390343C	Village of West Liberty (Logan Co.)	Index 01	I	FL	B	1	3	1	4/12/74 7/30/76 12/24/76	N/A	9 10 16	N/A	N/A	Harry Harman, Mayor Village Hall P. O. Box 187 West Liberty, OH 43357 Phone: 513-465-2716
PA	421880	Township of Decatur (Huffman Co.)	Index 0001A 0002A 0003A	I	FL	B	1	3	1	11/15/74	N/A	9 10 16	N/A	N/A	Sterling Goss, Chairman TWP. Board of Supervisors R. D. 1 McClure, PA 17841 Phone: 717-543-5087

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EFFECTIVE DATE December 5, 1980

1	2	3	4	5	6	7	8	9	10	11	12	13	14
State	Ident. Number	Community Name & County Name	Printed Panels (# and Suffix)	Inland/Coastal	Hazard	60.3 Code	Program Status	Status of Firm	Previous Map Dates	Revision Code (9, 10, 16)	Rescission	Floodways Panels Printed	Location of Map Repository
PA	422389	Township of East Fallowfield (Crawford Co.)	Index 0001A 0002A	I	FL	B	1	FIRM 3	1/10/75	9 10 16	N/A	N/A	Eugene Osborn, Chairman Twp. Board of Supervisors R.D.1 Atlantic, PA 16111 Phone: 412-588-4392
PA	421613	Township of Millstone (Elk Co.)	Index 0001A 0002A 0003A 0004A	I	FL	B	1	FIRM 3	3/21/75	9 10 16	N/A	N/A	Charles Thacher, Chairman Twp. Board of Supervisors Municipal Building R.D.1 Sigel, PA 15860 Twp. Phone: 814-752-2371 Home Phone: 814-752-2929

EFFECTIVE DATE December 9, 1980

1	2	3	4	5	6	7	8	9	10	11	12	13	14
STATE	IDENT. NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (# AND SUFFIX)	INLAND/COASTAL	HAZARD	60.3 CODE	PROGRAM STATUS	Status of Firm	PREVIOUS MAP DATES	REVISION CODE(S)	RESCISSON	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY
MO	290883	Village of Flinthill (St. Charles County)	0001A	I	FL	B	1	FIRM 2	N/A	N/A	N/A	N/A	Hr. Leonard Boehmer Chairman of the Board Flinthill Town Hall Flinthill, MO 63346 (314) 327-4507
UT	490080	Town of Levan (Juab County)	0001B	I	FL	B	1	FIRM 3	6-21-77	9	N/A	N/A	Hr. Clinn Morgan Town Clerk Levan Town Hall Levan, UT 84639 (801) 623-1959

EFFECTIVE DATE December 12, 1980 Page 5

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (# and Suffix)	5 Inland/ Coastal	6 Hazard	7 Code 60.3	8 Program Status	9 Status of		10 Previous Map Dates		11 Revision Code(s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
								FIRM	FIRM	FHBB	FIRM				
OH	390611	Village of Fort Shawnee (Allen Co.)	0001B	I	FL	B	1	3	1	10/18/74 6/4/76	N/A	9 10 16	N/A	N/A	John R. Truesdale, Mayor 2050 West Breese Road Village Hall Lima, OH 45806 Phone: 419-991-8010
PA	422073	Twp. of Ararat (Susquehanna Co.)	0001A	I	FL	B	1	3	1	2/14/75	N/A	9 10 16	N/A	N/A	Donald Stone, Chairman Twp. Board of Supervisors R.D. 1 Thompson, PA 18465 Phone: 717-727-2216
PA	421670	Twp. of Greene (Greene Co.)	Index 0001B 0002B	I	FL	B	1	3	1	1/31/75 5/14/76	N/A	9 10 16	N/A	N/A	Gail Moser, Chairman Twp. Board of Supervisors Municipal Building R.D. 1, Box 150 Carmichaels, PA 15320 Twp. Phone: 412-966-5991 Home Phone: 412-966-5765
PA	422319A	Borough of Hookstown (Beaver Co.)	Index 01	I	FL	B	4	3	1	1/31/75	N/A	9	N/A	N/A	Blain Mott, Mayor Borough Hall Box 176 Hookstown, PA 15050 Phone: 412-573-4417
PA	421637	Twp. of South Union (Fayette Co.)	Index 0001A	I	FL	B	1	3	1	1/3/75	N/A	9 10 16	N/A	N/A	Thomas Frankhouser, CHM. Twp. Board of Supervisors Municipal Building R. D. 2, Box 623 South Union, PA Phone: 412-438-5480
NY	361543	Village of Huntington Bay (Suffolk Co.)	01A 02A	I	FL	B	1	3	1	2/7/75	N/A	9	N/A	N/A	Village of Huntington Bay Vineyard Road Huntington Bay, NY 11743 (516) 427-2843

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EFFECTIVE DATE: December 16, 1980															
1	2	3	4	5	6	7	8	9		10		11	12	13	14
								STATUS OF	PREVIOUS MAP DATES	REVISION CODE(S)	RESCISSON				
STATE	IDENT. NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (# AND SUFFIX)	INLAND/COASTAL	HAZARD	603 CODE	PROGRAM STATUS	FHBM	FRM	FHBM	FRM	FIRM	FIRM		
MO	290107	Cole County (Unincorporated Area)	0001A 0002A 0003A 0004A 0005A 0006A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	The Honorable Paul D. Schleer County Judge Cole County Courthouse 301 East High Street Jefferson City, MO 65101 (314) 634-3639
ND	380130	Trafford County (Unincorporated Area)	0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A 0010A 0011A 0012A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Mr. Hartman Ulland Chairman of County Commissioners Trafford County Courthouse Hillsboro, ND 58045 (701) 436-4282
EFFECTIVE DATE: December 19, 1980															
PA	421976	Twp. of Kulalia (Potter Co.)	Index 0001A 0002A 0003A 0004A	I	FL	B	1	3	1	12/20/74	N/A	9 10 16	N/A	N/A	Arden Felchy, Chairman Twp. Board of Supervisors R. D. Coudersport, PA 16915 Phone: 814-274-9548

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (# and Suffix)	5 Inland/ Coastal	6 Hazard	7 Code	8 Program Status	9 Status of FIRM	10 Previous Map Dates		11 Revision Code(s)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
									FIRM	FIRM				
PA	421467	Twp. of Potter (Centre Co.)	Index 0002A 0003A 0004A	I	FL	B	1	FIRM 3	11/8/74	N/A	9 10 16	N/A	N/A	Frank D. Musser, Chairman Twp. Board of Supervisors R.D. 1 Spring Mills, PA 16875 Phone: 814-422-8501
PA	422173	Twp. of Scott (Wayne Co.)	Index 0001A 0002A	I	FL	B	1	FIRM 3	11/22/74	N/A	9 10 16	N/A	N/A	Dennis Whitmore, Chairman Twp. Board of Supervisors R.D. 1 Starucca, PA 18462 Phone: 717-798-2834
PA	422427	Twp. of Warren (Franklin Co.)	Index 0002A 0003A	I	FL	B	1	FIRM 3	1/24/75	N/A	9 10 16	N/A	N/A	Clifford Harnish, Chairman Twp. Board of Supervisors Route 3 Mercersburg, PA 17236 Phone: 717-328-2271
IL	170689	Village of Erie (Whiteside Co.)	0001C	I	FL	B	1	FIRM 3	5/3/74 1/30/76	N/A	9 10 16	N/A	N/A	Glenn Miller Village President Erie, PA 61250 Phone: 309-659-2691
IL	171002	Hardin Co. (Uninc. Area)	Index 0001A 0002A 0003A 0004A	I	FL	B	1	FIRM 2	N/A	N/A	N/A	N/A	N/A	Mr. Riley Gene Reed Chairman of County Board Hardin County Clerk's Office Courthouse Elizabethtown, IL 62951 Phone: 618-287-2251
IL	170998	Moultrie Co. (Uninc. Area)	Index 0001A 0002A 0003A 0004A 0005A 0006A	I	FL	B	1	FIRM 2	N/A	N/A	N/A	N/A	N/A	Wilbur Donnell Chairman of County Board Moultrie County Regional Planning Commission Courthouse Sullivan, IL 61951 Phone: 217-728-7922

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1		2		3		4		5		6		7		8		9		10		11		12		13		14	
STATE	IDENT. NUMBER	COMMUNITY NAME & COUNTY NAME	PANELS PRINTED (# AND SUFFIX)	INLAND/COASTAL	HAZARD	603 CODE	PROGRAM STATUS	FH8M	FRM	FH8M	FRM	FH8M	FIRM	FIRM	REVISION CODE(S)	RESCISSON	FLOODWAYS PANELS PRINTED	LOCATION OF MAP REPOSITORY									
MO	290302	Ralls County (Unincorporated Areas)	0001A 0002A 0003A 0004A 0005A 0006A 0007A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	The Honorable B. D. O'Keefe County Judge Ralls County Courthouse New London, MO 63459 (314) 985-7111									
OK	400146	Ossage County (Unincorporated Areas)	0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A 0010A 0011A 0012A 0013A 0014A 0015A 0016A 0017A 0018A 0019A 0020A 0021A 0022A 0023A 0024A 0025A 0026A 0027A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Mr. Paul Allen County Commissioner Ossage County Courthouse Pawhuska, OK 74056 (918) 287-2615									

EFFECTIVE DATE December 26, 1980

1	2	3	4	5	6	7	8	9	10	11	12	13	14
State	Ident Number	Community Name County Name	Index Printed (of gnd Suffix)	Inland/ Coastal	Hazard	60.3 Code	Program Status	FHM of FIR	FIRM Map Dates	Revist Code (s)	Resclassification	Floodways Panels Printed	Location of Map Repository
IL	170441	City of Edwardsville (Madison Co)	0001B	I	FL	B	4	3	1	4/5/74 7/2/76	N/A	N/A	Steven Ellsworth, Mayor 400 North Main Street Edwardsville, IL 62025 Phone: 618-656-8010
IL	170997	Washington County (Uninc Area)	Index 0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A	I	FL	B	4	2	1	N/A	N/A	N/A	Lester D Campbell, Chm County Board of Comm COURTHOUSE Nashville, IL 62263 Phone: 618-327-3490
MN	270671	Mahnomen County (Uninc Area)	Index 0001A 0002A 0003A 0004A 0005A 0006A	I	FL	B	1	2	1	N/A	N/A	N/A	Tom Bisek Dir of Zoning & Sanitation County Courthouse Mahnomen, MN 56657 Phone: 218-935-5639
PA	422232	Twp of Warrington (York Co)	Index 0001A 0003A	I	FL	B	1	3	1	12/27/74	N/A	N/A	Jerry Stahlman, Chairman Twp Board of Supervisors R D, 1 Lewisberry, PA 17339 Home Phone: 717-938-3598 Office Phone: 717-854-0011

EFFECTIVE DATE December 26, 1980

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1	2	3	4	5	6	7	8	9	10	11	12	13	14
State	Ident. Number	Community Name County Name	Panel Printed (§ and Suffix)	Inland/ Coastal	Hazard	Code	Program Status	Status of FIRM	Previous Map Dates FIRM	Reclassification Code (§)	Resclassification	Floodways Panels Printed	Location of Map Repository
PA	421513	Twp. of Bell (Clearfield Co.)	Index 0001B 0002B 0003B 0004B	I	FL	B	1	3	12/20/74 8/20/76	9 10 16	N/A	N/A	Lynn Bouch, Chairman Twp. Board of Supervisors R.D. 1 Mahaffey, PA 15757 Phone: 814-277-6087
PA	421624	Twp. of Dunbar (Fayette Co.)	Index 0001A 0002A 0003A 0005A	I	FL	B	1	3	12/27/74	9 10 16	N/A	N/A	Thomas Hennessey, Chairman Twp. Board of Supervisors Municipal Building 171 Ogilvie Lane Connellsville, PA 15425 Phone: 412-628-1440
PA	421109	Twp. of Springfield (Bradford Co.)	Index 0001B 0004B	I	FL	B	1	3	11/8/74 1/23/76	9 10 16	N/A	N/A	Roy Beardalee, Chairman Twp. Board of Supervisors R.D. 2 Columbia Cross Rds, PA 16914 Phone: 717-297-2835
PA	421883	Twp. of Union (Mifflin Co.)	Index 0002A 0003A 0004A	I	FL	B	1	3	11/29/74	9 10 16	N/A	N/A	Frederick Erb, Chairman Twp. Board of Supervisors Municipal Building P.O. Box 5625 Belleville, PA 17004 Twp. Phone: 717-935-2890 Home Phone: 717-935-2944

EFFECTIVE DATE December 30, 1980

MO	290869	J-Incoln County (Uninc. Areas)	0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A	I	FL	B	1	2	1	N/A	N/A	N/A	Honorable Gary L. Hoffman Presiding Judge Lincoln Co. Courthouse Troy, MO 63379 (314) 528-7715
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COMMUNITY MAP ACTIONS

(Codes: Where no entry is necessary use N/A)

Column Code:

1. Two letter state designator.
2. FIA Community 6-digit identity number.
3. Community name—County(ies) name
4. Four digit number and suffix of each FIRM or FHBM panel printed.
5. INL/Coast
I—Inland
C—Coastal
6. Hazard
FL—Flood
MS—Mudslide
ER—Erosion
NF—Non Flood Prone
MF—Minimally Flood Prone
7. 60.3 Code
A—Special Hazard not defined, no elevation data (No FHBM)
B—Special Hazard Designated, no elevation data (FHBM)
C—Firm, No Floodway or Coastal High Hazard
*D—Firm, Regulatory Floodway Designated
*E—Firm, Coastal High Hazard

8. Program Status

- 1—Emergency
- 2—Regular
- 3—Not Participating, No Map
- 4—Not Participating, With Map
- 5—Withdrew
- 6—Suspended

9. FHBM Status

- 1—Never Mapped
- 2—Original
- 3—Revised
- 4—Rescinded
- 5—Superceded By Firm

9. Firm Status

- 1—Never Mapped
- 2—Original
- 3—Revised
- 4—Rescinded
- 5—All Zone C—No Published Firm
- 6—All Zone A and C—No Elevations Determined

* Dual entry is available.

10. Dates of All Previous Maps

11. Revision Codes

1. 1916 BFE (Base Flood Elevation) Decrease
2. 1916 BFE Increase
3. 1916 SFHA (Special Flood Hazard Area) Change
4. Change of Zone Designation; revised Firm
5. Curvilinear
6. 1914 Incorporation
7. 1914 Discorporation
8. 1914 Annexation
9. SFHA Reduction
10. Non-1916 SFHA Increase Without Numbered Zones
11. Non-1916 SFHA Increase with Numbered Zones
12. Drafting Correction; Printing Errors
13. Suffix Change ONLY
14. Change to Uniform Zone Designations (7/1/74)
15. Revisions Withdrawn
16. Refunds Possible
17. Letter of Map Amendment (1916)
18. Letter of Map Amendment (1916 without Federal Register publication)
19. Federal Register Omission
20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
21. Miscellaneous

13. List of Numbered Floodway Panels Printed

14. Address of Community Map Repository

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: November 12, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-37080 Filed 11-28-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii Call Toll Free (800) 424-9080, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Nogales (City), Santa Cruz County, FI-5032.	Potrero Creek	Intersection of Creek and center of Interstate Highway 19 northbound.	*3,650
		Nogales Wash	185 feet upstream from center of Meadow Hills Drive	*3,680
			220 feet upstream from center of Valley Verde Circle	*3,687
		Nogales Wash	50 feet upstream from center of Balfert Drive	*3,730
			25 feet upstream from center of Monte Carlo Road	*3,745
		Nogales Wash—East Flood Plain	20 feet upstream from center of Banks Bridge	*3,817
		Nogales Wash—West Flood Plain	Northern end of Bankerd Street	*3,788
		Nogales Wash—Covered Floodway and Overland Flows East of Southern Pacific Railroad.	Area west of Southern Pacific Railroad and along U.S. Highway 89	*3,793
			180 feet upstream from center of Court Street	*3,854
	25 feet upstream from center of International Street	*3,870		

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Nogales Wash—Flow West of U.S. Highway 89 and Southern Pacific Railroad.	15 feet upstream from center of County Club Road.....	*3,561
			420 feet upstream from center of Spur Place.....	*3,680
		Arroyo Boulevard Channel and Covered Floodway and Overland Flows West of Southern Pacific Railroad	120 feet upstream from center of Wash Second Crossing of Calle Verde Circle.....	*3,688
			90 feet upstream from center of Southern Pacific Railroad.....	*3,824
			150 feet upstream from center of Elm Street.....	*3,854
		Manposa Canyon (Channel)	15 feet upstream from center of Crawford Street.....	*3,862
			Center of U.S. Highway 89.....	*3,742
		Manposa Canyon (Valley)	85 feet upstream of paved road ford.....	*3,772
			50 feet upstream from center of Interstate Highway 19 southbound.....	*3,792
			200 feet upstream from most upstream crossing of State Highway 189.....	*3,861
		Manposa Canyon Tributary No. 1	85 feet upstream from unimproved road crossing.....	*3,861
			100 feet upstream from center of road (unnamed).....	*3,800
		Manposa Canyon Tributary No. 2	100 feet upstream from center of Trailer Park Road.....	*3,817
			50 feet upstream from center of State Highway 89.....	*3,809
		Ephnam Canyon Wash	50 feet upstream from center of Goodman Street.....	*3,866
			50 feet upstream from upstream end of Western Avenue Culvert.....	*3,904
			At upstream end of Interstate Highway 19 Culvert.....	*3,930
			At downstream end of State Highway 189 Culvert.....	*3,961
			At upstream end of State Highway 189 Culvert.....	*4,003
		Falls Wash	20 feet upstream from center of Morley Avenue.....	*3,801
			Upstream end of State Highway 82 Culvert.....	*3,813
		Flood Plain Area west of Arroyo Boulevard between Quarry and Walnut Streets.	Area along south edge of Plum Street.....	*3,843
			Area at intersection of Walnut and Arballo Streets.....	*3,844
		International Boundary Channel	Confluence with Arroyo Boulevard Channel.....	*3,872
			Area east of Nogales Wash and opposite Ephnam Canyon.....	*3,801
Shallow Flooding	Area between Morley Avenue and Santa Cruz Street.....	*3,803		
	Area south of State Highway 82 between Perkins Avenue and Falls Wash Channel.....	#1		
Maps available for inspection at City Hall, 1018 Grand Avenue, Nogales, Arizona.				
Arkansas	City of Arkadelphia, Clark County, FEMA-5853.	Ouachita River	Just upstream of State Highway 51.....	*130
			Mill Creek.....	*204
		Maddox Branch	Just upstream of 26th Street.....	*230
			Just upstream of Walnut Street.....	*193
			Just upstream of South 10th Street.....	*199
Maps available at City Hall, 610 Kaddo, Arkadelphia, Arkansas 71923.				
Arkansas	City of Greenwood, Sebastian County, FEMA-5874.	Vache Grasse Creek	Approximately 150 feet upstream of Route 10.....	*488
			Approximately 400 feet upstream of Route 71B.....	*493
		Heartail Creek	Just downstream of Arkansas Route 10.....	*491
			Just downstream of Denver Street.....	*505
		Hester Creek	Just upstream of Interstate 71.....	*506
Maps available for inspection at City Hall, 101 North Aster Street, Greenwood, Arkansas 72936.				
Arkansas	City of Mountainburg, Crawford County, FEMA-5841.	Frog Bayou	Just upstream of Felix Doyl Road.....	*740
			Approximately 300 feet downstream of confluence of Clear Creek.....	*750
		Pigeon Creek	Just upstream of U.S. Highway 71.....	*732
			Clear Creek.....	*751
Maps available at City Hall, Mountainburg, Arkansas 72946.				
California	Alameda County, unincorporated Areas, FI-3722.	Arroyo Mocho	Corporate Limits Downstream of Arroyo La Poetas.....	*341
			Arroyo Road.....	*503
		Arroyo Las Poetas	Wente Street.....	*551
			El Charro Road.....	*357
			Cottonwood Creek.....	*374
			Anvey Boulevard.....	*381
			Interstate Highway 580 Downstream of Cayetano Creek.....	*405
			North Livermore Avenue.....	*448
			Interstate Highway 580 Upstream of North Livermore Avenue.....	*477
			Vasco Road.....	*527
			Arroyo Seco.....	*595
			Greenville Road.....	*695
		Las Poetas Relocation	Greenville Road.....	*620
			Arroyo Del Valle	Vineyard Avenue.....
		Line J-1	Isabel Avenue.....	*415
			Dublin Boulevard.....	*330
			East Vallecitos Road.....	*446
		Chebot Canal	Arroyo Road.....	*540
			San Lorenzo Creek	Amador Valley Boulevard.....
		Line G	Southern Pacific Railroad.....	*333
			Grove Way.....	*133
		Line J	Don Castro Dam.....	*238
			Confluence with Palomares Creek.....	*313
			Castro Valley Boulevard.....	*161
		Bockman Canal and Line N	San Miguel Avenue.....	*191
			Pine Street.....	*163
			Catalina Drive.....	*186
			Berdina Road.....	*207
Pile Trestle Bridge.....	*6			
	Southern Pacific Railroad.....	*8		

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
		Alameda Creek.....	Sunol Dam.....	*223
			Interstate 680.....	*245
		Tassajara Creek.....	Santa Rita Road.....	*340
		Cayetano Creek.....	Hartman Road.....	*522
		Collier Creek.....	Interstate 580.....	*410
			Collier Canyon Road.....	*432
		Altamont Creek.....	Laughlin Road.....	*554
			North Front Road.....	*570
		Arroyo De La Laguna.....	Paloma Road.....	*242
			Southern Pacific Railroad.....	*267
			Verona Road.....	*206
			Castlewood Drive.....	*301
			Bernal Avenue.....	*310
		Palomares.....	Confluence with San Lorenzo Creek.....	*313
		Line J-3.....	Confluence with Line J-4.....	*359
		Dublin Creek.....	Downstream Dublin Road Crossing.....	*394
		Line I.....	Castro Valley Boulevard.....	*168
Maps available for inspection at Alameda County Flood and Water Conservation District, 399 Elmhurst Street, Hayward, California.				
Illinois.....	(V) Bloomington, Du Page County, Docket No. FEMA-5874.	Spring Brook Creek.....	Just downstream of Medinah-On-The Lake Road.....	*705
			Just upstream of Circle Avenue.....	*714
			About 430 feet upstream of Foster Avenue.....	*726
			Just upstream of private drive (about 520 feet upstream of Foster Avenue).	*729
		West Branch Tributary to Spring Brook Creek.	About 200 feet upstream of confluence with Spring Brook Creek.....	*720
			About 120 feet downstream of Maple Avenue.....	*740
			About 250 feet downstream of Lake Street.....	*750
Maps available for inspection at the Engineer's Office, Village Hall, 201 South Bloomington Road, Bloomington, Illinois 60108.				
Indiana.....	Indian Village (Town), St. Joseph County, FEMA-5853.	Judy Creek.....	Intersection of Lamar Street and Sweeney Avenue.....	*723
Maps available for inspection at Trustee's Residence, 18801 Welworth, South Bend, Indiana.				
Indiana.....	(T) Walkerton, St. Joseph County, Docket No. FEMA-5853.	Pine Creek.....	Northern corporate limits.....	*699
			Just upstream Conrail.....	*701
			Eastern corporate limits.....	*707
Maps available for inspection at the Town Hall, 510 Roosevelt Road, Walkerton, Indiana 46574.				
Louisiana.....	City of Jennings, Jefferson Davis Parish, FEMA-5874.	East Grand Marais Ditch.....	Just downstream of W. Division Street.....	*13
			Just downstream of Elevated Conduit of the Tiptop Canal.....	*17
		Northeast Outfall Ditch (Backwater flooding from Bayou Nezpique).	Intersection of Fifth Street and Hickory Lane Extended.....	*17
		Southeast Outfall Ditch (Backwater flooding from Bayou Nezpique).	Just downstream of U.S. Highway 90.....	*15
Maps available at City Hall, Broadway, Jennings, Louisiana 70546.				
Louisiana.....	Town of Lake Arthur, Jefferson Davis Parish, FEMA-5874.	Lake Arthur.....	Entire Shoreline.....	*7
			Intersection of Kellogg and Sixth Streets.....	*8
Maps available at Town Hall, 102 Arthur Avenue, Lake Arthur, Louisiana 70549.				
Louisiana.....	Village of Morse, Acadia Parish, FEMA-5828.	Morse Lateral.....	Just downstream of Jackson Avenue (Louisiana Highway 91).....	*11
			Just upstream of Louisiana Highway 92.....	*14
Maps available for inspection at Mayor's Office, Highway 91, Morse, Louisiana 79631.				
Louisiana.....	Town of Plain Dealing, Bossier Parish, FEMA-5874.	Little Cypress Bayou.....	Just downstream of St. Louis Southwestern Railway.....	*261
			Just upstream of Mary Lee Street.....	*264
			Just upstream of North Street.....	*272
		West Fork of Little Cypress Bayou.	Just upstream of Arkansas Street.....	*263
			Just downstream of Louisiana Highway 3.....	*267
		East Fork of Little Cypress Bayou.	Just downstream of Gilmer Street.....	*260
			Just downstream of Lynch Street.....	*265
			Just upstream of Vance Avenue Extended.....	*269
Maps available for inspection at City Hall, Corner of Arkansas and Palmetto, Plain Dealing, Louisiana 71264.				
Louisiana.....	Town of Port Barre, St. Landry Parish, FEMA-5835.	Bayou Courtableau.....	Just upstream of State Highway 103.....	*28.2
		Bayou Teche.....	Just upstream of U.S. Highway 190.....	*28.0
Maps available for inspection at Town Hall, Saison Avenue, Port Barre, Louisiana 70875.				
Minnesota.....	(C) Greenfield, Hennepin County Docket No. FEMA-5874.	Crow River.....	At downstream corporate limit.....	*904
			About 2,000 feet downstream of City of Rockford northern corporate limit.	*912
		South Fork, Crow River.....	About 400 feet upstream of City of Rockford southern corporate limit..	*915
			At confluence with Crow River.....	*918
			At upstream corporate limit.....	*919
Maps available for inspection at the Office of the City Clerk, City Hall, P.O. Box 418, Rockford, Minnesota 55373.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C), Monett, Barry County, Docket No. FEMA-5853.	Clear Creek	At downstream corporate limits	*1,259
			About 200 feet downstream of Eisenhower Street	*1,272
		Kelly Creek	Just upstream of Eisenhower Street	*1,278
			Just downstream of St. Louis-San Francisco Railroad located about 550 feet upstream of Dairy Street	*1,297
		Unnamed Tributary	About 150 feet downstream of 4th Street	*1,293
			About 950 feet upstream of Low Water Crossing	*1,315
			About 100 feet upstream of Western corporate limits	*1,278
		Clear Creek	About 2,100 feet upstream of Nellie Avenue	*1,315
			At confluence of Kelly Creek	*1,284
			About 60 feet downstream of U.S. Highway 60	*1,285
Just downstream of corporate limit	*1,300			
		At upstream corporate limit	*1,305	
Maps available for inspection at City Hall, Monett, Missouri 65708.				
Montana	Deer Lodge (City), Powell County, FEMA-5853.	Clerk Fork	Intersection of Railroad Street and Park Street	*4,507
		Cottonwood Creek	Intersection of Second Street and California Avenue	*4,516
		Peterson Creek	20 feet upstream from center of Dixon Street	*4,552
Maps available for inspection at Planning Commission, 300 Main Street, Deer Lodge, Montana.				
Montana	Powell County, Unincorporated Areas, FEMA-5853.	Clerk Fork	Confluence with Peterson Creek	*4,523
		Cottonwood Creek	20 feet upstream from center of Frontage Road	*4,576
		Peterson Creek	60 feet upstream from center of Main Street	*4,525
Maps available for inspection at Planning Department, Mr. Gary Mourhouse, Powell County Courthouse, Deer Lodge, Montana.				
Nebraska	(V), Firth, Lancaster County, Docket No. FEMA-5886.	Middle Branch Big Nemaha River	Downstream county boundary	*1,313
			Just upstream State Highway 341 (West of Main Street)	*1,321
			About 1,500 feet upstream confluence of Kraatz Creek	*1,325
Maps available for inspection at the Village Clerk's Office, Village Hall, Firth, Nebraska 68358				
New Hampshire	Brentwood, Town, Rockingham County, Docket No. FEMA-5757.	Exeter River	Confluence of Little River	*69
			Downstream of Hagh Road	*72
			Upstream of Hagh Road	*76
			7,500 feet upstream of Hagh Road	*78
			Philips Dam	*133
			Upstream of State Route 107	*135
Maps available at the Town Hall, Route 111A, Brentwood, New Hampshire.				
New Hampshire	Town of Charlestown, Cheshire County, Docket No. FEMA-5726.	Connecticut River	Downstream Corporate Limit	*296
			Upstream State Route 11 (Cheshire Toll Bridge)	*304
			Upstream Corporate Limit	*312
		Little Sugar River	Upstream State Route 12A	*340
			Upstream Boston and Maine Railroad	*362
			Upstream State Routes 11 and 12	*372
		Ox Brook	Upstream State Route 12A	*333
			Upstream of Downstream crossing of State Routes 11 and 12	*413
			Upstream of upstream crossing of State Routes 11 and 12	*439
Maps available at the Charlestown Town Office.				
New Hampshire	Derry (Town), Rockingham County, FEMA-5701.	Beaver Brook	Interstate Highway 93 northbound lane 75 feet upstream from centerline	*236
			Boston and Maine Railroad 50 feet upstream from centerline	*244
			East Derry Road 50 feet upstream from centerline	*251
		Shields Brook	Lower Beaver Lake Dam 100 feet downstream from centerline	*285
			Boston and Maine Railroad (first crossing) 50 feet upstream from centerline	*264
			Folsom Road 40 feet upstream from centerline	*276
			Boston and Maine Railroad (second crossing) 75 feet upstream from centerline	*291
			Street A 50 feet upstream from centerline	*307
		Homes Brook	Brewster Road 10 feet upstream from centerline	*352
			Scobie Pond Road 50 feet upstream from centerline	*359
			Londonderry Turnpike 75 feet upstream from centerline	*379
			Florence Street 10 feet upstream from centerline	*241
			West Broadway 20 feet upstream from centerline	*247
			Maple Street 10 feet upstream from centerline	*253
			Unnamed Road 10 feet upstream from centerline	*239
		Tributary O	Chester Road 10 feet upstream from centerline	*293
			Tsennelo Road 10 feet upstream from centerline	*294
		Tributary F.	Beaver Lake Road 20 feet upstream from centerline	*296
			Back Chester Road 20 feet upstream from centerline	*326
		Tributary G	Rockingham Road 25 feet upstream from centerline	*265
			Sunset Avenue (second crossing) 25 feet upstream from centerline	*280
			Windham Road (second crossing) 60 feet downstream from centerline	*302
		Drew Brook	Windham Road (second crossing) 10 feet upstream from centerline	*314
			Colletts Grove Road (first crossing) 50 feet upstream from centerline	*208
			Drew Road 75 feet upstream from centerline	*211
			North Shore Road 20 feet upstream from centerline	*214
		Taylor Brook (Including Ballard Pond)	Island Pond Road (first crossing) 50 feet upstream from centerline	*222
Lower Ballard Pond Dam 20 feet downstream from centerline	*242			
Lower Ballard Pond Dam 10 feet upstream from centerline	*255			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in foot above ground, *Elevation in foot (NGVD)
			Upper Ballard Pond Dam 10 feet upstream from centerline.....	*250
			Island Pond Road (third crossing) 20 feet upstream from centerline.....	*263
		Tributary H.....	Abandoned Railroad Bed 50 feet upstream from centerline.....	*224
			Hampstead Road 40 feet upstream from centerline.....	*260
		Cunningham Brook.....	Abandoned Railroad Bed 25 feet upstream from centerline.....	*219
			Hampstead Road 25 feet downstream from centerline.....	*296
			Hampstead Road 20 feet upstream from centerline.....	*300
		Adams Pond.....	Adams Pond Dam upstream face.....	*327
		Beaver Lake.....	300 feet northwest of intersection of Beaver Lake Avenue and Pond Road.....	*290
		Lower Beaver Lake.....	Lower Beaver Lake Dam upstream face.....	*289
		Island Pond.....	300 feet northeast of intersection of Stickney Road and Escumbuit Avenue.....	*207
Maps available at the Office of the Building Inspector, Town Offices, 48 East Broadway, Derry, New Hampshire.				
New Hampshire.....	Fremont, Town, Rockingham County, Docket No. FEMA-5749.	Exeter River.....	Downstream Corporate Limits.....	*135
			4,600 feet above downstream Corporate Limits.....	*136
Maps available at the Town Hall, Route 107, Fremont, New Hampshire.				
New Hampshire.....	Town of Gilsum, Cheshire County, Docket No. FEMA-5726.	Ashuelot River.....	USGS Gage.....	*785
			Upstream of State Route 10 (Downstream Hayward Brook confluence).	*817
			275 feet upstream of State Route 10 (Upstream Hayward Brook Confluence).	*867
		Hayward Brook.....	Confluence with Ashuelot River.....	*836
			Church Street.....	*850
			Upstream of Memorial Street.....	*855
Maps available at the Office of the Town Clerk, Gilsum, New Hampshire.				
New Hampshire.....	Town of Hinsdale, Cheshire County, Docket No. FEMA-5725.	Connecticut River.....	Upstream side Boston & Maine Railroad.....	*210
			Downstream side Vernon Dam.....	*210
			Upstream side Vernon Dam.....	*227
			Upstream side Brattleboro Bridge.....	*234
		Ashuelot River.....	Upstream side Boston & Maine Railroad.....	*213
			Upstream side State Route 63.....	*213
			Downstream side Dam #1.....	*210
			Upstream side Dam #1.....	*234
			9,500' upstream of confluence with Connecticut River.....	*244
			Downstream side Dam #2.....	*259
			Upstream side Dam #2.....	*263
			1,000' upstream of Dam #2.....	*279
			1,500' upstream of Dam #2.....	*207
		Sprague Brook.....	Confluence with Connecticut River.....	*227
			Downstream side State Route 119.....	*227
			Approximately 35' upstream of State Route 119.....	*230
Maps available at the Town Office, Hinsdale, New Hampshire.				
New Hampshire.....	(T), Holderness, Grafton County, Docket No. FEMA-5701.	Pemigewasset River.....	At the Southern Corporate Limit.....	*485
			At the Northern Corporate Limit.....	*490
		Owl Brook.....	Just upstream of State Route 175.....	*736
			Approximately 1,600 feet upstream of State Route 175.....	*739
			Just downstream private drive located about 5,500 feet upstream State Route 175.....	*763
			Just downstream of Perch Pond Road.....	*703
			Just upstream of Perch Pond Road.....	*700
		Beede Brook.....	Just downstream of School Road.....	*737
			Just upstream of School Road.....	*740
			Just downstream of Perch Pond Road.....	*742
			Approximately 400 feet upstream of Perch Pond Road.....	*746
Maps available at the Town Office, Holderness, New Hampshire 03425.				
New Hampshire.....	Town of Walpole, Cheshire County, Docket No. FEMA-5726.	Connecticut River.....	Downstream Corporate Limits.....	*241
			Upstream of State Route 123.....	*249
			Downstream of Bridge Street.....	*255
			Upstream of Boston and Maine Railroad.....	*293
			Upstream of Bellows Falls Dam.....	*295
			Upstream Corporate Limits.....	*297
		Cold River.....	Downstream State Routes 123 & 12.....	*253
			4,625 feet upstream of State Route 123.....	*260
		Blanchard Brook.....	Upstream Boston and Maine Railroad.....	*250
			Upstream State Routes 12 & 123.....	*252
Maps available at the Office of the Town Clerk, Walpole, New Hampshire.				
New Hampshire.....	Town of Winchester, Cheshire County, Docket No. FEMA-5725.	Ashuelot River.....	Downstream corporate limits.....	*292
			Dam No. 1 (upstream side).....	*345
			Dam No. 2 (upstream side).....	*392
			Boston and Maine Railroad.....	*430
			Dam No. 4 (upstream side).....	*444
			Upstream corporate limits.....	*453
		Snow Brook.....	Confluence with Ashuelot River.....	*440
			State Route 10.....	*440

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Mirey Brook	Confluence with Aahuelot River	*441
			Piney Woods Road (upstream side—100 feet)	*448
		Roaring Brook	Confluence with Mirey Brook	*441
			Scotland Road (upstream side—100 feet)	*478
		Ruford Brook	Confluence with Aahuelot River	*450
			Old Westport Road (upstream side—50 feet)	*450
			Verry Brook Road (upstream side—50 feet)	*542
		Wheellook Brook	Verry Brook Road (upstream side—50 feet)	*456
			Van Road (upstream side—100 feet)	*478
		Pauchaug Brook	Downstream Corporate Limits	*238
			Approximately 1,000 feet upstream of Auger Hole Road	*271
			Stoddle Hill Road (downstream side—approximately 50 feet)	*376
			Stoddle Hill Road (upstream side—50 feet)	*386
Maps available at the Town Hall, Winchester, New Hampshire.				
New Jersey	Harrington Park (Borough), Bergen County, FEMA-5824.	Heckensack River	Intersection of Heckensack River and the upstream corporate limit	*26
		Dorotockeys Run	25 feet upstream from center of Tappan Road	*31
			70 feet upstream from center of Swim Club Drive	*37
			40 feet upstream from center of First Street	*44
		Tappan Run	Intersection of Tappan Run and corporate limit	*40
		Blanch Brook	40 feet upstream from center of Lynn Street	*32
			20 feet upstream from center of Arthur Place	*39
		Oradell Reservoir	Intersection of Oradell Reservoir and Conrail	*25
Maps available for inspection at Borough Hall, 85 Harriot Avenue, Harrington Park, New Jersey				
Ohio	(V), Camden, Preble County, Docket No. FEMA-5853.	Beasley Run	Just upstream Main Street	*845
			Just downstream U.S. Route 127	*858
		Seven Mile Creek	About 0.65 mile downstream State Route 725	*828
			At confluence of Beasley Run	*842
			About 150 feet downstream Conrail	*867
			About 0.31 mile upstream Conrail	*876
Maps available for inspection at the Village Hall, 66 West Central Avenue, Camden, Ohio 45311				
Ohio	(Uninc.), Clermont County, Docket No. FEMA-5875.	Little Miami River	Just upstream of Milford corporate limits	*530
			Just upstream of Conrail	*552
			Just downstream of Loveland-Miamsville Road	*557
			Just downstream of Loveland corporate limits	*585
		Stonelick Creek	Just upstream of confluence with East Fork Little Miami River	*538
			Just downstream of U.S. Route 50	*541
			About 2000 feet upstream of U.S. Route 50	*550
			Just upstream of Stonelick-Williams Corner Road	*576
			About 3700 feet upstream of Stonelick-Williams Corner Road	*584
			About 1.3 miles upstream of Stonelick-Williams Corner Road	*598
			Just downstream of State Route 132	*646
			About 4700 feet upstream of State Route 132	*657
			About 1.92 miles upstream of State Route 132	*714
		Bullskin Creek	Just upstream of confluence with Ohio River	*510
			About 2.5 miles upstream of U.S. Route 52	*515
			Just downstream of Felcity-Cedron Rural Road (at upstream crossing)	*538
			About 300 feet upstream of Felcity-Cedron Rural Road (at upstream crossing)	*545
		Ohio River	At upstream county boundary	*553
			Downstream county boundary	*505
		East Fork Little Miami River	Upstream county boundary	*511
			Downstream county boundary (south of Milford)	*511
			About 300 feet downstream of Roundbottom Road	*527
			Just downstream Stonelick Road	*540
			About 2.0 miles upstream Stonelick Road	*556
			About 500 feet upstream State Route 32	*570
			Just upstream of State Route 222	*580
			About 2.3 miles upstream State Route 222	*608
			At the downstream Village of Williamsburg corporate limits	*804
			About 200 feet upstream of Norfolk & Western Railway	*807
			About 1.4 miles upstream of McKeever Road	*817
			About 3.4 miles upstream of McKeever Road	*832
		Twelvemile Creek	Mouth at Ohio River	*505
			About 0.7 mile upstream of U.S. Route 52	*505
Maps available for inspection at the Clermont County Administration Building, South Riverside Drive, Betavs, Ohio 45103				
Ohio	(C), Eaton, Preble County, Docket No. FEMA-5853.	Rocky Run	Downstream corporate limit	*1,000
			About 0.4 mile upstream Main Street	*1,014
		Seven Mile Creek	About 0.65 mile downstream State Route 732	*991
			About 200 feet upstream St. Clair Street	*1,007
			Just downstream Conrail	*1,032
Maps available for inspection at City Hall, 328 North Maple Street, Eaton, Ohio 45320				
Ohio	(V), New Paris, Preble County, Docket No. FEMA-5853.	Rocky Fork	About 850 feet upstream from mouth	*1,002
			Just upstream State Route 320	*1,030
			About 220 feet upstream of Spring Street	*1,044
		East Fork Tributary	About 300 feet upstream Walnut Street	*1,015
			About 110 feet upstream Conrail	*1,023
			Just upstream Spring Street	*1,048
			About 730 feet upstream Spring Street	*1,054

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
		East Fork Whitewater River.....	Confluence of Rocky Fork.....	*1,001
			About 500 feet upstream Middleborough Road.....	*1,018
			About 0.48 mile upstream Middleborough Road.....	*1,018
Maps available for inspection at Village Hall, West Cherry Street, New Paris, Ohio 45347.				
Ohio.....	(Uninc.), Preble County, Docket No. FEMA-5853.	Four Mile Creek.....	Just downstream State Route 725.....	*855
			About 0.74 mile upstream State Route 177.....	*882
		Paint Creek.....	Just upstream of Lake Lakengren Dam.....	*1,042
			About 1.2 miles downstream State Highway 732.....	*1,042
		Seven Mile Creek.....	Just downstream State Highway 732.....	*1,057
			About .82 mile downstream State Route 725.....	*827
			Just upstream Conrail.....	*871
			About .28 mile upstream Conrail.....	*876
		Rocky Run.....	About .4 mile downstream City of Eaton downstream corporate limits..	*894
			About .6 mile upstream City of Eaton upstream corporate limit.....	*1,022
		Tributary of East Fork Whitewater River.	At Village of New Paris corporate limits.....	*1,048
			About .2 mile upstream Village of New Paris downstream corporate limits.	*1,058
		East Fork Whitewater River.....	About 0.6 mile downstream Conrail.....	*995
			Just downstream State Route 121.....	*1,018
		Twin Creek (near West Alexandria).	Just downstream Conrail.....	*854
			Just downstream U.S. Route 35.....	*865
			Just downstream Engle Road.....	*877
		Rocky Fork.....	At New Paris corporate limits.....	*1,044
			About 0.2 mile upstream New Paris corporate limits.....	*1,051
		Twin Creek (near Lewisburg).....	About 200 feet downstream State Route 503.....	*948
			Just downstream Mill Road.....	*978
		Bantas Fork.....	Just downstream State Route 503.....	*860
			Just downstream U.S. Route 35.....	*901
Maps available for inspection at Preble County Courthouse, 100 East Main Street, Eaton, Ohio 45320.				
Ohio.....	(C), Tallmadge, Summit County, Docket No. FEMA-5853.	Roosevelt Ditch.....	About 3200 feet downstream of Eastwood Avenue.....	*1,085
			About 270 feet upstream of Eastwood Avenue.....	*1,108
			About 250 feet upstream of Southeast Avenue.....	*1,168
		Camp Brook.....	At the downstream corporate limits.....	*1,028
			About 70 feet downstream of Osceola Avenue.....	*1,051
			Just upstream of Osceola Avenue.....	*1,061
			About 130 feet downstream of Southwest Avenue.....	*1,070
			Just upstream of Southwest Avenue.....	*1,082
			Just downstream of Conrail.....	*1,082
			Just upstream of Conrail.....	*1,090
			About 200 feet upstream of South Avenue.....	*1,091
			About 130 feet downstream of East Avenue.....	*1,103
			Just upstream of East Avenue.....	*1,110
			Just downstream of Northeast Avenue.....	*1,124
Maps available for inspection at City Hall, 46 North Avenue, Tallmadge, Ohio 44278.				
Ohio.....	(Uninc.); Summit County, Docket No. FEMA-5853.	Tinkers Creek.....	At the upstream corporate limits of the City of Twinsburg.....	*877
			About 3800 feet upstream of the corporate limits for the City of Twinsburg.	*979
			Just upstream of Middleton Road.....	*1,002
			Upstream of the Ohio Turnpike and at the county boundary.....	*1,007
		Tinkers Creek Tributary.....	At the confluence with Tinkers Creek.....	*1,008
			Just upstream of Huntington Road.....	*1,018
			About 50 feet upstream of Hudson Aurora Road.....	*1,021
		Brandywine Creek.....	Just downstream of Brandywine Road.....	*834
			About 3,300 feet upstream of Brandywine Road.....	*858
			Just downstream of Akron-Cleveland Road.....	*950
			Just downstream of Hines Hill Road.....	*990
			Just upstream of the Ohio Turnpike.....	*983
			Just upstream of Conrail (near the Village of Hudson corporate limits).	*1,027
			About 1,400 feet upstream of Prospect Road.....	*1,032
		Indian Creek.....	About 500 feet upstream of the mouth at Brandywine Creek.....	*968
			About 1,000 feet upstream of the mouth.....	*987
		West Branch Roosevelt Ditch.....	About 425 feet upstream of Gilchrist Road (in Akron).....	*1,050
		Little Cuyahoga River.....	About 4,400 feet downstream of Skelton Road.....	*1,033
			About 1,800 feet upstream of Skelton Road.....	*1,044
		Springfield Lake Outlet.....	At the City of Akron corporate limits.....	*1,071
		Tuscarawas River.....	Just downstream of Center Road.....	*851
			Just upstream of Vanderhoof Road.....	*958
			At the City of Barberton downstream corporate limit.....	*981
			At the City of Barberton upstream corporate limit.....	*968
			About 1,200 feet downstream of Interstate 77.....	*999
			Just downstream of Pickle Road.....	*1,025
			Just downstream of the Tritts Millpond Dam.....	*1,044
			Just upstream of the Tritts Millpond Dam.....	*1,053
			Just downstream of the dam at Myersville Road.....	*1,063
			Just upstream of the dam at Myersville Road.....	*1,075
			Just downstream of the Pine Lake Dam.....	*1,079
			Just upstream of the Pine Lake Dam.....	*1,088
			Just downstream of the dam at Twin Lakes Drive.....	*1,088
			Just upstream of the dam at Twin Lakes Drive.....	*1,100
			Just upstream of State Route 8.....	*1,108
		Mud Brook.....	Just upstream Bath Road.....	*968
			About 500 feet upstream of Bath Road.....	*969

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NEFD)
		Cuyahoga River	At the City of Akron northern corporate limits	*732
			About 1 500 feet upstream of the City of Akron northern corporate limits	*733
			About 4 600 feet downstream of the confluence of Sand Run	*741
			Just downstream of Akron-Penninsula Road	*750
		Ohio and Erie Canal (South of Summit Lake)	About 8 800 feet downstream of Manchester Road	*967
			Just upstream of Interstate 277	*968
		Yellow Creek	Just downstream of Cheese System	*735
			Just upstream of Cheese System	*751
			Just upstream of Bath Road	*758
			About 50 feet downstream of Yellow Creek Road (downstream crossing)	*804
			About 150 feet upstream of Yellow Creek Road (downstream crossing)	*814
			About 730 feet upstream of Yellow Creek Road (downstream crossing)	*834
			About 8 100 feet upstream of Yellow Creek Road (downstream crossing)	*870
			Just upstream of Interstate 77	*886
			About 130 feet upstream of Yellow Creek Road (upstream crossing)	*893
			Just upstream of Wye Road	*913
			About 1 250 feet upstream Wye Road	*918
			About 1 400 feet upstream Wye Road	*925
			About 1 300 feet upstream Granger Road (downstream crossing)	*952
			About 800 feet upstream Granger Road (downstream crossing)	*970
			About 950 feet upstream Granger Road (upstream crossing)	*976
			About 1 000 feet upstream Granger Road (upstream crossing)	*982
			About 530 feet upstream of Crystal Lake Road	*991
		North Branch Yellow Creek	At the confluence with Yellow Creek	*912
			At the confluence of North Branch Yellow Creek Tributary	*924
			Just downstream of the Bath Road bridge	*943
		North Branch Yellow Creek Tributary	About 700 feet downstream Bath Road	*864
			About 600 feet downstream Bath Road	*977
			Just downstream of Bath Road	*977
		Pigeon Creek	Just downstream of Knox Boulevard	*970
			Just downstream of Collier Road	*971
			Just downstream of White Pond Drive	*972
			Just upstream of Jacoby Road	*988
			Just upstream of Interstate 77	*1,030
			Just upstream of Ridgewood Road	*1,045
		Pigeon Creek Tributary 2	Just upstream of Wright Road	*970
			About 75 feet upstream of Jacoby Road	*1,024
		Wolf Creek	Just downstream of Interstate 77	*1,000
			Just downstream of the Medina Line Road	*1,010

Maps available for inspection at Summit County Administration Building (Ohio Building), 175 South Main Street, Akron, Ohio 44308

Oklahoma	City of Choctaw, Oklahoma County, FEMA-5875	North Canadian River	NE 50th Street (Extended)	*1,100
		Choctaw Creek	Just upstream of Indian Meridian Road	*1,099
			Just upstream of Henney Road	*1,113
			Just downstream of Anderson Road	*1,147
			Just downstream of Mayer Drive	*1,164
			Just downstream of SE 15th Street	*1,203
		Choctaw Creek Tributary 1	Just upstream of Chicago Rock Island and Pacific Railroad	*1,099
			Just downstream of NE 10th Street	*1,137
		Choctaw Creek Tributary 2	Just downstream of NE 10th Street	*1,111
			Just upstream of NE 10th Street	*1,117
			Just downstream of East Reno Avenue	*1,132
			Just upstream of East Reno Avenue	*1,139
			Just downstream of SE 15th Street	*1,169
		Choctaw Creek Tributary 2 East Branch	Just upstream of East Reno Avenue	*1,134
			Just downstream of SE 15th Street	*1,154
		Choctaw Creek Tributary 2 West Branch	Just downstream of SE 15th Street	*1,174
			Just downstream of NE 10th Street	*1,146
		Choctaw Creek Tributary 3	Just upstream of NE 10th Street	*1,151
		Choctaw Creek Tributary 4	Just upstream of NE 10th Street	*1,135
			Just upstream of East Reno Avenue	*1,165
			Just upstream of Hwissee Road	*1,172
		Choctaw Creek Tributary 4 West Branch	Just upstream of East Reno Avenue	*1,165
		Choctaw Creek Tributary 5	Just upstream of NE 23rd Street	*1,133
		Choctaw Creek Tributary 7	Just upstream of Edgewater Drive	*1,165

Maps available for inspection at City Hall, 2436 North Main Street, P O Box 587, Choctaw, Oklahoma 73020

Oregon	Grants Pass (City), Josephine County, FEMA-5853	Rogue River	Intersection of Webster Lane and Spruce Street	*910
			150 feet upstream from center of South Seventh Street	*914
		Gilbert Creek	100 feet upstream from center of West L Street	*929
			100 feet upstream from center of West C Street	*956
			150 feet upstream from center of Marzanita Avenue	*977
			100 feet upstream from center of Midland Avenue	*1,012
			100 feet upstream from center of Morgan Lane	*1,063

Maps available for inspection at 101 NW A Street, Grants Pass, Oregon

Oregon	Medford (City), Jackson County, FEMA-5825	Bear Creek	50 feet downstream from center of McAndrews Road	*1,330
			Intersection of creek and center of Jackson Street	*1,345

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
		Lazy Creek.....	75 feet upstream from center of Barnett Road.....	*1,380
			Intersection of Black Oak Drive and Siskiyou Boulevard.....	*1,440
		Larson Creek.....	Intersection of creek and center of Morrison Avenue.....	*1,470
		Unnamed Tributary to Larson Creek.....	Confluence of creek and Larson Creek.....	*1,500
		Crooked Creek.....	40 feet downstream from center of Garfield Road.....	*1,431
		Lone Pine Creek.....	Intersection of creek and center of Crater Lake Avenue.....	*1,350
Maps available for inspection at Planning Department, Mr. Jim Eisenhart, 411 W. 8th Street, Medford, Oregon.				
Pennsylvania.....	Birmingham, Township, Chester County, Docket No. FEMA-5845.	Brandywine Creek.....	Downstream State Boundary.....	*151
			Upstream State Boundary.....	*155
			Downstream County Boundary.....	*171
			State Route 926 (Upstream).....	*177
			Upstream Corporate Limits.....	*182
Maps available at the Birmingham Township Office.				
Pennsylvania.....	Buck, Township, Luzerne County, Docket No. FEMA-5841.	Lehigh River.....	Approximately 3,640 feet downstream of Pa. State Route 115 bridge over Lehigh River.....	*1,452
			Pa. State route 115 bridge (Upstream).....	*1,478
			Approximately 1,100 feet upstream of confluence of Kendall Creek.....	*1,485
			Upstream Corporate Limits.....	*1,507
Maps available at the residence of Mr. Phillip Phelps, Chairman, Star Route, White Haven, Pennsylvania.				
Pennsylvania.....	Christiana, Borough, Lancaster County, Docket No. FEMA-5853.	Williams Run.....	Upstream South Bridge Street.....	*467
			Upstream Water Street.....	*469
			Upstream Corporate Limits.....	*473
		Pine Creek.....	Upstream Conrail.....	*476
			Upstream Slokum Avenue.....	*478
			Upstream Newport Avenue.....	*482
			Corporate Limits.....	*483
		East Branch Octoraro Creek.....	Upstream State Route 372.....	*459
			Confluence with Williams Run and Pine Creek.....	*464
Maps available by appointment by contacting Mayor Joseph Wright at (215) 593-5615.				
Pennsylvania.....	Dennison, Township, Luzerne County, (Docket No. FEMA-5841.	Lehigh River.....	Downstream Corporate Limits.....	*1,102
			Approximately 2,500' upstream of Corporate limits.....	*1,108
			Approximately 2,200' downstream of confluence of Wright Creek.....	*1,117
			Approximately 1,000' downstream of confluence of Wright Creek.....	*1,124
			Confluence of Wright Creek.....	*1,126
			Approximately 2,300' upstream of confluence of Wright Creek.....	*1,138
		Wright Creek.....	Confluence with Lehigh River.....	*1,126
			Upstream side of Private Road.....	*1,144
			Approximately 920' upstream of Private Road.....	*1,160
			Upstream side of Township Route 422.....	*1,176
			Abandoned Railroad.....	*1,208
			Approximately 1,520' upstream of Legislative Route 40041.....	*1,216
		Little Nescopeck Creek.....	Approximately 2,400' downstream of confluence of Conely Run.....	*1,143
			Confluence of Conely Run.....	*1,177
			Downstream side of Nescopeck Road.....	*1,188
			Approximately 1,440' upstream of Nescopeck Road.....	*1,211
			Downstream side of State Route 437.....	*1,231
			Approximately 350' upstream of State Route 437.....	*1,234
Maps available at the Dennison Township Building.				
Pennsylvania.....	Denver, Borough, Lancaster County, Docket No. FEMA-5845.	Cocalico Creek.....	Downstream corporate limits.....	*384
			Conrail (upstream).....	*387
			South Fourth Street (upstream).....	*390
			Dam approximately 800 feet downstream of Main Street (downstream).....	*392
			Main Street (upstream).....	*394
			Upstream corporate limits.....	*394
		Little Cocalico Creek.....	Downstream corporate limits.....	*386
			North Third Street (upstream).....	*389
			Upstream corporate limits.....	*390
Maps available at the Denver Borough Hall.				
Pennsylvania.....	Drumore, Township, Lancaster County, Docket No. FEMA-5853.	Susquehanna River.....	Downstream Corporate Limits.....	*114
			Approximately 13,000 feet upstream of Downstream Corporate Limits.....	*116
			Approximately 19,000 feet upstream of Downstream Corporate Limits.....	*120
			Approximately 20,300 feet, upstream of Downstream Corporate Limits.....	*124
			Upstream Corporate Limits.....	*131
Maps available at the Drumore Township Shed.				
Pennsylvania.....	East Drumore, Township, Lancaster County, Docket No. FEMA-5845.	South Fork.....	Downstream Corporate Limits.....	*481
			Downstream side State Route 372.....	*468
			Upstream side State Route 372.....	*471
			Approximately 400 feet downstream of Oak Bottom Road.....	*478
Maps available at the East Drumore Township Building.				

Final Base (100-Year) Flood Elevations—Continued

State	City/Town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)			
Pennsylvania	East Hopewell, Township, York County, Docket No. FEMA-5843.	South Branch Muddy Creek	Approximately 100' upstream of Muddy Creek confluence	*370			
			Approximately 2,500' upstream of Muddy Creek confluence	*380			
			Upstream side of Muddy Creek Road (Township Route 630) Bridge downstream crossing	*386			
			Approximately 6,000' upstream of Muddy Creek Road (Township Route 630) Bridge	*405			
			Upstream side of Muddy Creek Road (Township Route 633) Bridge upstream crossing	*418			
			North Branch Muddy Creek	Approximately 2,800' downstream of Legislative Route 66012 Bridge	*413		
				Upstream side of Legislative Route 66012 Bridge	*425		
		2,000' upstream of Legislative Route 66012 Bridge		*439			
		1,500' upstream of Rambo Run confluence		*451			
		500' downstream of Township Route 573 Bridge		*464			
		500' downstream of Legislative Route 66057 Bridge		*475			
		Upstream side of Legislative Route 66057 Bridge		*482			
		Upstream Corporate Limits	*486				
		Maps available at the residence of Mr. C. Kenneth McCleary, R.D. 3, Stewartstown, Pennsylvania.					
Pennsylvania	Eastvale, Borough, Beaver County, Docket No. FEMA-5853.	Beaver River	Downstream Corporate Limits	*737			
			Downstream of Dam	*738			
			Upstream of Dam	*758			
			Upstream Corporate Limits	*754			
Maps available at the residence of Mrs. Cathi Marmalch, Borough Secretary, 37th Street, Eastvale, Beaver Falls, Pennsylvania.							
Pennsylvania	Fulton, Township, Lancaster County, Docket No. FEMA-5853.	Susquehanna River	Downstream Corporate Limits	*113			
			Upstream Corporate Limits	*114			
Maps available at the Fulton Township Building.							
Pennsylvania	Huntington, Township, Luzerne County, Docket No. FEMA-5828.	Huntington Creek	Downstream Corporate Limits	*700			
			Southdale Schoolhouse Road (Extended) Upstream	*703			
			Township Route 470 downstream (Extended)	*710			
			Everetts Corner Road (Downstream side)	*729			
			Legislative Route 40075 (Downstream side)	*730			
			Dug Road (Upstream side)	*743			
			Dam (Upstream side)	*759			
			Upstream of State Route 239	*768			
			Papmill Dam (Upstream side)	*771			
			Koons Dam (Upstream side)	*777			
			Williams Road	*786			
			Lundqvist Road (Upstream side)	*796			
			Confluence of Kitchen Creek	*811			
			Upstream Corporate Limits	*814			
		Pine Creek	Downstream Corporate Limits	*715			
			Hollow Road (Upstream side)	*726			
			Corporate Limits (Approximately 4,900' downstream of State Route 239)	*758			
			State Route 239 (Downstream side)	*773			
			Town Hill Road (Downstream side)	*787			
			Legislative Route 40164 (Extended)	*803			
			Legislative Route 40080 (Upstream side)	*815			
			Heas Hollow Road	*835			
			Upstream Corporate Limits	*842			
			Maps available at the Huntington Township Municipal Building, Shickelany, Pennsylvania.				
			Pennsylvania	Little Britain, Township, Lancaster County, Docket No. FEMA-5853.	West Branch Octoraro Creek	Approximately 5,300 feet downstream of Academy Road	*291
						Upstream of Academy Road	*300
						Downstream of Kings Bridge	*314
						Upstream of Kings Bridge	*319
						Approximately 500 feet downstream of upstream Corporate Limits	*340
Maps available at the Little Britain Township Building.							
Pennsylvania	Lower Paxton, Township, Dauphin County, Docket No. FEMA-5749.	Beaver Creek	Downstream Corporate Limits	*335			
			Dam 950' downstream Nyes Road	*336			
			Upstream Nyes Road	*342			
			Confluence of Nyes Run	*343			
		Nyes Run	Confluence of Beaver Creek	*343			
			Upstream Union Depot Road	*363			
			Upstream Locust Lane (Legislative Route 22071)				
			350' Upstream Locust Lane	*379			
				*375			
		Tributary to Spring Creek	Downstream Corporate Limits	*422			
			Upstream Interstate 83	*427			
			Upstream Arlington Avenue	*431			
			Upstream Sussex Drive	*434			
			1000' upstream Sussex Drive	*442			
		Tributary to Paxton Creek	Downstream Corporate Limits	*432			
			Upstream Gale Drive	*437			
			Downstream Carol Drive	*440			
			Upstream Carol Drive	*446			
		Goose Valley Run	Upstream Cnummill Road	*448			
			Confluence with Tributary to Goose Valley Run	*393			
			Upstream Colonial Club Road	*437			
			Upstream Derbyshire Road	*449			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Downstream Linglestown Road	*454
			Upstream Linglestown Road	*463
		Tributary to Goose Valley Run	Confluence of Goose Valley Run	*393
			Approximately 160' downstream Interstate 81	*395
			Approximately 200' upstream Interstate 81	*402
			Downstream Earl Drive	*420
			Upstream Earl Drive	*425
			Downstream Curvin Drive	*445
			Upstream Curvin Drive	*450
			Confluence of South Branch of Tributary to Goose Valley Run	*452
			Downstream Lochwillow Road	*469
			Upstream Lochwillow Road	*474
			600 feet upstream Lochwillow Road	*481
		South Branch of Tributary to Goose Valley Run	Confluence with Tributary to Goose Valley Run	*452
			Upstream U.S. Route 22	*487
			Upstream Sunset Avenue	*489
			Upstream South Lochwillow Road	*495
			Downstream Beaver Road	*498
Maps available at the Lower Paxton Township Building.				
Pennsylvania	Miller, Township, Perry County, Docket No. FEMA-5828.	Juniata River	Downstream Corporate Limits	*370
			Confluence of White Run	*375
			Approximately 2,700 feet downstream of Upper Bailey Road extended	*380
			Approximately 8,560 feet upstream of Upper Bailey Road extended	*385
			Upstream Corporate Limits	*390
Maps available at the Election House, Route 849, Duncannon, Pennsylvania.				
Pennsylvania	Newell, Borough, Fayette County, Docket No. FEMA-5853.	Monongahela River	Downstream Corporate Limits	*760
			Upstream Corporate Limits	*760
Maps available at the Fire Hall, 4th Street, Newell, Pennsylvania.				
Pennsylvania	Patterson Heights, Borough, Beaver County, Docket No. FEMA-5845.	Beaver River	Downstream Corporate limits	*179
			Upstream Corporate limits	*720
Maps available at the Patterson Heights Borough Building, 8th Avenue, Beaver Falls, Pennsylvania.				
Pennsylvania	Ross, Township, Luzerne County, Docket No. FEMA-5841.	Huntington Creek	Upstream State Route 118	*1,120
			Upstream Old State Road/Township Route 575	*1,142
			3,200 feet upstream of Old State Road	*1,180
			Downstream Legislative Route 117	*1,233
Maps available at the Ross Township Building.				
Pennsylvania	Salisbury, Township, Lancaster County, Docket No. FEMA-5845.	Houston Run	U.S. Route 30	*438
			Private road approximately 950 feet upstream of U.S. Route 30 (upstream side)	*448
			Private road approximately 3,320 feet upstream of U.S. Route 30 (upstream side)	*465
			Strasburg Road (downstream side)	*504
Maps available at the Salisbury Municipal Office.				
Pennsylvania	Washington, Township, Lehigh County, Docket No. FEMA-5841.	Lehigh River	Downstream Corporate Limits	*351
			Slatington southern Corporate Limits	*358
			Slatington northern Corporate Limits	*372
			State Route 873 (Downstream side)	*385
			Upstream Corporate Limits	*387
Maps available at the Washington Township Building.				
Pennsylvania	West Cocalico, Township, Lancaster County, Docket No. FEMA-5824.	Cocalico Creek	Downstream Corporate Limits	*392
			Approximately 200' upstream of Long Lane Road	*394
		Little Cocalico Creek	Downstream Corporate Limits	*422
			Upstream side of Creamery Road	*436
			Upstream side of Swamp Church Road	*450
			Downstream side of Resh Road	*470
			Approximately 1,000' upstream of Resh Road	*475
Maps available at the West Cocalico Township Building.				
Pennsylvania	West Mayfield, Borough, Beaver County, Docket No. FEMA-5845.	Walnut Bottom Run	Downstream corporate limits	*851
			Upstream West Third Avenue	*860
			Confluence of Tributary to Walnut Bottom Run	*871
			Upstream side of upstream crossing of Patterson Avenue	*901
			330 feet upstream of Patterson Avenue	*914
		Tributary to Walnut Bottom Run	Confluence with Walnut Bottom Run	*871
			Patterson Avenue	*880
			Corporate Limits	*903
		Wallace Run	Upstream of Conrail and Norwood Drive Culvert	*826
			Approximately 400 feet upstream of Norwood Drive	*838
			Upstream Wallace Run Road	*857
			Approximately 1000 feet upstream of Wallace Run Road	*882
			Corporate limits	*899
Maps available at the West Mayfield Borough Building, Harberson Road.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)			
Pennsylvania	Wiconisco, Township, Dauphin County, Docket No. FEMA-5841.	Wiconisco Creek	Downstream Corporate Limits	*603			
			Upstream Main Street	*649			
			Upstream of Division Street (Extended)	*661			
			Upstream of Market Street	*679			
			Confluence with Bear Creek	*679			
			Upstream Arch Street	*682			
			Upstream Machamer Avenue	*687			
		Bear Creek	Upstream Corporate Limits	*690			
			Confluence with Wiconisco Creek	*679			
			Upstream Pottsville Street	*743			
			Maps available at the Wiconisco Township Building.				
			Pennsylvania	Wilksstown, Township, Chester County, Docket No. FEMA-5841.	Crum Creek	Downstream Corporate Limits	*235
						Downstream of Bartram Covered Bridge	*242
						Upstream of Goshen Road	*244
Upstream of Private Road	*258						
Upstream of Old Covered Bridge Road (Extended)	*282						
Upstream of Private Road (Extended)	*286						
Downstream of confluence of West Tributary to Crum Creek	*304						
Confluence of West Tributary to Crum Creek	*307						
Approximately 1,840' upstream of Confluence with West Tributary	*325						
580' upstream of Whitehorse Road	*338						
Upstream Foxchase Road (Extended)	*356						
Downstream of Whitehorse Road	*367						
Upstream of Whitehorse Road	*371						
Upstream of Davis Road	*375						
Downstream of Jeffery Road	*378						
Downstream of Private Drive	*389						
Evergreen Lane (Extended)	*407						
Downstream of Footbridge	*416						
Upstream of Footbridge	*417						
Downstream of Warren Avenue	*433						
Downstream of Vernon Lane	*441						
Upstream of Eisenhower Drive	*443						
Upstream of Martin Drive	*446						
Upstream of Long Lane	*453						
Downstream of Paoli Pike	*461						
Tributary A	Confluence with Crum Creek	*437					
	Upstream Corporate Limits	*443					
West Tributary to Crum Creek	Confluence with Crum Creek	*307					
	Approximately 1,200' upstream of confluence	*320					
	Approximately 1,800' upstream of confluence	*332					
	Upstream of Hillview Road	*354					
	Upstream of 1st Footbridge	*360					
	Downstream of Warren Avenue	*383					
	Downstream of Private Drive	*391					
	Upstream of Spring Road	*412					
	Upstream of Laurel Circle (1st crossing)	*413					
	Upstream of Laurel Circle (2nd crossing)	*424					
	Downstream of Andrews Avenue	*436					
	Upstream of Harvey Lane	*442					
	Downstream of Sugartown Road	*468					
Northeast Branch Ridley Creek	Downstream of Paoli Pike	*480					
	Upstream of Lane Road	*450					
	Upstream of Dam	*454					
	Upstream of Forest Lane	*472					
	Upstream of Monument Road	*496					
East Tributary to Crum Creek	Approximately 2,000' upstream of Monument Avenue	*523					
	Confluence with Crum Creek	*391					
	Upstream of Dam	*405					
	Upstream of Grubb Road	*409					
	Downstream of Private Drive	*426					
	Downstream of Devon Road	*454					
	Upstream Devon Road	*458					
	Upstream of Corporate Limits	*462					
	Confluence with East Tributary to Crum Creek	*425					
	Downstream of Grubb Road	*410					
Tributary B	Downstream of Colonial Lane	*424					
	Upstream of Colonial Road	*428					
	Downstream of Devon Road	*451					
	Upstream of Devon Road	*451					
	Spruce Lane (Extended)	*478					
	Lynbrook Road (Extended)	*432					
	Fairview Road (Extended)	*438					
	Ridley Creek	Downstream Corporate Limits			*224		
		Upstream of Delchester Road	*226				
		Upstream Corporate Limits	*223				
Maps available at the Wilksstown Township Municipal Building							
Tennessee	Unincorporated Areas of Smith County, FEMA-5841	Cumberland River	At confluence of Ward Creek	*433			
			At State Highway 25	*435			
		Canev Fork River	At confluence of Turkey Creek	*433			
			At U.S. Highway 70N	*436			
			At confluence of Bluff Creek	*438			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
		Peyton Creek	Just downstream of State Highway 25	*480
			Just downstream of State Highway 80 near Nixon Hollow	*496
			Just downstream of State Highway 80 at confluence of Tootown Branch.	*520
			Just downstream of State Highway 80 near confluence of Sloan Branch.	*538
		Defeated Creek	Just upstream of the private drive at the confluence of Horn's Hollow Branch.	*510
			Just upstream of State Highway 05 near confluence of Dillehay Branch.	*519
			Just downstream of County Road Secondary Route 6166 (Defeated Creek Road) near confluence of Kemp Hollow Branch.	*532
			Just upstream of County Road Secondary Route 6166 (Defeated Creek Road) at confluence of Cromwell Branch.	*539
		Mulherin Creek	Just downstream of Interstate Highway 40	*564
			Just downstream of State Highway 141	*569
Maps available for inspection at Educational Building, at the Smith County Courthouse, and at the Smith County Chamber of Commerce, Public Square, Carthage, Tennessee 37030.				
Texas	City of Bishop, Nueces County, FEMA-5873.	Carretta Creek	Approximately 300 feet upstream of Missouri Pacific Railroad	*55
		North Carretta Creek	Approximately 300 feet upstream of U.S. 77 Bypass	*53
			Just upstream of Missouri Pacific Railroad	*58
Maps available for inspection at City Hall, Bishop, Texas 78343.				
Texas	City of Brownwood, Brown County, FEMA-5873.	Pecan Bayou	Just downstream of U.S. Highway 64 and 87	*1,332
			Just upstream of a concrete dam	*1,336
		Adam Branch	Just downstream of Austin Avenue	*1,335
			Just downstream of Coleman Avenue	*1,350
		Tom Williams Creek	Just downstream of U.S. Highway 64 and 87	*1,337
		Willis Creek	Just downstream of Austin Avenue	*1,327
			Just downstream of Southside Street	*1,335
		South Willis Creek	Just downstream of Southside Street	*1,336
			Just downstream of Stephen Austin Drive	*1,353
		Tributary of South Willis Creek	Just downstream of Morris Sheppard Drive	*1,375
Maps available at City Hall, 110 South Greenleaf, Brownwood, Texas 78801.				
Texas	City of Crowley, Tarrant County, FEMA-5841.	Deer Creek	Just upstream of Farm Market Road 1187	*710
			Approximately 50 feet upstream of Farm Market Road 731	*723
			Just downstream of Hampton Road	*752
			Just upstream of Hampton Road	*757
		Northwest Branch of Deer Creek	Approximately 1,500 feet upstream of the confluence of Deer Creek and Northwest Branch of Deer Creek.	*691
			Approximately 110 feet downstream of Farm Market Road 731	*739
		North Branch of Deer Creek	Just downstream of Farm Market Road 731	*714
			Just upstream of Farm Market Road 731	*721
			Just downstream of Atchison Topeka Santa Fe Railway	*735
			Just upstream of Atchison Topeka Santa Fe Railway	*735
		South Fork of North Branch of Deer Creek	Approximately 150 feet downstream of Western corporate limits	*787
		South Fork of Deer Creek	Just downstream of Atchison Topeka Santa Fe Railway	*758
			Just downstream of Atchison Topeka Santa Fe Railway	*762
Maps available for inspection at City Hall, 120 North Hampton, Crowley, Texas 76036.				
Texas	City of Duncanyville, Dallas County, FEMA-5853.	Tenmile Creek	Just upstream of Main Street (Duncanyville Road)	*623
			Just upstream of Beaver Creek Road	*668
		Mauk Branch	Just upstream of U.S. Highway 67 (Service Road)	*637
			Just upstream of Wheatland Road	*659
		Steward Branch	Approximately 2,050 feet upstream of confluence with Tenmile Creek	*600
		Home Branch	Just upstream of Main Street (Duncanyville Road)	*630
			Just upstream of Wheatland Road	*676
		Bentle Branch	Just upstream of Dam	*644
			Just upstream of Joe Wilson Road	*657
		Stream 3A29	Just upstream of Greenstone Lane	*674
			Just upstream of Greenhill Lane	*608
Maps available at City Hall, 100 East Center, Duncanyville, Texas 75116.				
Texas	City of Gregory, San Patricio County, FEMA-5873.	Drainage Ditch	Approximately 600 feet downstream of southern most crossing of U.S. Highway 181.	*29
			Approximately 850 feet downstream of Sunset Road	*31
		Shallow Flooding Area (Ponding)	Intersection of North and McKaney Avenues	*32
Maps available at City Hall, 308 Ayers, Gregory, Texas 78358.				
Virginia	Town of Wise, Wise County, Docket No. FEMA-5723.	Glade Creek	Confluence with Yellow Creek	*2,361
			Elam Street (upstream)	*2,427
			U.S. Route 23 (upstream)	*2,432
			J. J. Kelley School Drive (upstream)	*2,440
			Upstream Corporate Limits	*2,449
		Yellow Creek	Downstream Corporate Limits	*2,142
			1st Downstream Private Drive (extended)	*2,224
			Confluence with Glade Creek	*2,361
			State Route 646 (upstream)	*2,420
			State Route 640 (upstream)	*2,429
			Private Road at upstream corporate limits	*2,443

Final Base (100-Year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary to Yellow Creek	Confluence with Yellow Creek First downstream crossing of Private Road off of State Route 64D Upstream Corporate Limits	*2,428 *2,430 *2,438
Maps available at the Municipal Building, 122 Main Street, Wise, Virginia				
Washington	Battle Ground (Town), Clark County, FEMA-5895	Wooden Creek	25 feet upstream of intersection of Wooden Creek and East A Street 25 feet upstream of intersection of Wooden Creek and 142nd Avenue	*287 *293
Maps available for inspection at Town Hall, 400 East Main, Battle Ground, Washington				
Wisconsin	(C), West Allis, Milwaukee County, Docket No FEMA-5873.	Root River	About 700 feet downstream of West Morgan Avenue Just upstream of West Morgan Avenue Approximately 200 feet downstream of West Lincoln Avenue	*729 *731 *756
		Hale Creek	Just downstream of Parkway Road Approximately 2,100 feet upstream of West Cleveland Avenue Approximately 3,300 feet upstream of West Cleveland Avenue	*735 *737 *738
		West Branch Root River	500 feet upstream of West Oklahoma Avenue Approximately 100 feet downstream of South 124th Street	*736 *750

Maps available for inspection at West Allis Engineering & Planning Department City Hall, 7525 West Greenfield, West Allis, Wisconsin 53214

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19387; and delegation of authority to Federal Insurance Administrator)

Issued: November 4, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-37064 Filed 11-28-80; 8 45 am]

BILLING CODE 6718-03

44 CFR Part 67

National Flood Insurance Program;
Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska or Hawaii, call Toll Free (800) 424-9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
Illinois	Cook County of (Docket No FI-5238).	West Fork of North Branch Chicago River	Confluence of Tributary B	*631	
			Willow Road (Upstream)	*633	
			Techry Road (Upstream)	*635	
			Chicago & North Western Railway (Downstream)	*635	
			Chicago & North Western Railway (Upstream)	*639	
			Tributary A of West Fork of North Branch Chicago River	*634	
			Chicago & North Western Railway (Downstream)	*635	
			Chicago & North Western Railway (Upstream)	*639	
			Middle Fork of North Branch Chicago River	Sunset Drive (Upstream)	*634
			Meadow Drive (Upstream)	*635	
			Interstate Route 94 (Downstream)	*648	
			Branwood Road (Upstream)	*712	
			Meacham Road (Upstream)	*716	
			Plum Grove Road (Upstream)	*726	
			Illinois Avenue (Upstream)	*728	
			Michigan Avenue (Upstream)	*729	
			First crossing of Palestine Road (Upstream)	*745	
Second crossing of Palestine Road (Upstream)	*755				

Final Base (100-year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Confluence of Tributary A.....	'702
			Third crossing of Palatine Road (Upstream).....	'704
			Roselle Road (Downstream).....	'767
			Ela Road (Upstream).....	'803
			Poteet Road (Downstream).....	'812
			Poteet Road (Upstream).....	'814
			Haman Road (Downstream).....	'825
			Upstream side of Haman Road (Upstream).....	'827
	Tributary B of Salt Creek.....	Ela Road (Downstream).....	'813	
		Upstream side of Ela Road (Upstream).....	'820	
	Tributary C of Salt Creek.....	Palatine Road (Upstream).....	'820	
		Quentin Road (Downstream).....	'731	
		Quentin Road (Upstream).....	'738	
	Arlington Heights Branch of Salt Creek.....	Staples Road (Downstream).....	'746	
		Staples Road (Upstream).....	'749	
		Dundee Road Downstream.....	'763	
	West Branch of Salt Creek.....	State Route 53 (Upstream).....	'697	
		Higgins Road.....	'725	
		Confluence of Tributary A.....	'726	
		Northwest Tollway (Upstream).....	'738	
		Roselle Road (Downstream).....	'742	
	Tributary D of West Branch Salt Creek.....	Approximately 6,000 feet upstream of confluence with West Branch of Salt Creek.....	'727	
		Approximately 7,000 feet upstream of confluence with West Branch of Salt Creek.....	'731	
	Wheeling Drainage Ditch.....	Milwaukee Avenue (Upstream).....	'639	
		Hintz Road (Upstream).....	'641	
	Tributary A of Buffalo Creek.....	Nichol's Road (Downstream).....	'711	
		Nichol's Road (Upstream).....	'712	
		Hidden Creek Circle (Upstream).....	'716	
		Baldwin Drive (Upstream).....	'718	
		Capri Drive (Upstream).....	'721	
		Ins Drive (Upstream).....	'722	
		Laurel Drive (Upstream).....	'723	
		Lynda Drive (Upstream).....	'732	
		Hick's Road (Upstream).....	'740	
		Dundee Road (Upstream).....	'743	
		Upstream side of Oak Street (Upstream).....	'745	
		Peppertree Drive (Upstream).....	'747	
		Staples Road (Downstream).....	'754	
		Staples Road (Upstream).....	'756	
	McDonald Creek.....	DesPlaines River Road (Upstream).....	'635	
		Foundry Road (Downstream).....	'638	
	Tributary B of McDonald Creek.....	Approximately 2,500 feet upstream of confluence with McDonald Creek.....	'651	
		Downstream side of Wheeling Road (Downstream).....	'654	
	Prairie Creek.....	Potter Road (Upstream).....	'635	
		Landing Drive (Upstream).....	'638	
		Rancho Lane (Upstream).....	'639	
		Briar Court (Upstream).....	'639	
		Robin Drive (Upstream).....	'640	
		Kennedy Drive (Downstream).....	'641	
	Higgins Creek.....	Chicago & North Western Railway (Upstream).....	'651	
		Northwest Tollway (Upstream).....	'654	
		Elmhurst Road (Downstream).....	'657	
		Hamilton Road.....	'660	
	Tributary A of Higgins Creek.....	Confluence with Higgins Creek.....	'657	
		Higgins Road (Upstream).....	'666	
	Silver Creek.....	Armitage Avenue (Upstream).....	'635	
		Palmer Avenue (Upstream).....	'638	
		Fullerton Avenue (Downstream).....	'638	
		Lotus Street.....	'638	
		Park Street.....	'639	
		Manheim Road (Upstream).....	'641	
		Granville Avenue (Downstream).....	'642	
	Flag Creek.....	91st Street (Upstream).....	'602	
		Confluence of Tributary C.....	'604	
		87th Street (Upstream).....	'608	
		79th Street (Upstream).....	'625	
		Confluence of Tributary B.....	'626	
		Confluence of Tributary A.....	'629	
		Interstate Route 294 (Upstream).....	'638	
		Plainfield Road (Upstream).....	'639	
	Tributary A of Flag Creek.....	Confluence with Flag Creek.....	'629	
		Wolf Road (Upstream).....	'633	
		75th Street (Upstream).....	'637	
		Forest Hill Road (Upstream).....	'649	
	Tributary C of Flag Creek.....	Confluence with Flag Creek.....	'604	
		87th Street (Upstream).....	'621	
		4,500 feet upstream of confluence.....	'641	
		83rd Street (Upstream).....	'670	
	Tributary A of DesPlaines River.....	Brannard Avenue (Upstream).....	'653	
		Golf Course Weir.....	'654	
		Edgewood Avenue (Upstream).....	'670	
	Popular Creek.....	County Boundary.....	'710	
		Irving Park Road (Downstream).....	'745	
		Rohrson Road (Upstream).....	'755	
		Elgin, Joliet & Eastern Railway (Upstream).....	'759	

Final Base (100-year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Confluence of South Branch Poplar Creek	*760
			Confluence of Railroad Tributary	*766
			First crossing of Golf Road (Upstream)	*767
			Second crossing of Golf Road (Downstream)	*773
			Northwest Tollway (Upstream)	*808
			Approximately 1,800 feet upstream of Northwest Tollway to the up- stream side of Unnamed Road	*816
			Approximately 2,300 feet upstream of Unnamed Road	*821
			First crossing of Barrington Road (Upstream)	*842
			Algonquin Road (Upstream)	*843
			Second crossing of Barrington Road (Upstream)	*856
			Stover Road (Downstream)	*861
			Old Higgins Road	*796
		Tributary A of Poplar Creek	Higgins Road (Downstream)	*806
			Higgins Road (Upstream)	*807
			Northwest Tollway (Downstream)	*813
		South Branch Poplar Creek	Confluence with Poplar Creek	*760
			Schaumburg Road (Upstream)	*772
			Sutton Road (Upstream)	*779
		Schaumburg Branch Poplar Creek	Springguth Road (Upstream)	*793
			Bode Road (Downstream)	*793
		Thorn Creek	Confluence with North Creek	*607
			Chicago and Eastern Illinois Railroad (Upstream)	*613
			Vincennes Road (Upstream)	*614
			First crossing of Cheese System (Downstream)	*615
			Third crossing of Cheese System (Upstream)	*622
			Joe Orr Road (Downstream)	*630
			Sauk Trail (Upstream)	*683
			Western Avenue (Upstream)	*688
		Tributary A of Thorn Creek	State Street (Upstream)	*634
			U.S. Route 30 (Downstream)	*641
		Deer Creek	Confluence with Thorn Creek	*616
			State Street (Upstream)	*620
			First crossing of Cottage Grove Avenue (Upstream)	*621
			Joe Orr Road (Upstream)	*627
			U.S. Route 30 (Upstream)	*636
			Elgin, Joliet and Eastern Railway (Upstream)	*642
			Second crossing of Cottage Grove Avenue (Upstream)	*651
			Sauk Trail (Upstream)	*655
			Steger Road (Downstream)	*668
		Third Creek	Confluence with Deer Creek	*621
			Joe Orr Road (Downstream)	*629
			Approximately 13,000 feet above confluence with Deer Creek at Rail- road Siding (Upstream)	*632
		Tributary B of Deer Creek	Confluence with Deer Creek	*636
			Elgin, Joliet and Eastern Railroad and Conrail (Upstream)	*640
			Sauk Trail (Upstream)	*650
			Cottage Grove Avenue (Downstream)	*665
			Cottage Grove Avenue (Upstream)	*669
		Butterfield Creek	Riegel Road (Upstream)	*630
			Dose Highway (Downstream)	*637
			Vollmer Road (Upstream)	*655
			205th Street (Upstream)	*689
			Cicero Avenue (Upstream)	*693
		North Creek	Confluence with Thorn Creek	*607
			Cottage Grove Avenue (Upstream)	*607
			Gakumet Expressway (Upstream)	*607
			Story Island Avenue	*607
			Torrence Avenue (Upstream)	*609
			Oakwood Avenue (Upstream)	*612
		Lansing Ditch	Trailer Court Drive (Upstream)	*626
			Glenwood-Dyer Avenue (Downstream)	*626
			Elgin, Joliet and Eastern Railroad (Upstream)	*628
			Confluence of Tributary A of Lansing Ditch	*628
		Tributary A of Lansing Ditch	Confluence with Lansing Ditch	*628
			Upstream side of Sauk Trail Road (Upstream)	*630
		Plum Creek	State Boundary	*637
			Steger Road (Downstream)	*645
		Midlothian Creek	Waverly Avenue (Upstream)	*629
		Tributary A of Illinois and Michigan Canal	Approximately 2,250 feet upstream of confluence with Illinois and Michigan Canal	*604
			Approximately 3,250 feet upstream of confluence with Illinois and Michigan Canal	*624
			Approximately 4,000 feet upstream of confluence with Illinois and Michigan Canal	*641
			Approximately 5,000 feet upstream of confluence with Illinois and Michigan Canal	*663
			Approximately 5,750 feet upstream of confluence with Illinois and Michigan Canal	*683
			Approximately 6,500 feet upstream of confluence with Illinois and Michigan Canal	*707
		Tributary B of Illinois and Michigan Canal	Confluence with Illinois and Michigan Canal	*594
			Illinois Central Gulf Railroad (Upstream)	*603
			Chicago and Joliet Road (Upstream)	*611
			First crossing of Walker Road (Upstream)	*628
			Confluence of Tributary BA of Illinois and Michigan Canal	*639
			Dam (Downstream)	*653
			Dam (Upstream)	*665
			Second crossing of Walker Road (Downstream)	*692

Final Base (100-year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
		Tributary BA of Illinois and Michigan Canal.	Confluence with Tributary B of Illinois and Michigan Canal.....	*639
			Cog Hill Country Club Road (Downstream).....	*675
			Cog Hill Country Club Road (Upstream).....	*688
		Tributary A of Calumet Sag Channel.	Illinois Highway 83 (Upstream).....	*628
			Confluence of Tributary AA of Calumet Sag Channel.....	*667
			Approximately 2,500 feet upstream of Tributary AA of Calumet Sag Channel.	*676
			Approximately 4,000 feet upstream of Tributary AA of Calumet Sag Channel.	*698
		Tributary AA of Calumet Sag Channel.	Confluence with Tributary A of Calumet Sag Channel.....	*607
			Approximately 750 feet upstream of confluence.....	*600
		Tributary A of Mill Creek.....	State Route 45 (Upstream).....	*674
			104th Avenue (Downstream side).....	*708
			104th Avenue (Upstream side).....	*710
		Tributary B of Calumet Sag Channel.	Calumet Sag Road (Downstream).....	*605
		Tinley Creek.....	82nd Avenue (Downstream).....	*660
		Tributary C of Calumet Sag Channel.	Linder Avenue (Upstream).....	*641
			Central Avenue (Downstream).....	*647
		Long Run.....	State Street (Upstream).....	*648
			Confluence of Tributary C of Long Run.....	*649
			Will Cook Road (Upstream).....	*688
			Confluence of Tributary A of Long Run.....	*692
			143rd Street (Upstream).....	*694
		Tributary A of Long Run.....	Confluence with Long Run.....	*692
			Wolf Road (Upstream).....	*699
			143rd Street (Upstream).....	*699
		Tributary B of Long Run.....	Confluence of Long Run.....	*649
			Confluence of Tributary BA of Long Run.....	*858
			Dam (Downstream).....	*681
			Maple Street (Upstream).....	*668
			131st Street (Upstream).....	*674
			Derby Road (Upstream).....	*686
		Tributary BA of Long Run.....	Confluence with Tributary B of Long Run.....	*658
			131st Street (Upstream).....	*678
		Tributary C of Long Run.....	Confluence with Long Run.....	*649
			Approximately 1,250 feet upstream of confluence.....	*858
			Approximately 2,250 feet upstream of confluence.....	*673
		Marley Creek.....	Confluence of Tributary A of Marley Creek.....	*673
			179th Street (Upstream).....	*674
			Confluence of Tributary B of Marley Creek.....	*674
			Wolf Road (Upstream).....	*675
			Norfolk and Western Railway (Upstream).....	*670
			167th Street (Downstream).....	*681
			167th Street (Upstream).....	*685
			104th Avenue (Upstream).....	*692
		Tributary A of Marley Creek.....	Confluence with Marley Creek.....	*673
			Wolf Road (Downstream).....	*712
			Wolf Road (Upstream Side).....	*715
		Tributary B of Marley Creek.....	Confluence with Marley Creek.....	*674
			Norfolk & Western Railway (Downstream).....	*674
			Norfolk and Western Railway.....	*678
			U.S. Route 6 (Downstream).....	*678
			U.S. Highway 6 (Upstream Side).....	*680
			Approximately 2,000 feet upstream of U.S. Route 6.....	*700
		Tributary C of Marley Creek.....	Confluence with Marley Creek.....	*674
			Wolf Road (Upstream).....	*676
			108th Avenue (Downstream).....	*680
			108th Avenue (Upstream).....	*690
		Tributary D of Marley Creek.....	Norfolk and Western Railway (Upstream).....	*691
			104th Avenue (Downstream).....	*693
			104th Avenue (Upstream).....	*700
		Spring Creek.....	118th Avenue (Downstream).....	*687
			118th Avenue (Upstream).....	*692
			157th Street (Upstream).....	*696
			Wolf Road (Upstream Side).....	*699
		Hickory Creek.....	Harlem Avenue (County Boundary Upstream).....	*705
			Ridgeland Avenue (Downstream).....	*718
			Ridgeland Avenue (Upstream).....	*721
			Elgin, Joliet and Eastern Railroad (Downstream).....	*722
			Elgin, Joliet and Eastern Railroad (Upstream).....	*731
			Sauk Trail (Upstream).....	*731
		Tributary A of Hickory Creek.....	Harlem Avenue (Upstream).....	*720
			Approximately 4,500 feet upstream of Harlem Avenue.....	*738
		Flossmoor Ditch.....	Harlem Avenue (Upstream).....	*695
			Confluence of Tributary A of Flossmoor Ditch.....	*695
		Tributary A of Flossmoor Ditch.....	Confluence with Flossmoor Ditch.....	*695
			Vollmer Road (Upstream).....	*713
		Tributary B of Flag Creek.....	Confluence with Flag Creek.....	*628
			Wolf Road (Upstream).....	*629
			First crossing of 77th Street (Upstream).....	*629
			Second crossing of 77th Street (Upstream).....	*646
			Forest Hill Road (Upstream).....	*648
			South Entrance Correctional Farm (Upstream).....	*662

Maps available at the Cook County Office Building, Chicago, Illinois.

Final Base (100-year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	Downers Grove, Village, DuPage County (Docket No. FI-5508).	East Branch DuPage River	Downstream Corporate Limits	*673
			Confluence of Lacey Creek	*675
		Prentiss Creek	Upstream Corporate Limits	*675
			Downstream Corporate Limits	*708
		St. Joseph Creek	Puffer Road (Upstream)	*712
			Woodward Avenue (Upstream)	*722
			Prentiss Drive (Upstream)	*723
			Springside Avenue (Upstream)	*730
			Dunham Road (Upstream)	*744
			Downstream Corporate Limits	*680
			Walnut Avenue (Upstream)	*681
			Curtee Street (Upstream)	*688
			Belmont Road (Upstream)	*691
			Lee Street (Upstream)	*697
			Private Drive (Upstream)	*697
			Jacqueline Avenue (Upstream)	*698
			Brookbank Road (Upstream)	*700
			MacIae Avenue (Upstream)	*708
			Confluence of North Branch St. Joseph Creek	*708
			Blodgett Avenue (Upstream)	*710
			Intersection of Grand Avenue and Hill Street	*715
			55th Street (Upstream)	*718
			Fairview Avenue (Upstream)	*720
			Deerpeth Road (Upstream)	*720
		North Branch St. Joseph Creek	Burlington Northern Railroad (Downstream)	*706
			Burlington Northern Railroad (Upstream)	*713
			Outlet of Culvert 375, downstream of Douglas Road (Downstream)	*716
			Rogers Street (Upstream)	*722
			Austin Street (Upstream)	*722
			Fairview Avenue (Upstream)	*723
			Hummer Park Drive (Upstream)	*723
			Florence Avenue (Upstream)	*726
			Upstream Corporate Limits	*727
			South Branch St. Joseph Creek	Confluence with St. Joseph Creek
		Farmont Avenue (Upstream)		*719
		Lyman Avenue (Upstream)		*724
		Washington Street (Upstream)		*727
		Webster Avenue (Upstream)		*731
		Main Street (Upstream)		*739
		Carpenter Street (Upstream)		*746
		56th Street (Upstream)		*748
		Middeugh Street (Upstream)		*748
		Lacey Creek		Confluence with East Branch DuPage River
			Confluence of One Mile Creek	*676
			Private Drive (Upstream)	*680
			Finley Road (Upstream)	*689
			East-West Tollway (Downstream)	*690
			East-West Tollway (Upstream)	*692
			Downers Drive (Upstream)	*692
			Vanard Road (Upstream)	*695
Saratoga Avenue (Upstream)	*697			
Highland Avenue (Upstream)	*697			
Williams College Private Road (Upstream)	*697			
Fairview Avenue (Upstream Corporate Limits)	*702			

Maps available at Lobby of the Village Hall, Downers Grove, Illinois.

Montana	Helena (city), Lewis and Clark County (Docket No. FI-5458).	Last Chance Gulch	Burlington Northern Railroad—80 feet upstream from centerline	*3,941
			1st Driveway—25 feet downstream from centerline	*4,170
			1st Driveway—35 feet upstream from centerline	*4,175
			2nd Driveway—20 feet upstream from centerline	*4,181
			3rd Driveway—25 feet upstream from centerline	*4,185
		Grizzly Gulch	West Main Street—80 feet downstream from centerline	*4,215
			West Main Street—15 feet upstream from centerline	*4,220
		Orofino Gulch	Corporate Limits at centerline	*4,321
			Confluence with Last Chance Gulch—15 feet upstream from centerline.	*4,209
		Last Chance Gulch	Corporate Limits at centerline	*4,304
			Intersection of Hall Avenue and Front Street	*1
			Intersection of 6th Avenue and Last Chance Gulch	*1

Maps available for inspection at City/County Bldg., 316 North Park, Helena, Montana.

Ohio	(Uninc.), Warren County (Docket No. FEMA-5824).	Great Miami River	At western county boundary	*682
			At confluence of Clear Creek	*671
			At northern county boundary	*689
		Twin Creek	At mouth	*684
			About 300 feet upstream of Franklin Trenton Road	*670
			About 200 feet downstream Chelsea system	*674
		Clear Creek	About 370 feet upstream northern county boundary	*680
			About 2,500 feet downstream of Union Road at City of Franklin corporate limits.	*681
			Just downstream of State Route 123	*680
			At confluence of Sheris Branch	*705
			At confluence of Gander Run	*725
			Just upstream of Wedner Road	*742
		Just downstream of Red Lion-Five Points Road	*755	

Final Base (100-year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
			Just upstream of Red Lion-Five Points Road.....	*759
			Just upstream of Bunnet Hill Road.....	*778
			Just downstream of Lower Springboro Road.....	*795
	Tommys Run.....		At mouth.....	*685
			About 1,400 feet upstream of mouth.....	*688
			Just upstream City of Franklin upstream corporate limit.....	*709
			Just downstream Shaker Road.....	*740
			Just downstream of Decker Road.....	*750
	Sharts Branch.....		Just upstream City of Franklin corporate limit.....	*705
			About 900 feet upstream City of Franklin corporate limit.....	*711
	Gander Run.....		At mouth.....	*725
			About 800 feet upstream of mouth.....	*728
			Just downstream of Beal Road.....	*731
	Twn Creek No. 2.....		At downstream Village of Springboro corporate limit (about 800 feet upstream of mouth).	*743
			Just upstream of Lower Springboro Road.....	*748
			Just downstream of Factory Road.....	*762
			At northern county boundary.....	*809
	Richards Run.....		At mouth.....	*740
			Just downstream of State Route 73.....	*777
			At confluence of Coon Creek.....	*791
			Just downstream of Five Points-Little Road.....	*883
	Coon Creek.....		At mouth.....	*792
			About 2,100 feet upstream of mouth.....	*809
	Rapid Run.....		At mouth.....	*792
			Just upstream driveway (about 1,300 feet downstream of Five Points-Little Road).	*892
			Just downstream of Five Points-Little Road.....	*907
	Dicks Creek.....		About 0.2 mile downstream Hendrickson Road (at Village of Monroe corporate limits).	*870
			Just upstream of Union Road.....	*708
			Just upstream Shaker Road.....	*778
			Just downstream of Knollbrook Drive.....	*845
			Just upstream of Knollbrook Drive.....	*852
			Just downstream Robinson Vail Road.....	*853
	North Branch Dicks Creek.....		At western county boundary.....	*680
			Just downstream of Locust Lane.....	*700
			About 1,900 feet upstream of Locust Lane.....	*709
			Just upstream Bevis Lane.....	*739
			Just downstream of Interstate 75.....	*751
	Turtle Creek.....		Just downstream of Mason Road.....	*628
			Just upstream of Mason Road.....	*635
			About 200 feet upstream confluence of Little Muddy Creek.....	*658
			Just upstream of Conrail (near U.S. Route 42).....	*669
			At confluence of Mulfords Run.....	*875
			About 1,700 feet upstream of confluence of Reeders Run.....	*680
			Just upstream of Jameson Avenue.....	*721
			Just downstream of State Route 48.....	*722
			Just upstream of State Route 48.....	*728
			About 0.92 mile upstream Wilmington Road.....	*745
	Dry Run.....		At South Lebanon corporate limit (near confluence of Dry Run Branch).	*635
			Just upstream of Snook Road.....	*663
			Just downstream of Dry Run Road.....	*672
			About 100 feet upstream of Dry Run Road.....	*678
			Just downstream of confluence of Bee Run.....	*679
	Dry Run Branch.....		Just upstream Lebanon Road.....	*636
			Just downstream of State Route 48.....	*655
			Just upstream of State Route 48.....	*661
			Just downstream of Interstate 71.....	*679
	Little Muddy Creek.....		At mouth.....	*658
			Just upstream of U.S. Route 42.....	*658
			Just downstream of State Route 741.....	*662
			Just upstream of upstream crossing of Kyles Station-Hamilton Road.....	*668
			At City of Mason corporate limits.....	*673
	Little Muddy Creek Branch No. 1..		About 1.25 miles upstream of mouth.....	*689
			Just downstream Mason-Bethany Road.....	731
	Mulfords Run.....		At mouth.....	*674
			Just upstream of State Route 63.....	*689
			About 0.7 mile upstream of State Route 63.....	*760
	Reeders Run.....		Just upstream of State Route 63.....	*688
			Just upstream Markey Road.....	*710
			Just upstream of Greentree Road.....	*763
			Just upstream of dam.....	*792
			About 0.8 mile upstream of dam.....	*847
	North Fork.....		At northern City of Lebanon corporate limits.....	*600
			Just upstream Hoffman Avenue.....	*873
			Just downstream of State Route 122.....	*920
	Todd Fork.....		At confluence of First Creek.....	*653
			About 0.5 mile downstream Black Hawk Road (at Village of Morrow Corporate limits).	*661
			Just upstream of State Route 123.....	*704
			Just upstream of Conrail (near Rochester-Osceola road).....	*722
			Just upstream of Middleboro Road.....	*753
			About 200 feet upstream Gum Grove Road.....	*782
			Just downstream of State Route 350.....	*794
	Pine Run.....		At downstream City of Mason corporate limit.....	*828
			Just downstream Slitt Road.....	*841
			Just upstream of Slitt Road.....	*847

Final Base (100-year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Mason Montgomery Road	*857
		Muddy Creek Branch No 2	About 2,500 feet upstream of Conrail	*818
			Just downstream of Butler Warren Road	*874
		Lake Chetac Creek	Just upstream of Fields-Eriel Road	*832
			Just upstream of dam (about 0.3 mile upstream Fields-Eriel Road)	*855
			Just downstream of Lake Chetac dam	*862
			Just upstream of Lake Chetac dam	*874
			Just downstream of Butler Warren Road	*890
		Polk Run	Just upstream Fields-Eriel Road	*806
			About 1,850 feet upstream of Fields-Eriel Road	*812
			Just upstream of Irwin Simpson road	*860
			Just upstream Snyder Road	*896
			About 1,800 feet upstream of Snyder Road	*913
		Simpson Creek	Just upstream of Columbia Road	*810
			Just downstream of Interstate 71	*826
		Bear Run	About 750 feet downstream State Route 3	*608
			Just upstream State Route 3	*621
			Just upstream Overbrook Avenue	*677
			Just upstream Hopkins Road	*725
			Just downstream of State Route 48	*765
		Muddy Creek Branch No 1	About 1,200 feet downstream Mason-Montgomery Road	*763
			Just upstream Mason-Montgomery Road	*780
			Just upstream Conrail	*789
			About 350 feet upstream Conrail	*790
			About 0.5 mile upstream Conrail	*821
		Muddy Creek	At City of Mason corporate limits (upstream of U.S. Route 42)	*815
			At City of Mason corporate limits (downstream of Donna Jean Boulevard)	*844
		Little Miami River	At City of Loveland corporate limits	*592
			About 1.4 miles upstream of southern county boundary	*597
			At mouth of Turtle Creek	*627
			At Village of South Lebanon eastern corporate limits	*632
			About 1.2 miles upstream of South Lebanon eastern corporate limits	*638
			About 800 feet downstream of Village of Morrow corporate limits	*647
			About 1,000 feet upstream Mill Grove Road	*653
			About 0.9 mile downstream State Route 73	*720
			Just downstream State Route 73	*722
		Little Miami River Mill Run Channel	Just upstream State Route 73	*724
			At divergence of Little Miami River and Little Miami River Mill Run Channel	*725

Maps available for inspection at Warren County Administration Building, 320 East Silver Street, Lebanon, Ohio 45036.

Pennsylvania	Wellsboro, Borough, Tioga County (Docket No. FI-4622)	Marsh Creek	Conrail (90' from downstream Corporate Limits) Upstream Side	*1,248
			Conrail (1,370' from downstream Corporate Limits) Downstream Side	*1,263
			Conrail (2,170' from downstream Corporate Limits) Downstream Side	*1,272
			Confluence with Charleston	*1,283
		Charleston Creek	Confluence with Marsh Creek	*1,283
			Bacon Street (Upstream Side)	*1,294
			Conrail (Upstream Side)	*1,298
			Jackson Street (Upstream Side)	*1,306
			Dam No. 61 (Upstream Side)	*1,315
		Tributary No. 1 to Charleston Creek	Confluence with Charleston Creek	*1,313
			Unnamed Road #1 (Downstream Side)	*1,323
		Moms Branch	Confluence with Charleston	*1,283
			Charleston Street (Upstream Side)	*1,289
			Bradley Street (Upstream Side)	*1,305
			Grant Street (Upstream Side)	*1,321
			Moms Lane (Upstream Side)	*1,323
			Footbridge (Upstream Side)	*1,330
			Central Avenue (Upstream Side)	*1,363
			Upstream Corporate Limits	*1,427
		Kelsey Creek	Main Street (Upstream Side)	*1,285
			Riberolle Street (Upstream Side)	*1,289
			Queen Street (Upstream Side)	*1,298
			West Water Street (Upstream Side)	*1,306
			Moms Street (Upstream Side)	*1,313
			King Street (Upstream Side)	*1,319
			West Street (Upstream Side)	*1,327
			Confluence with Boyden Brook	*1,355
			715' upstream of confluence with Boyden Brook	*1,365
			1,275' upstream of confluence with Boyden Brook	*1,375
		Hoover Brook	Unnamed Road #1 (Upstream Side)	*1,321
			Unnamed Road #2 (Upstream Side)	*1,326
			Unnamed Road #3 (Downstream Side)	*1,333
			Eberenz Street (Upstream Side)	*1,347
			West Water Street (Upstream Side)	*1,356
			Sackley Street (Upstream Side)	*1,361
			670' upstream of Sackley Street	*1,372
			1,210' upstream of Sackley Street	*1,386

Final Base (100-year) Flood Elevations—Continued

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
		Boyden Brook.....	Confluence with Kelsey Creek.....	*1,355
			Kelsey Street (Upstream Side).....	*1,375
			490' upstream of Kelsey Street.....	*1,305
			870' upstream of Kelsey Street.....	*1,395
			1,370' upstream of Kelsey Street.....	*1,405
			Greenwood Street (Upstream Side).....	*1,420

Maps available at the Wellsboro Borough Building, 28 Crafton Street, Wellsboro.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: November 4, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-37050 Filed 11-28-80; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 80-632]

Reduction in the Number of Copies of Pleadings, Briefs, and Other Papers in Matters Other Than Rulemaking and Hearing Cases

AGENCY: Federal Communications Commission.

ACTION: Rule amendment.

SUMMARY: This Order reduces from 10 to 5, the number of copies of pleadings, briefs, and other papers required by the Commission in matters other than rulemaking and hearing cases which are to be acted on by the Commission, where the number of copies is not specifically provided for in the rules. It will reduce filing costs.

DATE: Effective November 21, 1980.

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

FOR FURTHER INFORMATION CONTACT: Abe Leib (Program Evaluation Staff) (202) 632-6363; or Jim Ferris (Domestic Services Branch) (202) 632-6920.

In the matter of reduction in the number of copies of pleadings, briefs, and other papers in matters other than rulemaking and hearing cases.

Order

Adopted: November 6, 1980.

Released: November 20, 1980.

1. In our Order adopted November 3, 1976 and released November 12, 1976, FCC 76-1010, we reduced from 12 to 6 (original and 5) the number of copies of

comments and other papers required for formal participation in notice and comment rulemaking proceedings. Sections 1.51(b) and 1.419(b) of the rules, 47 CFR 1.51(b) and 1.419(b) were amended accordingly.

2. To further reduce filing costs, we have decided to decrease the number of copies required in matters other than rulemaking and hearing cases acted on by the Commission where the number of copies is not specifically provided for in the rules. We believe that 5 copies (original and 4) instead of the 10 copies called for in § 1.51(c)(1) of the rules, 47 CFR 1.51(c)(1), will generally suffice. If there is need for additional copies of papers filed in a particular proceeding, the Commission may request them, pursuant to § 1.51(e).

3. Accordingly, it is ordered, effective November 21, 1980, that § 1.51(c)(1) of the rules is revised to read as follows:

§ 1.51 Number of copies of pleadings, briefs and other papers.

* * * * *

(c) * * * * *
(1) If the paper filed relates to matters to be acted on by the Commission, an original and 4 copies shall be filed.

* * * * *

4. Authority for the foregoing amendment is contained in §§ 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because the amendments are procedural in nature, compliance with the prior notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553 is not required.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 80-37215 Filed 11-28-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 68

[CC Docket No. 79-143]

Connection of Terminal Equipment to the Telephone Network; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The FCC is correcting its First Report and Order regarding connection of telephone equipment systems and protective apparatus to certain private lines. This action removes a redundant phrase.

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

FOR FURTHER INFORMATION CONTACT: William H. von Alven, Common Carrier Bureau, (202) 632-8440.

SUPPLEMENTARY INFORMATION:

In the matter of correction of an error in Part 68 of the Commission's rules, CC Docket 79-143.

Released: November 17, 1980.

The following correction is made concerning the First Report and Order, FCC 80-88, released March 19, 1980 (March 31, 1980, 45 FR 20830):

§ 68.312 [Corrected]

1. In § 68.312 (b) (iii) (45 FR 20869), the phrase, "as a result of non-sinusoidal ac wave characteristics," should be deleted.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 80-37346 Filed 11-28-80; 8:45 am]

BILLING CODE 6712-01-M

**INTERSTATE COMMERCE
COMMISSION**

49 CFR Part 1033

[S.O. No. 1490]

Car Service; New York, Susquehanna & Western Railway Corp. Authorized To Operate Over Tracks of New York, Susquehanna & Western Railroad Co., Debtor (Walter G. Scott, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1490, and Notice of Modified Hearing Procedure for extension beyond 30 days.

SUMMARY: This order authorizes the New York, Susquehanna and Western Railway Corporation to operate over tracks of the New York, Susquehanna and Western Railroad Company, and establishes a modified hearing procedure to consider extension of the order beyond its initial 30-day period.

Under 49 U.S.C. 11123(a) the Commission may issue a service order for up to 30 days when it finds that a "failure in traffic movement exists which creates an *emergency situation of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States*," (emphasis added). Extension of the order requires that the full Commission, after a hearing, certify the continued existence of the emergency.

DATES: This order shall become effective at 12:01 a.m. on December 1, 1980, and shall remain in effect for 30 days unless otherwise modified, amended, or vacated by order of this Commission.

COMMENTS: Any interested party may file statements providing information and argument relating to the necessity and appropriateness of continuing this order in effect beyond the initial 30-day period by filing an original and 5 copies of a statement in affidavit form by December 9, 1980. Rebuttal statements in affidavit form (original and 5 copies) may be filed with the Railroad Service Board by December 15, 1980.

ADDRESS: All filings should be addressed to Joel E. Burns, Chairman, Railroad Service Board, Interstate Commerce Commission, Room 7115, Washington, D.C. 20423; and in the lower left hand corner in large letters, should have printed RSB-7115.

Interested parties wishing to review the docket file may do so in Room 7225 of the Commission in Washington, D.C.

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

**SUPPLEMENTAL INFORMATION:
Decision**

Section 226 of the Staggers Rail Act of 1980 (Pub. L. 96-448) revised 49 U.S.C. 11123(a) by limiting the Commission's authority to act in emergency situations to those where it finds that a "failure in traffic movement exists which creates an emergency situation of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States." The initial period for the service order may not exceed 30 days and the order may be extended only after the full Commission, after a hearing, certifies the continued existence of the transportation emergency. This initial issuance contains the Notice of the modified hearing procedures (set forth in the Summary) to be followed with respect to any extension of the order.

It is the opinion of the Commission that the statutory criteria of Section 11123(a) for the issuance of a service order has been met, and more particularly that:

The New York, Susquehanna and Western Railway Corporation (NYS&W), pursuant to Order No. 103 of the United States District Court for the District of New Jersey ("Reorganization Court"), entered June 30, 1980, in *The Matter of New York, Susquehanna and Western Railroad Company, Debtor (Susquehanna)*, has filed with the Commission requesting emergency temporary authority to operate those lines of Susquehanna which have been ordered liquidated and operations terminated. On July 11, 1980, the NYS&W filed appropriate applications with the Commission for acquisition and operation of the railroad lines of Susquehanna. Subsequently, the NYS&W applied for temporary operating authority to be coincidental with the cessation of operations by Susquehanna.

Pursuant to Section 226 of the Staggers Rail Act of 1980 (Pub. L. 96-448) and the Commission's Policy Statement on 49 U.S.C. 11123(a) Emergency Car Service Orders, dated October 24, 1980, temporary operating authority granted to NYS&W over the tracks of Susquehanna in Service Order No. 1483 must expire on November 30, 1980.

NYS&W has now submitted an application for an emergency service order, pursuant to 49 U.S.C. 11123(a), as amended by Section 226 of the Staggers Rail Act of 1980, to be effective December 1, 1980, to assure the shipping public of uninterrupted rail service.

A cessation of rail service on the entire Susquehanna system, as operated by the NYS&W, will have a substantial

adverse effect on rail service in the Northeast region of the United States by terminating essential rail transportation to and from approximately 80 individual industries; by ending all rail services to and from 78 of these industries; and by depriving its connection, Consolidated Rail Corporation (ConRail), and ConRail's connections, of substantial traffic and revenue.

It is the opinion of the Commission that this emergency situation requires that the NYS&W be authorized to conduct operations using Susquehanna tracks and/or facilities; that prior notice of this action and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1490 Service Order No. 1490.

(a) *The New York, Susquehanna and Western Railway Corporation authorized to operate over tracks of New York, Susquehanna and Western Railroad Company, debtor (Walter G. Scott, trustee) Authority.* The New York, Susquehanna and Western Railway Corporation (NYS&W) is authorized to operate over all tracks of the New York, Susquehanna and Western Railroad Company (Susquehanna), named in Order No. 103 of the United States District Court for the District of New Jersey (Reorganization Court).

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

(c) Nothing herein shall be considered as a prejudgment of the application of NYS&W seeking permanent authority to acquire and operate lines of the Susquehanna.

(d) In providing service under this order, the NYS&W shall, to the maximum extent practicable, use the employees who normally would have performed the work in connection with the traffic moving over the lines subject to this Order.

(e) *Effective date.* This order shall be effective at 12:01 a.m., December 1, 1980.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under authority of 49 U.S.C. 10304, 10305, 11123(a), and 49 CFR 1011.6(c)(6).

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms

of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Decided: November 24, 1980.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-37146 Filed 11-28-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1111

[Ex Parte No. 282 (Sub-No. 7)]

Special Intermodal Authority

AGENCY: Interstate Commerce Commission.

ACTION: Notice of amendment of interim rules and request for comments.

SUMMARY: In the Federal Register of November 21, 1980, the Commission adopted interim rules which describe application procedures for motor carrier transportation prior or subsequent to rail transportation. In order to insure expeditious processing of applications for special intermodal authority we are amending our interim rules. Specifically, the modifications detail where all applications and related pleadings must be filed at the Commission and the manner in which the proceeding should be designated.

DATES: These interim rules shall be effective November 28, 1980. Comments upon these amendments are due by December 22, 1980.

ADDRESSES: An original and 15 copies of comments, if possible, should be sent to Ex Parte No. 282 (Sub-No. 7), Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson (202) 275-7245 or Wayne Michel (202) 275-7966.

SUPPLEMENTARY INFORMATION: This notice makes several minor amendments to our notice of interim

rules and request for comments served on November 18, 1980, and published at 45 FR 77032, November 21, 1980.

First, 49 CFR 1111.11(a)(3) as initially set forth required only that applications be filed "with the Commission." To insure that these applications can be processed expeditiously within the Commission, we now require that applications be addressed specifically to the Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423. In addition, we require the use of the prefix "IM" in the docket number/title of special intermodal authority applications. Accordingly, the face of the application and the mailing envelope must contain the title designation "IM No. [number]"¹, followed by the name of the applicant railroad, the name of a supporting shipper, and the area to be served. For example, "IM No. [number]—XYZ Railroad and Supporting Shipper—Inadequately Served County, State."

Second, 49 CFR 1111.11 (c) and (e) as originally set forth required protests and petitions for revocation, respectively, to be filed "with the Commission." Again, we require that protests and petitions be addressed directly to the Section of Finance and include, on both the filing and its mailing envelope, the IM designation and caption of the original application.

These modifications are necessary if we are to process the applications within the 30-day statutory time frame. The changes are effective immediately as interim rules, and comments are requested on whether they should be adopted as final rules.

(1) The interim rule in section 49 CFR 1111.11(a)(3) is revised to read as follows:

§ 1111.11 [Amended]

(a) * * *

(3) Filing requirements. The original and five copies must be filed with the Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423. Each application shall be titled "IM—

¹ Applicants should insert, as the "IM" number, the "AB" number given to applicant rail carriers for use in abandonment proceedings. Those numbers are listed in Appendix B of 49 CFR Part 1121. No. "Sub-No." is required.

[number]"² followed by the name of the railroad applicant, a shipper applicant, and the area to be served. This caption shall also be printed on the front of the enveloped containing the application.

(2) The interim rule in section 49 CFR 1111.11(c) is revised to read as follows:

(c) Protests. (1) Filing requirements. The original and five copies of a protest to an application filed under 49 CFR 1111.11(a) shall be filed with the Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423, within 10 days of filing of the application. The protest shall bear the same caption (IM prefix, number and title) as that appearing on the application. This caption shall also be printed on the front of the envelope containing the application.

(2) Contents. The protest shall be in the form of * * *

(3) The interim rule in section 49 CFR 1111.11(e)(3) is revised to read as follows:

(3) Filing requirements. The original and five copies of the petition must be filed with the Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423. The petition shall bear the same caption (IM prefix, number and title) as that appearing on the original application. This caption shall be printed on the front of the envelope containing the application.

The rules in this appendix are proposed pursuant to 49 U.S.C. 11344(e) and 5 U.S.C. 553.

Decided: November 24, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam, Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-37303 Filed 11-28-80; 8:45 am]

BILLING CODE 7035-01-M

² Applicants should insert, as the "IM" number, the "AB" number given to applicant rail carrier for use in abandonment proceedings. Those numbers are listed in Appendix B of 49 CFR Part 1121. No. "Sub-No." is required.

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: On September 30, 1980, the Office of the Federal Register published a document which listed materials approved by the Director of the Federal Register for incorporation by reference into Titles 42-50 of the Code of Federal Regulations. At that time, the Director also granted some extensions. This document today lists final approvals for documents previously given extensions and found to meet the requirements for incorporation by reference.

DATES: The Director approves the following incorporations by reference for one year effective October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Rose Anne Lawson, (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 the 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.

Extensions. The Director granted extensions of approval for some material in Titles 42-50 of the Code of Federal Regulations, and indicated this in documents published in the Federal Register on September 30, 1980 (45 FR 64816) and on October 31, 1980 (45 FR 72464). These extensions were necessary to complete the review process under 1 CFR 51.13. The table in this document lists material which has received approval for incorporation by reference by the Director of 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.

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.

Dated: November 25, 1980.

John E. Byrne,

Director of the Federal Register.

42 CFR CHAPTER I (PARTS 1-199)—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES

CFR Citation

American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASERAE)	
United Engineer Center, 345 East 47th Street, New York, NY 10017	
Handbook of Fundamentals, 1977	Part 36, Subpart H, Appendix A(b)(1); 52b.11(b)(1)
International Conference of Building Officials (ICBO)	
5360 South Workman Mill Road, Whittier, Calif. 90601	
Uniform Building Code, 1979 edition.....	Part 36, Subpart H, Appendix A(c); 52b.11(a); 52b.11(g)
National Conference of States on Building Codes and Standards (NCSBCS)	
481 Carlisle Drive, Herndon, Va. 22070	
National Building Code, 1976 edition.....	Part 36, Subpart H; Appendix A(a)
Department of Transportation, National Highway Traffic Safety Administration	
Washington, DC 20510	
(Also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC-20402)	
Course Guide, National Training Course, Emergency Medical Technician-Paramedic, 1977 (DOT Pub. No. HS 802437).	56a.102—definition of "appropriate training and experience" (3)(i)
National Training Course for Emergency Medical Technician-Paramedic, 1977 (DOT Pub. No HS 802437) Appendix A.	57.2106(b)(1)

42 CFR CHAPTER IV (PARTS 400 to end)—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

CFR Citation

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. 21235.)	
Chart of Accounts for Hospitals, 1973 edition	405.415(b)(7)(i)

49 CFR CHAPTER I, PART 193 LIQUIFIED NATURAL GAS FACILITIES: FEDERAL SAFETY STANDARDS

CFR Citation

American Concrete Institute (ACI)	
P.O. Box 19150, Redford Station, Detroit, Michigan 48219	
ACI 311 Recommended Practice for Concrete Inspection, 1975.....	193.2307
American Gas Association (AGA)	
1515 Wilson Boulevard, Arlington, Virginia 22209	
AGA, Evaluation of LNG Vapor Control Methods, 1974	193.2059
AGA, Purging Principles and Practices, 1975	193.2513, 193.2517, 193.2615
American National Standards Institute, Inc.	
1430 Broadway, New York, New York 10018	
Note: Formerly the United States of America Standards Institute (USASI). All current standards issued by USASI and ASA have been redesignated as American National Standards (ANSI) and continued in effect.	
ANSI A58.1, Building Code Requirements for Minimum Design Loads in Buildings and Other Structures, 1972.	193.2067; 193.2109
ANSI B31.3, Chemical Plant Petroleum Refinery Piping, 1976	193.2113; 193.2123; 193.2127; 193.2229; 193.2315; 193.2319; 193.2321
ANSI B31.5, Refrigeration Piping, 1974	193.2123
ANSI B31.8, Gas Transmission and Distribution Piping Systems, 1975....	193.2123
American Petroleum Institute (API)	
1801 K Street, N.W., Washington, D.C. 20006	
300 Corrigan Tower Building, Dallas, Texas 75201	
API 620, Recommended Rules for Design and Construction of Large, Welded, Low Pressure Storage Tanks, 1977.	193.2195; 193.2211; 193.2321; 193.2327

49 CFR CHAPTER I, PART 193 LIQUIFIED NATURAL GAS FACILITIES: FEDERAL SAFETY STANDARDS—Continued

API 1104, Standard for Welding Pipe Lines and Related Facilities, 1980.	193.2313; 193.2321
American Society of Mechanical Engineers (ASME)	
United Engineering Center, 345 East 47th Street, New York, New York 10017	
ASME, Boiler and Pressure Vessel Code, Section 1, Power Boilers, 1977.	193.2145
ASME, Boiler and Pressure Vessel Code, Section 4, Heating Boilers, 1977.	193.2145
ASME, Boiler and Pressure Vessel Code, Section 8 Division 1 Pressure Vessels, 1977.	193.2185; 193.2319; 193.2405
ASME, Boiler and Pressure Vessel Code, Section 8 Division 2, Pressure Vessels Alternative Rules, 1977.	193.2145; 193.2319
ASME, Boiler and Pressure Vessel Code, Section 9, Welding and Brazing Qualifications, 1977.	193.2313; 193.2321
International Conference of Building Officials (ICBO)	
5360 South Workman Hill Road, Whittier, California 90601	
ICBO, Uniform Building Code, 1979	193.2061
National Fire Protection Association (NFPA)	
470 Atlantic Avenue, Boston, Massachusetts 02210	
NFPA 30, Flammable and Combustible Liquids Code, 1977.....	193.2149; 193.2813
NFPA 51B, Cutting and Welding Processes, 1977	193.2811
NFPA 59A, Storage and Handling Liquefied Natural Gas, 1972.....	193.2005
NFPA 59A, Storage and Handling Liquefied Natural Gas, 1979.....	193.2073; 193.2141; 193.2213; 193.2817; 193.2819; 193.2821
NFPA 70, National Electric Code, 1978.....	193.2141; 193.2427; 193.2433; 193.2805

[FR Doc. 80-37211 Filed 11-28-80; 8:45 am]

BILLING CODE 6820-26-M

Proposed Rules

Federal Register

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Monday, December 1, 1980

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1438

1981 Crop Gum Naval Stores Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to advise that the Commodity Credit Corporation, as authorized by the Agricultural Act of 1949, as amended, is considering whether a price support program for 1981-crop gum naval stores should be established, and if so, at what level of support.

The support program would stabilize market prices and protect producers, processors and consumers, and would enable producers to obtain price support for 1981-crop gum naval stores. Written comments are invited from interested persons.

DATE: Written comments must be received by December 31, 1980 in order to be assured of consideration.

ADDRESS: Submit comments to Producer Associations Division, Agricultural Stabilization and Conservation Services, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Roger A. P. Cooley (ASCS) (202) 447-5753. The draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order 12044, and has been classified "not significant." The title and number of the federal assistance programs that this notice applies to are: Title—Commodity Loans and Purchases; Number 10.051, as found

in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

The Secretary of Agriculture is authorized under Section 301 of the Agricultural Act of 1949, as amended (the "Act"), to make price support available to producers at a level not in excess of 90 per centum of the parity price for the commodity.

Section 401 of the Act requires that the Secretary, in determining whether a price support operation shall be undertaken and the level of support, consider: (1) the supply of the commodity in relation to the demand therefor, (2) the price levels at which other commodities are being supported, (3) the availability of funds, (4) perishability and storability of the commodity, (5) the importance of the commodity to agriculture and the national economy, (6) the ability to dispose of stocks acquired through a price support operation, (7) the need for offsetting temporary losses of export markets, and (8) the ability and willingness of producers to help keep supplies in line with demand.

Executive Order 12044 (43 FR 12661, March 24, 1978) requires at least a 60 day public comment period on any proposed significant regulations except where the Agency determines this is not possible. Because producers of naval stores need to know, as soon as possible, the status of the proposed 1981-crop gum naval stores price support program in order to begin preparation of their trees in January, it is hereby found and determined that compliance with the 60-day comment period required by Executive Order 12044 is not possible.

Proposed Rule

In view of the interest shown by producers in a support program, the Secretary will consider the alternatives of a loan program for the 1981-crop of gum naval stores, a loan-purchase program for the 1981-crop, or no program in 1981. The loan program to be considered would be a non-recourse loan program as was in effect for the 1980-crop of gum naval stores. The loan-purchase program would be similar to

that in effect for the 1978-crop of gum naval stores.

Before making any determination the Department will give consideration to comments, data, views and recommendations submitted in writing, within the comment period, to the Director, Producer Associations Division.

All submissions received will be made available for inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 5750-South Building, 14th and Independence Avenue, SW, Washington, D.C. (7 CFR 1.27(b)).

Signed at Washington, D.C. on November 24, 1980.

John W. Goodwin,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-37162 Filed 11-28-80; 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Searches of Individuals at Power Reactor Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission proposes to amend its regulations to clarify requirements for searches of individuals at power reactor facilities protected area entry portals. The amendment would require searches similar to those used on an interim basis at power reactors prior to November 1, 1980, including mandatory use of search equipment, and the pat-down search of visitors to nuclear power plants.

DATES: Comments must be received by January 15, 1981.

ADDRESSES: Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: L. J. Evans, Jr., Chief, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material

Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427-4181.

SUPPLEMENTARY INFORMATION: The Commission proposes to amend § 73.55 to adopt final requirements for searches of individuals at power reactor protected area entry portals.

Since April of 1977, power reactor licensees have generally conformed to interim search procedures which were developed as an alternative to routine 100% pat-down search of all employees. The Commission has deferred implementation of routine pat-down searches of employees, and certain other measures pending its decision on a program to help assure the trustworthiness of individuals at nuclear power plants and the evaluation of possible alternative measures (see 44 FR 65969). The Commission has since directed that an industry administered pre-employment screening program be developed along the lines recommended by the Hearing Board in the Clearance Rule proceeding.

The Commission's goal in this regard is to increase the assurance that power reactors are adequately protected against sabotage by an insider. Based on the fact that a screening program is under development, and its experience with the interim search procedures, the Commission is now prepared to adopt final search procedures for power reactor facilities. The Commission has decided that mandatory equipment-oriented searches augmented by pat-down searches under certain conditions, are an acceptable alternative to routine pat-down searches of all employees. The Commission has also decided to eliminate the term "well-grounded" (now found in 10 CFR 73.55) when referring to the suspicion a licensee must have before performing a pat-down search on a suspect individual. Because of the vagueness of the term it has been found to be impracticable to implement that aspect of the search requirement on a day to day basis. The Commission is also issuing an immediately effective extension to the current relief from pat-down searches in § 73.55 until 60 days after approval of security plan amendments that define how the final search requirements will be met, in order to accommodate the rulemaking procedure for this proposed amendment.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 73, is contemplated.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. Section 73.55(d)(1) is revised to read as follows:

§ 73.55 [Amended]

(d)(1) Access requirements. The licensee shall control all points of personnel and vehicle access into a protected area to ensure that only authorized individuals, vehicles, and materials enter. Identification and search of all individuals must be made and authorization must be checked at those points. Except as otherwise provided in this paragraph, the search function for detection of firearms, explosives, and incendiary devices is to be accomplished through the use of both firearms and explosive detection equipment capable of detecting those devices. In addition to the searches set forth above, the licensee shall conduct a physical pat-down search of all visitors who require access to the protected area. When the licensee has cause to suspect that an individual is attempting to introduce firearms, explosives, or incendiary devices into the protected area, the licensee shall conduct a physical pat-down search on that individual. Whenever firearms or explosive detection equipment is out of service or not operating satisfactorily, the licensee shall conduct a physical pat-down search of all persons who have not been properly searched by that equipment prior to their entry into the protected area. The individual responsible for the last access control function (controlling admission to the protected area) shall be isolated within a bullet-resisting structure as described in paragraph (c)(6) of this section to assure that individual's ability to respond or to summon assistance. By (45 days from the effect date of this amendment), each licensee shall submit proposed amendments to his security plan which define how the amended search requirements of this paragraph will be met. The amended search requirements of this paragraph are to be implemented by the licensee within 60 days after Commission approval of the proposed security plan amendments.

(Sec. 161i, Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 475, Sec. 201, Pub. L. 93-438, 88 Stat. 1242-1423, [42 U.S.C. 2291, 5841 (i)]

Dated at Washington, D.C., this 29th day of November, 1980.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,
Secretary for the Commission.
FR Doc. 80-37432 Filed 11-28-80; 8:45 am]
BILLING CODE 7560-81-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Parts 29 and 545

FEDERAL HOME LOAN BANK BOARD

[OCC Docket No. 80-18]

Adjustable-Rate Mortgages; Joint Hearing and Extension of Comment Period

AGENCY: Comptroller of the Currency, Treasury; Federal Home Loan Bank Board.

ACTION: Notice of hearings and extension of comment period.

SUMMARY: This notice provides the times and locations of the joint hearings the Comptroller and the Federal Home Loan Bank Board will hold on proposed adjustable-rate mortgage regulations. It also announces that the closing date for comments on the Comptroller of the Currency's proposed rule is hereby postponed to December 30, 1980.

DATES: The hearing in Washington is on Tuesday, December 2; in Chicago on Wednesday, December 3; in Los Angeles on Tuesday, December 9. The comment period is extended to December 30, 1980.

ADDRESSES: See Supplementary Information for complete addresses of all three hearing locations.

FOR FURTHER INFORMATION CONTACT: Marie Giblin, Communications Division, Comptroller of the Currency, 490 L'Enfant Plaza, third floor, Washington, D.C., 21209 (202/447-1860).

SUPPLEMENTARY INFORMATION: On September 29, 1980, the Comptroller of the Currency published proposed regulations concerning the making of adjustable-rate mortgage loans by national banks (45 FR 64196). These regulations would be applicable to all national banks regardless of local law and would require, among other things, that adjustable-rate loans secured by liens on one- to four-family dwellings be tied to one of several specified indexes; that changes be limited to one-half percentage point per six-month period; and that certain disclosures be made to potential borrowers at the time application forms are made available to them. The regulations also propose three alternative responses to the issue of whether there should be a separate limitation imposed upon aggregate interest rate changes—no limit, a five

percentage point limit, or a limit of one-half of the initial contract rate of interest. The notice of proposed rule-making expressly solicited comment on numerous questions related to these issues and stated that hearings would be held to encourage maximum possible public participation in the rule-making process.

On October 8, 1980, and November 3, 1980, the Federal Home Loan Bank Board published proposed amendments to its existing regulations governing the making of adjustable-rate mortgage loans by Federal savings and loan associations (45 FR 66798 and 45 FR 72675). These amendments would, among other things, loosen some of the restrictions currently imposed on variable-rate mortgage (12 CFR 545.6-4(c)) and renegotiable rate mortgage instruments (12 CFR 545.6-4a) used by Federal associations. In particular, both types of instrument currently limit interest rate changes to one-half percentage point per year. This limit would be increased to one-half percentage point per six-month period. The maximum aggregate rate change is currently two-and-one-half percentage points for variable-rate mortgages and five percentage points for renegotiable rate mortgage instruments. This would be set at five percentage points in both cases. Federal associations offering variable-rate mortgages would no longer be required to offer prospective borrowers the alternative of a fixed-rate mortgage loan. Associations offering renegotiable rate mortgage loans are not at present required to provide such a choice. Several additional changes were proposed by the Board, and comment was requested on a number of related items.

To aid the Federal Home Loan Bank Board and the Comptroller of the Currency in preparing final regulations on adjustable-rate mortgages, hearings consisting of the presentation of oral or written statements will be held before representatives of the two agencies at the following times and locations:

Tuesday, December 2, 1980: Office of the Comptroller of the Currency, Third Floor Conference Room, 490 L'Enfant Plaza East, S.W., Washington, D.C.

Wednesday, December 3, 1980: Hyatt Regency Chicago, Illinois Center, Columbus Hall "A" (East Tower), 151 E. Wacker Drive, Chicago, Illinois.

Tuesday, December 9, 1980: Federal Building, Customs Court, 8th Floor, 300 North Los Angeles Street, Los Angeles, California.

Hearings will commence at 9:00 A.M. in Washington and at 2:00 P.M. in

Chicago and Los Angeles. Evening sessions will be held in all three cities.

Any person desiring to submit written comments, give testimony, present evidence, or otherwise participate in the proceedings should file with Ms. Marie Giblin, Office of the Comptroller of the Currency, Washington, D.C. 20219, on or before November 28, 1980, a copy of the written statement or a written request containing a statement of the nature of the petitioner's interest in the proceedings, the city in which petitioner wishes to testify, the length of time requested for oral presentation, a summary of the matters concerning which the petitioner wishes to give testimony or submit evidence, and the names and identities of witnesses who propose to appear. It is expected that those wishing to offer testimony will not normally need more than 10 minutes for oral presentation of their statements. Longer statements should be submitted in writing and summarized in oral comments. Copies of all written submissions will be provided by the Office of the Comptroller of the Currency to the Federal Home Loan Bank Board and will be made available for public inspection and copying upon request. All material submitted should refer to Docket No. 80-18.

Interested persons are invited to submit written comments on the proposed regulations regardless of whether they intend to participate in the hearings. The closing date for written comments on the Federal Home Loan Bank Board's proposed amendments is December 30, 1980. The closing date for written comments on the Comptroller of the Currency's proposed rule, initially set at November 28, 1980, is hereby postponed to December 30, 1980.

Dated: November 25, 1980.

John G. Heimann,
Comptroller of the Currency.

J. J. Finn,
Federal Home Loan Bank Board Secretary.

[FR Doc. 80-37290 Filed 11-28-80; 8:45 am]
BILLING CODE 4810-33-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Adjustable Rate Mortgages; Advance Notice of Proposed Rulemaking and Request for Comments

AGENCY: National Credit Union Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Due to the effects of volatile financial conditions on both home buyers and Federal credit unions, the National Credit Union Administration (NCUA) is considering allowing Federal credit unions to use adjustable rate mortgages (ARM's) when granting real estate loans. NCUA recognizes both the importance and the difficulty of balancing the interests of Federal credit unions and the interests of FCU members in regulating the use of adjustable rate mortgages. Therefore, this advance notice of proposed rulemaking is being published to give NCUA the benefit of public comments before issuing any proposed rule.

DATES: Comments must be received on or before January 31, 1981.

ADDRESS: Send comments to Robert S. Monheit, Senior Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Thomas C. Buckman, Office of Examination and Insurance, or John L. Culhane, Jr., Office of General Counsel, at the above address. Telephone numbers: (202) 357-1085 (Mr. Buckman) or (202) 357-1030 (Mr. Culhane).

SUPPLEMENTARY INFORMATION:

Background

Because of the effect of current economic conditions on home buyers and on Federal credit unions, the NCUA Board has authorized NCUA staff to study the feasibility of allowing Federal credit unions to use ARM's when granting real estate loans. An ARM, as a general rule, provides the borrower with lower monthly payments initially in return for providing the lender with the right to raise the interest rate when the lender's cost of funds increases. The cost of funds is measured using some objective index.

Variable rate mortgages (VRM's) and renegotiable rate mortgages (RRM's) are two types of adjustable rate mortgages. A variable rate mortgage is generally characterized by a 30-year note secured by a 30-year mortgage in which the rate of interest goes up or down periodically according to a change in the index. A renegotiable rate mortgage is generally characterized by a 3- to 5-year renewable note secured by a 30-year mortgage, in which the rate of interest goes up or down upon renewal of the note according to a change in the index. (It can also be a 30-year note subject to adjustments in the rate of interest every 3, 4, or 5 years.)

The Interests of FCU Members

With home mortgage interest rates currently so high, many Americans can no longer qualify for a standard fixed rate mortgage. But because the initial rate is often lower, and hence the monthly payment is lower, some could qualify for an ARM. Consequently, some Federal credit union members may be interested in ARM's as a way of buying a house and others may be interested in ARM's as a way of selling a house. Additionally, one possible advantage with an ARM is that if the index ultimately goes down, a borrower with an ARM would automatically receive a lower interest rate without having to incur the cost of refinancing.

Other members who can qualify, or who expect to be able to qualify, for standard fixed rate mortgages will naturally be concerned about their availability. For those who can qualify, perhaps the most attractive feature of the standard mortgage is that the size of the monthly payment remains fixed throughout the entire term of the mortgage. The fixed monthly payment greatly facilitates household financial planning. By contrast, the monthly payments on ARM's may go up and down in response to changes in the index, and household financial planning may be more difficult.

The Interests of Federal Credit Unions

The need for adjustable rate mortgages has arisen because of changes in the financial markets. Interest rates have not only gone up, rates have also become more volatile. In this environment, it is difficult for credit unions to make long-term mortgage loans because they largely depend upon short-term share and share certificate accounts for their lending funds.

With the standard fixed rate mortgage, the return is fixed for the life of the mortgage. But the cost of funds for a credit union fluctuates with short-term dividend rates. The critical mismatch between the earnings on loans and the cost of funds has caused significant reductions in net earnings whenever short term rates rise unexpectedly. When this happens, a credit union may have to cease interest refunds on loans, lower dividend rates, or stop granting loans. In order for credit unions to serve all their members and to provide funds for housing finance, some means must be found that will enable them to earn an adequate return on mortgage loans.

NCUA's Goal

NCUA's goal is to accomplish two things: (1) To develop ARM's which balance the interests of the member and the FCU, and (2) to develop ARM's which are acceptable to the secondary market. To meet this goal it is essential that the NCUA obtain as much response as possible, not only technical comments from Federal credit unions, credit union leagues, and secondary market investors, but general comments from consumers and prospective borrowers on the basic desirability of adjustable rate mortgages. An asterisk (*) indicates areas that may be of special interest to those who do not have a technical background in this subject.

Questions

Mortgages: Different borrowers and different credit unions may be interested in standard fixed rate mortgages or in adjustable rate mortgages, depending on their circumstances.

Question: Should Federal credit unions be required to offer the borrower a choice between a fixed rate mortgage and an adjustable rate mortgage?

Adjustable Rate Mortgage Terms

Index

Appendix A contains a 10-year history of the four indexes presently being considered by other financial regulatory agencies. NCUA is also considering developing an index which may better represent the cost of funds to Federal credit unions, such as the Central Liquidity Facility (CLF) lending rate or the auction averages of 26-week United States Treasury Bills. However, NCUA recognizes that ultimately only one or two indexes may be acceptable to secondary market investors.

Question: Should NCUA specify the index (or indexes) to be used in ARM's or should Federal credit unions be allowed to choose an index? If NCUA should specify an index (or indexes), which index (or indexes) would best meet the needs of Federal credit unions and their members?

*Rate

Changes in the index need not automatically lead to adjustments in the interest rate. Rate adjustments can be regulated by restricting:

- (1) How often the interest rates can change (once a year, twice a year, etc.);
- (2) How much the rate can change

during any one adjustment ($\frac{1}{4}$ of 1%, $\frac{1}{2}$ of 1%, etc.); and

- (3) How much the rate can go up (or down) over the life of the loan (4%, 5%, etc.).

NCUA is of the preliminary opinion, however, that the borrower should be notified well in advance of any change implemented by the lender.

Question: How should NCUA regulate rate adjustments?

*Amortization

The loan payments on an ARM are normally set so that the loan would be repaid after 30 years based upon the interest rate in effect at the time the loan is granted. This is also true in the case of renegotiable rate mortgage (RRM). However, with an RRM the entire balance of the loan can become due and payable at the end of a period as short as 3 years. The borrower is then required to pay off the loan (unless the lender is required to renew the loan) or to renegotiate the interest rate. If the rate is renegotiated, the loan is then amortized over the time remaining on the original 30-year mortgage based on the new rate.

During the rulemaking process NCUA will be considering:

- (1) Whether or not Federal credit unions should be required to renew loan secured by RRM's;

- (2) Whether or not the borrower should be given the option of extending the maturity of the loan (amortization schedule) if possible, thereby keeping the monthly mortgage payment the same, instead of being required to make larger monthly payments when rates increase; and

- (3) Whether or not NCUA should permit negative amortization schedules (the principal of the loan actually increases when there is a negative amortization) over a short period of time in order to prevent an extremely large increase in a borrower's monthly payment as the result of a large increase in the interest rate.

Question: How should ARM's be amortized?

*Disclosures

Because the purchase of a home is usually the consumer's largest single purchase and because the ARM is a unique mortgage, NCUA believes that disclosure of the terms and conditions of an ARM well in advance of the signing of the mortgage may be essential. To make an informed choice, the member may need to understand both how ARM's operate and how ARM's are

different from standard fixed rate mortgages. It may be particularly important that the member understand how a change in the index will affect the monthly mortgage payment. During the rulemaking process NCUA will consider drafting a model disclosure form to be used by Federal credit unions which grant ARM's.

Question: What information should be disclosed to the borrower?

—The designated index?

—The 10-year history of the index? (See Appendix (A).)

—An example of how an increase or decrease in the index would affect the monthly payments?

—A "worst case" example showing the amount of increase in monthly payments?

—A comparison between the payment schedule with an adjustable rate mortgage and the payment schedule with a standard fixed rate mortgage?

—An explanation of the ways a change in the index rate may be carried over to a later period?

—A description of the fees, if any, that will be assessed at the time of adjustment?

—Information on prepayment, assumption, and refinancing?

—The frequency with which the rate can be adjusted?

—The options available to the borrower?

Secondary Market

Because of the limited capital base of many credit unions, in comparison to the capital needed to meet the mortgage loan demand of their members, the NCUA Board believes that the secondary market is the key ingredient enabling Federal credit unions to meet their members' demand for mortgage loans without jeopardizing their liquidity or their consumer loan programs. However, important to the development of a secondary market is the creation of uniform instruments.

Currently there are no uniform adjustable rate mortgage instruments acceptable in the secondary market. The danger of Federal credit unions originating loans on adjustable rate mortgage instruments they design may be that such loans will never be saleable in the secondary market. Hence, Federal credit unions would have to retain those loans in their portfolios indefinitely. However, at present, the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage

Corporation (FHLMC) are reportedly developing uniform instruments.

Question: If a Federal credit union is not required to use FNMA/FHLMC uniform instruments in granting ARM's, should it be required to have a commitment from an investor to purchase ARM's? Should a commitment be required only after ARM's equal a certain percentage of the Federal credit union's assets?

Other Alternative Mortgage Instruments

Other alternative mortgages are currently being considered by other financial regulatory agencies. These include the shared appreciation mortgage (SAM), the graduated payment mortgage (GPM), and the graduated payment adjustable mortgage (GPAM). NCUA staff will be concentrating on adjustable rate mortgages during the rulemaking process. However, comments on other alternative mortgage instruments will be accepted, and NCUA would be interested in receiving comments as to whether other alternative mortgages would better serve the needs of Federal credit unions and their members. Additional information about the mechanics of these other alternative mortgages (SAM, GPM, GPAM) is available from NCUA upon request.

By the National Credit Union Administration Board on November 19, 1980.

Rosemary Brady,

Secretary, NCUA Board.

Appendix (A).—Proposed Adjustable-Rate Mortgage Indexes

[Monthly rate for June and December 1969-80]

	Mortgage rates on previously occupied homes ¹ (percent)	FNMA 4 month commitment rates ² (percent)	3 year Treasury rates ³ (percent)	5 year Treasury rates ⁴ (percent)
1969				
June	7.64	7.89	6.83	6.75
December	8.08	8.64	8.10	7.96
1970				
June	8.19	9.31	7.84	7.85
December	8.12	8.52	5.75	5.95
1971				
June	7.38	8.22	6.32	6.53
December	7.51	7.63	5.27	5.69
1972				
June	7.36	7.62	5.64	5.91
December	7.45	7.69	6.01	6.16
1973				
June	7.64	8.07	6.83	6.69
December	8.46	8.78	6.81	6.80
1974				
June	8.66	9.54	8.15	8.10
December	9.39	9.54	7.24	7.31
1975				
June	8.86	9.09	7.17	7.51
December	9.09	9.29	7.43	7.76
1976				
June	8.82	9.16	7.32	7.61
December	8.90	8.45	5.68	6.10

Appendix (A).—Proposed Adjustable-Rate Mortgage Indexes—Continued

[Monthly rate for June and December 1969-80]

	Mortgage rates on previously occupied homes ¹ (percent)	FNMA 4 month commitment rates ² (percent)	3 year Treasury rates ³ (percent)	5 year Treasury rates ⁴ (percent)
1977				
June	8.78	9.75	6.39	6.70
December	8.93	8.94	7.30	7.40
1978				
June	9.27	9.91	8.30	8.30
December	9.85	10.50	9.33	9.08
1979				
June	10.46	10.77	8.95	8.85
December	11.59	12.48	10.71	10.42
1980				
June	12.88	12.35	8.91	9.21

¹ The average contract interest rate charged by all lenders on mortgage loans for previously occupied homes as published by the Federal Home Loan Bank Board in its *Journal*.

² The average monthly gross yield to the Federal National Mortgage Association on accepted bids in weekly or bi-weekly auctions for 4-month commitments to purchase FHA-insured or VA-guaranteed home mortgages, as published in the *Federal Reserve Bulletin*.

³ The average monthly yield on the United States Treasury securities adjusted to a constant maturity of 3 years based on daily closing bid prices as published in the *Federal Reserve Bulletin*.

⁴ The average monthly yield on the United States Treasury securities adjusted to a constant maturity of 5 years based on daily closing bid prices as published in the *Federal Reserve Bulletin*.

The above data was obtained from information recently published by the Comptroller of the Currency in conjunction with their proposed Adjustable-Rate Mortgages rule, 45 FR 64196 (1980).

[FR Doc. 80-37304 Filed 11-20-80; 9:45 am]

BILLING CODE 7535-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Definition of Social Disadvantage; Minority Group Inclusion

AGENCY: Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: Section 8(a) of the Small Business Act provides for a business development program in which the Small Business Administration enters into contracts with other Federal agencies and then arranges for the performance of such contracts by negotiating or otherwise letting subcontracts to socially and economically disadvantaged small business concerns.

This proposed rule clarifies and modifies criteria and procedures by which SBA can administratively determine that a group has suffered chronic racial or ethnic prejudice or cultural bias to such an extent that it shall be deemed a minority group for

purposes of SBA's Section 8(a) business development program.

DATES: Comments must be received on or before January 30, 1980.

ADDRESS: Comments should be submitted to: Dana Stebbins, Special Assistant to the Associate Administrator for Minority Small Business and Capitol Ownership Development, Small Business Administration, Room 317, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Dana Stebbins, (202) 653-6589.

SUPPLEMENTARY INFORMATION: SBA has published an interim rule elsewhere in this issue of the Federal Register clarifying its policy with respect to defining social disadvantage for purposes of SBA's Section 8(a) business development program.

Subparagraph (ii) of the interim rule provides that, in the absence of evidence to the contrary, members of designated minority groups are considered socially disadvantaged. Subparagraph (ii) applies to the four groups designated by statute as socially disadvantaged and to minority groups administratively designated by SBA as socially disadvantaged.

This proposed rule states the criteria and procedures by which SBA plans to make administrative determinations of group social disadvantage. It modifies and, to a large extent, clarifies, the existing regulations, renumbered 13 CFR 124.1-1(c)(3)(iv) by the aforementioned interim rule.

This proposed rule provides that the Administrator, after consultation with the Associate Administrator for Minority Small Business and Capitol Ownership Development ("AA/MSB-COD"), shall make determinations of group social disadvantage. This conforms the existing rule to Section 105 of Pub. L. 96-481, enacted on October 21, 1980, which amends Section 8(a)(8) of the Small Business Act ("the Act") to provide that the Administrator shall make such determination after consultation with the AA/MSB-COD. It is not anticipated that this rule change will have any significant effect on SBA procedures, since our prior practice has been for the Administrator and AA/MSB-COD to jointly make such determinations.

Proposed subdivision (iv)(B) tightens existing standards by which SBA will judge group applications. SBA will initially determine whether the number of potential 8(a) applicants from the group is so substantial as to administratively warrant a determination of minority group status; and whether the group is sufficiently

discrete, and the traits of its members sufficiently common, as to warrant a determination of minority group status. In other words, SBA will first determine, on the basis of the numerosity and commonality of group members, whether consideration of social disadvantage on a group basis is appropriate. SBA will then determine, according to the remaining criteria, whether an overwhelming number of group members are socially disadvantaged. We believe that it would be an abuse of discretion for SBA to designate a group as socially disadvantaged in the absence of evidence that an overwhelming majority of group members are socially disadvantaged.

Proposed subdivision (iv)(C) describes how applications for minority group status should be submitted to SBA and establishes the procedures by which SBA will solicit public comment on such applications. The public comment period has been extended from thirty to sixty days because of the importance of the issues involved in any group application. It remains within SBA's discretion to schedule a hearing on any group application.

Proposed subdivision (iv)(D) makes clear that only if there is clear and convincing evidence of the group's social disadvantage, in accordance with the criteria stated in subparagraph (iv)(B), will the Administrator determine that the group shall be deemed a minority group for purposes of the 8(a) program. We believe that it would be an abuse of discretion for SBA to designate a group as socially disadvantaged in the absence of clear and convincing evidence to that effect.

Accordingly, pursuant to Section 5(b)(6) of the Act, 15 U.S.C. 634(b)(6), SBA proposes to amend 13 CFR 124.1-1(c)(3)(iv) as follows:

§ 124.1-1. The Section 8(a) Program.

* * * * *

(c) *Eligibility.* * * *

(3) *Social Disadvantage.* * * *

(iv) *Minority Group Inclusion.*—(A)

Purpose. The purpose of this subdivision (iv) is to establish a procedure by which a representative of a minority group can prove that the group has suffered chronic racial or ethnic prejudice or cultural bias. If the group is determined to have suffered chronic racial or ethnic prejudice or cultural bias, it shall be deemed a minority group for purposes of Section 8(a) of the Small Business Act, and its members shall be accorded the same status as members of those minority groups specifically named in Section 2(e)(1)(C) of the Small Business Act.

(B) *Standards.* In determining whether a group has suffered chronic racial or ethnic prejudice or cultural bias, the Administrator, after consultation with the AA/MSB-COD, shall determine (1) whether the number of potential 8(a) applicants from the group is so substantial as to administratively warrant a determination of minority group status; (2) whether the group is sufficiently discrete, and the traits of its members sufficiently common, as to warrant a determination of minority group status; (3) whether an overwhelming majority of group members have suffered long-term prejudice and discrimination in American society; (4) whether an overwhelming majority of group members have suffered, and continue to suffer, the effects of discriminatory practices or similar invidious circumstances over which they have no control; (5) whether such conditions have resulted, and continue to result, in economic deprivation for an overwhelming majority of group members; and (6) whether such conditions have produced, and continue to produce, impediments in the business world for an overwhelming majority of group members, which impediments are beyond their control and not common to all small business persons not socially disadvantaged.

(C) *Application.* An application for minority group status shall be submitted in writing to the Administrator, shall adequately describe the minority group on whose behalf the application is made, and shall be adequately documented. If the application makes a prima facie showing as to each of the six standards described above, the Administrator, after consultation with the AA/MSB-COD, shall, within thirty days of receipt of the application, direct that a notice be published in the Federal Register soliciting public comment on the application. The notice shall provide for a sixty-day comment period. Information shall be submitted in written form, or orally at such hearings as SBA may hold on the matter.

(D) *Decision.* The Administrator, after consultation with the AA/MSB-COD, shall render a decision on the application for minority group status within thirty days of the close of the comment period. The decision shall be in writing and shall be based on information submitted in response to the application. Notice of the decision shall be promptly published in the Federal Register. Only if the Administrator determines, on the basis of clear and convincing evidence and after consultation with the AA/MSB-COD,

that the applicant group has satisfied each of the six standards described above, will he determine that the group shall be deemed a minority group for purposes of Section 8(a) of the Small Business Act.

(Catalog of Federal Domestic Assistance Program No. 59.008, Minority Business Development—Procurement Assistance)

Dated: November 20, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-37134 Filed 11-28-80; 8:45 am]

BILLING CODE 8025-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

[Form 1-FR]

Minimum Financial and Related Reporting Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing amendments to certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FCMs, Form 1-FR. One proposed amendment would alter, for FCMs, the minimum dollar amount of adjusted net capital which must be maintained. The Commission is also reproposing an amendment to the minimum financial regulations regarding the treatment of undermargined accounts. In addition, the Commission is proposing one specific capital charge related to concentration of positions, and is inviting further comment to assist it in the development of further appropriate minimum financial regulations concerning concentration of positions.

DATES: Comments on the proposed rules should be submitted by March 2, 1981.

ADDRESS: Send comments to: Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Daniel A. Driscoll, Chief Accountant, Division of Trading and Markets, at the address listed above. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

A. Introduction

On June 25, 1980, the Commission published proposed amendments to the minimum financial and related reporting requirements for FCMs (45 FR 42633). Fifty-two written comments were received in response to the proposed amendments, from forty-seven commentators.¹ The Commission carefully considered each of the comments, and in a separate release issued today, announced the adoption, as modified, of certain of those proposed amendments to the minimum financial regulations. The amendments being adopted will alter, for certain FCMs, the amount of adjusted net capital which must be maintained, the treatment of undermargined accounts and debit/deficit accounts, and the treatment of collateral used to secure receivables, and will also make conforming changes to the financial early warning system and Commission Form 1-FR to reflect all the new amendments.

B. Minimum Dollar Amount of Adjusted Net Capital

In the June 25, 1980 release the Commission proposed no change in the required minimum dollar levels of adjusted net capital, which are currently \$50,000 for an FCM which is a member of a designated self-regulatory organization² and \$100,000 for an FCM which is not a member. Six commentators recommended increasing the minimum dollar levels, although they did not agree on what those levels should be. Based upon those comments, and its own further experience with the operation of the minimum financial regulations, the Commission believes that such an increase may be necessary. Accordingly, the Commission is today proposing to increase the minimum dollar levels for adjusted net capital to \$100,000 for members, and \$250,000 for non-members. Conforming changes to Commission Form 1-FR, the basic

¹Three commentators submitted two letters each, and one commentator submitted three letters.

²The term "self-regulatory organization" ("SRO") means a contract market (as defined in 17 CFR 1.3 (h)), or a registered futures association under Section 17 of the Act (no such association presently exists). The term "designated self-regulatory organization" ("DSRO") means a self-regulatory organization of which an FCM is a member or, if the FCM is a member of more than one self-regulatory organization and such FCM is the subject of an approved plan under 17 CFR 1.52, then a self-regulatory organization delegated the responsibility by such a plan for monitoring and auditing such FCM for compliance with the minimum financial and related reporting requirements of the self-regulatory organizations of which the FCM is a member, and for receiving the financial reports necessitated by such minimum financial and related reporting requirements from such FCM. 17 CFR 1.3(ee) and (ff).

financial reporting form for FCMs, are also being proposed.

C. Undermargined Accounts

One of the Commission's proposals in the June 25, 1980 release was to prohibit any reduction in the required charge to be taken against net capital for an undermargined account with respect to any customer commodity futures accounts for which any portion of a margin call remains outstanding for six (6) or more business days (for non-customer or omnibus accounts, the applicable time period would be four (4) or more business days). The Commission believes that undermargined accounts, in general, pose significant financial risks for an FCM. The Commission further believes that accounts remaining undermargined for longer than the periods of time specified in this paragraph pose significant additional risks to an FCM's financial condition which should be reflected in the computation of adjusted net capital.

Only a few commentators addressed this issue, and some of those stated that extensive studies should be conducted to assess the impact of such a rule. While the Commission continues to view with concern the particular threats imposed by outstanding margin calls, particularly those outstanding for six or more business days, it recognizes that most commentators directed their attention to assessing the impact of other proposed changes, principally the four percent of segregation requirements for computing minimum adjusted net capital. The Commission, therefore, has decided not to adopt the proposed amendments to paragraphs (c)(5)(viii) (customer accounts) and (c)(5)(ix) (non-customer and omnibus accounts) of § 1.17 at this time. Instead, the Commission is today reproposing the amendments so that interested persons, particularly those directly affected, may have a greater opportunity to study the effects of such a six-day cutoff and so that the Commission may further evaluate the rule in light of additional, more detailed comments. Comments already received on this issue will be considered as part of the record of this further rulemaking proceeding.

D. Concentration Charges

In addition to the rule changes proposed by the Commission in the June 25, 1980 release, the Commission stated that it was considering the development and implementation of a capital charge for FCMs which would take into consideration large concentrations of positions in customer, non-customer or proprietary accounts held in a particular

commodity or a particular group of commodities.³ The Commission expressed its concern that such concentrations of positions can greatly increase an FCM's financial exposure in the event of large price movements. The Commission stated that it was considering several possible approaches. One approach would compare a standard fluctuation based upon historical price changes in the concentrated future to the net capital of the firm, and require an FCM to make deductions from its capital based upon the comparison.⁴ Another approach would be to group certain commodity futures contracts based upon the historical tendency of their prices to move together. An FCM would calculate the total exchange margin required for all positions with the firm in each group, and be required to take a charge against its net capital equal to all or some percentage of the largest amount of margin that would be necessary for any one group. The Commission invited interested persons to submit comments which would assist in the development of such a capital charge.

The Commission received fifteen comments on this issue. One commentator stated that concentration was the issue of primary importance in the context of the financial rules, and that any new rules should be tied to a certain concentration formula. That commentator went on to state that, for example, if the amount of a margin call for an undermargined account(s) of a customer or related group of customers exceeds 10 percent of the FCM's net capital, a credit for such margin call(s) should be allowed only to the extent that it is outstanding three business days or less (for smaller calls, the present five-day rule should apply). Other commentators suggested that the problem of concentration would best be addressed by exchange-established speculative position limits for all commodities (with Commission-established charges for any commodities without such limits), or by differential margin levels based on the number of open positions in a particular commodity in an account, or by predetermined limits on an FCM's business based on its net capital. Two commentators expressed the desire to study the issue further, and six commentators opposed any concentration charge.

Two other commentators suggested that when a physical commodity is used

as margin, if the margin requirements for one customer or related group of customers exceeds twenty percent of an FCM's net capital, a fifty percent deduction would be applied to the market value of the unhedged physical commodity. The Commission believes that this suggestion has merit, and that a more stringent safety factor may be appropriate in situations where a person or related group of persons have deposited significant amounts of a non-cash item with an FCM to margin, guarantee or secure a futures account or to collateralize a debt to the FCM and that person or related group of persons have a net long futures position in the same non-cash item so deposited. Accordingly, the Commission is proposing to add a new paragraph (c)(5)(iii) to § 1.17 which would provide that if, in the above circumstances, the total amount of all loans, advances or other receivables owed to, and included in the current assets of, the FCM, plus the amount of the maintenance margin requirements of the applicable boards of trade for all of the open futures contracts of such person or persons held by the firm, exceed 20 percent of the FCM's net capital, the FCM must first apply the non-cash item, at a rate not to exceed 50 percent of its market value, to the exchange maintenance margin requirements for such net long futures position. An exemption would be provided for obligations of the United States and obligations which are fully guaranteed as to principal and interest by the United States. An exemption would also be provided in a situation where an applicant or registrant has received collateral through the delivery process of a contract market and has not held such collateral for more than five business days.

The following examples illustrate the effects of this proposed new provision:

Example 1 Customer XYZ Corp deposits gold warehouse receipts with a market value of \$200,000 into its futures account at ABC Co., an FCM whose net capital is \$300,000.

XYZ has open long gold and copper contracts in its futures account. The maintenance margin requirements for these contracts are as follows: Gold contracts \$100,000 and copper contracts \$50,000, resulting in total maintenance margin requirements of \$150,000.

The new provision applies in this situation because (1) XYZ's maintenance margin requirement exceeds 20 percent of ABC's net capital, and (2) XYZ has long open futures contracts in gold which is the commodity deposited to margin its account.

ABC would be required under the new provision to first apply the deposited gold at

a rate of 50 percent of its market value to the maintenance margin requirements relating to the gold futures contracts.

In this case the entire \$200,000 market value of the gold would be applied to the \$100,000 gold margin requirement. Thus, for purposes of § 1.17 the account would be undermargined by \$50,000. If the resulting margin call were not met within the three day grace period, or if no call were made, ABC Co. would be required to take a \$50,000 charge against net capital.

Example 2. DEF, Inc., an FCM with net capital of \$1,000,000 makes a \$190,000 loan to one of its customers, Mr. Smith. Smith deposits silver warehouse receipts with a market value of \$240,000 with DEF to collateralize the loan. Smith also has long futures positions in wheat and silver. The maintenance margin requirements for the silver positions are \$30,000, and the margin requirements for the wheat contracts are also \$30,000. In addition, Smith has a \$60,000 cash credit ledger balance in his account. This situation triggers the new provision in that the total amount of the loan to Smith and Smith's margin requirements (\$250,000) exceeds 20 percent of DEF's net capital, and Smith has long futures contracts in the commodity which he has deposited as collateral. DEF must first apply the silver, at a rate of 50 percent of its market value, to the maintenance margin requirements for the open silver contracts. This application would necessitate \$60,000 worth of silver. \$30,000 of the cash balance would be applied to the maintenance margin requirements of the wheat contracts leaving \$30,000 cash and silver with a market value of \$180,000 as security for the \$190,000 loan. Pursuant to § 1.17(c)(3) the market value of the silver would be reduced by 20 percent to determine to what extent the loan is secured. As a result the collateral value is \$174,000 (\$30,000 cash and silver of \$144,000). Consequently, only \$174,000 of the \$190,000 loan is secured and the remaining \$16,000 must be classified as a noncurrent asset.

The Commission expects to study this issue further, and invites further comments from interested persons which will assist in the development of appropriate regulations respecting concentration charges. For the present, however, the only measure which will be specifically proposed is the one mentioned above, respecting physical commodities used, in essence, to margin long futures contracts in the same commodity.

In consideration of the foregoing, the Commission, pursuant to the authority contained in Sections 4d, 4f, and 8a of the Act, 7 U.S.C. 6d, 6f, and 12a, as amended, 92 Stat. 865 *et seq.*, hereby proposes to amend 17 CFR Chapter I and Commission Form 1-FR in the manner set forth below (□ indicate deletions, ►◄ indicate additions):

1. 17 CFR 1.17 would be amended by revising paragraphs (a)(1) and (c)(5)(viii)

³ 45 FR 42633, at 42637.

⁴ See 42 FR 27166, at 27171, 27175 (May 26, 1977)

and (ix), and by adding a new paragraph (c)(5)(iii) to read as follows:

§ 1.17 Minimum financial requirements—futures commission merchants.

(a)(1) Except as provided in paragraph (a)(2) of this section, each person registered as a futures commission merchant must maintain adjusted net capital equal to or in excess of the greatest of [\$50,000] ▶ \$100,000 ◀, [\$100,000] ▶ \$250,000 ◀ for each person registered as a futures commission merchant who is not a member of a designated self-regulatory organization), or 4 percent of the funds required to be segregated pursuant to the Act and these regulations, or, for securities brokers and dealers, 4 percent of aggregate debit items computed in accordance with the formula for determination or reserve requirements (Exhibit A to Rule, 15c3-3, 17 CFR 240.15c3-3).

(c) * * *
(5) * * *

▶(iii) In determining any charge required by paragraphs (c)(5)(viii) and (c)(5)(ix) of this section, and in determining proper security under paragraph (c)(3) of this section, if the total of all loans, advances or other receivables owed by a person to, and included in current assets of, the applicant or registrant, plus the amount of the maintenance margin requirements of the applicable boards of trade for all of the open futures contracts of such person held by the applicant or registrant exceed 20% of the net capital of the applicant or registrant, any collateral deposited by such person which is the same commodity as the commodity underlying any net long futures position of such person must first be applied, at a rate of not more than 50% of its market value, to the maintenance margin requirements of the applicable boards of trade for such net long position of such person in the same commodity as the collateral. The provisions of this paragraph (c)(5)(iii) shall not apply if an applicant or registrant has received the collateral through the delivery process of a contract market and has not held such collateral for more than five business days. For the purposes of this paragraph (c)(5)(iii), collateral includes any non-cash item, except obligations of the United States or obligations fully guaranteed as to principal and interest by the United States, that is used to margin, guarantee or secure an open contract of any person, or which is used as security for a loan, advance or other receivable from a person. In determining whether a person would cause an

applicant or registrant to apply the provisions of this paragraph (c)(5)(iii), the loans, advances or other receivables owed by, and the amount of the maintenance margin requirements of the applicable boards of trade for, persons who are directly or indirectly controlled by, or whose accounts are directly or indirectly controlled by, such person shall be considered as those of such person; further, if two or more persons are acting pursuant to an express or implied agreement or undertaking, the total of the loans, advances or other receivables owed, and the margin requirements of, the persons so acting shall be considered those of a single person. ◀

(viii) For undermargined customer commodity futures accounts the amount of funds required in each such account to meet maintenance margin requirements of the applicable board of trade or if there are no such maintenance margin requirements clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding three business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements on such accounts, then the amount of funds required to provide margin equal to the amount necessary after application of calls for margin, or other required deposits outstanding three days or less to restore original margin when the original margin has been depleted by 50 percent or more [.] ▶: *Provided*, That no outstanding margin calls shall apply against the charge relating to a customer commodity futures account which is undermargined if any portion of such calls to such customer has remained outstanding for six or more business days: And ◀ provided ▶ further ◀, to the extent a deficit is excluded from current assets in accordance with paragraph (c)(2)(i) of this section such amount shall no also be deducted under this paragraph (c)(5)(viii). In the event that an owner of a customer account has deposited an asset other than cash to margin, guarantee or secure his account, the value attributable to such asset for purposes of this subparagraph shall be the lesser of (A) the value attributable to the asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of the asset after application of the percentage deductions specified in this paragraph (c)(5);

(ix) For undermargined non-customer and omnibus commodity futures accounts the amount of funds required

in each such account to meet maintenance margin requirements of the applicable board of trade or if there are no such maintenance margin requirements clearing organization margin requirements applicable to such positions, after application of calls for margin, or other required deposits which are outstanding two business days or less. If there are no such maintenance margin requirements or clearing organization margin requirements, then the amount of funds required to provide margin equal to the amount necessary, after application of calls for margin, or other required deposits outstanding two days or less to restore original margin when the initial margin has been depleted by 50 percent or more [.] ▶: *Provided*, That no outstanding margin calls shall apply against the charge relating to a non-customer or omnibus commodity futures account which is undermargined if any portion of such calls to such non-customer or omnibus account has remained outstanding for four or more business days: And ◀ provided ▶ future ◀, to the extent a deficit is excluded from current assets in accordance with paragraph (c)(2)(i) of this section such amount shall not also be deducted under this paragraph (c)(5)(ix). In the event that an owner of a non-customer or omnibus account has deposited an asset other than cash to margin, guarantee or secure his account the value attributable to such asset for purposes of this subparagraph shall be the lesser of (A) the value attributable to such asset pursuant to the margin rules of the applicable board of trade, or (B) the market value of such asset after application of the percentage deductions specified in this paragraph (c)(5);

2. By amending Form 1-FR as follows:

Form 1-FR

Net Capital Computation

24. For minimum net capital required, enter the greatest of lines A, B, or C: \$ _____
A. Enter [\$50,000] ▶ \$100,000 ◀ ([\$100,000] ▶ \$250,000 ◀ if registrant is not a member of a designated self-regulatory organization) \$ _____
B. Enter 4% of the amount of funds required to be segregated for commodity futures and options customers \$ _____
C. If a securities broker-dealer, enter 4% of the aggregate debit items computed in accordance with the formula for determination of reserve requirements (attach the computation of Exhibit A to SEC Rule 15c3-3) \$ _____
25. Adjusted net capital—Item 23 this statement \$ _____
26. Excess net capital \$ _____
27. Enter the greatest of [\$75,000] ▶ \$150,000 ◀ ([\$150,000] ▶ \$375,000 ◀

for an FCM who is not a member of a designated self-regulatory organization) or 6% of funds required to be segregated for commodity futures and options customers, or, for securities broker-dealers, enter 6% of the aggregate debit items computed in accordance with the formula for determination of reserve requirements (if the amount on line 25 is less than the amount on line 27, the applicant or registrant must immediately notify its designated self-regulatory organization and the Commission and commence filing monthly statements of its financial condition pursuant to Regulation 1.12) \$_____

*References are to item numbers on the Statement of Financial Condition.

* * * * *

Issued in Washington, D.C., on November 25, 1980, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-37149 Filed 11-26-80; 8:45 am]

BILLING CODE 6851-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

[Regs. Nos. 4 and 16]

Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Representative Payment

AGENCY: Social Security Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: We propose to revise our regulations on representative payment under titles II, Old-Age, Survivors and Disability Insurance (OASDI), and XVI, Supplemental Security Income for the Aged, Blind, and Disabled (SSI) of the Social Security Act. These regulations (1) explain representative payment; (2) state when title II and title XVI benefits will be paid to a representative payee rather than directly to the entitled person; (3) indicate the procedure we follow in selecting a representative payee; (4) specify the responsibilities of a representative payee; and (5) clarify our responsibilities to the beneficiary when we select a payee on his or her behalf.

We have rewritten and reorganized the existing regulations to make them clearer and easier for the public to use. In the process of reviewing our existing regulations, our policies in this area were also reexamined. We decided that our regulations should continue to present a set of basic guidelines for persons acting as a representative

payee. We also propose to add to the regulations several of the policies we now follow in making representative rather than direct payment but which are not in the current regulations. First, we have added a provision to explain that we will give a beneficiary advance notice before we make a determination that representative payment will be made, unless the beneficiary has been found to be legally incompetent or is under 18 years old. Second, we have added a provision to indicate that when conserved funds are held in an interest bearing account, the interest from the account, as well as the principal, is the property of the beneficiary. Third, we have added a more complete explanation of how we select a payee and what we expect of a payee once the selection has been made. Finally we have clarified our responsibilities to a beneficiary when we select someone else to receive payments on the beneficiary's behalf.

DATES: Your comments will be considered if we receive them no later than January 30, 1981.

ADDRESSES: Send your written comments to Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

Anyone can see copies of all comments we receive at the Washington Inquiries Section, Office of Governmental Affairs, Social Security Administration, Department of Health and Human Services, North Building, Room 1109, 330 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Philip Berge, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore Maryland 21235, telephone (301) 594-7452.

SUPPLEMENTARY INFORMATION:

Recodification of the Regulations

These regulations are being revised and reorganized as part of HHS' Operation Common Sense, which is a Department-wide effort to review, simplify, and improve HHS' regulations. The regulations carry out Sections 205, 1102 and 1631 of the Social Security Act.

The current regulations on representative payment of title II benefits are in Subpart Q of Part 404 in title 20 of the code of Federal Regulations. Corresponding title XVI regulations are in Subpart F of Part 416 in Title 20.

When We Make Representative Payment

As a general rule, we pay benefits directly to the person entitled to receive them so that the person will have the full use of and control over his or her own funds. However, when we have reason to believe that a beneficiary is not able to handle the funds in his or her own interest, we investigate to determine whether benefits should be paid to someone else on his or her behalf. If we determine that a beneficiary cannot manage benefit payments in his or her own interests, we will select a representative payee and certify payments of the payee for the use and benefit of the beneficiary. Before we make this determination, we must be sure that the interests of the beneficiary will be served by our making representative rather than direct payment. Whenever we make representative payment, we certify payment to the representative payee on behalf of the beneficiary. This is to indicate that payment is being made to the representative payee as a fiduciary, and that the money is not the payee's own or for the payee's benefit, but solely for the benefit of the beneficiary. If we pay benefits to a representative payee in accordance with the guidelines explained in this subpart and the representative payee misuses the benefits, we consider our responsibility discharged and any responsibility for making restitution of the misused funds applies to the representative payee, and not SSA. (See §§ 404.1641 and 416.641.)

There are certain situations where we always make representative payment. For example, if we learn that a beneficiary has been found legally incompetent, we will name a representative payee. The payee we select will often be the court-appointed fiduciary but, depending upon the circumstances, we may select some other person who shows a personal as well as a financial responsibility for the beneficiary. Also, by law, we must select a representative payee to receive the supplemental security income payments of a person who is eligible for benefits on the basis of a disability and who has been medically determined to be an alcoholic or a drug addict. Also, we generally name a representative payee to receive the benefits of a person under age 18.

How We Select a Representative Payee

The existing regulations explain what we need to know from a person before we select him or her as a payee. They do not indicate, however, the preferences we use in selecting a payee. Our list of

preferred payees is a guide we have prepared on the basis of our experience. It is considered along with all other factors in helping us select a payee. We have included these preferences in §§ 404.1620, 404.1621, 416.620, and 416.621.

Before We Name a Representative Payee

We have added a section to the proposed regulations to reflect our current procedure of giving advance notice of our determination to make representative payment and to name a payee. In this notice we tell the beneficiary that we plan to name a representative payee, indicate who the payee will be, and ask the beneficiary to contact us if he or she wishes to object to our proposed actions. If the beneficiary objects, we will review our intended decisions and consider any additional information given to us. We will then issue a determination stating the means of payment and the payee, which the beneficiary may appeal under our administrative review process. The advance notice procedures are explained in §§ 404.1630 and 416.630.

Responsibilities of a Representative Payee

The existing regulations state certain responsibilities of a representative payee. These responsibilities are included in the proposed regulations. We have added to this list the responsibility to report to us any event which occurs that will affect the beneficiary's continued right to payments. This is contained in §§ 404.1635 and 416.635. We have also added an example in §§ 404.1645 and 416.645 to illustrate our view that moneys not needed for the beneficiary's current maintenance should be deposited in an interest bearing account or invested on behalf of the beneficiary. We have had experience with representative payees holding funds rather than investing them. Also, in some instances the funds were invested by a representative payee, but the dividends did not accrue to the benefit of the beneficiary. Some institutions or agencies acting as a representative payee deposit funds not needed for the current maintenance of the beneficiary in an interest bearing account, but the interest payable on the account has not accrued to the beneficiary. In §§ 404.1645 and 416.645 of the proposed regulations we have added a provision to clarify that the interest earned from an investment account is the property of the beneficiary, and not the property of the payee.

(Catalog of Federal Domestic Assistance Program, Nos. 13.802 Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance; 13.804 Social Security-Survivors Insurance; 13.807 Supplemental Security Income)

Dated: September 22, 1980.

William J. Driver,
Commissioner of Social Security.

Approved: November 19, 1980.

Patricia Roberts Harris,
Secretary of Health and Human Services.

Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

1. Subpart Q of Part 404 is revised to read as follows:

Subpart Q—Representative Payment

Sec.

404.1601 Introduction.

404.1610 When payment will be made to a representative payee.

404.1615 Information considered in determining whether to make representative payment.

404.1620 Information considered in selecting a representative payee.

404.1621 Order of preference in selecting a representative payee.

404.1625 Information to be submitted by a representative payee.

404.1630 Advance notice of the determination to make representative payment.

404.1635 Responsibilities of a representative payee.

404.1640 Use of benefit payments.

404.1641 Liability for misuse of benefit payments.

404.1645 Conservation and investment of benefit payments.

404.1650 When a new representative payee will be selected.

404.1655 When representative payment will be stopped.

404.1660 Transfer of accumulated benefit payments.

404.1665 Accounting for benefit payments.

Authority: Secs. 205 and 1102 of the Social Security Act; 53 Stat. 1368, 49 Stat. 647 (42 U.S.C. 405 and 1302).

Subpart Q—Representative Payment

§ 404.1601 Introduction.

(a) *Explanation of representative payment.* This subpart explains the principles and procedures that we follow in determining whether to make representative payment and in selecting a representative payee. It also explains the responsibilities that a representative payee has concerning the use of the funds he or she receives on behalf of a beneficiary. A representative payee may be either a person or an organization

selected by us to receive benefits on behalf of a beneficiary. A representative payee will be selected if we believe that the interests of a beneficiary will be served by representative payment rather than direct payment of benefits.

Generally, we appoint a representative payee if we have determined that the beneficiary is not able to manage benefit payments in his or her own interest.

(b) *Policy used to determine whether to make representative payment.* (1) Our policy is that every beneficiary has the right to manage his or her own benefits. However, some beneficiaries due to a mental or physical condition or due to their youth may be unable to do so. Under these circumstances, we may determine that the interests of the beneficiary would be better served if we certified benefit payments to another person as a representative payee.

(2) If we determine that representative payment is in the interest of a beneficiary, we will appoint a representative payee. We may appoint a representative payee even if the beneficiary is a legally competent individual. If the beneficiary is a legally incompetent individual, we may appoint the legal guardian or some other person as a representative payee.

(3) If payment is being made directly to a beneficiary and a question arises concerning his or her ability to manage benefit payments, we will, if the beneficiary is 18 years old or older and has not been adjudged legally incompetent, continue to pay the beneficiary until we make a determination about his or her ability to manage benefit payments and the selection of a representative payee.

§ 404.1610 When payment will be made to a representative payee.

(a) We pay benefits to a representative payee on behalf of a beneficiary 18 years old or older when it appears to us that this method of payment will be in the interest of the beneficiary. We do this if we have information that the beneficiary is—

(1) Legally incompetent or mentally incapable of managing benefit payments; or

(2) Physically incapable of managing benefit payments.

(b) Generally, if a beneficiary is under age 18 we will pay benefits to a representative payee. However, in certain situations we make direct payment to a beneficiary under age 18. For example, we may make direct payment to a beneficiary under age 18 who is receiving disability insurance benefits on his or her own social

security record, or is serving in the military service.

§ 404.1615 Information considered in determining whether to make representative payment.

(a) *Court determinations.* If we learn that a beneficiary has been found to be legally incompetent, a certified copy of the court's determination will be the basis of our determination to make representative payment.

(b) *Medical evidence.* When available, we will use medical evidence to determine if a beneficiary is capable of managing benefit payments. For example, a statement by a physician or other medical professional based upon his or her recent examination of the beneficiary and his or her knowledge of the beneficiary's present condition will be used in our determination, if it includes information concerning the nature of the beneficiary's illness, the beneficiary's chances for recovery and the opinion of the physician or other medical professional as to whether the beneficiary is able to manage benefit payments.

(c) *Other evidence.* We will also consider any statements of relatives, friends and other people in a position to know and observe the beneficiary, which contain information helpful to us in deciding whether the beneficiary is able to manage benefit payments.

§ 404.1620 Information considered in selecting a representative payee.

In selecting a payee we try to select the person, agency, organization or institution that will best serve the interests of the beneficiary. In making our selection we consider—

(a) The relationship of the person to the beneficiary;

(b) The amount of interest that the person shows in the beneficiary;

(c) Any legal authority the person, agency, organization or institution has to act on behalf of the beneficiary;

(d) Whether the potential payee has custody of the beneficiary; and

(e) Whether the potential payee is in a position to know of and look after the needs of the beneficiary.

§ 404.1621 Order of preference in selecting a representative payee.

In selecting a payee we have established preferences in the following order:

(a) For beneficiaries 18 years or older our preference is—

(1) A legal guardian, spouse (or other relative) who has custody of the beneficiary or who demonstrates strong concern for the personal welfare of the beneficiary;

(2) A friend who has custody of the beneficiary or demonstrates strong concern for the personal welfare of the beneficiary;

(3) A public or nonprofit agency or institution having custody of the beneficiary; or

(4) A private institution operated for profit and licensed under State law, which has custody of the beneficiary.

(b) For beneficiaries under age 18, our preference is—

(1) A natural or adoptive parent who has custody of the beneficiary, or a guardian;

(2) A natural or adoptive parent not having custody of the beneficiary, but contributing toward the beneficiary's support and demonstrating strong concern for the beneficiary's well being;

(3) A natural or adoptive parent not having custody of the beneficiary and not contributing toward his or her support but demonstrating strong concern for the beneficiary's well being;

(4) A relative or stepparent having custody of the beneficiary;

(5) A relative not having custody of the beneficiary but contributing toward the beneficiary's support and demonstrating concern for the beneficiary's well being;

(6) An authorized social agency or custodial institution; or

(7) A relative or close friend of the beneficiary demonstrating concern for the beneficiary's well being.

§ 404.1625 Information to be submitted by a representative payee.

(a) Before we select a representative payee, the payee applicant must give us information showing his or her relationship to the beneficiary and his or her responsibility for the care of the beneficiary.

(b) Anytime after we have selected a payee, we may ask the payee to give us information showing a continuing relationship to the beneficiary and a continuing responsibility for the care of the beneficiary. If the payee does not give us the requested information within a reasonable period of time, we may stop paying the payee unless we determine that the payee had a good reason for not complying with our request, and we receive the information requested.

§ 404.1630 Advance notice of the determination to make representative payment.

(a) Generally, whenever we intend to make representative payment and to name a payee, we notify the beneficiary or the individual acting on his or her behalf, of our proposed actions. In this notice we tell the person that we plan to

name a representative payee and who that payee will be. We also ask the person to contact us if he or she objects to either proposed action. If he or she objects to either proposed action, the person may—

(1) Review the evidence upon which the proposed actions will be based; and

(2) Submit any additional evidence regarding the proposed actions.

(b) If the person objects to the proposed actions, we will review our proposed determinations and consider any additional information given to us. We will then issue our determinations. If the person is dissatisfied with either determination, he or she may request a reconsideration.

(c) If the person does not object to the proposed actions, we will issue our determinations. If the person is dissatisfied with either determination, he or she may request a reconsideration.

§ 404.1635 Responsibilities of a representative payee.

A representative payee has a responsibility to—

(a) Use the payments he or she receives only for the use and benefit of the beneficiary in a manner and for the purposes he or she determines, under the guidelines in this subpart, to be in the best interests of the beneficiary;

(b) Notify us of any event that will affect the amount of benefits the beneficiary receives or the right of the beneficiary to receive benefits;

(c) Submit to us, upon our request, a written report accounting for the benefits received; and

(d) Notify us of any change in his or her circumstances that would affect performance of the payee responsibilities.

§ 404.1640 Use of benefit payments.

(a) *Current Maintenance.* We will consider that payments we certify to a representative payee have been used for the use and benefit of the beneficiary if they are used for the beneficiary's current maintenance. Current maintenance includes costs incurred in obtaining food, shelter, clothing, medical care, and personal comfort items.

Example:

An aged beneficiary is entitled to a monthly social security benefit of \$400. Her son, who is her payee, disburses her benefits in the following manner:

Rent and utilities—\$200

Medical—\$25

Food—\$60

Clothing (coat)—\$55

Savings—\$30

Miscellaneous personal need—\$30

The above expenditures would represent proper disbursements on behalf of the beneficiary.

(b) *Institutional care.* If a beneficiary is receiving care in a Federal, State or private institution because of mental or physical incapacity, current maintenance includes the customary charges made by the institution, as well as expenditures for those items which will aid in the beneficiary's recovery or release from the institution or which will improve the beneficiary's conditions while in the institution.

Example:

An institutionalized beneficiary is entitled to a monthly social security benefit of \$320. The institution charges \$700 a month for room and board. The beneficiary's brother, who is his payee, learns the beneficiary needs new shoes and does not have any funds to purchase miscellaneous items at the institution's canteen.

The payee takes his brother to town and buys him a pair of shoes for \$29.95. He also takes the beneficiary to see a movie which costs \$3. When they return to the institution, the payee gives his brother \$3 to be used at the canteen.

Although the payee normally withholds only \$25 a month from the social security benefit for the beneficiary's personal needs, this month the payee deducted the above expenditures and paid the institution \$10.95 less than he usually pays.

The above expenditures represent what we would consider to be proper expenditures for current maintenance.

(c) *Support of legal dependents.* If the current maintenance needs of the beneficiary are met, the payee may use part of the payments for the support of the beneficiary's legally dependent spouse, child, and parent.

Example:

A disabled beneficiary receives a Veterans Administration (VA) benefit of \$325.00 and a social security benefit of \$525.70. The beneficiary resides in a VA hospital and his VA benefits are sufficient to provide for all of his needs: i.e., cost of care and personal needs. The beneficiary's legal dependents—his wife and two children—have a total income of \$250 per month in social security benefits. However, they have expenses of approximately \$450 per month.

Because the VA benefits are sufficient to meet the beneficiary's needs, it would be appropriate to use part of his social security benefits to support his dependents.

(d) *Claims of creditors.* A payee may not be required to use payments to satisfy a debt of the beneficiary, if the debt arose before the first month for which payments are certified to a payee. If the debt arose prior to this time, a payee may satisfy it only if the current and reasonably foreseeable needs of the beneficiary are met.

Example:

A retroactive social security check in the amount of \$1,640.40, representing benefits due for July 1979 through January 1980, was issued on behalf of the beneficiary to the

beneficiary's aunt who is the representative payee. The check was certified in February 1980.

The nursing home, where the beneficiary resides, submitted a bill for \$1,139.70 to the payee for maintenance expenses the beneficiary incurred during the period from June 1979 through November 1979. (Maintenance charges for December 1979 through February 1980 had previously been paid.)

Because the benefits were not required for the beneficiary's current maintenance, the payee had previously saved over \$500 for the beneficiary and the beneficiary had no foreseeable needs which would require large disbursements, the expenditure for the maintenance charges would be consistent with our guidelines.

§ 404.1641 Liability for misuse of benefit payments.

We consider our obligation to the beneficiary to be completely discharged when we make a correct payment to a representative payee on behalf of the beneficiary. The payee in his or her personal capacity, and not SSA, may be liable if the payee misuses the beneficiary's benefits.

§ 404.1645 Conservation and investment of benefit payments.

(a) *General.* If payments are not needed for the beneficiary's current maintenance, reasonably foreseeable needs or the support of legal dependents, they shall be conserved or invested on behalf of the beneficiary. Conserved funds should be invested in accordance with the rules followed by trustees. Any investment must show clearly that the payee holds the property in trust for the beneficiary.

Example:

A State institution for mentally retarded children, which is receiving Medicaid funds, is representative payee for several social security beneficiaries. The checks which the payee receives are deposited into one account which shows that the benefits are held in trust for the beneficiaries. The institution has supporting records which show the share each individual has in the account. Funds from this account are disbursed fairly quickly after receipt for the current support and maintenance of the beneficiaries as well as for miscellaneous needs the beneficiaries may have. Several of the beneficiaries have significant accumulated resources in this account. For those beneficiaries whose benefits have accumulated over \$150, the funds should be deposited in an interest-bearing account or invested relatively free of risk on behalf of the beneficiaries.

(b) *Preferred Investments.* Preferred investments for excess funds are U.S. Savings Bonds and deposits in an interest or dividend paying account in a bank, trust company, credit union, or savings and loan association which is insured under either Federal or State

law. The account must be in a form which shows clearly that the representative payee has only a fiduciary and not a personal interest in the funds. If the payee is the legally appointed guardian or fiduciary of the beneficiary, the account may be established to indicate this relationship. If the payee is not the legally appointed guardian or fiduciary, the accounts may be established as follows:

(1) For U.S. Savings Bonds—

(Name of beneficiary)

(Social Security Number), for whom

(Name of payee) is representative payee for social security benefits;

(2) For interest or dividend paying accounts—

(Name of beneficiary) by

(Name of payee),
representative payee.

(3) *Interest and dividend payments.* The interest and dividends which result from an investment are the property of the beneficiary and may not be considered to be the property of the payee.

§ 404.1650 When a new representative payee will be selected.

When we learn that the interests of the beneficiary are not served by continuing payment to the present payee or that the present payee is no longer able to carry out the payee responsibilities, we try to find a new payee. We will select a new payee if we find a preferred payee or if the present payee—

(a) Has not used the benefit payments on the beneficiary's behalf in accordance with the guidelines in this subpart;

(b) Has not carried out the other responsibilities described in this subpart;

(c) Dies;

(d) No longer wishes to be payee;

(e) Is unable to manage the benefit payments; or

(f) Fails to cooperate, within a reasonable time, in providing evidence, accounting or other information which we request.

§ 404.1655 When representative payment will be stopped.

If a beneficiary receiving representative payment shows us that he or she is mentally and physically able to manage benefit payments, we will make direct payment. Information which the beneficiary may give us to support his or her request for direct payment include the following—

(a) A physician's statement regarding the beneficiary's condition, or a statement by a medical officer of the institution where the beneficiary is or was confined, showing that the beneficiary is able to manage his or her funds; or

(b) A certified copy of a court order restoring the beneficiary's rights in a case where a legal guardian was appointed; or

(c) Other evidence which establishes the beneficiary's ability to manage benefits.

§ 404.1660 Transfer of accumulated benefit payments.

A representative payee who has conserved or invested benefit payments shall transfer these funds, and the interest earned from the invested funds, to either a successor payee or to us, as we will specify. If the funds and the earned interest are returned to us, we will recertify them to a successor representative payee or to the beneficiary.

§ 404.1665 Accounting for benefit payments.

A representative payee is accountable for the use of benefits. We may require periodic written reports from representative payees. We may also, in certain situations, verify how a representative payee used the funds. A representative payee should keep records of what was done with the benefit payments in order to make accounting reports. We may ask the following questions—

(a) The amount of benefit payments on hand at the beginning of the accounting period;

(b) How the benefit payments were used;

(c) How much of the benefit payments were saved and how the savings were invested;

(d) Where the beneficiary lived during the accounting period; and

(e) The amount of the beneficiary's income from other sources during the accounting period. We ask for information about other funds to enable us to evaluate the use of benefit payments.

Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

2. Subpart F of Part 416 is revised to read as follows:

Subpart F—Representative Payment

Sec.

416.601 Introduction.

416.610 When payment will be made to a representative payee.

416.615 Information considered in determining whether to make representative payment.

416.620 Information considered in selecting a representative payee.

416.621 Order of preference in selecting a representative payee.

416.625 Information to be submitted by a representative payee.

416.630 Advance notice of the determination to make representative payment.

416.635 Responsibilities of a representative payee.

416.640 Use of benefit payments.

416.641 Liability for misuse of benefit payments.

416.645 Conservation and investment of benefit payments.

416.650 When a new representative payee will be selected.

416.655 When representative payment will be stopped.

416.660 Transfer of accumulated benefit payments.

416.665 Accounting for benefit payments.

Authority: Secs. 1102 and 1631(a) and (d)(1) of the Social Security Act; 49 Stat. 647; 86 Stat. 1475; (42 U.S.C. 1302 and 1383(a) and (d)(1)).

Subpart F—Representative Payment**§ 416.601** Introduction.

(a) *Explanation of representative payment.* This subpart explains the principles and procedures which we follow in determining whether to make representative payment and in selecting a representative payee. It also explains the responsibilities that a representative payee has concerning the use of the funds he or she receives on behalf of a beneficiary. A representative payee may be either a person or an organization selected by us to receive benefits on behalf of a beneficiary. A representative payee will be selected if we believe that the interests of a beneficiary will be served by representative payment rather than direct payment of benefits. Generally, we appoint a representative payee if we have determined that the beneficiary is not able to manage benefit payments in his or her own interest.

(b) *Policy used to determine whether to make representative payment.* (1) Our policy is that every beneficiary has the right to manage his or her own benefits. However, some beneficiaries due to a mental or physical condition or due to their youth may be unable to do so. Under those circumstances, we may determine that the interests of the beneficiary would be better served if we certified benefit payments to another person as a representative payee. However, we must select a representative payee for an individual who is eligible for benefits solely on the basis of disability and who is medically determined to be a drug addict or an alcoholic.

(2) If we determine that representative payment is in the interest of a beneficiary, we will appoint a representative payee. We may appoint a representative payee even if the beneficiary is a legally competent individual. If the beneficiary is a legally incompetent individual, we may appoint the legal guardian or some other person as a representative payee.

(3) If payment is being made directly to a beneficiary and a question arises concerning his or her ability to manage benefit payments, we will, if the beneficiary is 18 years old or older and has not been adjudged legally incompetent, continue to pay the beneficiary until we make a determination about his or her ability to manage benefit payments and the selection of a representative payee.

§ 416.610 When payment will be made to a representative payee.

(a) We pay benefits to a representative payee on behalf of a beneficiary 18 years old or older when it appears to us that this method of payment will be in the interest of the beneficiary. We do this if we have information that the beneficiary is—

(1) Legally incompetent or mentally incapable of managing benefit payments; or

(2) Physically incapable of managing benefit payments.

(b) Generally, if a beneficiary is under age 18 we will pay benefits to a representative payee. However, in certain situations we make direct payment to a beneficiary under age 18 who shows the ability to manage the payments.

§ 416.615 Information considered in determining whether to make representative payment.

(a) *Court determinations.* If we learn that a beneficiary has been found to be legally incompetent, a certified copy of the court's determination will be the

basis of our determination to make representative payment.

(b) *Medical evidence.* When available, we will use medical evidence to determine if a beneficiary is capable of managing benefit payments. For example, a statement by a physician or other medical professional based upon his or her recent examination of the beneficiary and his or her knowledge of the beneficiary's present condition will be used in our determination, if it includes information concerning the nature of the beneficiary's illness, the beneficiary's chances for recovery and the opinion of the physician or other medical professional as to whether the beneficiary is able to manage benefit payments.

(c) *Other evidence.* We will also consider any statements of relatives, friends and other people in a position to know and observe the beneficiary, which contain information helpful to us in deciding whether the beneficiary is able to manage benefit payments.

§ 416.620 Information considered in selecting a representative payee.

In selecting a payee we try to select the person, agency, organization or institution that will best serve the interests of the beneficiary. In making our selection we consider—

- (a) The relationship of the person to the beneficiary;
- (b) The amount of interest that the person shows in the beneficiary;
- (c) Any legal authority the person, agency, organization or institution has to act on behalf of the beneficiary;
- (d) Whether the potential payee has custody of the beneficiary; and
- (e) Whether the potential payee is in a position to know of and look after the needs of the beneficiary.

§ 416.621 Order of preference in selecting a representative payee.

In selecting a payee, we have established preferences in the following order:

- (a) For beneficiaries 18 years old or older our preference is—
 - (1) A legal guardian, spouse (or other relative) who has custody of the beneficiary or who demonstrates strong concern for the personal welfare of the beneficiary;
 - (2) A friend who has custody of the beneficiary or demonstrates strong concern for the personal welfare of the beneficiary;
 - (3) A public or nonprofit agency or institution having custody of the beneficiary; or
 - (4) A private institution operated for profit and licensed under State law which has custody of the beneficiary.

(b) For beneficiaries under age 18, our preference is—

- (1) A natural or adoptive parent who has custody of the beneficiary, or a guardian;
- (2) A natural or adoptive parent not having custody of the beneficiary, but contributing toward the beneficiary's support and demonstrating strong concern for the beneficiary's well being;
- (3) A natural or adoptive parent not having custody of the beneficiary and not contributing toward his or her support but demonstrating strong concern for the beneficiary's well being;
- (4) A relative or stepparent having custody of the beneficiary;
- (5) An authorized social agency or custodial institution; or
- (6) An authorized social agency or custodial institution; or
- (7) A relative or close friend of the beneficiary demonstrating concern for the beneficiary's well being.

§ 416.625 Information to be submitted by a representative payee.

- (a) Before we select a representative payee, the payee applicant must give us information showing his or her relationship to the beneficiary and his or her responsibility for the care of the beneficiary.
- (b) Anytime after we have selected a payee, we may ask the payee to give us information showing a continuing relationship to the beneficiary and a continuing responsibility for the care of the beneficiary. If the payee does not give us the requested information within a reasonable period of time, we may stop paying the payee unless we determine that the payee had a good reason for not complying with our request, and we receive the information requested.

§ 416.630 Advance notice of the determination to make representative payment.

- (a) Generally, whenever we intend to make representative payment and to name a payee, we notify the beneficiary or the individual acting on his or her behalf, of our proposed actions. In this notice we tell the person that we plan to name a representative payee and who that payee will be. We also ask the person to contact us if he or she objects to either proposed action. If he or she objects to either proposed action, the person may—
 - (1) Review the evidence upon which the proposed actions will be based; and
 - (2) Submit any additional evidence regarding the proposed actions.

(b) If the person objects to the proposed actions, we will review our proposed determinations and consider any additional information given to us. We will then issue our determinations. If the person is dissatisfied with either determination, he or she may request a reconsideration.

(c) If the person does not object to the proposed actions, we will issue our determinations. If the person is dissatisfied with either determination, he or she may request a reconsideration.

§ 416.635 Responsibilities of a representative payee.

A representative payee has a responsibility to—

- (a) Use the payments he or she receives only for the use and benefit of the beneficiary in a manner and for the purposes he or she determines, under the guidelines in this subpart, to be in the best interests of the beneficiary;
- (b) Notify us of any event that will affect the amount of benefits the beneficiary receives or the right of the beneficiary to receive benefits (See Subpart G of this part concerning these reporting requirements);
- (c) Submit to us, upon our request, a written report accounting for the benefits received; and
- (d) Notify us of any change in his or her circumstances that would affect performance of the payee responsibilities.

§ 416.640 Use of benefit payments.

(a) *Current Maintenance.* We will consider that payments we certify to a representative payee have been used for the use and benefit of the beneficiary if they are used for the beneficiary's current maintenance. Current maintenance includes costs incurred in obtaining food, shelter, clothing, medical care, and personal comfort items.

Example:

A supplemental security income beneficiary is entitled to a monthly benefit of \$238. The beneficiary's son, who is the representative payee, disburses the benefits in the following manner:

Rent & Utilities—	\$140.00
Medical—	\$20.00
Food—	\$60.00
Clothing—	\$10.00
Miscellaneous Personal Needs—	\$8.00

The above expenditures would represent proper disbursements on behalf of the beneficiary.

(b) *Institution not receiving Medicaid funds on beneficiary's behalf.* If a beneficiary is receiving care in a Federal, State or private institution because of mental or physical incapacity, current maintenance includes expenses for personal needs,

the customary charges for care and services provided by the institution, and expenditures for those items which will aid in the beneficiary's recovery or release from the institution or which will improve the beneficiary's conditions while in the institution. Any payments remaining may be used for a temporary period to maintain the beneficiary's residence outside of the institution unless a physician has certified that the beneficiary is not likely to return home.

Example:

A disabled beneficiary is entitled to a monthly benefit of \$238. The beneficiary, who resides in a boarding home, has resided there for over six years. It is doubtful that the beneficiary will leave the boarding home in the near future. The boarding home charges \$215 per month for the beneficiary's room and board.

The beneficiary's payee pays the boarding home \$215 and uses the balance to purchase miscellaneous personal items for the beneficiary. There are no benefits remaining which can be conserved on behalf of the beneficiary. The payee's use of the benefits is consistent with our guidelines.

(c) *Institution receiving Medicaid funds on beneficiary's behalf.* If a beneficiary is in an institution throughout a month and the institution receives Medicaid funds on behalf of the beneficiary, any payments due shall be used only for the personal needs of the beneficiary, and not for current maintenance.

Example:

A disabled beneficiary resides in a psychiatric hospital. The superintendent of the hospital receives \$25 per month as the beneficiary's payee. The benefit payment is disbursed in the following manner which would be consistent with our guidelines: Miscellaneous canteen items—\$8.50
Clothing—\$11.00
Conserved for future needs of the beneficiary—\$5.50

(d) *Claims of creditors.* A payee may not be required to use benefit payments to satisfy a debt of the beneficiary, if the debt arose before the first month for which payments are certified to a payee. If the debt arose prior to this time, a payee may satisfy it only if the current and reasonably foreseeable needs of the beneficiary are met.

Example:

A disabled beneficiary was determined to be eligible for a monthly benefit payment of \$208.20 effective April 1980. The benefits were certified to the beneficiary's brother who was appointed as the representative payee. The payee conserved \$27 of the benefits received. In June 1980 the payee received a bill from a doctor who had treated the beneficiary in February and March 1980. The bill was for \$175.

After reviewing the beneficiary's current needs and resources, the payee decided not to use any of the benefits to pay the doctor's

bill (Approximately \$180 a month is required for the beneficiary's current monthly living expenses—rent, utilities, food and insurance—and the beneficiary will need new shoes and a coat within the next few months.)

Based upon the above, the payee's decision not to pay the doctor's bill is consistent with our guidelines.

§ 416.641 Liability for misuse of benefit payments.

We consider our obligation to the beneficiary to be completely discharged when we make a correct payment to a representative payee on behalf of the beneficiary. The payee personally, and not SSA, may be liable if the payee misuses the beneficiary's benefits.

§ 416.645 Conservation and investment of benefit payments.

(a) *General.* If payments are not needed for the beneficiary's current maintenance or reasonably foreseeable needs, they shall be conserved or invested on behalf of the beneficiary. Conserved funds should be invested in accordance with the rules followed by trustees. Any investment must show clearly that the payee holds the property in trust for the beneficiary.

Example:

A State institution for mentally retarded children, which is receiving Medicaid funds, is representative payee for several beneficiaries. The checks which the payee receives are deposited into one account which shows that the benefits are held in trust for the beneficiaries. The institution has supporting records which show the share each individual has in the account. Funds from this account are disbursed fairly quickly after receipt for the personal needs of the beneficiaries. However, not all those funds were disbursed for this purpose. As a result, several of the beneficiaries have significant accumulated resources in this account. For those beneficiaries whose benefits have accumulated over \$150, the funds should be deposited in an interest-bearing account or invested relatively free of risk on behalf of the beneficiaries.

(b) *Preferred Investments.* Preferred investments from excess funds are U.S. Savings Bonds and deposits in a bank, trust company, credit union, or savings and loan association which is insured under either Federal or State law. The account must be in a form which shows clearly that the representative payee has only a fiduciary and not a personal interest in the funds. If the payee is the legally appointed guardian or fiduciary of the beneficiary, the account may be established to indicate this relationship. If the payee is not the legally appointed guardian or fiduciary, the accounts may be established as follows:

(1) For U.S. Savings Bonds—

(Name of beneficiary)

(Social Security Number), for whom

(Name of payee) is representative payee for supplemental security income benefits:

(2) For interest or dividend paying accounts—

(Name of beneficiary) by

(Name of payee),

representative payee;

(c) *Interest and dividend payments.* The interest and dividends which result from an investment are the property of the beneficiary and may not be considered to be the property of the payee.

§ 416.650 When a new representative payee will be selected.

When we learn that the interests of the beneficiary are not served by continuing payment to the present payee or that the present payee is no longer able to carry out the payee responsibilities, we try to find a new payee. We will select a new payee if we find a preferred payee or if the present payee—

(a) Has not used the benefit payments on the beneficiary's behalf in accordance with the guidelines in this subpart;

(b) Has not carried out the other responsibilities described in this subpart;

(c) Dies;

(d) No longer wishes to be payee;

(e) Is unable to manage the benefit payments; or

(f) Fails to cooperate, within a reasonable time, in providing evidence, accounting or other information which we request.

§ 416.655 When representative payment will be stopped.

If a beneficiary receiving representative payment shows us that he or she is mentally and physically able to manage benefit payments, we will make direct payment. Information which the beneficiary may give us to support his or her request for direct payment include the following—

(a) A physician's statement regarding the beneficiary's condition, or a statement by a medical officer of the institution where the beneficiary is or was confined, showing that the

beneficiary is able to manage his or her funds; or

(b) A certified copy of a court order restoring the beneficiary's rights in a case where a legal guardian was appointed; or

(c) Other evidence which establishes the beneficiary's ability to manage benefits.

§ 416.660 Transfer of accumulated benefit payments.

A representative payee who has conserved or invested benefit payments shall transfer these funds, and the interest earned from the invested funds, to either a successor payee or to us, as we will specify. If the funds and the earned interest are returned to us, we will recertify them to a successor representative payee or to the beneficiary.

§ 416.665 Accounting for benefit payments.

A representative payee is accountable for the use of benefits. We may require periodic written reports from representative payees. We may also, in certain situations, verify how a representative payee used the funds. A representative payee should keep records of what was done with the benefit payments in order to make accounting reports. We may ask the following questions—

(a) The amount of benefit payments on hand at the beginning of the accounting period;

(b) How the benefit payments were used;

(c) How much of the benefit payments were saved and how the savings were invested;

(d) Where the beneficiary lived during the accounting period; and

(e) The amount of the beneficiary's income from other sources during the accounting period. We ask for information about other funds to enable us to evaluate the use of benefit payments.

[FR Doc. 80-37298 Filed 11-28-80; 8:45 am]

BILLING CODE 4110-07-M.

DEPARTMENT OF DEFENSE

32 CFR Chs. I, V, VI, VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Department of Defense.

ACTION: Publication of the Department's semiannual agenda of regulations,

significant and non-significant, under review or development by the Department of Defense and its components.

SUMMARY: Pursuant to Executive Order 12044, "Improving Government Regulations," as extended by E.O. 12221, the Department of Defense is publishing its fifth agenda of regulations for public information and comments. Although not a regulatory agency and largely exempt from the E.O. under the "Military and Internal Affairs" exclusion of E.O. 12044 (section 6, para. b), the Department voluntarily applied the regulatory reform objectives desired and published its DoD Implementation Plan and initial agenda in November of 1978. The initial agenda and subsequent agendas contain many "regulations" which are primarily of an internal nature, defense mission orientated and do not affect the economy nor impact directly upon the public. Nevertheless, these regulations, although limited in public and economic impact are published in an effort to increase public knowledge and allow public participation in the DoD rulemaking process. Comments and suggestions are invited and should be addressed to the Defense Component representatives published in each section.

DATES: The Department of Defense will publish its next agenda, under the provisions of DoD Directive 5400.9 in May of 1981. It will contain an update to this Agenda and include new regulations under development or revision. This semiannual agenda is published by authority of the Secretary of Defense.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD Regulatory Improvement and general semiannual agenda information, contact Colonel Peter H. Karalus, telephone 202-695-4281 or write: Directorate for Organizational and Management Planning, OASD(C), Pentagon, Washington, D.C. 20301.

SUPPLEMENTARY INFORMATION: This fifth consolidated Agenda of Regulations contains inputs from the Office of the Secretary of Defense, and the Departments of the Army, Navy and Air Force. It includes not only the Components' current regulatory status of previous and ongoing regulatory actions, but also a brief overview of their efforts throughout their Department in regulatory reform programs. Although each program may be tailored to the respective Defense Component mission and their statutory requirements under 5 U.S.C. 552 and the Administrative Procedures Act, they implement those

reform programs found relevant and applicable to their respective regulatory process. These individual efforts include a Defense-wide "Sunset Review" of selected DoD regulations with a goal toward revising, updating or terminating those found meeting the Sunset criteria, and an Executive writing course, based on the "Plain English" criteria established under the E.O., which is in continuous demand throughout the Department. To continue the spirit and intent of regulatory reform throughout the DoD, a Directive, in final draft stage, (32 CFR Part 296, DoD Directive 5400.9) will incorporate the provisions of E.O. 12044 and other legislative reform programs found applicable to DoD's regulatory process. The Department therefore is actively involved in regulatory reform and will continue to pursue those programs deemed relevant and appropriate to its Defense orientated mission.

This Agenda format is divided into sections to reflect the various DoD organization components. Included are the Office of the Secretary of Defense (OSD) and the Departments of the Army, Navy, and Air Force. Each component's section contains the following information:

- A summary and supplementary information section providing an overview of the component's regulatory activity.
- Part I Section: Indicating the Status of Regulations Previously reviewed (Agenda of May 1980).
- Part II Section: Regulations Under Development.
- Part III Section: Regulations Requiring Regulatory Analysis or Special Review.

Individual component variations may be found within each section due to the separate mission functions and responsibilities of the Defense components involved.

D. O. Cooke,
Deputy Assistant Secretary of Defense
(Administration).

November 24, 1980.

Office of the Secretary

Improving Government Regulations; Semiannual Agenda

ACTION: Semiannual agenda of regulatory and procedural documents under development or published by the Office of the Secretary of Defense (OSD).

SUMMARY: The charts below list the DoD policy documents that were (a) under review during the last semiannual agenda period; (b) selected for review

and update under OSD's review program; and (c) planned for future publication. This is the fifth semiannual agenda submitted under E.O. 12044.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact that individual. For other information on the agenda, contact Mrs. Margaret S. Healy, telephone 202-697-4111, or write to Directives Division, C&D, WHS, Room 2A286, Pentagon, Washington, D.C. 20301.

SUPPLEMENTARY INFORMATION: Several trends have emerged. It has been acknowledged that, with the exception of the Army Corps of Engineers, the

Department of Defense is not a regulator; in fact, section 6(b)(2), E.O. 12044, exempts DoD from publishing most of its internal regulations for public comment. The bulk of DoD regulatory documents we publish in the Federal Register fall under 5 U.S.C. 552 and the Administrative Procedures Act (1 CFR 305.76-2). The other documents that OSD publishes in the Federal Register for public comment deal with specific laws affecting all or large segments of the public, such as equal opportunity, reserve affairs; industrial, commercial, and contractor specifications; environment; collective bargaining; and

other subject matters that inform and guide, but do not regulate. Therefore, the charts, Parts I, IA, and II, and those that were published before, represent only a small number—about 15%—of OSD regulatory documents that are processed under the provisions of E.O. 12044. However, OSD's internal regulatory documents, although not published in the Federal Register, are processed under the provisions of items (a) through (e) of Section 1 and Section 4 of E.O. 12044. None of OSD's regulatory documents listed in the agenda require a regulatory analysis.

December 1, 1980.

Part I.—Status of Regulations Previously Reviewed (Nov. 1, 1979—Apr. 30, 1980)

(Period May 1, 1980—Nov. 30, 1980)

CFR No.	Title	DoD Directive/ DoD Instruction	Status
32 CFR Part 40	Standards of Conduct	5507	To be revised, pending the OPM Ethics Office's publication of their regulation.
32 CFR Part 41	Enlisted Administrative Separations	1032.14	Being staffed with the Military Services. Publication in the FR expected in December 1980.
32 CFR Part 42	Interception of Wire and Oral Communications for Law Enforcement Purposes	5200.24	Revision has been coordinated; conflicting comments among coordinating elements within and outside DoD to be resolved.
32 CFR Part 115	Assignment to and Transfer Between Reserve Categories, Discharge from Reserve Status, Transfer to the Retired Reserve and Notification of Eligibility for Retired Pay	1200.15	Additional modification to document required.
32 CFR Part 179	Use of Contractor and Government Resources for Maintenance of Materiel	4151.1	Being prepared for formal coordination; will be submitted as proposed rule early 1981.
32 CFR Part 194	International Co-Production Projects and Agreements Between the U.S. and other Countries or International Organizations	2000.9	Revised manuscript will be re-coordinated. Estimated publication May 1981.
32 CFR Part 196	Work Breakdown Structures for Defense Materiel Items	6010.20	Final manuscript is being processed.
32 CFR Part 244	Honorary Awards to Private Citizens and Organizations	1432.2	Additional modifications to document required.
32 CFR Part 245	Plan for the Security Control of Air Traffic and Air Navigation Aids	5000.36	Under review. Revision planned March 1981.
32 CFR Part 296	Publication of Proposed and Adopted Regulations Affecting the Public	5400.9	Internal DoD comments are being evaluated for inclusion in proposed rule to be published December 1980.
32 CFR Part 300	Nondiscrimination of Federally Assisted Programs	5500.11	Justice Department returned draft proposed rule to DoD suggesting extensive revisions. Document is now being restaffed within DoD.

Part IA.—Existing Regulations Selected for Review

CFR No.	Title	DoD directive or DoD instruction	Reason selected	Contact official
32 CFR Part 62	Alcohol and Drug Abuse by DoD Personnel	1010.4	To revise and consolidate existing directives on subject matter. Published 45 FR 61615 9/17/80.	Pub-Dr J. Mazzuch, 695-6800.
32 CFR Part 100	Unsatisfactory Performance of Ready Reserve Obligations	1215.13	To update by amendment, published 45 FR 49518 7/21/80.	CURT Seaman, 637-4335.
32 CFR Part 199	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)	6010.8	To publish Amendment #4 and interim notice of policy 45 FR 43477, 6/27/80 and 45 FR 64909, 10/11/80, respectively.	L. Carpenter, 637-5155.
32 CFR Part 286b	Personal Privacy and Rights of Individuals Regarding Their Personal Records	Admin Instr No. 81	To publish revision, 45 FR 43409, 6/27/80.	J. Nash, 695-0970.
32 CFR Part 288	User Charges	7230.7	To publish revision, 45 FR 53268 9/10/80.	K. Mulcahy, 637-7237.
32 CFR Part 368	Defense Logistics Agency	5105.22	To publish amendment, 45 FR 46071 7/3/80.	A. Eners, 695-4281.
32 CFR Part 364	Defense Intelligence Agency	5105.21	To incorporate changes to charter in coordination to be published early 1981.	A. Eners, 695-4281.
32 CFR Part 59	Voluntary Military Pay Allotments	7330.1	Update. Final manuscript in coordination.	K. Mulcahy, 697-7297.
32 CFR Part 111	Reserve Officers' Training Corps (ROTC) for Secondary Educational Institution	1205.13	Update. Revised document in coordination.	G. Kauter, 695-6657.
32 CFR Part 185	Military Support of Civil Defense	3025.10	Update. Revised document in coordination.	H. Gioia, 697-1142.
32 CFR Part 201	Sale of Surplus Military Equipment to State and Local Enforcement and Firefighting Agencies	4160.23	Update. Revised document in coordination.	J. Marcus, 697-9136.

Part II.—Regulations Planned or Under Development

CFR No.	Title	Legal basis	Purpose	Comment date	Contact official
32 CFR Part 56 (DoD 1100.xd)	Nondiscrimination on the Basis of Handicap in Federally Assisted Programs.	Pub. L. 93-112 Sec. 504	Implement the Law	Nov. 13, 1973 (Proposed rulemaking published 44 FR 58752, 10/11/79).	C. Haughton, Jr., 695-0106.

Part II.—Regulations Planned or Under Development

CFR No.	Title	Legal basis	Purpose	Comment date	Contact official
32 CFR Part 143 (DoD 1354.1).....	DoD Policy on Organizations That Seek to Represent Members of the Armed Forces In Negotiation or Collective Bargaining.	10 U.S.C. 976.....	Implement Pub. L. 95-610.....	Aug 26, 1980 (Proposed rulemaking published 45 FR 43438, 6/27/80).	Colonel J. Fugh, 697-9203.
32 CFR Part 208 (DoD 4650.4).....	Federal Radionavigation Plan.....	Sec. 507, H.R. 11209 Oct. 1978...	Implement the INMARSAT plan; DoD and DOT Interagency Agreement.	Not applicable. DoD Instruction published 45 FR 45580, 7/7/80.	Colonel S. Gilbert, 695-7181.
32 CFR Part 286f.....	Policies and Procedures for Obtaining Information From Financial Institutions; National Security Agency.	5 U.S.C. 552a, 92 Stat. 3697 et seq., 12 U.S.C. 3401, et seq.	Implement Pub. L. 93-579 and 95-630.	November 17, 1980 (Proposed rulemaking published 45 FR 68686, 10/16/80).	LCDR M. Bowman, 301-690-6054.

**Department of the Army
Improving Government Regulations;
Semiannual Agenda**

ACTION: Publication of the Department of the Army's fifth semiannual agenda of regulations as required under E.O. 12044 as extended by E.O. 12221 and implemented under the DoD plan for Improving Government Regulations.

SUMMARY: The Department of the Army continues to review and evaluate the need for the development of new regulations and to improve existing regulations in support of the President's Executive Order 12044, Improving Government Regulations and the DoD Implementation Plan. This agenda reports on the areas under consideration in that review and on specific actions taken since the publication of the fourth agenda in the Federal Register issue of May 30, 1980 (45 FR 36433).

FOR FURTHER INFORMATION CONTACT: Mr. J. B. Hudson, 202-697-6900 or write: Office of the Administrative Assistant, OSA, Washington, D.C. 20310.

SUPPLEMENTARY INFORMATION: This agenda includes regulations which support the National Defense effort as well as the civil works activities of the Corps of Engineers published in Titles 32 and 33 of the Code of Federal Regulations. After almost two years of continuous coordination and review with Depts. of Interior, Energy, Transportation, Commerce, Agriculture and the Environmental Protection Agency, the U.S. Army Corps of Engineers has recently published a proposed revision to the current set of regulations governing all Department of the Army regulatory programs for protecting the nation's waters. Revision to the regulations are being proposed for three basic reasons. First, the present regulations were issued on July 19, 1977, and the subsequent amendments to the Clean Water Act (CWA) of December 27, 1977, included changes to the Section 404 permit program for regulating discharges of dredged and fill material into waters of the United States. Second, the Corps has found its nationwide permit program initiated July 19, 1977, reduces unnecessary regulatory burdens and is seeking public comment on that

program and on its proposed expansion. Thirdly, a number of other new laws, Executive Orders, judicial decisions, policy changes, and other regulations bearing on the permit programs have taken effect since the last publication of the regulations on July 19, 1977. These include Executive Order 12044 as extended by E.O. 12221 Improving Government Regulations, March 23, 1978, which requires agencies to review significant regulations with a view towards simplifying them and making them less burdensome on the public. The proposed rules include the tests of five new Department of Army agreements with other Federal agencies for streamlining the permit process (Appendices D-H, 33 CFR Part 325) promulgated under section 404(q) of the Clean Water Act. These Memoranda of Agreement augment the permit regulations and publication as an Appendix will provide the public valuable insight as to how controversial permit decisions are resolved by the Federal Agencies involved.

The following information is provided concerning Army amendments to the Code of Federal Regulations.
December 1, 1980.

Department of the Army—Semiannual Agenda

[Period June 1–Nov. 30, 1980]

CFR No.	Title	Public comments and coordination	Status	Contact officer
Part I—Status of Existing Regulations Reviewed (Agenda May 30, 1980)				
32 CFR 552.30 thru 552.74.....	Acquisition of Real Property and Interests Therein (AR 405-10).	No comments received in response to Proposed Rule in 43 FR 59328, Dec. 19, 1978.	Withdrawal of Proposed Rule is under consideration since timeliness of proposal has elapsed.	Mr. Dolmens, COE, Tel. (202) 272-0492.
32 CFR Part 503.....	Apprehension and Restraint (AR 600-40).....	Revision not considered.....	No action is being considered by proponent of regulation. Item will be deleted from next Agenda.	Mr. Dolbow, DSPER, Tel. (703) 756-1898.
32 CFR Part 534.....	Finance and Accounting for Installations, Travel and Transportation Allowance (AR 37-108).	Revision will be published as a Rule	Review is being coordinated and will be published by Jan. 1981.	Ms. Filer, Finance and Accounting Center, Tel. (317) 542-4397.
32 CFR Part 645.....	Real Estate Annexation (AR 405-25).....	Revision will be published as a Rule	Review is being coordinated and will be published by May 1981.	Ms. Lloyd, OCE, Tel. (202) 272-0506.

Part I—Status of Existing Regulations Reviewed (Agenda Nov. 30, 1980)

32 CFR Part 630.....	Military Absentee and Deserter Apprehension (AR 190-9).	No comments were received.....	Final Rule published April 14, 1980. Item will be deleted from next Agenda.	Mr. Dolbow, DCSPER, Tel. (703) 756-1898.
32 CFR Part 651.....	Implementatin of Procedures of National Environmental Policy Act.	No comments were received.....	Final Rule published October 20, 1980. Item will be deleted from next Agenda.	Mr. Matthews, OCE, Tel. (202) 694-3434.

Department of the Army—Semiannual Agenda

CFR No	Title	Public comments and coordination	Status	Contact officer
Part I—Status of Existing Regulations Reviewed (Agenda Nov 30, 1980)				
32 CFR Part 657	Facilities Engineering Pest Control (AR 420-76)	No comments were received.	Final Rule published October 22, 1980. Item will be deleted from next Agenda.	Mr. Bardsley GOE, Tel (202) 272-0532

CFR No	Title	Legal Issues	Status	Contact officer
Part II—Regulation Under Development				
32 CFR Part 504	AR 190-XX, Obtaining Information from Financial Institutions	12 U.S.C. 3401 (Right to Financial Privacy Act of 1978)	Under internal coordination. Proposed May. Hearings. DODPER, Tel (703) 726-1637	

The Department of the Army has no regulations under review or being developed which would require a regulatory analysis in accordance with the criteria established by E.O. 12044 and the DoD plan for Improving Government Regulations

CFR No.	Title	Public comments and coordination	Status
Part III—Civil Works Regulations Under Development			
33 CFR Part 320	General Regulatory Provisions	These regulations (33 CFR Parts 320 thru 329) comprise a set of U.S. Army Corps of Engineers permit regulations. Depending on comments received from the public, the Corps may determine to hold public hearings on the proposed new regulation (33 CFR Part 320) governing the nationwide permit program. In addition to publication of proposed rules in the FEDERAL REGISTER, approximately 4,000 copies were sent directly to interested parties for review and comment. This included Federal, State, and local agencies, environmental groups, energy producing corporations, other groups, and was done in keeping with the Corps' continuing emphasis on public feedback and comments. It is anticipated that extensive public involvement and review of the set of permit regulations will result.	Proposed rules published September 19, 1980. Comment period for public review ends December 1, 1980. Final rules are tentatively scheduled for publication in the spring of 1981. Contact Mr. Bernie Goode at (202) 272-0200.
33 CFR Part 321	Permits for Dams and Dikes in Navigable Waters of the United States		
33 CFR Part 322	Permits for Structures or Work in or Affecting Navigable Waters of the United States		
33 CFR Part 323	Permits for Discharges of Dredges or Fill Material into Waters of the United States		
33 CFR Part 324	Permits for Ocean Dumping of Dredged Material		
33 CFR Part 325	Processing of Department of Army Permits		
33 CFR Part 326	Enforcement		
33 CFR Part 327	Public Hearings		
33 CFR Part 328	Harbor Lines		
33 CFR Part 329	Definition of Navigable Waters of the United States		
33 CFR Part 330	Nationwide Permits		

CFR No.	Title	Public comments and coordination	Status
Part IV—Civil Works Regulations Under Development			
33 CFR Part 325	Appendix C, Procedures for the Protection of Historic and Cultural Properties	This Appendix, jointly drafted by the U.S. Army Corps of Engineers and the President's Advisory Council on Historic Preservation, was published for public comment on April 3, 1980 (45 FR 22112). The Corps of Engineers received 24 letters from the public commenting on the proposed regulation. The views of the public, particularly from those individuals and groups actively participating in the Nation's historic preservation activities, has substantial effect on the specific wording of the regulation. The Corps and the President's Advisory Council are now jointly drafting the final regulation.	Final rules scheduled for publication in late 1980 or early 1981. Contact Mr. Bernie Goode (202) 272-0200.
32 CFR Part 553	Visitors Rules for the Arlington National Cemetery	This rule would revise the visitors' rules currently in effect for the Arlington National Cemetery that are set out at 32 CFR 553.22. The visitors' rules define the standards of conduct required of all visitors to the Arlington National Cemetery. This revision is deemed necessary in order to make available within the rules, standards and procedures for conduct of memorial services and ceremonies within the Cemetery, by members of the public, and to insure that the laws and regulations prohibit all conduct that is inconsistent with Arlington National Cemetery's unique role as the Nation's foremost site to the honored dead of the Armed Forces.	Proposed rule published on October 7, 1980. Public comments received until November 6, 1980. Final rules scheduled for publication Nov-Dec 1980. Point of Contact: Major James Paul Key (202) 635-0432.

Department of the Navy

Improving Government Regulations; Semiannual Agenda

ACTION: Semiannual agenda of regulatory information under review or development by the Navy Department as required by the DOD plan for Improving Government Regulations.

SUMMARY: The Department of the Navy published its first regulatory review agenda in November 1978. Since Navy regulations are primarily directed toward supporting the Navy mission and its people, they do not normally impact upon the public directly. Agenda regulatory reviews contain regulations which are primarily "in-house" in nature and not under the criteria expressed in

Executive Order 12044 or the DOD plan. In keeping with the spirit and intent of the Executive Order, the Navy will continue to publish regulations that may be of interest to the general public and provide an opportunity for public comment. The Department of the Navy has promulgated several other regulatory reform programs during this agenda reporting period. A proposed directive which will promulgate policy regarding elimination of pyramiding directives is in final approval stages. Directives will be required to stand alone without subordinate commands needing to issue further guidance. An automated system is being developed which will enable the Navy Department to store and retrieve information

requirements emanating from all Headquarters level commands. Accordingly, duplicative information requirements placed on subordinate units can be eliminated or consolidated where appropriate. The goals and objectives of the Executive Order 12044 and the DOD plan for Improving Government Regulations are being actively pursued throughout the Department of the Navy.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information contact Ms. Alcinda P. Wenberg, telephone 202-695-1921, or write to Chief of Naval Operations, OP-09B15, Department of the Navy, Washington, D.C. 20350.

December 1, 1980

Department of the Navy—Semiannual Agenda

[Period June 1 through Nov. 30, 1980]

CFR No.	Title	Public comments and consideration ¹	Status	Contract officer
Part I—Status of Regulations Previously Reviewed (Agenda Nov. 30, 1978)				
32 Part 725.....	Disposition of cases Involving Physical Disability.	To be published as final rule.....	Under revision due to change in basic requirements.	LCDR M. W. Kirkpatrick, NCPB, Tel: 696-4368.
32 Part 730.....	Administrative Discharges and Related Matters Concerning Separations from the Naval Service.	To be published as final rule.....	Awaiting issuance of DOD Directive, same subject.	Mr. Minick, NMPC, Tel: 694-3613.
Part I—Status of Regulations Previously Under Development (Agenda Nov. 30, 1979)				
32 Part 701.1.....	Availability to the Public of Department of the Navy Records.	To be published as a proposed rule.	Revision is pending implementation of DOD Regulation.	Mr. Donald Carr, OPNAV, Tel: 697-1459.
32 Part 701.100.....	Personal Privacy and Rights of Individuals Regarding Their Personal Records.	To be published as a final rule.....	To be forwarded to the Office of FEDERAL REGISTER by 31 December 1980.	Ms. Gwen Rhoads, OPNAV, Tel: 694-2004.
Part II—Regulations Under development				
The Department of the Navy has no regulations under development that meet the criteria of Executive Order 12044 of the DOD plan.				
Part III—Regulations Requiring Regulatory Analysis				
The Department of the Navy has no regulations previously reviewed or under development during this period requiring regulatory analysis.				

¹No public comments received.

Department of the Air Force

Improving Government Regulations; Semiannual Agenda

ACTION: Publication of the Department of the Air Force fifth semiannual agenda of significant regulations as required under Executive Order 12044, and implemented under the DOD plan for Improving Government Regulations.

SUMMARY: The agenda lists those regulations currently under revision or development within the Department of the Air Force and the status of those regulations that were previously

reported. The agenda is submitted in compliance with Executive Order 12044, Improving Government Regulations, and the DOD plan for Improving Government Regulations. These regulations do not impact upon the public as defined under the Executive Order criteria, but are published to enable the public to be more aware of and to effectively participate in the rulemaking process. To meet the goals and objectives of the Executive Order, other programs within the Department of the Air Force include the annual review of all regulations, the effort to keep the Code of Federal Regulations (CFR) current, and to remove

unnecessary regulations from the CFR. The Department of the Air Force also offers effective writing courses that stress clear organization and simple, direct expression. These programs will continue to be actively pursued throughout the Air Force.

FOR FURTHER INFORMATION CONTACT:

Where a contact person is indicated, contact that individual. For other information concerning the agenda, contact Mrs. Carol M. Rose, telephone (202) 697-1861 or write, Department of the Air Force, AS/DASJR, Pentagon, Washington, DC 20330.

December 1, 1980.

Department of the Air Force—Semiannual Agenda

[Period June 1—Nov. 30, 1980]

CFR No.	Title	Status
Part I—Status of Regulations Previously Reviewed		
32 CFR Part 803.....	Disposition of Personal Property.....	Revision in draft status.
32 CFR Part 806.....	Air Force Freedom of Information Act Program.....	Awaiting publication of DOD Regulation 5400.7.
32 CFR Part 822.....	Information Audiovisual (AV) Activities.....	Revision in coordination process.
32 CFR Part 827a.....	Release of Information on Accidents.....	Revision in coordination process.
32 CFR Part 837.....	Support of Nongovernment Groups.....	Revision in coordination process.
32 CFR Part 842.....	Claims Manual.....	Revision in draft status.
32 CFR Part 865 (Subpart B).....	Personnel Review Boards (AF Discharge Review Board).	Awaiting publication of DOD Directive 1332.20.
32 CFR Part 880 (Subpart A).....	Medical, Dental and Veterinary Care from Civilian Sources.	Published in the FEDERAL REGISTER as final rule 12 May 1980 (45 FR 31113).
32 CFR Part 892.....	Part-Time Career Employment Program.....	Published in the FEDERAL REGISTER as proposed rule 21 March 1980 (45 FR 18405).
32 CFR Part 954.....	Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense.	Revision in coordination process.
32 CFR Part 989.....	Environmental Impact Analysis Process.....	Published in the FEDERAL REGISTER as proposed rule 26 July 1979 (44 FR 44119). Being revised to simplify the implementation procedures.

Department of the Air Force—Semiannual Agenda—Continued

[Period June 1–Nov 30, 1980]

CFR No	Title	Status		
Part I—Status of Regulations Previously Reviewed				
32 CFR Part No. has not been assigned)	Real Property Management, Acquisition of Real Property.	Revision in coordination process.		
32 CFR Part No. has not been assigned)	Air Force Energy Conservation and Management	Due to limited applicability to the general public, this regulation will not be published in the FEDERAL REGISTER.		
CFR No.	Title	Purpose	Legal base	Contact person
Part II—Regulations Under Development or Review				
32 CFR Part 834	Selecting Architect Engineer Firms for Professional Service by Negotiated Contracts.	States policies responsibilities, and procedures for selecting architectural engineering firms and for negotiating contracts for their professional services.	Pub. L. 95-507, 15 U.S.C. 631, 632, 633, 637, 661, 662, 663, 667, 693 and 664, 25 U.S.C. 450	Mr. Bender, AF/LEEE, 767-4243
32 CFR Part 851	The United States Air Force Resources Protection Program.	Provides policy, procedures and standards for the protection of all Air Force resources worldwide.	DOD Directive 5200 8 and 5100 76M.	Capt. Sanders, HQ AFOSP, SPOL, Kirtland AFB NM, (505) 844-6627.
32 CFR Part 855	Use of United States Air Force Installations by other than United States Department of Defense Aircraft.	Revision is necessary to clarify requirements and procedures, further delegate responsibilities, update user charges and change Office of Primary Responsibility.	Federal Aviation Act of 1958; Pub. L. 85-726, 49 U.S.C. 1507(a) and 1508	Ms. Young, AF/PAXJ, 697-5968.
32 CFR (Part No. has not been assigned)	Environmental Impact Analysis Process (EIAP) Overseas.	Implements DOD Directive 6050 7 for consideration of the environment for Federal actions outside the US. Actions in the Global Commons may result in public involvement.	DOD Directive 6050 7	Lt Col Rudolph, AF/LEEV, 697-6244
32 CFR Part 860	Contractor's Flight Operations	Sets up procedures to obtain required approval from the Army, Navy, Air Force or Defense Logistics Agency of Contractor's Flight Operations Procedures and contractor's personnel who operate aircraft for the government, and provides for the delegation of authority for such approvals.	10 U.S.C. 8012	Lt Col Burton, AF/RCM, 697-8650.
32 CFR Part 886e	Disposition of Conscientious Objectors	Provides uniform procedures governing an applicant who claims status as a conscientious objector.	DOD Directive 1302 6	Ms. Bacon, AFMPCARO, Randolph AFB, TX (512) 852-2396.

The Department of the Air Force has no regulations under review or development which would require a regulatory analysis in accordance with the criteria established by E.O. 12044 and the DOD Plan for Improving Government Regulations.

[FR Doc. 80-37063 Filed 11-28-80; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[A-5-FRL 1685-7]****Approval and Promulgation of Implementation Plans Ohio; Receipt****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of receipt and availability.

SUMMARY: The purpose of today's notice is to announce receipt and availability for public review of proposed revisions to the total suspended particulate portion of the Ohio State

Implementation Plan (SIP). The State of Ohio submitted these revisions to USEPA on June 13, and September 19, 1980. A Notice of Proposed Rulemaking describing the proposed revisions and USEPA's proposed rulemaking action will be published in a subsequent Federal Register.

DATES: See Supplementary Information.

ADDRESSES: The submittal may be examined during normal business hours at the following USEPA offices: Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

In addition the revision may be examined at the offices of the: Ohio Environmental Protection Agency, 361 E. Broad Street, P.O. Box 1049, Columbus, Ohio 43215

Written comments should be sent to: Mr. Gary Gulezian, Chief Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clarizio, Ohio Regulatory Analysis Specialist, U.S. Environmental

Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6035

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act), as amended in 1977, USEPA designated certain areas in Ohio as nonattainment with respect to the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), total suspended particulates (TSP), hydrocarbons (HC) and nitrogen oxides (NO_x).

Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. In certain circumstances an extension is provided to no later than December 31, 1987 to demonstrate attainment for ozone and/or carbon monoxide.

The requirements for an approvable SIP are described in a Federal Register notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

USEPA is presently reviewing the TSP revisions submitted on June 13, and September 19, 1980. After completion of its review, USEPA will propose in a separate Federal Register either approval, disapproval or conditional approval. The public is advised that at that time USEPA will provide 30 days for interested individuals to comment on either the State's submittal or on USEPA's proposed action. The purpose of today's notice is to notify interested individuals of the receipt and availability of the State's submittal. Comments or questions on today's notice should be addressed to the appropriate individuals listed earlier in today's notice.

Dated: November 14, 1980.

John McGuire,
Regional Administrator.

[FR Doc. 80-37284 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL 1685-1]

Approval and Promulgation of Implementation Plans; Proposed Approval of Oklahoma State Variance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes approval of a request from the State of Oklahoma to revise its State Implementation Plan to include a variance for the McAlester Army Ammunition Plant in McAlester, Oklahoma.

DATES: Comments must be received on or before December 31, 1980.

ADDRESSES: Submit comments to: Air Programs Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas, 75270.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION:

Background

Section 110(a)(3)(A) of the Clean Air Act, amended 1977, directs the Administrator to approve revision of any implementation plan applicable to an air quality control region, if he determines the plan has been adopted by the State after reasonable notice and public hearings, and that it includes emission limitations, schedules, and timetables for compliance with such limitations and such other measures as may be necessary to insure attainment and maintenance of the air quality standards.

Oklahoma State Variance

The variance under consideration for approval is for the McAlester Army Ammunition Plant located in McAlester, Oklahoma. The reason for the variance request is that the Plant emits particulate matter in excess of Oklahoma Regulation No. 8, "Pertaining to the Control of the Emission of Particulate Matter from Industrial and other Processes and Operations," and Regulation No. 7, "Pertaining to the Control of Smoke, Visible Emissions, and Particulates". On May 10, 1979, the McAlester Army Ammunition Plant requested a petition for variance to Regulations Nos. 7 and 8, and on July 10, 1979, in a public hearing, the Oklahoma Air Quality Council considered granting

the variance petition. The Council was assured by the McAlester Army Plant that the accompanied compliance schedule would be strictly adhered to. On September 8, 1979, the Council granted the variance petition based upon the assurance by the McAlester Plant of receiving progress reports bi-monthly.

On September 21, 1979, the Oklahoma State Department of Health submitted to EPA Petition No. 79-2 (Bomb Plant "B") requesting a variance to State Regulations 7 and 8 until August 1, 1981. EPA's review of the variance has shown that the compliance schedule contains legally enforceable increments of progress, there is an adequate control strategy, emissions are contained within property boundary, there are no visible emissions outside the plant boundaries, and operations are limited to less than 4 hours a day. The control strategy consists of installation of a cyclone separator and wet scrubber which is expected to reduce emissions and allow the plant to operate in compliance to Oklahoma Regulations 7 and 8. Based upon this review, EPA proposes to approve the variance granted by the State as a revision to the Oklahoma State Implementation Plan.

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

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410

Dated: November 12, 1980.

Fran Phillips,
Acting Regional Administrator.

[FR Doc. 80-37243 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-2-FRL 1685-2]

Approval and Promulgation of Implementation Plans; Texas Emission Offsets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: General Portland Incorporated's permit application to construct a dry process cement plant in New Braunfels, Comal County, Texas is

subject to the Interpretative Ruling (i.e., emission offset policy), published December 21, 1976 in the Federal Register as it pertains to major new sources seeking to locate in areas exceeding the National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP).

TSP emission offsets were offered and agreed to by Parker Brothers and Co., Inc., and the State of Texas submitted the offsets in Texas Air Control Board (TACB) Order No. 78-8 for incorporation into the Texas State Implementation Plan (SIP). None of the offsetting TSP emission reductions are required control measures under the currently approved SIP. This notice proposes approval of the State submitted revision to the Texas Implementation Plan for TSP emission reductions from the Parker Brothers and Co., Inc. creditable for offsets for the General Portland Cement facility.

DATES: Comments must be received on or before December 31, 1980.

ADDRESS: Submit comments to: Air Program Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Jerry M. Stubberfield, Chief, implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 787-1518.

Background

Under the Agency's Interpretative Ruling published December 21, 1976 at 41 FR 55524, a new major source may locate in an area with air quality worse than a national standard only if the following conditions are met:

1. The new source must achieve LAER.

2. The applicant must certify compliance with all SIP requirements at existing sources owned or controlled by him within the air quality control region (AQCR).

3. New emissions must be offset by reductions in existing emissions such as to achieve reasonable progress toward attainment of the NAAQS.

4. The offsets must provide a positive net air quality benefit in the affected area.

5. Construction of a new source in an AQCR for which EPA had called for a SIP revision could not occur until EPA had approved such a revision.

General Portland Inc. applied to the TACB for a permit to construct a dry process cement plant in New Braunfels, Texas. The proposed source would be located in an area west of New

Braunfels in Comal County which has been determined by modeling to be exceeding the NAAQS for TSP. The proposed source would emit more than 100 tons per year of TSP and would therefore be subject to the Interpretative Ruling on emission offsets.

The TACB required that General Portland sources be controlled to the lowest achievable emission rate as evidenced in Permit 6048C. This permit would limit General Portland's emission of TSP to 950 tons per year. Offsetting TSP emissions totalling 1,013 tons per year were offered and agreed to by Parker Brothers and Co., Inc., from its limestone quarry facilities near New Braunfels, Comal County, Texas. The Parker Brothers and Co. offset emissions are to be in existence prior to the start-up of operations at the proposed General Portland plant.

These TSP emission reductions were adopted by the Texas Air Control Board as Board Order No. 78-8 on August 11, 1978 and submitted by the Governor of Texas to EPA on September 13, 1978 for incorporation into the Texas SIP. All requirements in 40 CFR 51.4 and 51.6 for notice and public hearings for plan revisions were met.

TSP Offsets

The TSP emission offsets submitted by the State of Texas consist of the following control measures which were offered and agreed to by Parker Brothers and Co. limestone quarry facilities located near New Braunfels, Comal County, Texas, and adopted by the TACB as Board Order No. 78-8.

1. Install fabric filters on the primary crusher, which will eliminate, at a minimum, 136.4 tons per year of particulate emission from this facility.

2. Install fabric filter on secondary crusher and screens. This will eliminate at a minimum, an estimated 876.6 tons per year of TSP.

The final compliance date for installation of these control measures is January 1, 1980. These control measures will result in an estimated TSP emission reduction of 1,013 tons per year.

By incorporation of these emission control measures into the SIP, both EPA and the State of Texas consider the offsets to be enforceable under Section 113 of the Clean Air Act. The offsets are also considered to be enforceable by citizens under Section 304 of the Clean Air Act as "emission standards or limitations."

Proposed Action

EPA agrees with the State of Texas' determination that the proposed General Portland project will use technology resulting in lowest achievable emissions

of TSP, and that these emissions will total a maximum of 950 tons per year. The TSP offsets from Parker Brothers and Co., totalling an estimated 1,013 tons per year, are considered to be valid and enforceable by the State of Texas and EPA. As a result of the greater than one-to-one emission offset, EPA considers that there will be progress towards attainment of the National Ambient Air Quality Standard, and that all conditions stipulated under the Interpretative Ruling have been met.

In this notice, EPA is proposing the approval of the TSP emission offsets as discussed above, for incorporation into the Texas SIP.

The State of Texas has adopted the emission offsets in Board Order No. 78-8. The State procedures met all requirements of 40 CFR Part 51 including Section 51.4, the requirement for adequate public participation. Therefore the Administrator does not plan to conduct further hearings regarding these emission offsets. Interested persons may still participate in this rulemaking, however, by submitting written comments to: Air Programs Branch, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270.

Relevant comments submitted within 30 days of this notice (December 31, 1980), will be considered. The material submitted by the State of Texas is available for inspection during normal business hours at the above EPA regional office and also at the following offices:

Environmental Protection Agency,
Public Information Reference Unit,
Room 2932, EPA Library, 401 M Street
SW., Washington, D.C. 20460.
Texas Air Control Board, 6330 Highway
290 East, Austin, Texas 78723.

This notice is issued under the authority of section 110(a) of the Clean Air Act.

Dated: November 10, 1980.

Frances E. Phillips,

Regional Deputy Administrator.

Part 52 of Chapter 1, Title 49 of the Code of Federal Regulations is proposed to be amended as follows:

Subpart SS—Texas

1. In § 52.2270, (c) is amended by adding paragraph (27) as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(27) Texas Air Control Board Order 78-8, adopted on August 11, 1978, requiring emission offsets for particulate matter (TSP) for the General Portland, Inc., project in New Braunfels, Comal County, Texas, was submitted by the

Governor on September 13, 1978, as an amendment to the Texas State Implementation Plan.

2. In Subpart SS of Part 52, § 52.2276 is amended by adding new paragraphs (b) and (c) to read as follows:

§ 52.2276 Control strategy and regulations: Particulate matter.

(b) Notwithstanding any provisions to the contrary in the Texas Implementation Plan, the control measures listed in paragraph (c) of this section shall be implemented in accordance with the schedule set forth below.

(c)(1) No later than January 1, 1980, Parker Brothers and Co., Inc., at its limestone quarry facilities near New Braunfels, Comal County, Texas, shall install a fabric filter on the primary crusher, meeting the requirements of Appendix A of Texas Air Control Board Order 78-8 adopted August 11, 1978. After the date of installation of that fabric filter, Parker Brothers and Co., Inc., shall not emit particulate matter in excess of 0.03 grains per standard cubic foot from the exhaust stack of the fabric filter.

(2) No later than January 1, 1980, Parker Brothers and Co., Inc., at its limestone quarry facilities near New Braunfels, Comal County, Texas, shall install a fabric filter on the secondary crusher and screens, meeting the requirements of Appendix A of Texas Air Control Board Order 78-8 adopted August 11, 1978. After the date of installation of that fabric filter, Parker Brothers and Co., Inc., shall not emit particulate matter in excess of 0.03 grains per standard cubic foot from the exhaust stack of the fabric filter.

[FR Doc. 80-37292 Filed 11-28-80; 8:45 am]

BILLING CODE 6560-38-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

41 CFR Ch. 51

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Semiannual agenda of significant regulations under development or review.

SUMMARY: Pursuant to section 2 of Executive Order 12044, amended by Executive Order 12221, the Committee during the period December 1, 1980 through May 31, 1981, is not planning to

issue or review any significant regulations or any regulations affecting small businesses and organizations.

FOR FURTHER INFORMATION CONTACT: Mr. C. W. Fletcher, Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 810, Arlington, Virginia 22201; Telephone: 703/557-1145. C. W. Fletcher, Executive Director.

[FR Doc. 80-37054 Filed 11-28-80; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4100

Grazing Administration and Trespass on Public Lands; Amendments to Grazing Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of comment period on proposed rulemaking.

SUMMARY: In response to numerous requests for an extension of time to comment on the Amendments to Grazing Regulations published as proposed rulemaking in the Federal Register of October 15, 1980 (45 FR 68506), a 15-day extension is hereby granted. This extension of time will give the public more time to study and comment on the proposed rulemaking.

DATE: Comment period extended to December 16, 1980.

ADDRESS: Any comments or inquiries should be addressed to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

These comments will be available for inspection in room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.) on work days.

FOR FURTHER INFORMATION CONTACT: Paul Leonard (202) 343-5841.

Guy R. Martin,

Assistant Secretary of the Interior.

November 26, 1980.

[FR Doc. 80-37373 Filed 11-28-80; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 22, and 73

[Docket No. 80-710; RM-3467; FCC 80-633]

Radio Broadcast Services TV Channels 5 and 6 and FM Channels 251-300 in the State of Hawaii

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition from Lee M. Holmes, the Commission proposes a reallocation of the frequencies for TV Channels 5 and 6 to the Broadcast Services in the State of Hawaii. In addition, the Commission proposes the reallocation of the frequencies for FM Radio Channels 251-300 to the Broadcast Services in the State of Hawaii.

DATES: Comments are due on or before December 24, 1980 and replies on or before January 9, 1981.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Office of Science and Technology, Washington, D.C. 20554, (202) 653-8165—Room 7310.

Adopted: November 6, 1980.

Released: November 24, 1980.

In the Matter of amendment of Part 2 of the Commission's Rules governing frequency allocations, Part 22 of the Commission's Rules governing the Domestic Public Land Mobile Radio Service, and Part 73 of the Commission's Rules governing the Radio Broadcast Services to reallocate to the latter service TV Channels 5 and 6 and FM Channels 251-300 in the State of Hawaii.

By the Commission:

1. In 1952, the Commission adopted amendments to its Rules and Regulations to enable licensees in the Fixed Service in Hawaii to use TV Channels 5 and 6 (76-88 MHz) and FM Channels 251-300 (98-108 MHz) for inter-island communications (Docket 10094, 17 FR 7149). At that time, the local telephone company (Mutual Telephone Company) was unable to provide reliable telephone service on the existing frequencies or by means of cable, and there were no TV or FM station licensees or applicants in the Territory of Hawaii. The situation has since reversed itself. Today, all the VHF-TV assignments in Honolulu are occupied, and the Hawaiian Telephone Company ("Hawaiian") has recently shut down its last two VHF stations and submitted those licenses for cancellation.

2. In the midst of this new situation, Lee M. Holmes has filed a petition for rule making requesting the Commission to amend its Rules to assign either TV Channel 5 or 6 in Honolulu, Hawaii for broadcast purposes. Because the band 76-88 MHz is not presently designated for broadcast use in Hawaii, any contemplation of assigning either TV Channel 5 or 6 to any Hawaiian community must, of necessity, address

the reallocation of the spectrum first. Therefore, this part of the proceeding will be limited to the reallocation topic. Only at such time as the Commission has made a final decision on the reallocation issue could the assignment request be considered.

3. Nine parties filed comments in this proceeding. Favorable responses were received from Hawaiian Telephone Company, Hawaiian Islands Public Radio, and Association of Maximum Service Telecasters, Inc. Opposing comments were filed by Western Sun, Inc. (NBC licensee of Channel 2 in Honolulu), Lee Enterprises, Inc. (CBS licensee of Channel 9), Sunset Communications Corporation (applicant for Channel 20), Mauna Kea Broadcasting (applicant for Channel 26), and RadioCall, Inc.¹ Reply comments were filed by the petitioner, Lee M. Holmes.

4. The comments from Hawaiian Islands Public Radio and those of the five opposing broadcasters were chiefly concerned with the issue of adding a VHF channel to the TV Table of Assignments for Honolulu. Because this Notice is limited to the issue of spectrum reallocation, many of the oppositions cited in the comments will not be addressed herein but will be dealt with if and when the Honolulu assignment is considered. RadioCall's comments represent the only non-broadcast interests voiced in this docket to date and were aimed at satisfying their spectrum requirements instead of opposing the merits of the Holmes petition. RadioCall has previously petitioned the Commission unsuccessfully to allow common carrier control and repeater operations, in Hawaii, in bands not normally allocated for that purpose (See Docket 19943 and RM-2364). RadioCall's comments express surprise to learn that Hawaiian Telephone Company has abandoned the 76-108 MHz band, and further express intentions to file a petition for access to a substantial portion of the band. Subsequent to the filing of these comments, RadioCall filed a petition for reconsideration in RM-2364 to allow the Radio Common Carriers (RCC's) to use UHF-TV Channel 17 in Hawaii. Based on the revised requirement as represented by this new information, RadioCall's request will be addressed in a separate proceeding upon receipt of additional information which has been requested.

¹RadioCall, Inc. ("RadioCall") operates in the Domestic Public Land Mobile Radio Service, the Multipoint Distribution Service, and the Maritime Mobile Service in Hawaii.

5. Since the Hawaiian Telephone Company has vacated the whole of the 76-88 and 98-108 MHz bands, it appears to be an appropriate moment to include the FM Channels 251-300 (98-108 MHz) in this reallocation proceeding. Up until now, Hawaii and Alaska have been the only two States in the Union where TV Channels 5 and 6 (76-88 MHz) and the entire FM Radio band (88-108 MHz) have not been allocated exclusively to broadcasting. Since the State of Hawaii today is very different from the Territory it was in 1952, special provisions for the fixed service may no longer be appropriate, and may even be a hindrance to the development of the Hawaiian broadcasting industry. Indeed, the populated islands of Oahu and Maui have few or no VHF-TV or FM channels available that could be assigned to their presently expanding communities. In summary then, it appears that the Commission is in the unusual position of being able to reallocate a total of twenty-two megahertz of spectrum to the Broadcast Service without adverse impact on existing services.

6. Accordingly, the Commission is issuing this Notice of Proposed Rule Making for reallocation of the band 76-88 MHz (TV Channels 5 and 6) to the TV Broadcast Service. Additionally, the Commission is proposing to reallocate the band segment 98-108 MHz (FM Channels 251-300) from the Fixed Service to the FM Broadcast Service in Hawaii by deletion of footnote NG 21 to the Table of Frequency Allocations, Section 2.106.

7. The proposed amendments to Parts 2, 22, and 73 of the rules, as set forth in the Appendix, are issued pursuant to the authority contained in Sections 4(i) and 303 (c), (h) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before December 24, 1980, and reply comments on or before January 9, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

9. In accordance with the provisions of Section 1.419 of the Commission's

Rules, an original and five copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

10. For further information concerning procedures to follow with respect to this rulemaking proceeding, contact Maureen Cesaitis (202) 653-8165. A summary of the Commission's procedures governing ex parte contacts in informal rulemakings² is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632-7000.

Federal Communications Commission.

William J. Tricarico,

Secretary

Appendix

Parts 2, 22 and 73 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS, GENERAL RULES AND REGULATIONS

§ 2.106 [Amended]

1. In § 2.106, the Table of Frequency Allocations is amended by deleting footnote designator NG21 in column 7 for the bands 76-88 and 88-108 MGz and by deleting the text of footnote NG21 from the list of footnotes following the Table.

PART 22—PUBLIC MOBILE RADIO SERVICES

§ 22.601 [Amended]

1. Section 22.601(c) is deleted.

PART 73—RADIO BROADCAST SERVICES

§ 73.220 [Amended]

1. Section 73.220(c) is deleted.

2. Section 73.603(b) is revised to read as follows:

§ 73.603 Numerical designation of television channels.

(a) * * *

(b) In Alaska, the frequency band 76 82 MHz and 82-88 MHz are allocated for non-broadcast use. These frequency bands (Channels 5 and 6) will not be assigned in Alaska for use by Television broadcast stations.

[FR Doc. 80-27019 Filed 11-28-80; 8:45 am]

BILLING CODE 6712-01-M

² *Polices and Procedures Regarding Ex Parte Communications During Informal Rule Making Proceedings*, 45 FR 45582 (July 7, 1980), 78 FCC 2d — (1980)

47 CFR Part 13

[Docket No. 20817]

Inquiry Relating to the Commission's Radio Operator Licensing Program; Order Extending Time for Filing Comments and Reply Comments**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rules; extension of comment period.

SUMMARY: News of the FCC's proposed rules on eliminating the Radiotelephone First Class Operator License was slow in reaching interested parties. This action extends the time in which to file comments and reply comments.

DATE: Comments must be received on or before December 5, 1980. Reply comments must be received on or before January 5, 1981.

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

FOR FURTHER INFORMATION CONTACT: Vernon P. Wilson or Roy E. Kolly, Field Operations Bureau (202) 632-7240 or Charles B. Goldfarb, Broadcast Bureau (202) 632-6460.

SUPPLEMENTARY INFORMATION:

In the matter of an inquiry relating to the Commission's Radio Operator Licensing Program, Docket No. 20817.

Adopted: November 14, 1980.

Released: November 14, 1980.

1. The Commission has before it an informal request filed by Bob Johnson of 1201 Ninth Street, Manhattan Beach, California to extend the time for filing comments in Docket No. 20817 for a period of 90 days with respect to the Further Notice of Proposed Rule Making (August 18, 1980, 45 FR 54778).

2. In support of his request, Mr. Johnson contends that a small number of responses have been received in comparison to the total number of first class licensees; that this small number of returns was caused by the insufficient amount of time permitted for the necessary publicity in the monthly engineering magazines and the lack of publicity given the matter in trade journals. He therefore seeks the additional time to make more persons involved in communications sections in industry aware of the Notice and afford them an opportunity to comment and recommend.

3. The Commission notes that approximately 500 comments have been filed to date. Under the circumstances, it would appear that interested parties have had ample opportunity to address the matter and that no additional time is in fact warranted. However, since the

Commission does desire that the final determination be based on the most complete record, an extension of three weeks will be granted.

4. Accordingly, pursuant to the authority delegated in § 0.311 of the Commission's rules, it is ordered that the time for filing comments is extended to December 5, 1980, and the time for filing reply comments is extended to January 5, 1981.

Richard M. Smith,

Acting Chief, Field Operations Bureau.

[FR Doc. 80-37317 Filed 11-28-80; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 45, No. 232

Monday, December 1, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

INTERGOVERNMENTAL RELATIONS ADVISORY COMMISSION

Proposed Grants Policymaking; Meeting

AGENCY: Advisory Commission on Intergovernmental Relations.

ACTION: Notice of roundtables (open meeting) on proposed grants policymaking by the Office of Management and Budget.

SUMMARY: The second of a series of roundtables has been organized to: (1) Present the issues, problems, and alternative approaches associated with federal assistance policy in the areas of competition, dispute resolution, handicapped regulations, and cross-cutting national requirements; and (2) provide improved access to all major recipient groups in the policymaking process and to obtain comment from the effected parties.

DATE AND PLACE: December 16-17, 1980; Golden Gate University, 536 Mission Street, 2nd Floor Auditorium, San Francisco, CA 94105.

AGENDA: A series of ACIR convened panels will address the issue papers or proposed policies of the Office of Management and Budget. The purpose of the roundtables is to obtain information concerning the relevancy, impact, and practicality of the proposed policies and issue papers developed by the Office of Management and Budget. The leader of the OMB task force on each issue will present the OMB paper. Interested parties are encouraged to address at least the following questions in making comments:

December 16, 1980—9:00 a.m.—12:15 p.m.

Competition for Federal Assistance Awards

(1) Should there be a government-wide policy guiding competition practices in the award of grants and

cooperative agreements? Under what circumstances should competition be limited?

(2) Should be government-wide policy for competition be devised, what broad principles should it encompass?

(3) If competitive procedures are desirable, when and how should they be applied?

(4) Is there a general awareness of the evaluation criteria used by federal agencies in making awards?

(5) What steps should be taken to ensure competition in evaluating grant applications and making final awards? Are there alternatives to a government-wide circular?

(6) Should different criteria be used depending on the nature and/or the expertise available to the applicant?

(7) What evaluation process should be established in the federal agencies to ensure fair competition?

(8) How should information concerning the evaluation process be made available before and after the award?

December 16, 1980—2:00 p.m.—5:00 p.m.

Dispute Resolution for Federal Assistance

A member of the grants appeals board in the Department of Health and Human Services will describe how these procedures have been implemented in HHS.

(1) Is there a need for dispute resolution procedures by federal agencies?

(2) Should uniform procedures be required of all federal agencies or resolving disputes?

(3) What steps should be taken to insure that dispute resolution procedures are widely known? What is the OMB role and what is the federal agency role in disseminating this information?

(4) Would the procedures described in the circular adequately address and remedy those disputes that most frequently occur between the federal agency and the primary grantee? Are there other methods that may prove more satisfactory?

(5) Should the circular be extended to cover disputes that arise when federal grants "pass-through" the states?

(6) What role should the Office of Management and Budget assume in ensuring the implementation of the circular?

(7) What are the relative advantages and disadvantages of formal and informal dispute resolution processes?

December 17, 1980—9:00 a.m.—12:15 p.m.

Handicapped Regulations

(1) What management approach can be developed to address the needs of the handicapped while recognizing the administrative and economic problems associated with implementing the regulations?

(2) In what ways do the current regulations fail to address these problems?

(3) What changes can be expected in the implementation of the 504 regulations as a result of the transfer of responsibility to the Department of Justice?

(4) What role should OMB, the federal agencies, field offices and recipient groups assume to realize the objectives of meeting the needs of the handicapped without unnecessary administrative and economic burdens?

(5) Can this issue be viewed in management terms, or is it strictly a civil rights issue where compliance should be achieved regardless of cost considerations?

December 17, 1980—1:45 p.m.—5:30 p.m.

Cross-Cutting National Policy Requirements and Sub-National Conflict Resolution (concurrent session)

The proposed circular on managing national policy requirements appeared in the Federal Register, Friday, November 7, 1980, p. 74416.

(1) Are there serious problems created by a conflict in the implementation of cross-cutting requirements? If so, which requirements or combination of requirements cause the most problems?

(2) Are cross-cutting requirements enforced now? To what extent should they be enforced and how should this be addressed in the circular?

(3) Should these problems be addressed by the Office of Management and Budget in a circular? Is there a need for a statutory base for OMB's proposed framework?

(4) Does the need exist for a set of single standards or should there be greater flexibility in the application of these requirements?

(5) Is the management approach described in circular the best approach for OMB to manage cross-cutting

requirements? What are the alternatives?

(6) To what degree can the conflicts which have a legal basis for resolved managerially?

(7) What specific roles should OMB, the federal regional councils, and the federal field offices assume in the management of cross-cutting requirements?

(8) To what degree are conflicts concerning cross-cutting requirements likely to occur at the sub-national level? Are those conflicts significant enough to warrant a sub-national conflict resolution process?

(9) If so, what elements must be present for resolution of conflicts at the sub-national level?

SUPPLEMENTARY INFORMATION: This meeting is open to the public. Copies of the OMB issue papers and circulars are available upon request by contacting Tom Anderson at 415/442-7000, ext. 7416 or Paula Alford at 202/653-5605 or 5538. The public is invited to submit questions, comments, statements in advance to ACIR, 1111 20th St., N.W., Washington, D.C. 20575 c/o Mr. Michael Mitchell. The next roundtable will be held in Chicago January 8-9. Details will be provided in a later Federal Register Notice.

Dated: November 25, 1980.

Franklin A. Steinko,

Budget and Management Officer.

[FR Doc. 80-37291 Filed 11-28-80; 8:45 am]

BILLING CODE 6115-01-M

DEPARTMENT OF AGRICULTURE

San Juan National Forest Grazing Advisory Board; Meeting

The San National Forest Grazing Advisory Board will meet on Friday, January 23, 1981, at 1:00 p.m. at the Durango Savings and Loan, Hospitality Room, 1011 East 2nd Ave., Durango, Colorado. The Board is being established in accordance with provisions of the Federal Land Policy and Management Act of 1976.

The Agenda for the meeting will include: (1) a discussion of the function of the Board; (2) establishment of by-laws; (3) election of officers; (4) recommendations concerning the development of allotment management plans and the utilization of range betterment funds.

The meeting will be open to the public. Persons who wish to attend and participate should notify H. E. Bond, San Juan National Forest (303-247-4874) prior to the meeting. The public may participate in discussions during the

meeting or may file a written statement following the meeting.

November 20, 1980.

P. C. Sweetland,

Forest Supervisor.

[FR Doc. 80-37252 Filed 11-28-80; 8:45 am]

BILLING CODE 3410-11-M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I (the Act) and paragraph 8.b of Office of Management and Budget Circular No. A-63 (revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on December 15, 1980 from 10 a.m. to 6 p.m. and on December 16, 1980 from 8:30 a.m. to 2 p.m. at 2201 C Street, N.W., Washington, D.C. in Room 5941.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 12065 dated June 28, 1978.

The meeting will be closed to the public in accordance with the determination of November 21, 1980 made by the Director of the U.S. Arms Control and Disarmament Agency pursuant to Section 10(d) of the Act and paragraph 8.d(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11686 dated October 7, 1972 and continued by Executive Order 11769 dated February 21, 1974.

Dated: November 26, 1980.

Walter L. Baumann,

Advisory Committee Management Officer.

[FR Doc. 80-37343 Filed 11-28-80; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

[Docket No. 38955]

Global International Airways Corp. Fitness Investigation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on

December 16, 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.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and two copies to the judge of (1) proposed statements of issues, (2) proposed stipulations, (3) proposed requests for information and evidence, (4) proposed procedural dates, and (5) proposals for expediting this proceeding.

The Bureau of International Aviation shall deliver its material on or before December 5, 1980 and any other party shall deliver its material on or before December 12, 1980. The submissions of other parties shall be limited to points on which they differ with BIA, and shall follow the numbering and lettering used by BIA to facilitate cross referencing. Dates specified herein are dates of *delivery*.

Dated at Washington, D.C., November 24, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-37302 Filed 11-28-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 169]

Approval for a Temporary Foreign-Trade Zone Site in Granite City, Illinois, Within the St. Louis Customs Port of Entry

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Tri-City Regional Port District, Grantee of Foreign-Trade Zone No. 31, has applied to the Board for authority to establish, operate, and maintain a temporary zone site in Granite City, Illinois, until December 31, 1983.

Whereas, the application was accepted for filing on August 18, 1980, and notice inviting public comment was given in the Federal Register on August 26, 1980 (45 FR 56853);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the temporary site is needed to provide immediate zone services for the business community until the permanent zone, which is presently

under construction, is ready for occupancy; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's Regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the Grantee is authorized to establish, operate and maintain a temporary zone site in Granit City, Illinois, in conformity with the application filed August 18, 1980, until December 31, 1983. The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the temporary site. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C., this 21st day of November 1980.

Philip M. Klutznick,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 80-37289 Filed 11-28-80; 8:45 am]
BILLING CODE 3510-25-M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00092. Applicant: University of Colorado. Purchasing Services Department, Willard Administrative Center #160, Boulder, Colorado 80309. Article: Cryokit, LKB 14800-3 complete. Manufacturer: LKB

Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare frozen biological materials (cells and tissues) for experiments concentrating on visualization of 3-D organization of organelles and intracellular systems in normal and transformed cells and tissues by use of a high-voltage electron microscope. These experiments are to be conducted to reveal high-resolution features and to identify possible preparation artifacts. The article will also be used in the courses: MCDB-312 Cell and Tissue Biology, MCDB-513 Advanced Topics in Electron Microscopy and MCDB-511 Introduction to Electron Microscopy for Biologists to increase expertise in various research areas handled by electron microscopy and specimen sectioning. Advice submitted by the Department of Health and Human Services: March 24, 1980.

Docket No. 80-00093. Applicant: University of Illinois, Medical Center, Department of Anatomy, 808 South Wood Street, Chicago, Illinois 60612. Article: Microscope accessories consisting of: Scanning Attachment, Backscattered Electron Detector, Image Selector Switch, Specimen Rotating Holder, Faraday Cage Holder, Supplementary Detection Unit, and Supplementary Power Supply. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are attachments intended to be used in conjunction with microscopes to form a facility for backscattered electron imaging which will be used in biomedical research on the structure and function of cells and tissues. Specifically the research purposes for which the above attachments are intended are:

- (a) Visualization of the cell microstructure and characterization of the cytochemistry of cell organelles in bone marrow cells by backscattered imaging.
- (b) Visualization by backscattered imaging of cell organelle microstructure in proliferating embryonic cell populations.
- (c) Visualization by backscattered imaging of chromosome organization in yeast cells undergoing division.
- (d) Cytochemical localization of structures in sperm cells in backscattered imaging.
- (e) Visualization of cell organization in the central nervous system by backscattered imaging.

Advice submitted by the Department of Health and Human Services: March 28, 1980.

Docket No. 80-00141. Applicant: The Regents of the University of California, Riverside, Material Management,

Riverside, California 92521. Article: STEM System. Manufacturer: Philips Electronic Instruments Inc., The Netherlands. Intended use of article: The article is an accessory to an existing electron microscope which will be used primarily for research in plant cell biology for investigations into plant development, structure-function relationships, cells and tissue organization and compartmentation, and plant-environment interactions. In addition, the article will be used for research by investigators in areas such as geology, soil science and biochemistry. The proposed research will include:

- A. Determination of the distribution and sites of accumulation of salt glands of halophytic ants under salt-loaded, secreting conditions as compared with non-secreting, distilled water treated plants.
- B. Determination of the transition in cell organization and compartmentation, and their correlation with the cellular and tissue pattern of elemental distribution and redistribution associated with senescence.
- C. Determination of the elemental distribution between mycorrhizal fungi and cortical cells in the root.
- D. Determination of the effects of ozone on membranes of leaf tissue by assessing the redistribution of K^+ in ozone-treated materials.
- E. Determination of the distribution of calcium in fruit and possible changes in distribution during ripening in order to assess possible functions of Ca^{++} in the ripening process.
- F. Determination of the distribution of heavy metal in plant tissues. In addition, the article will be used to teach students the principles of specimen preparation and electron optics as well as how to use the electron microscope and its accessories. Advice submitted by the Department of Health and Human Services: May 7, 1980.

Docket No. 80-00124. Applicant: Geophysical Institute, University of Alaska, Fairbanks, Alaska 99701. Article: Cassette Playback Unit. Manufacturer: Grant Instruments, United Kingdom. Intended use of article: The article is intended to be used to playback data collected on previously acquired Grant recorders. The experiments to be conducted will involve collecting solar radiation and associated micrometeorological data at remote sites near Lake Minchumina in order to evaluate the effect of the lake on cloud formation and ultimately on atmospheric radiation. Advice submitted by the National Bureau of Standards: June 3, 1980.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health and Human Services and the National Bureau of Standards in their respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-37261 Filed 11-28-80; 8:45 am]

BILLING CODE 3510-25-M

Emory University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00223. Applicant: Emory University, Chemistry Building, 1515 Pierce Drive, Atlanta, Georgia 30322. Article: NMR Spectrometer, Model CXP-300 and Accessories. Manufacturer: Bruker-Physik AG, West Germany. Intended use of article: The article is intended to be used for studies of specifically deuterated phospholipid molecules in both the gel and liquid

crystal states; surfactants in lamellar, hexagonal, nematic Type I and nematic Type II mesophases; specifically deuterated thermotropic liquid crystals in nematic and smectic phases; deuterated solids and amorphous polymers; and biological membranes. Specific experiments will utilize magnetic ordering of nematics, non-magnetic ordering of phospholipid multilayers and multilamellar aggregates exhibiting powder spectra. The deuterium magnetic resonance technique will yield quadrupolar splittings and relaxation parameters from which rates of dynamical processes can be extracted.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides high power pulse wide-line spectra. The National Bureau of Standards advises in its memorandum dated July 21, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-37260 Filed 11-28-80; 8:45 am]

BILLING CODE 3510-25-M

Evangelical Hospital Association, Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00221. Applicant: Evangelical Hospital Association, Oak Brook Regency Towers East, 1145 West 22nd Street, Oak Brook, Illinois 60521. Article: Automated Ultrasonic Body Imager. Manufacturer: Ausonics Ltd., Australia. Intended use of Article: The article is intended to be used for studies of the reflection characteristics of a variety of tissues within the body by computer analysis of the amplitude, scattering characteristics and frequency content of signals emanating from specific targets. In addition, the article will permit large image reconstruction of the heart at selected phases of the cardiac cycle to provide static images of structure position in a motion format which will provide dynamic information concerning the movement of structures. The article will also be used in educational programs in which trainees from both Radiology and Cardiology are actively involved.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is equipped with 8 transducers which provide a large field of view and compound scanning. Comparable domestic instruments have but one transducer. The Department of Health and Human Services advises in its memorandum dated July 17, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-37259 Filed 11-28-80; 8:45 am]

BILLING CODE 3510-25-M

Florida State University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c)

of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00219. Applicant: Florida State University, Chemistry Department, Tallahassee, Florida 32306. Article: Circular Dichroism Spectrophotometer. Manufacturer: Japan Spectroscopic Co. Ltd., Japan. Intended use of Article: The article is intended to be used for studies of (a) DNA, chromatin, and model nucleoproteins, (b) synthesized natural product analogs, (c) electrons in chiral solvents, (d) synthetic polypeptides, and (e) muscle proteins. The properties to be investigated are the circular dichroism spectra related to biopolymer conformations and chemical structures. Experiments to be conducted will include:

(1) Monitoring of the binding of small chromophoric molecules to DNA, chromatin, and nucleoproteins by circular dichroism spectroscopy.

(2) Quantitation of changes in polypeptide and protein structures by observations of circular dichroism in various solvents.

(3) Comparison of the circular dichroism spectra of substituted natural products and analogs.

Application Received by Commissioner of Customs: March 4, 1980.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides circular dichroism spectrum measurements and rapid switching between right and left polarized light (50,000 times per second). The Department of Health and Human Services advises in its memorandum dated July 17, 1980 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign

article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-3765 Filed 11-29-80 8:45 am]

BILLING CODE 3510-25-M

DHEW/PHS/FDA, National Center for Toxicology Research; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00180. Applicant: DHEW/PHS/FDA, National Center for Toxicology Research, Division of Chemistry/HFT-154, Jefferson, AR 72079. Article: Gas Chromatograph/Mass Spectrometer, Model MS-50. Manufacturer: Kratos, Inc., United Kingdom. Intended use of article: The article is intended to be used in a wide spectrum of projects ranging from research related to the development of new methodologies for the study of carcinogens, mutagens, and environmental pollutants which have or will be identified by the Food and Drug Administration as public health risks. The areas of study are:

- (a) Steroids and terpenoids.
- (b) Hormones.
- (c) Polypeptide sequencing.
- (d) Polysaccharide sequencing.
- (e) Lipids, fatty acids, bile acids, phospholipids.
- (f) Nucleic acid derivatives.
- (g) Antibiotics.
- (h) Herbicides, pesticides and fungicides.

(i) Polynucleararomatics (PNA). These studies will be conducted using ultrahigh resolution data reduced electron impact, field desorption/emission and positive and negative chemical ionization mass spectra and metastable ion scanning in any of the three spectral modes. Application

Received by Commissioner of Customs: February 6, 1980.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed static resolution of 150,000 (10% valley) and a guaranteed dynamic resolution of 40,000 (10% valley) in normal operation modes. The Department of Health and Human Services advises in its memorandum dated June 25, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Material)

Frank Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-3764 Filed 11-29-80 8:45 am]

BILLING CODE 3510-25-M

New York League for the Hard of Hearing; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00186. Applicant: New York League for the Hard of Hearing, 71 West 23 Street, New York, New York, 10010. Article: Auditory Training Equipment (One Suvag II and One Suvag I). Manufacturer: Service European de diffusion des inventions—France. Intended use of article: The articles are intended to be used in communication therapies with both

children and adults to give them the possibility of maximum auditory perception by selecting a frequency response that is optimal to each individual.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a 15 to 2000 hertz frequency response which is variable in a specific manner. The Department of Health and Human Services advises in its memorandum dated June 25, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-37266 Filed 11-28-80; 8:45 am]

BILLING CODE 3510-25-M

University of Miami; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00157. Applicant: University of Miami, Department of Chemistry, P.O. Box 249118, Coral Gables, Florida 33124. Article: Flow Microcalorimeter block with gold Flow and Flow Mixing reaction Cells and Accessory Kit. Manufacturer: LKB Produkter AB, Sweden. Intended Use of Article: The article is intended to be used for studies of anhydrous organic

solvents and electrolyte solutions of these solvents. The solvents include anhydrous methanol, ethanol, acetonitrile, dimethylformamide, dimethylsulfoxide, acetone, and other polar organic solvents. The electrolytes include soluble alkali metal halides, alkaline earths and tetraalkylammonium halides. The long range goal of the experiments conducted is to use the information to elucidate structure of electrolytic solutions. The article will be used primarily graduate education for those students working on Master or Ph. D. degrees.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 6, 1979). Reasons: The foreign article provides a minimum detectable heat pulse of 200 microjoules and a minimum detectable continuous heat effect of one microwatt. The National Bureau of Standards advises in its memorandum dated June 13, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank Creel,

Acting Director,

Statutory Import Programs Staff.

[FR Doc. 80-37263 Filed 11-28-80; 8:45 am]

BILLING CODE 3510-25-M

University of Southern California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room

3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 80-00197. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, CA 90033. Article: Thin Layer Counter Current Distribution System. Manufacturer: Central Workshop, University of Lund, Sweden. Intended use of Article: The article is intended to be used for study of the physiology of epithelial cells at the subcellular and molecular levels. The key to the project is the design of methods for isolating all subcellular components, e.g., plasma membrane fragments, mitochondria, and endoplasmic reticulum populations, from intestinal and salivary epithelia. The proposed experiments include studies of amino acid and ion transport mechanisms by highly purified plasma membrane vesicles; analysis of the subcellular distributions of enzymes involved in lipid absorption and membrane biogenesis; and analysis of the intracellular processing of plasma membrane-destined and secretory protein.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of thin layer countercurrent chromatography. The Department of Health and Human Services advises in its memorandum dated June 25, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-37262 Filed 11-28-80; 8:45 am]

BILLING CODE 3510-25-M

**University of Southern Mississippi;
Decision on Application for Duty-Free
Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 80-00053. Applicant: University of Southern Mississippi, Southern Station, Box 5156, Hattiesburg, MS 39401. Article: NMR Spectrometer, Model FX-900 and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research projects:

- (1) Spectral density functions, making use of T_1 -rho capability.
- (2) Lipid chain dynamics.
- (3) Dynamics of oxyanions in aqueous solution, making use of greater storage auto-stacking and T_1 -rho capabilities.
- (4) Hydrocarbon chain motion in binary mesophase systems.
- (5) Structures of graft copolymers and model compounds, making use of high resolution.
- (6) Studies of the mechanisms of autoxidation of vegetable oils.
- (7) Studies of the chain dynamics of polyacrylamides.
- (8) Studies of polymer chain dynamics in solutions at low temperatures.

The article will also be used for teaching in all of the research described above. Application received by Commissioner of Customs: December 3, 1979.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 20, 1979).

Reasons: The foreign article provides the capability for measuring T_1 -rho, spin-lattice relaxation in the rotating frame. The Model XL manufactured by Varian provides this capability. However at the time the foreign article was ordered, no domestic instrument provided this T_1 -rho capability. The Department of Health and Human Services advises in its memorandum dated July 30, 1980 that (1) the capability

of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 80-37267 Filed 11-29-80 8:45 am]

BILLING CODE 3510-25-M

**Computer Systems Technical Advisory
Committee, Licensing Procedures
Subcommittee; Open Meeting**

AGENCY: International Trade Administration.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

TIME AND PLACE: December 18, 1980, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW, Washington, D.C.

Agenda

General Session

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Pending items of business:
 - (a) Software update of EAR 376.10.
 - (b) Review of items of business from previous meetings.
 - (c) Permissive reexports under GLR.
 - (d) Review of the standard formatting of license applications.

Public Participation

The meeting will be open for public observation and 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.

**FOR FURTHER INFORMATION OR COPIES
OF THE MINUTES CONTACT:**

Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: November 24, 1980.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 80-37178 Filed 11-28-80; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

**U.S. Merchant Marine Academy
Advisory Board; Public Meeting**

Notice is hereby given of a meeting of the Advisory Board to the U.S. Merchant Marine Academy (the Board) on December 16, 1980 at 1:30 p.m., in Room 6705, Main Commerce Building, 14th & E Street, NW., Washington, D.C.

The Advisory Board was established by the Secretary of Commerce under the authority of 46 U.S.C. 1126d to examine the course of instruction and overall management of the U.S. Merchant Marine Academy (the Academy) and to advise the Assistant Secretary of Commerce for Maritime Affairs with respect thereto.

The Board consists of not more than seven members appointed by the Secretary of Commerce selected from segments of the maritime industry, labor, educational institutions and other fields relating to the purposes of the Academy.

The Agenda for the meeting is:

1. Call meeting to order;
2. Approval of minutes of October 3, 1980 meeting;
3. Introductory comments by Chairman;
4. Discussion of Board member assignments;
5. Progress report on Engineering program accreditation;
6. Status report on Regimental matters;
7. Sea-year Program
 - a. Impact of proposed IMCO requirements;
 - b. Report of Female Midshipman;
8. Report on academic deficiency problems;
9. Report on plans for Academy participation in the Inaugural; and
10. Setting of date of next meeting.

This meeting is open to public observation and comment. Approximately 25 seats will be available for the public on a first-come, first-serve basis.

Copies of the minutes will be available upon request.

Inquires may be addressed to the Committee Control Officer, Arthur W. Friedberg, Director, Office of Maritime Labor and Training, Room 3069A, Department of Commerce Building, Washington, D.C. 20230, telephone A/C 202/377-3018.

So ordered by Assistant Secretary of Commerce for Maritime Affairs, Maritime Administration.

Dated: November 25, 1980.

Robert J. Patton,
Secretary.

[FR Doc. 80-37159 Filed 11-25-80; 8:45 am]
BILLING CODE 3510-15-M

Approval of Applicant as Trustee

Notice is hereby given that First Tennessee Bank, N.A., with offices at 165 Madison Avenue, Memphis, Tennessee, has been approved as Trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: November 21, 1980.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Robert J. Patton, Jr.,
Secretary.

[FR Doc. 80-37160 Filed 11-25-80; 8:45 am]
BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Scientific and Statistical Committee, which will meet to discuss minutes of the previous meeting; third discussion of the value of reducing variability and abundance of catch as an objective; old and new business, as well as the following reports: Council meeting; groundfish oversight committee meeting; lobster—final report of economic subcommittee on market survey and economic data needs; biological subcommittee's discussion with the oversight committee; meeting with the executive committee

regarding Charles River Associates, and report of the Executive Director.

DATES: The meeting, which is open to the public, will convene on Tuesday, December 16, 1980, at approximately 10 a.m., and will adjourn at approximately 5 p.m. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meeting will take place at the J. F. Kennedy Building, Room 2308, Government Center, Boston, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Building, Five Broadway (Route One) Saugus, Massachusetts 01906. Telephone: (617) 231-0422.

Dated: November 25, 1980.

William H. Stevenson,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 80-37301 Filed 11-25-80; 8:45 am]
BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Deepening of Jacksonville Harbor, Duval County, Fla.

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers intends to prepare an Environmental Impact Statement on the feasibility of deepening the existing federally maintained channel, Jacksonville Harbor, Duval County, Florida. The harbor extends inland along the St. Johns River from the ocean to the railroad bridge at Jacksonville, a distance of 26.8 miles. The existing Federal harbor project has various depths and widths along the channel. The feasibility of deepening all or a portion of the 38-foot channel, providing turning basin(s) near miles 11 and/or 18, and deepening the channel on the west side of Blount Island is currently under study.

The following alternative actions are under consideration:

- a. No action.
- b. Deepen the channel from the ocean to mile 11 by 2, 4, 6, or 8 feet.

c. Deepen the channel from the ocean to mile 18 by 2, 4, 6, or 8 feet.

d. Deepen the channel from the ocean to mile 20 by 2, 4, 6, or 8 feet.

e. Deepen the channel west of Blount Island by 8 feet.

f. Provide turning basin(s) in the vicinity of miles 11 and/or 18 to depths 40, 42, 44, and 46 feet.

Methods considered for the disposal of dredged material and rock include upland disposal, ocean disposal, beach nourishment, and/or artificial reef replenishment or construction (rock). The scoping process will include the issuance of a public notice which will advertise the study and will request comments from the public. Public workshops will be conducted, as needed; letters of intent to prepare the document will be sent to those individuals and organizations that have expressed interest in the study in the past; and a public meeting will be held. Comments will be solicited from affected Federal, State, and local agencies. Issues to be analyzed in the DEIS will be determined upon completion of scoping.

In accordance with the Fish and Wildlife Coordination Act, participation in the planning process has been initiated with the U.S. Fish and Wildlife Service (FWS) and participation will also be solicited from the U.S. National Marine Fisheries Service (NMFS) and the State of Florida. Consultation will be accomplished in accordance with Section 7 of the Endangered Species Act and the Archeological and Historic Preservation Act. Disposal of dredged material in ocean waters will be evaluated pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act. If a selected plan involves discharge of material into waters of the United States, the discharge will be specified by application of the criteria of Section 404(b), Federal Water Pollution Control Act.

Scoping will be accomplished by issuance of the public notice, letters of intent to prepare the DEIS, and coordination with Federal, State, and local agencies. A scoping meeting will not be conducted unless deemed necessary. The DEIS will be made available to the public in June 1981 unless circumstances warrant additional time for preparation.

Any questions concerning the proposed action and DEIS can be answered by: Dr. Gerald Atmar, Environmental Studies Section, U.S. Army Corps of Engineers, Jacksonville District, P.O. Box 4970, Jacksonville, Florida 32232; Telephone: (904) 791-3615.

Dated: 21 November 1980.

James W. R. Adams,
Colonel, Corps of Engineers, District
Engineer.

[FR Doc. 80-37251 Filed 11-28-80; 8:45 am]

BILLING CODE 3710-AJ-M

Defense Logistics Agency

Privacy Act of 1974; New System of Records

AGENCY: Defense Logistics Agency.

ACTION: Notice of new records system.

SUMMARY: The Defense Logistics Agency is adding a new system of records to its inventory of systems of records subject to the Privacy Act. This new system is identified as 5690.01 DISC-W, entitled Car Pool Program Participants File. The record system notice is set forth below.

DATE: This System shall be effective as proposed without further notice on December 31, 1980, unless comments are received on or before December 31, 1980, which would result in a contrary determination and require republication for further comments.

ADDRESS: Chief, Administrative Services Division, Defense Industrial Supply Center, Defense Logistics Agency Philadelphia, Pennsylvania 10111.

FOR FURTHER INFORMATION CONTACT: Ms. Olga Moss, telephone (215) 697-2700.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency systems of records notice as prescribed by the Privacy Act of 1974, Title 5, U.S.C. Section 552a (Pub. L. 93-579) have been published in the Federal Register at:

FR DOC 79-37052 (44 FR 74017) December 17, 1979

FR DOC 80-15774 (45 FR 34951) May 23, 1980

The proposed change is within the purview of the provisions of 5 U.S.C. 552a(o) of the Act and new system report was submitted on October 22, 1980.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

November 24, 1980.

5690.01 DISC-W.

SYSTEM NAME:

Car Pool Program Participants File.

SYSTEM LOCATION:

Primary System—Tapes are maintained in Office of Data Systems (DISC-A), Defense Industrial Supply Center, 700 Robbins Ave., Philadelphia, PA 19111. Paper records are maintained

in the Office of the Comptroller (DISC-C), Directorate of Supply Operations (DISC-O), Directorate of Contracting and Production (DISC-P), and directorate of Technical Operations (DISC-S).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military employees of DISC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information consisting of name, rank/grade, home address, organizational code, office telephone number and social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 USC 486(c); 41 CFR 101-20.117; DoD Directive 4170.10, Energy Conservation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To collect and maintain data from personnel for the purpose of forming car pools. Data collected is used to coordinate geographic locations of employees of employees' home addresses, to facilitate the establishment of car pools by computer car pool matching against grid/map, and to comply with the Energy Conservation Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, DISPOSING, AND RETAINING, RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, tapes, computer printouts.

RETRIEVABILITY:

Retrieved from tape records by individual's Social Security Number. Computerized indices are used to retrieve individual records from the system. Paper records are retrieved by individual's name.

SAFEGUARDS:

Records are accessible only to authorized personnel and are maintained in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Records are destroyed upon preparation of new lists compiled from update data collected from personnel.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Data Systems (DISC-A), Defense Industrial Supply Center, Philadelphia, Pennsylvania 10111, telephone 215-697-2700.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the

SYSMANAGER. Individuals must provide full name, and specific office in which employed.

RECORD ACCESS PROCEDURES:

Requests should contain full name, current address and telephone number of the individual. For personal visits, the individual should be able to provide some personal identification, e.g., drivers license, DLA identification card etc.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual, upon applying for car pool matching, and when changes occur.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-37122 Filed 11-26-80; 8:45 am]

BILLING CODE 3620-01-M

Office of the Secretary

Defense Science Board Task Force on Anti-Tactical Missiles; Change in Meeting Date

The Defense Science Board Task Force on Anti-Tactical Missiles closed meeting scheduled for 8-9 December 1980, in Arlington, Virginia, as published in the Federal Register (Vol. 45, No. 225, dated Wednesday, November 19, 1980, FR Doc. 80-36029) has been changed to 10-11 December 1980. In all other respects, the original notice cited above remains the same.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

November 24, 1980

[FR Doc. 80-37210 Filed 11-28-80; 8:45 am]

BILLING CODE 3810-70-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing and Commission Meeting

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing and meeting for business on December 1, 1980 at 1:00 p.m. in the Independence National Park Visitors Center, Third and Chestnut Streets, Philadelphia, Pennsylvania.

The Commission is considering whether the current and anticipated conditions of water supply and demand within the basin require the Commission to determine that there is a shortage of

available water supply, to delineate the area of such shortage, and to declare a water supply emergency therein.

Section 10.4 of the Delaware River Basin Compact provides that in the event of the drought or other condition which may cause an actual or immediate shortage of available water supply within the basin, or within any part thereof, the Commission may, after public hearing, determine and delineate the area of such shortage and declare a water supply emergency therein. For the duration of such emergency, the Commission may limit the extent to which water users may divert or withdraw water for any purpose.

The purpose of this hearing is to permit the members of the general public to comment on these matters and to make any suggestions or recommendations concerning possible Commission action.

All persons wishing to be heard should notify the Secretary of the Commission prior to the hearing by letter or by telephone.

There will be a special business meeting of the Commission immediately following the hearing to consider possible Commission actions relating to the drought situation.

W. Brinton Whitall,
Secretary.

November 20, 1980.

[FR Doc. 80-37250 Filed 11-28-80; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of five dosimetry sets containing a total of 12 milligrams of Uranium-235, 86 milligrams of Uranium-238, and 24 milligrams of Neptunium-237. The dosimetry sets are to be used at the Technical University of Munich, Federal Republic of Germany in the determination of neutron flux and measurement of the spectral energy of the FRM research reactor.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this

subsequent arrangement, designated as S-EU-671, will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than December 16, 1980.

For the Department of Energy.

Dated: November 24, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-37151 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of 8,000 grams of uranium containing 280 grams of U-235 (3.5% enrichment) from Sweden to Norway. The material is to be analyzed for uranium content, isotopic composition, and rare earth metals.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/NO(SW)-12 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than December 16, 1980.

For the Department of Energy.

Dated: November 24, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-37152 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM).

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following contract:

S-EU-651, United States to England, 750,000 curies of tritium gas, each shipment not to exceed 30,000 curies, to be used by Brandhurst Co., Ltd, for production of tritium powered light sources.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than December 16, 1980.

For the Department of Energy.

Dated: November 24, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-37153 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Final Charges for Operation and Maintenance on Customer-Owned Facilities

AGENCY: Department of Energy, Bonneville Power Administration.

ACTION: Final Notice of Charges for Operation and Maintenance on Customer-Owned Facilities.

SUMMARY: Bonneville Power Administration (Bonneville) by Federal Register Notice of October 9, 1980, published proposed adjustments to operating and maintenance charges on customer-owned transmission related facilities (45 FR 67123). Written comments and requests for data were received, reviewed, and answered. This notice announces the final charges.

DATES: The charges will be effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-234-3361, extension 4261. Toll-free numbers for Oregon callers 800-452-8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800-547-6048.

Mr. John H. Jones, Jr., Area Manager, Room 288, Plaza Building, 1500 NE Irving Street, Portland, Oregon 97208, 503-234-3361, Ext. 4551.

Mr. Ladd Sutton, District Manager, Room 208, 212 East Seventh Avenue, Eugene, Oregon 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406-755-6202.

Mr. Ronald K. Rodewald, District Manager, Room 314, 301 Yakima Street, Wenatchee, Washington 98801, 509-662-4379.

Mr. Randall W. Hardy, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206-442-4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, Ext. 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

SUPPLEMENTARY INFORMATION: In its Federal Register Notice of October 9, 1980, Bonneville announced the need to increase its operation and maintenance (O&M) charges by an average of 133 percent over its 1970 charges, effective January 1, 1981. Bonneville had previously notified its customers through Bonneville's Area and District offices of the need for the increase. Under the terms of various agreements, Bonneville's O&M charges may be unilaterally adjusted by Bonneville "when necessary to conform with Bonneville's cost of operating and maintaining like facilities." These O&M charges listed below are based upon a system wide 3-year rolling average cost for O&M on various types of equipment, by voltage class.

Bonneville received comments from five of its customers pertaining to the subject charges. Bonneville's analysis of the comments is reflected below:

Further breakdown of costs for group-operated switches. One Public Utility District (PUD) commented that the charges for group-operated switches should be broken down to cover 115 kV and below instead of maintaining as only one class, all switches 345 kV and below. Bonneville has reviewed its operation and maintenance records and finds little, if any, difference in maintenance costs between group-operated switches at lower voltages than those at the 345 kV voltage class. Therefore, the final charges leave in effect one charge for group-operated switches of a given class operated at 345 kV or below.

Customer-provided parts and materials. One PUD questioned inclusion of 10.52 percent in the direct substation maintenance accounts for material when the PUD's contract anticipates it may, upon election of the

Bonneville Administrator, be required to provide all replacement parts. Short of a major failure, the final charge is predicated upon Bonneville providing replacement parts. However, where Bonneville determines that it is appropriate and the customer provides parts, an appropriate credit will be made to the customer's account.

Filing of operation and maintenance charges for customer-owned facilities with the Federal Energy Regulatory Commission. One investor-owned utility (IOU) commented that the charges made final by this notice "should be filed with FERC for review and approval when you have finalized the rates." The subject charges are for operation and maintenance service for customer-owned facilities. The charges are not "schedules of rates and charges for the sale * * * of electric power * * * and for the transmission of non-Federal electric power over the Federal transmission system" which are subject to confirmation and approval by the Secretary of Energy (or by Secretarial delegation by the Assistant Secretary of Energy for Resource Applications and FERC) pursuant to 16 U.S.C. 838g. The charges all relate to facilities not a part of the Federal transmission system and are, according to the terms of the operation and maintenance contracts, subject to unilateral adjustment by Bonneville.

Allocation of certain accounts between O&M charges, wholesale power, and transmission rates. One IOU asked for the method of allocating Bonneville accounts 60000 (data system hardware maintenance), 61000 (system operations), 67001-31 and 67035 (transmission system operations) and 69002 (direction and administration of area management) between these O&M charges, transmission rates, and wholesale power rates. The utility was provided with a Bonneville staff paper indicating the allocation of various charges between the various voltage classes of equipment. As indicated in the staff paper, Bonneville's allocation of charges for accounts in question was based upon workload points. In order to avoid double charging, an estimate of revenues associated with increased O&M charges was made and credit given against the annual transmission costs in Bonneville's cost-of-service analysis submitted as part of Bonneville's 1979 wholesale power rate filing with FERC. How revenues from these charges will be treated with respect to Bonneville's 1981 transmission rate filing is still under review, and will be subject to public

comment as part of that 1981 transmission rate development process.

Differentiation of Charges for live tank v. dead tank PCB's. An IOU indicated its interest in Bonneville's rationale for making the same charges for different types of equipment of the same voltage class, and gave as an example live tank versus dead tank power circuit breakers (PCB). The IOU's specific concern related to a dead tank PCB located in Bonneville's C. W. Paul Substation. Bonneville has not completed a 6-year maintenance cycle on 500 kV dead tank PCB's. Preliminary findings of Bonneville personnel indicate that little if any difference in maintenance costs will be evident between live and dead tank 500 kV PCB's. Bonneville has therefore not differentiated such facilities in its final charges. However, Bonneville has differentiated charges for different equipment types where such differences appear to result in widely different costs to Bonneville and will monitor costs of maintaining live and dead tank 500 kV PCB's in the future and reflect any major differences in costs in future charges.

Charges for communication and control equipment. One PUD questions allocating a portion of the costs for the Dittmer Control Center and other communication costs to operation and maintenance of customer-owned facilities. The only accounts that have maintenance costs distributed directly to pieces of equipment are the 64000 series (direct substation maintenance accounts). Bonneville's Dittmer Control Center and attendant communication facilities are used to monitor non-Federal as well as Federal switches, breakers, transformers, and other equipment located in Bonneville's substations. Part of the operation and maintenance function that Bonneville performs on customer-owned facilities is monitoring equipment for faults and attendant outages and the dispatch of Bonneville personnel to repair the faulty equipment. Bonneville has allocated communication and Dittmer Control Center costs to all pieces of substation equipment based upon the reliability benefits that Bonneville's customers receive as a result of the existence of such sophisticated equipment. The response time for performing O&M on all facilities, including customer-owned, is enhanced by such equipment.

Stevensville Substation. One cooperative opposed the increased charge from \$1500 to \$3883 for O&M of its feeder in the BPA Stevensville Substation because in the estimate of the cooperative, a small installation such as theirs would require only 2 to 3

hours of O&M per year. Bonneville recognizes that in some years direct O&M for facilities such as Stevensville, and a number of other substations, may require only 2 or 3 hours of direct O&M service. In other years, considerably more time may be required. However, Bonneville finds that a number of unique characteristics exist concerning the feeder in the Stevensville Substation which dictate unique service arrangements. Accordingly, Bonneville will adjust the service arrangements pertaining to this feeder and reduce the charges to the cooperative to equitably reflect the unique circumstances.

Extension of comment period. An aluminum company customer requested that Bonneville extend the deadline for comments on the proposed charges until February 1, 1981, because the company had not, by October 27, 1980, received Bonneville's staff study supporting the increased charges. Bonneville's Branch of Contract Management and Branch of Financial Requirements personnel met with a representative of the company on November 3, 1980, to provide the company with a description of the methodology for computing the subject charges, answered questions regarding the proposed charges, and provided a 3-year history of operation and maintenance costs for the Conkelley Substation which serves the company's plant. The company's representative indicated that the subject charges appeared reasonable but indicated further review of the information provided might cause further comment. At the time this notice went to press, no further comments had been received from the company.

In light of the fact that Bonneville's O&M charges have not been adjusted since September 1970, to insure that Bonneville fulfills its statutory mandate to recover costs and to insure that revenues from increased charges are reflected in Bonneville's 1981 Repayment and Cost Studies associated with its 1981 wholesale power and transmission rate proposals, Bonneville's charges must be adjusted by January 1, 1981. An extension of the comment period would not likely result in any changes in charges inasmuch as none of the persons commenting on the proposed charges disputed the need for an increase in the magnitude resulting from these charges.

In consideration of the foregoing, I hereby establish the following charges for operation and maintenance on customer-owned facilities performed by Bonneville Power Administration.

Dated: November 21, 1980.

Earl Gjeldre,
Acting Administrator.

Annual O&M Charges for Customer-Owned Facilities

Terminal charges:	
Low voltage industrial terminal	\$5,278
Other low voltage terminal	3,886
115 kV terminal	7,449
230 kV terminal	11,336
500 kV terminal	28,069
Power circuit breakers:	
Low voltage industrial	4,831
69 kV and under	3,438
115 kV	5,811
230 kV	9,699
500 kV and above	18,797
Switches and capacitors:	
Group operated 345 kV and under	546
Group operated 500 kV and above	3,091
Hook operated 345 kV and under	149
Load break 345 kV and under	10,647
Capacitors per KVAR (series)	0.46/KVAR
Capacitors per KVAR (shunt)	0.331/KVAR
Transformers:	
230/low voltage	11,330
230/115kV	24,467
500/230kV	85,147
Industry transformers 230/low voltage	15,662

[FR Doc. 80-37177 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

Aminoil U.S.A., Inc.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of comments received from the public.

EFFECTIVE DATE: November 14, 1980.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On October 14, 1980, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between Aminoil U.S.A., Inc. ("Aminoil") and DOE. With that Notice, and in accordance with 10 CFR 205.199(j)(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneously, in conformity with 10 CFR 205.199(j)(c). Under the terms of 10 CFR 205.199(j)(c), no Consent Order involving sums in excess of \$500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect

to its terms. Pursuant to 10 CFR 205.199j, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

No comments were received with respect to the terms of the Consent Order.

II. Determination

The Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and Aminoil U.S.A., Inc. is an appropriate resolution of the compliance proceedings described in the Notice published on October 14, 1980, and hereby gives Notice that the Consent Order is made effective by written notice to Aminoil U.S.A., Inc. on November 14, 1980.

Issued in Kansas City, Missouri on this 17th day of November, 1980.

William D. Miller,

District Manager, Economic Regulatory Administration

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 80-37155 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-01-M

Barkett Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 295.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Barkett Oil Company, Inc., 7950 N.W. 58th Street, Miami, Florida 33166. This Proposed Remedial Order charges Barkett Oil Company with pricing violations in the amount of \$680,902, connected with sales of gasoline during the period April 1 through July 31, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Mr. James C. Easterday, District Manager of Enforcement, Southeast District, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, Telephone (404) 881-2396. On or before December 16, 1980, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 17th day of November 1980.

William R. Gibson,
Acting District Manager.

Concurrence:

Leonard F. Bittner,
Chief Enforcement Counsel.

[FR Doc. 80-37154 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-036; OFC Case No. 55039-2348-01-12]

Brown Co.; Acceptance of Petition for Exemption

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance of petition for exemption pursuant to the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On October 15, 1980, Brown Company (Brown) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting a major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) 42 U.S.C. 8301 *et seq.*, which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. A final rule setting forth the procedures for petitioning and the criteria for an exemption was published in the Federal Register on June 6, 1980 (45 FR 38276 and 45 FR 38302) 10 CFR 500, 501 and 503. This rule became effective August 5, 1980.

The MFBI for which the petition was filed is a field-erected boiler to be installed at Brown's Berlin, New Hampshire Kraft Pulp Mill. The proposed unit (identified as boiler No. 14) will have a design heat input rate of 253 million Btu's per hour with a steam generating capacity of 200,000 pounds per hour. The boiler will be designed to burn a fuels mixture of approximately 81 percent bark and wood waste generated by Brown's papermaking operation and 19 percent No. 6 fuel oil. Under 10 CFR section 503.38 Brown has requested a permanent exemption to use this fuels mixture as a primary energy source in the proposed unit.

FUA imposes statutory prohibitions against the use of natural gas and petroleum as a primary energy source by new MFBI's which consist of a boiler. ERA's decision in this matter will

determine whether Brown will be granted a permanent exemption to use a fuels mixture of bark and wood waste and not more than 25 percent No. 6 fuel oil.

ERA has determined that the petition for a permanent fuels mixture exemption is complete in accordance with 10 CFR section 501.3(d). A description of the petition is provided in the Supplementary Information section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before January 15, 1981. A request for public hearing must also be made within this same 45 day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461. Docket Number ERA-FC-80-036 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT: Ellen Russell, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461, Phone (202) 653-4236;

Constance L. Buckley, Chief, New MFBI Branch, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461, Phone (202) 653-4226;

Christina Simmons, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, NW., Room 6G-087, Washington, D.C. 20585, Phone (202) 252-2967

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA. The MFBI for which Brown has requested the permanent fuels mixture exemption is a field-erected boiler to be installed at its Berlin, New Hampshire, facility. The unit identified as Boiler No. 14, will have a design heat input rate of 253 million Btu's per hour, a steam generating capacity of 200,000 pounds per hour and will be designed to burn

bark and wood waste in a mixture with No. 6 fuel oil.

10 CFR section 503.38 provides for a permanent exemption from the prohibitions of FUA for certain fuel mixtures containing natural gas or petroleum. To qualify, a petitioner must demonstrate to the satisfaction of ERA that:

(1) It proposes to use a mixture of natural gas or petroleum and an alternate fuel as a primary energy source; and

(2) The amount of petroleum or natural gas proposed for use in the mixture will not exceed the minimum percentage of the total annual Btu heat input of the primary energy sources needed to maintain operational reliability of the installation consistent with maintaining a reasonable level of fuel efficiency.

Pursuant to 10 CFR 503.38(b), if the exemption is granted, petroleum may be used in the mixture up to 25 percent of the total annual Btu heat input of the primary energy sources of the installation.

Section 503.38(d) provides a certification procedure for petitioners which propose to use a fuels mixture containing less than 25 percent petroleum or natural gas. In satisfaction of the requirements of this provision, a duly authorized representative of Brown has certified that the amount of petroleum to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit, and that all necessary environmental permits will be obtained prior to commencement of operation of the facility. The standard terms and conditions under this procedure require the petitioner to adhere to the 25 percent limitation on the use of oil, satisfy certain insulation and maintenance requirements, use the lowest available grade of petroleum that is technically feasible and capable of being burned consistent with applicable environmental requirements, and comply with any environmentally related terms and conditions which ERA may impose.

In addressing the eligibility and evidentiary requirements of 10 CFR sections 503.18(a) and (d), Brown states that the alternate fuel component of the fuels mixture will consist of bark and wood waste generated by the facility's papermaking operations. The supply generated by current operations will be supplemented by bark and wood waste which has accumulated over the past 60 to 80 years on a bark disposal site

adjacent to the pulp mill. Brown expects to burn approximately 266,373 tons of bark and wood waste (2,040,872 million Btu's) and 3,189,000 gallons of No. 6 fuel oil (478,708 million Btu's) in boiler No. 14 annually.

On August 11, 1980, DOE published in the Federal Register (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the national Environmental Policy Act of 1969 (NEPA). The grant or denial of certain FUA permanent exemptions, including the fuels mixture exemption, is among the classes of actions that DOE, pursuant to the guidelines, has proposed be categorically excluded from the requirement to prepare an Environmental Impact Statement pursuant to NEPA. This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment.

Brown has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. DOE's Office of Environment, in consultation with the Office of General Counsel, will review the completed Environmental Checklist submitted by Brown pursuant to 10 CFR 503.15(b)(2) and other relevant information. Unless it appears that the grant or denial of this exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required during the proceeding of Brown's exemption request.

ERA hereby accepts the filing of the petition for a fuels mixture exemption as adequate for filing. ERA retains the right to request additional pertinent information from Brown at any time during the pendency of this proceeding. As set forth in 10 CFR 501.3(d), the acceptance of the petition by ERA does not constitute a determination that Brown is entitled to the exemption requested.

The public file, containing documents on this proceeding and supporting materials, is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 am-4:30 pm.

Issued in Washington, DC, on November 18, 1980.

Robert L. Davies,
Assistant Administrator, Office of Fuels
Conversion, Economic Regulatory
Administration.

[FR Doc. 80-37156 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 3456, 3494]

Atlantic Power Development Corp. and Noah Corp.; Application for Preliminary Permits

November 21, 1980.

Take notice that Atlantic Power Development Corporation (APD) and Noah Corp. (NC) (Applicants) filed on September 9, 1980, and September 23, 1980, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 3456 and 3494 to be known as Allegheny Hydro Power Project located on the Allegheny River in Allegheny County, Pennsylvania. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Thomas F. Nolan IV, Attorney at Law, 401 C Street, N.W., Washington, D.C. 20002 and to Mr. James B. Price, PH.D., President, Noah Corp., P.O. Drawer 640, Aiken, South Carolina 29801, respectively. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects are as follows: Project No. 3456 utilizes the existing U.S. Army Corps of Engineers Allegheny Lock and Dam No. 3, and Project No. 3494 utilizes the existing U.S. Army Corps of Engineers Allegheny Locks and Dams Nos. 2, 3, 4, 5, 6, and 7. The applications, therefore, compete on Lock and Dam No. 3 only. The proposed projects for Lock and Dam No. 3 consist of (1) Penstocks near the right dam abutment; (2) a powerhouse containing generating units having a total rated capacity of 27,000 kW (APD) and 16,000 kW (NC); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. APD estimates the annual generation would average about 140,336,000 kWh, and NC estimates the annual generation would average about 93,000,000 kWh. The remaining Lock and Dam (Nos. 2, 4, 5, 6, and 7) developments of Project No. 3494 would consist of similar works as Locks and Dam No. 3, with capacity and energy estimates as follows: (No. 2) 10,000 kW and 66,000,000 kWh; (No. 4) 18,000 kW and 89,000,000 kWh; (No. 5) 17,000 kW and 82,000,000 kWh; (No. 6) 17,000 kW and 84,000,000 kWh; and (No. 7) 19,000 kW and 90,000,000 kWh.

Purpose of Projects—Both applicants propose to sell project energy to public or private utilities.

Proposed Scope and Cost of Studies Under Permit—APD seeks issuance of a preliminary permit for a period of two and one-half years and NC seeks issuance of a preliminary permit for a period for three years. 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. APD and NC estimate that the cost of studies under the permit would be \$105,000 and \$250,000, 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 permits. (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 February 2, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the

requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before February 2, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent To File Competing Application", "Competing Application", "Protest", or "Petition To Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3456 and 3494. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37175 Filed 11-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-499-001]

Cities Service Gas Co.; Amendment to Application

November 21, 1980.

Take notice that on November 12, 1980, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP80-499-001 an amendment to its application pending in the instant docket pursuant to Section 7 of the Natural Gas Act so as to reflect a

modified method of treating revenues from its proposed limited-term sale of natural gas to El Paso Natural Gas Company (El Paso), all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

Applicant proposes a two-year sale to El Paso of an average daily quantity of 150 billion Btu of natural gas during the first contract year and an average daily quantity of 100 billion Btu of natural gas during the second contract year with such sale to be on a best-efforts basis subject to Applicant's market requirements and storage requirements and El Paso's sole judgment as to whether it would take the gas tendered by Applicant. It is further stated that the sale to El Paso would be made from Applicant's system supplies at a rate equal to the maximum lawful price per million Btu for gas less transportation costs incurred to deliver the gas to El Paso's system and that El Paso would utilize the volumes purchased from Applicant for system supply.

In order to effect delivery of gas to El Paso, Applicant submits that it would deliver gas to Natural Gas Pipeline Company of America (NGPL) for El Paso's account and that NGPL would then transport this gas to El Paso for delivery at an existing interconnection between the parties' facilities.

Applicant further proposes herein to amend the pending application in the instant docket so as to reflect a modified method of treating revenues from this proposed sale. Applicant states that under such revenue proposal it would utilize its Deferred Purchase Gas Cost Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies for the purpose of flowing through on a current basis to its jurisdictional customers a substantial portion of the revenues received from El Paso pursuant to this sale and would also utilize certain provisions of the settlement in its most recent rate filing in Docket No. RP79-76 which was approved by the Commission by order date September 11, 1980, it is said.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 12, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All Protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the

protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37190 Filed 11-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Project Nos. 3308, 3311, 3387]

Hydro Corp. of Pennsylvania, Noah Corp., and Township of Conemaugh, Borough of Saltsburg, and Pennsylvania Renewable Resources, Inc.; Applications for Preliminary Permit

November 21, 1980.

Take notice that the Hydro Corporation of Pennsylvania (Hydro), the Noah Corporation (Noah), and the Township of Conemaugh, the Borough of Saltsburg, and Pennsylvania Renewable Resources, Inc. (CSP) filed on September 5, 1980, August 12, 1980, and August 26, 1980, respectively, applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 3308, 3311, and 3387, respectively, to be known as the Loyalhanna Project located on the Loyalhanna Creek near the Town of Saltsburg in Westmoreland County, Pennsylvania. Correspondence with Hydro should be directed to: Mr. Fred Fiechter, P.O. Box 34, Chatham, Pennsylvania 19318. Correspondence with Noah should be directed to: Mr. James B. Price, President, P.O. Box 640, Aiken, South Carolina 29801. Correspondence with CSP should be directed to: Mr. Jeffrey M. Kossak, Pennsylvania Renewable Resources, Inc., Suite 1900, 14 Wall Street, New York, New York 10005.

Project Description—Each proposed project would utilize the existing Corps of Engineers Loyalhanna Dam.

Project No. 3308 would consist of: (1) a powerhouse on the southeast bank of the river housing; (2) turbine/generator units rated at a total of 1.6 MW; (3) a new penstock approximately 175 feet long; (4) new or existing transmission lines and (5) appurtenant facilities. Hydro estimates that annual generation would average 6,590,000 kWh.

Project No. 3311 would consist of: (1) a proposed power plant housing; (2) turbine-generator units rated at a total of 5.0 MW; (3) a 50-foot long penstock for each turbine; (4) a new transmission line extending 2.1 miles northward from;

(5) a switchyard and (6) appurtenant facilities. Noah estimates annual generation would average 10,000,000 kWh.

Project No. 3387 would consist of: (1) a 25 by 40-foot powerhouse containing; (2) turbine/generating units rated at a total of 1.5 MW; (3) sluice outlets or penstocks; (4) a proposed transmission line and (5) appurtenant facilities. GSP estimates annual generation would average 7,800,000 kWh.

Propose of Projects—Project power from each of the projects is expected to be sold to a local private utility.

Proposed Scope and Cost of Studies Under Permit—Each applicant seek issuance of 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 an FERC license, including an environmental report. Hydro, Noah, and CSP estimate the cost of studies under the permit would be \$58,000, \$100,000, and \$55,000, 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 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 applications for preliminary permit. (Copies of the applications may be obtained directly from the respective applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 23, 1981, either the competing application itself or a notice

of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 24, 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 Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, 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 received on or before January 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices, of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments," "Notice of Intent To File Competing Application", "Competing Application", "Protest", or "Petition To Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of applications for preliminary permit for Project Nos. 3308, 3311 and 3387. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., N.E., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37181 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3586-000]

Joseph R. Ellen, Jr.; Application for Preliminary Permit

November 21, 1980.

Take Notice that Joseph R. Ellen, Jr. (Applicant) filed on October 17, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3586 to be known as Rocky River Power Plant located on the Rocky River near Pittsboro, in Chatham County, North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph R. Ellen, Jr., Post Office Box 6501, Raleigh, North Carolina 27628. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing concrete dam approximately 130-feet long and 30-feet high; (2) an existing reservoir with a storage capacity of 420 acre-feet at maximum surface elevation of approximately 295 feet M.S.L. and an approximate surface area of 30 acres; (3) an existing powerhouse located on the western bank of the river; (4) proposed transmission lines; and (5) appurtenant facilities. Applicant estimates that the capacity of the project would be 250 kW with an average annual energy output of 1,100,00 kWh.

Purpose of Project—Applicant would sell its project power to either Carolina Power and Light Company or Rural Electrification Association.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month permit to prepare a definitive project report including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be \$10,000.

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 January 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 27, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments" "Notice Of Intent To File Competing

Application", "Competing Application", "Protest", or Petition To Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3380. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W. Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37162 Filed 12-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 3241]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978
Issued November 24, 1980.

Table with columns: JA DKT, API NO, SEC ID, WELL NAME, FIELD NAME, PROD, PURCHASER. Contains entries for Kentucky Department of Mines & Minerals, West Va Gas Company, and Fullton Producing Company.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PKDD	PURCHASER
8105427	6-80-158	2510121591	103	MACHALE - SCHILTZ NO 41-22	MINERS COULEE	25,0	MINERS COULEE GAS CO
8105430	6-80-161	2510121674	103	PARSELL NO 24-25	MINERS COULEE	48,0	MINERS COULEE GAS CO
8105429		2510121675	103	PARSELL NO 31-25	MINERS COULEE	36,0	MINERS COULEE GAS CO
8105428	6-80-159	2510121670	103	PARSELL NO 34-25	MINERS COULEE	43,0	MINERS COULEE GAS CO
8105422	6-80-153	2510121653	103	STATE OF MONTANA NO 42-36	MINERS COULEE	115,0	MINERS COULEE GAS CO

OHIO DEPARTMENT OF NATURAL RESOURCES
 RECEIVED: 10/30/80 JAS OH
 HOFFMAN #1
 HONESTY #1
 WEBB #1
 WETZ #3

WEST VIRGINIA DEPARTMENT OF MINES
 RECEIVED: 11/04/80 JAS WV
 A H HUDKINS 10972
 CHARLES G SCHUTTE 10904
 D DICKENSON 10752
 EARL FIKE 9993
 EDWARD O TAYLOR 10681
 F L PHILLIPS 11170
 H W WATSON 10730
 HERMAN M REED 10710
 NUTTER-PULING 10930
 VIRGIL SHAM 11420

CONSOLIDATED GAS SUPPLY CORPORATION
 RECEIVED: 11/10/80 JAS WV
 C E SIMMONS #6
 G Y HEXHOAD #4

THOMAS E COLLINS
 RECEIVED: 11/10/80 JAS WV
 CULE NO 1
 FINLEY OUTSUN #1
 B H SPRAY 1-740

TUG FUNK CURP
 RECEIVED: 11/10/80 JAS WV
 E R PRICHARD 1-872
 F E MATHEWSON 10-892
 F E MATHEWSON 14-1097
 F E MATHEWSON 15-1098
 F E MATHEWSON 6-862
 F E MATHEWSON 7-880
 F E MATHEWSON 8-881
 F E MATHEWSON 9-884

LOUISA COLLINS
 RECEIVED: 11/10/80 JAS WV
 KUONCE-ZIMMERMAN 1-573
 KUONCE-ZIMMERMAN 2-599
 KUONCE-ZIMMERMAN 3-609
 LOUISA COLLINS 1-662

LOUISA COLLINS
 RECEIVED: 11/10/80 JAS WV
 LOUISA COLLINS 2-669
 LOUISA COLLINS 3-673
 LOUISA COLLINS 4-796
 LOUISA COLLINS 6-852
 MARIAN BURGESS 2-1089

PKDD	PURCHASER
25,0	MINERS COULEE GAS CO
48,0	MINERS COULEE GAS CO
36,0	MINERS COULEE GAS CO
43,0	MINERS COULEE GAS CO
115,0	MINERS COULEE GAS CO
10,7	COLUMBIA GAS TRANSMI
2,1	COLUMBIA GAS TRANSMI
3,4	RIVER GAS CO
8,8	THE RIVER GAS CO
16,0	GENERAL SYSTEM PURCH
13,0	GENERAL SYSTEM PURCH
17,0	GENERAL SYSTEM PURCH
1,8	GENERAL SYSTEM PURCH
13,0	GENERAL SYSTEM PURCH
1,0	GENERAL SYSTEM PURCH
4,0	GENERAL SYSTEM PURCH
12,0	GENERAL SYSTEM PURCH
16,0	GENERAL SYSTEM PURCH
0,5	GENERAL SYSTEM PURCH
0,3	CONSUMERS GAS UTILIT
0,5	CONSUMERS GAS UTILIT
1,8	CONSOLIDATED GAS SUP
2,0	CARNEGIE NATURAL GAS
0,6	TENNESSEE GAS PIPELI
0,3	TENNESSEE GAS PIPELI
3,7	TENNESSEE GAS PIPELI
19,6	TENNESSEE GAS PIPELI
20,3	TENNESSEE GAS PIPELI
4,9	TENNESSEE GAS PIPELI
4,4	TENNESSEE GAS PIPELI
3,9	TENNESSEE GAS PIPELI
5,5	TENNESSEE GAS PIPELI
4,1	TENNESSEE GAS PIPELI
4,1	TENNESSEE GAS PIPELI
2,0	TENNESSEE GAS PIPELI
9,1	TENNESSEE GAS PIPELI
5,6	TENNESSEE GAS PIPELI
18,6	TENNESSEE GAS PIPELI
1,1	TENNESSEE GAS PIPELI
6,0	TENNESSEE GAS PIPELI

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8105479		4709900571	107	WILLIAMSON I-773	GRANT		4.5 TENNESSEE GAS PIPELI
*8105477		4709900560	107	WILSON COAL LAND CO 47-771	GRANT		2.1 TENNESSEE GAS PIPELI
*8105474		4709901321	107	WILSON COAL LAND CO 81-1111	GRANT		8.4 TENNESSEE GAS PIPELI
*8105483		4709901337	107	WILSON COAL LAND CO 82-1112	GRANT		5.8 TENNESSEE GAS PIPELI
*8105478		4709901499	107	WILSON COAL LAND COMPANY 79-909	GRANT		5.8 TENNESSEE GAS PIPELI
*UNION DRILLING INC				RECEIVED: 11/10/80 JAI WV			
8105435		4709701713	108	BILLY NEGER #1 - 1385	MEADE DISTRICT		16.2 EQUITABLE GAS CO
8105436		4709701593	108	BOYD R TENNEY #2 - 1341	WASHINGTON DISTRICT		21.5 EQUITABLE GAS CO
8105458		4700100882	108	C W PAUGH #1 - 1404	PLEASANT DISTRICT		5.2 CONSOLIDATED GAS SUP
8105438		4709701831	108	CECILE WEST HYNES #1 - 1444	MEADE DISTRICT		17.9 EQUITABLE GAS CO
8105441		4709100116	108	CORNELIUS LAWSON #2 - 1351	FLEMINGTON DISTRICT		17.5 FOURCO GLASS CO
8105449		4700100380	108	D H PATSEY #1 - 1166	ELK DISTRICT		18.5 CONSOLIDATED GAS SUP
8105452		4700100572	108	D H PATSEY #2 - 1263	ELK DISTRICT		18.0 CONSOLIDATED GAS SUP
8105456		4700100909	108	DRAPER MCCAULEY JR #1 - 1414	PLEASANT DISTRICT		9.3 CONSOLIDATED GAS SUP
8105454		4700100575	108	ESTHER CULE #1 - 1268	PLEASANT DISTRICT		18.0 CONSOLIDATED GAS SUP
8105434		4709701826	108	FAY HARPER #1 - 1448	UNION DISTRICT		7.9 CONSOLIDATED GAS SUP
8105432		4709701820	108	FAY HARPER #2 - 1449	UNION DISTRICT		2.6 CONSOLIDATED GAS SUP
8105439		4709100112	108	JAMES B PEPPER #1 - 1345	FLEMINGTON DISTRICT		17.9 FOURCO GLASS CO
8105442		4709100123	108	JAMES B PEPPER #4 - 1364	FLEMINGTON DISTRICT		16.0 FOURCO GLASS CO
8105457		4700100980	108	JERRY AND EVA DECKER #1 - 1435	PLEASANT DISTRICT		12.3 CONSOLIDATED GAS SUP
8105458		4700100981	108	JERRY AND EVA DECKER #2 - 1436	PLEASANT DISTRICT		15.9 CONSOLIDATED GAS SUP
8105451		4700100415	108	LANG & JOHNSON #2 - 1185	PLEASANT DISTRICT		19.0 CONSOLIDATED GAS SUP
8105459		4703301163	108	MABEL AND EDWARD MARTIN #1 - 1422	ELK DISTRICT		10.9 CONSOLIDATED GAS SUP
8105447		4709701821	108	ROSS L KING JR #1 - 1443	EAGLE DISTRICT		10.9 CONSOLIDATED GAS SUP
8105433		4704102100	108	ROY J LINGER #1 - 1391	UNION DISTRICT		19.9 COLUMBIA GAS TRANS C
8105446		4709701827	108	ROY L WARNER #1 - 1447	SKIN CREEK DISTRICT		18.5 CONSOLIDATED GAS SUP
8105448		4709701829	108	SEWARD H LINGER #1 - 1419	UNION DISTRICT		16.5 COLUMBIA GAS TRANS C
8105437		4709701802	108	UNION DRILLING INC #1 - 1379	MEADE DISTRICT		11.4 COLUMBIA GAS TRANS C
8105450		4700100666	108	VIRGINIA & JOHN TALBOTT #1 - 1315	HEADE DISTRICT		6.2 EQUITABLE GAS CO
8105453		4700100671	108	W B CLEAVANGER #2 - 1323	PLEASANT DISTRICT		18.0 CONSOLIDATED GAS SUP
8105460		4703301157	108	WILSON AND REXROAD #1 - 1423	PLEASANT DISTRICT		18.0 CONSOLIDATED GAS SUP
***** U.9. GEOLOGICAL SURVEY - CASPER, WY *****							
** U.9. GEOLOGICAL SURVEY - CASPER, WY *****							
*MIDLANDS GAS CORPORATION		2507121481	108	RECEIVED: 11/13/80 JAI MY 5	BOWDOIN		21.0 KANSAS-NEBRASKA NATU
*PENNZOIL COMPANY				2032 203332			
8105516	ND298-0	3305300914	102	PENNZOIL-DEPCO FEDERAL #17-12	HONDAK		10.8 MONTANA DAKOTA UTILI
8105514	ND300-0	3305300941	102	PENNZOIL-DEPCO FEDERAL #18-44	HONDAK		13.8 MONTANA DAKOTA UTILI
8105517	ND297-0	3305301010	102	PENNZOIL-DEPCO FEDERAL #7-21	HONDAK		19.8 MONTANA DAKOTA UTILI
8105515	ND299-0	3305300943	102	PENNZOIL-DEPCO FEDERAL #7-44	HONDAK FIELD		13.2 MONTANA DAKOTA UTILI
*SHELL OIL CO				RECEIVED: 11/13/80 JAI ND 5			
8105513	ND301-0	3305300981	102	USA 33-20	WILDCAT		3.5 MONTANA DAKOTA UTILI
*ARCO PRODUCTION CO				RECEIVED: 11/13/80 JAI MY 5			
8105512	W 308-0	4904120154	102	RYCKMAN CREEK UNIT WELL #12	RYCKMAN CREEK		250.0 NORTHWEST PIPELINE C
8105511	W 309-0	4904120162	102	RYCKMAN CREEK UNIT WELL #13	RYCKMAN CREEK		677.0 NORTHWEST PIPELINE C
8105523	W275-0	4904120083	102	RYCKMAN CREEK UNIT WELL #6	RYCKMAN CREEK		250.0 NORTHWEST PIPELINE C
*BELCO PETROLEUM CORPORATION				RECEIVED: 11/13/80 JAI MY 5			
8105522	W278-0	4903520421	108	FOGARTY CREEK 7-9 20421	FUGARTY CREEK		0.0 NORTHWEST PIPELINE C
*DAVIS OIL COMPANY				RECEIVED: 11/13/80 JAI MY 5			
8105510	W 310-0	4900525294	103	HIRSCH FEDERAL #1	WILDCAT		35.4 PHILLIPS PETROLEUM C
*EXETER EXPLORATION COMPANY				RECEIVED: 11/13/80 JAI MY 5			
8105524	W269-0	4900921590	102	FEDERAL #1-4	SCOTT		35.0 CHINOOK CONSTRUCTION

[Volume 323]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued November 24, 1980.

JD NO	JA DKT	API NO	SEC O WELL NAME	RECEIVED	JAT	STATE	FIELD NAME	PROD	PURCHASER
8105376		2107931693	102	RECEIVED: 11/10/80	JAT MI	MI	ZENITH PEACE CREEK	109,5	PEOPLES NATURAL GAS
8105377	K-80-0621	1515520652	103	HEYLUN E #1	JAT KS	KS			
8105378		2107932905	102	RECEIVED: 11/10/80	JAT MI	MI			
8105379		2107932905	102	SIMPSON UNIT /M/ #2-28	JAT MI	MI			
8105380		2107932905	102	TAYLOR GROUP UNIT 6A-18	JAT MI	MI			
8105381		2105532543	102	RECEIVED: 11/10/80	JAT MI	MI			
8105382		2105533123	102	CUNNINGHAM-STATE PARADISE #1-27	JAT MI	MI			
8105383		2105533123	102	TULLER #1-28	JAT MI	MI			
8105384		2110100000	103	RECEIVED: 11/10/80	JAT MI	MI			
8105385		8105382		JOUPLI/WILD 1-9	JAT MI	MI			
8105386		2113700000	103	RECEIVED: 11/10/80	JAT MI	MI			
8105387		2113700000	103	STATE DTSEGO LAKE 1-3A	JAT MI	MI			
8105388		2110133349	102	RECEIVED: 11/10/80	JAT MI	MI			
8105389		2110133349	102	FOX-BROWN ET AL #2-36	JAT MI	MI			
8105390		2110133349	102	RECEIVED: 11/10/80	JAT MI	MI			
8105391		2110133349	102	RECEIVED: 11/10/80	JAT MI	MI			
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8105497		2110133349							

JD NO	JA DKT	API NO	SFC	WELL NAME	RECEIVED	FIELD NAME	PRD	PURCHASER
*8105319	06052	3507121335	103	HARKINS 3-17				9,3 CITIES SERVICE GAS C
*8105317	06054	3507121605	103	KAHLE 4-23				12,0 CITIES SERVICE GAS C
*CITIES SERVICE COMPANY				RECEIVED: 11/10/80	JAS OK	OKLAHOMA CITY		
*8105333	06055	3510920325	103	JENNINGS A #4				13,0 PHILLIPS PETROLEUM C
*CONOCO INC				RECEIVED: 11/10/80	JAS OK			
*8105331	06059	3501120967	103	GIGER NO 1				319,0 OKLAHOMA GAS & ELECT
*COITON PETROLEUM CORPORATION				RECEIVED: 11/10/80	JAS OK			
*8105349	06199	3501520847	102	KLUSMEYER NO 1				540,0 TRANSOK PIPE LINE CO
*8105332	06057	3501121010	102	SLAGGEL FARMS NO 1				0,0 TRANSOK PIPE LINE CO
*DALCO PETROLEUM INC				RECEIVED: 11/10/80	JAS OK			
*8105323	06048	3507322297	103	HUMPHREY NO 1				91,3 DALCO PETROLEUM US L
*8105322	06049	3507322035	103	MUSICK #1				91,3 DALCO PETROLEUM US L
*8105307	06046	3507322254	103	SANDEFUR #1				91,3 DALCO PETROLEUM US L
*8105320	06051	3507322276	103	WICKETT #1				91,3 DALCO PETROLEUM US L
*8105321	06050	3507322140	103	WINANS NO 1				91,3 DALCO PETROLEUM US L
*FLOYD BERGEN				RECEIVED: 11/10/80	JAS OK			
*8105328	06056	3512120661	103	J DANIELS #1				180,0 SE TRANSMISSION & CO
*GREEN OPERATING CO				RECEIVED: 11/10/80	JAS OK			
*8105316	06056	3505300000	108	KREICHMAR #1				7,3 CITIES SERVICE GAS C
*HANDYER MANAGEMENT CO				RECEIVED: 11/10/80	JAS OK			
*8105341	05804	3515120893	103	OYER #1-17				32,7 CITIES SERVICE GAS C
*HAMPER OIL COMPANY				RECEIVED: 11/10/80	JAS OK			
*8105336	06076	3506321291	103	BLACKMUM #1				0,0 EASON OIL CO
*8105337	06075	3504722053	103	BULENBAUGH #2				320,0 CHAMPLIN PETROLEUM C
*8105335	06077	3509321719	103	KLUCKNER #1				73,0 PANHANDLE EASTERN PI
*HUNT ENERGY CORPORATION ET AL				RECEIVED: 11/10/80	JAS OK			
*8105354	09000	350920319	107	MANDRELL #1-27				730,0
*KARAS GAS PURCHASING				RECEIVED: 11/10/80	JAS OK			
*8105340	05856	3507100000	108	ELLEDGE #3				9,3 CITIES SERVICE GAS C
*LADD PETROLEUM CORPORATION				RECEIVED: 11/10/80	JAS OK			
*8105375	00592	3504700000	108	CAMPBELL J				7,7 CITIES SERVICE GAS C
*8105339	05878	3505120885	102	PEERY NO 1				4927,0 MICHIGAN-18CUNBIN P
*NIXON PROPERTIES INC				RECEIVED: 11/10/80	JAS OK			
*8105310	05834	3511121304	108	BUTTERLY 1-A				20,0 PHILLIPS PETROLEUM C
*8105309	05835	3511121304	103	BUTTERLY 1-A				20,0 PHILLIPS PETROLEUM C
*NIXON-DAVIS ENERGY CO INC				RECEIVED: 11/10/80	JAS OK			
*8105338	06029	3508300000	103	DIECKMANN #1				90,0 EASON OIL CO
*NORTHWESTERN PRODUCTION INC				RECEIVED: 11/10/80	JAS OK			
*8105308	05840	3507322324	103	WEX 32 #3 1				0,0 PHILLIPS PETROLEUM C
*PETROLEUM RESOURCES CO				RECEIVED: 11/10/80	JAS OK			
*8105344	03665	3500300000	102	BERNIE GREEN #1				182,5 AHIMUIL USA INC
*PHILLIPS PETROLEUM COMPANY				RECEIVED: 11/10/80	JAS OK			
*8105348	06208	3501721419	102	KELLER D				0,0 PANHANDLE EASTERN
*QUANAH COMPANY				RECEIVED: 11/10/80	JAS OK			
*8105324	06021	3501721289	103	BUYO-GRIFFIN #1				250,0 PHILLIPS PETROLEUM
*RESOURCES INVESTMENT CORPORATION				RECEIVED: 11/10/80	JAS OK			
*8105342	01833	3509321539	103	NICHOLSUN #1				182,5 PHILLIPS PETROLEUM C
*RICKS EXPLORATION CO				RECEIVED: 11/10/80	JAS OK			
*8105345	06087	3515320888	103	CULE 28A				5,0 PHILLIPS PETROLEUM C
*SAHEDAN OIL CORPORATION				RECEIVED: 11/10/80	JAS OK			
*8105325	05943	3509321690	102	LAMBERT #1-25				165,0 DELMI GAS PIPELINE C
*SUN OIL COMPANY (DELAWARE)				RECEIVED: 11/10/80	JAS OK			

JD NO	JA DXT	API NO	SEC D WELL NAME	RECEIVED	UNIT NO	FIELD NAME	PROD	PURCHASER
8105327	05999	3503700000	STROUD PRUE	11/10/80	5-2	STROUD	---	0.5 KERR-HCGEE CORP
8105313	05475	3509321694	OVORAK	11/10/80	JAI OK	CHESTER WEST	---	9.9 PHILLIPS PETROLEUM C
8105350	06127	3505120881	WHITLOW #1-29	11/10/80	JAI OK	WATONGA - CHICKASHA	---	350.0 DELHI GAS PIPELINE C
8105365	06131	3506300000	ADELMAN #3 063-21581	11/10/80	JAI OK	GREASY CREEK	---	11.6 TRANSOK PIPE LINE CO
8105366	06130	3506300000	ADELMAN #4 063-21582	11/10/80	JAI OK	GREASY CREEK	---	7.6 TRANSOK PIPE LINE CO
8105360	06116	3506300000	BAILEY #1 063-38143	11/10/80	JAI OK	GREASY CREEK	---	3.4 TRANSOK PIPE LINE CO
8105369	06127	3506300000	COLLINS #1 063-21586	11/10/80	JAI OK	GREASY CREEK	---	9.0 TRANSOK PIPE LINE CO
8105352	06110	3506300000	COLLINS #2 063-09294	11/10/80	JAI OK	GREASY CREEK	---	16.8 TRANSOK PIPE LINE CO
8105364	06112	3506300000	DOUGLAS #1 063-40715	11/10/80	JAI OK	GREASY CREEK	---	5.1 TRANSOK PIPE LINE CO
8105367	06129	3506300000	KIMMEL #2 063-21580	11/10/80	JAI OK	GREASY CREEK	---	14.7 TRANSOK PIPE LINE CO
8105370	06126	3506300000	LEE #1 063-21573	11/10/80	JAI OK	GREASY CREEK	---	2.9 TRANSOK PIPE LINE CO
8105372	06124	3506300000	LEE #2 063-21583	11/10/80	JAI OK	GREASY CREEK	---	1.3 TRANSOK PIPE LINE CO
8105351	06111	3506300000	LEE #3 063-21548	11/10/80	JAI OK	GREASY CREEK	---	7.1 TRANSOK PIPE LINE CO
8105368	06128	3506300000	LEE #4 063-21585	11/10/80	JAI OK	GREASY CREEK	---	4.5 TRANSOK PIPE LINE CO
8105362	06114	3506300000	LEE #5 063-38259	11/10/80	JAI OK	GREASY CREEK	---	12.5 TRANSOK PIPE LINE CO
8105373	06123	3506300000	MATHIS #1 063-27435	11/10/80	JAI OK	GREASY CREEK	---	11.0 TRANSOK PIPE LINE CO
8105358	06119	3506300000	NELL TURNER #1 063-21587	11/10/80	JAI OK	GREASY CREEK	---	11.4 TRANSOK PIPE LINE CO
8105374	06122	3506300000	HEADORS #1 063-36826	11/10/80	JAI OK	GREASY CREEK	---	11.0 TRANSOK PIPE LINE CO
8105357	06118	3506300000	NICKS #1 063-13137	11/10/80	JAI OK	GREASY CREEK	---	1.6 TRANSOK PIPE LINE CO
8105359	06120	3506300000	RASBERRY #1 063-13138	11/10/80	JAI OK	GREASY CREEK	---	3.4 TRANSOK PIPE LINE CO
8105371	06125	3506300000	SMITH #1 063-13139	11/10/80	JAI OK	GREASY CREEK	---	12.5 TRANSOK PIPE LINE CO
8105347	06109	3509100000	TURNER #2 063-37047	11/10/80	JAI OK	GREASY CREEK	---	10.6 TRANSOK PIPE LINE CO
8105326	05856	3508321266	BURLESON #1 093-41808	11/10/80	JAI OK	NORTH ULAN	---	12.3 ARKANSAS LOUISIANA G
8105312	05770	3504320996	RINGER #1-17	11/10/80	JAI OK	S W MULHALL	---	60.0 EASON OIL CO
8105311	05772	3504321017	EDWARDS #5-1	11/10/80	JAI OK	KODRAS	---	182.0 DELHI GAS PIPELINE C
8105394	M 106-0	2507121351	PORTER #32-1	11/10/80	JAI MT 5	KODRAS	---	465.0 DELHI GAS PIPELINE C
8105396	M237-0	2503521417	ALBUQUERQUE NM	11/10/80	JAI NM 4	SAN JUAN	---	12.1 EL PASO NATURAL GAS
8105392	ND 216-0	3305300907	LIVELY EXPLORATION COMPANY	11/10/80	JAI ND 5	BUMDWIN	---	20.0 KANSAS-NEBRASKA NATU
8105401	ND 192-0	3305300838	LIVELY EXPLORATION COMPANY	11/10/80	JAI ND 5	TWO MEDICINE	---	1409.0
8105407	ND 198-0	3305300954	LIVELY EXPLORATION COMPANY	11/10/80	JAI ND 5	MON DAK	---	34.7 SHELL OIL
8105388	M0254-0	3300700420	LIVELY EXPLORATION COMPANY	11/10/80	JAI ND 5	POKER JIM	---	70.0 MONTANA DAKOTA UTILI
			LIVELY EXPLORATION COMPANY	11/10/80	JAI ND 5	POKER JIM	---	10.5 MONTANA DAKOTA UTILI
			LIVELY EXPLORATION COMPANY	11/10/80	JAI ND 5	BIG STICK	---	500.0 WESTERN GAS PROCES

VOLUME 323 PAGE 004

PURCHASEK

FIELD NAME
 POMELE (DAKOTA) 365.0 MONTANA-DAKOTA UTILI
 BIG PINEY LABARGE 15.0 NORTHWEST PIPELINE C
 BIG PINEY-LABARGE 19.0 NORTHWEST PIPELINE C
 HINE-INTERSTATE 14.0 MCCULLOCH INTERSTATE
 PUMPKIN BUTTES 20.0
 PORCUPINE 39.0
 WILDCAT 100.0 PANHANDLE EASTERN PI
 SCOTT 35.0 CHINOOK CONSTRUCTION
 WELL DRAIN 22.0 INEXCO GASOLINE PLAN
 MADDEN 1085.0 COLORADO INTERSTATE
 MADDEN 730.0 COLORADO INTERSTATE
 KINNEY AREA 1002.0 MOUNTAIN FUEL SUPPLY
 BRUFF AREA 567.0 MOUNTAIN FUEL SUPPLY
 BRUFF 333.0 MOUNTAIN FUEL SUPPLY
 STANDARD DRAW 204.0 MOUNTAIN FUEL SUPPLY
 SPEARHEAD RANCH 182.0 MOUNTAIN FUEL SUPPLY
 SPEARHEAD RANCH UNIT WELL NO 13
 SPEARHEAD RANCH UNIT WELL NO 14

WELL NAME
 RECEIVED: 11/10/80 JAI MY 5
 FEDERAL WELL NU 1-27 JAI MY 5
 RECEIVED: 11/10/80 JAI MY 5
 R 2-23 06043
 M & M - 1 06075
 RECEIVED: 11/10/80 JAI MY 5
 CHINOOK FEDERAL 048
 RECEIVED: 11/10/80 JAI MY 5
 FEDERAL AP #1
 RECEIVED: 11/10/80 JAI MY 5
 DELPHA FEDERAL 34-25
 RECEIVED: 11/10/80 JAI MY 5
 FORBES FEDERAL #1
 RECEIVED: 11/10/80 JAI MY 5
 FEDERAL 3-33
 RECEIVED: 11/10/80 JAI MY 5
 FEDERAL WICKER 1-18
 RECEIVED: 11/10/80 JAI MY 5
 MOU CHEVRON #1-1
 SPEAR #1-5
 RECEIVED: 11/10/80 JAI MY 5
 KINNEY UNIT WELL NO 5
 LANSDALE FEDERAL 10-1
 LANSDALE FEDERAL 28-1
 HFS FEDERAL 22-1
 SPEARHEAD RANCH UNIT WELL NO 13
 SPEARHEAD RANCH UNIT WELL NO 14

API #
 4900921606 102
 4903506043 108
 4903506075 108
 4900523330 108
 4900525274 102
 4900525414 103
 4903721279 102
 4900921587 102
 4900921659 103
 4901320721 107
 4901320907 102
 4903721161 103
 4904120216 102
 490320319 103
 4900720478 102
 4900921498 102
 4900921473 102

JAI #
 WAPACHE CORPORATION
 BELCO PETROLEUM CORPORATION
 CHINOOK PIPELINE CO INC
 CITIES SERVICE COMPANY
 DIAMOND SHAMROCK CORPORATION
 ENERGY RESERVES GROUP INC
 EXETER EXPLORATION COMPANY
 INEXCO OIL COMPANY
 MONTANO COMPANY
 MOUNTAIN FUEL SUPPLY COMPANY
 PHASE GATHERING SYSTEMS INC
 PHASE GATHERING SYSTEMS INC
 PHILLIPS PETROLEUM CO
 MONTANA DAKOTA UTILITIES CO
 WYOMING 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, 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 within fifteen (15) days after the date of publication of this notice in the Federal Register. *On or before Dec 16, 1980*

Please reference the FERG Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb
 Secretary

OTHER PURCHASERS

VOLUME NO 323
 PHASE GATHERING SYSTEMS INC
 PHASE GATHERING SYSTEMS INC
 PHASE GATHERING SYSTEMS INC
 PHILLIPS PETROLEUM CO
 MONTANA DAKOTA UTILITIES CO
 WYOMING NATURAL GAS CO

[Project No. 3469]

**Pacific Northwest Generating Co.,
Oregon Public Power Agency and
Grants Pass Irrigation District;
Application for Preliminary Permit**

November 21, 1980.

Take notice that Pacific Northwest Generating Company, Oregon Public Power Agency, and Grants Pass Irrigation District (Applicant) filed on September 15, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3469 to be known as Savage Rapids Hydroelectric Project located on the Rogue River in Josephine and Jackson Counties, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David E. Piper, Pacific Northwest Generating Company, 8383 N.E. Sandy Blvd., Suite 330, Portland, Oregon 97220. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (a) the existing Savage Rapids Concrete Dam (combination gravity and multiple arch type), 456 feet long and 39 feet high; (b) the existing Savage Rapids Reservoir with a surface area of 50 acres at elevation 964 feet m.s.l.; (c) an intake structure within the north embankment of the dam; (d) a 500-foot long channel; and (e) a powerhouse containing 2 or 3 generating units with a total rated capacity of between 7.5 and 10.0 MW. The Applicant estimates that the average annual energy output would be 35 million kWh.

Purpose of Project—Project energy would be used to serve the needs of the Pacific Northwest Generating Company and the Oregon Public Power Agency.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month preliminary permit to prepare a definitive project report including preliminary designs and results of environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be \$60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 21, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c)(1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 21, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments," "Notice of Intent To File Competing Application," "Competing Application," "Protest," or "Petition To Intervene," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3469. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37185 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3538-000]

Saranac Energy Corp., Application for Preliminary Permit

November 21, 1980.

Take notice that Saranac Energy Corporation (Applicant) filed on October 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for the proposed Cave Run Project, FERC Project No. 3538 to be located at the U.S. Army Corps of Engineers' Cave Run Lake Dam on the Licking River in Bath and Rowan Counties near Salt Lick and Farmers, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles Mierek, P. E., a Cortland Assoc., Inc., 838 Arlington Drive, Tucker, Georgia 30084. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and

reservoir. Project No. 3538 would consist of: (1) a proposed powerhouse located on the eastern bank of the river; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 8.2 MW, and the annual energy output to be 43 GWh.

Purpose of Project—Energy produced at Project No. 3538 would most probably be sold to the Kentucky Utilities Company, Lexington, Kentucky.

Proposed Scope and Cost of Studies under Permit—Applicant has requested 36-month permits to prepare definitive project reports, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil foundation data. The costs of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated to be \$100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for 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—This application was filed as a competing application to Eastern States Energy & Resources, Inc., Project No. 3421 on Cave Run Dam Project in Salt Lick and Farmers, Kentucky under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the

Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before *January 26, 1981*.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3538. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37186 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-95-M

[Docket No. EF80-2011]

Secretary of Energy, Bonneville Power Administration; Order Remanding Rates Without Prejudice

Issued: November 21, 1980.

Introduction

Bonneville Power Administration (BPA) is the wholesale marketing agency for electric power generated at the federal hydro-electric dams in the Columbia River Basin. These dams were built and are operated by the Water and Power Resources Service (formerly Bureau of Reclamation) and the Army Corps of Engineers. Together with BPA's

transmission system they comprise the Federal Columbia River Power System which supplies about 50 percent of the electric energy consumed in the Pacific Northwest and accounts for about 80 percent of the region's high-voltage transmission capacity. By purchase and exchange, BPA also acquires power generated by non-federal utilities.

BPA sells power to 148 customers, including publicly-owned utilities, privately-owned utilities, state and federal agencies, electro-process industries and other industries located throughout the Northwest. BPA also sells power to thirteen public and private utilities or agencies outside the Northwest.

Between 70 and 80 percent of BPA's sales of firm power are to public and private electric utilities for resale to ultimate consumers. Many of BPA's utility customers have generation of their own in addition to that power obtained from BPA. BPA also sells to several industries, primarily electro-process industries. In addition, BPA sells secondary energy, subject to availability, to utilities.

The Administrator of the BPA develops rates for BPA power. These are submitted to the Assistant Secretary for Resource Applications (AS/RA) of the Department of Energy (DOE) for confirmation and approval on an interim basis. Thereafter, the rates go to the Federal Energy Regulatory Commission (Commission) for confirmation and approval as final rates pursuant to the Bonneville Project Act of 1937,¹ the Flood Control Act of 1944² and DOE Delegation Orders Number 0204-33.³

The Commission presently has before it BPA's system wholesale power rates for a five-year period beginning December 20, 1979. By order issued December 3, 1979, the responsible official of the Department of Energy, the AS/RA confirmed and approved on an interim basis BPA's wholesale power rate schedules, the general rate schedule provisions setting forth the terms and conditions of service under the rate schedules, and special contract rates and rate schedule provisions. The AS/RA placed them in effect on an interim basis as of December 20, 1979.

The statutory scheme and the applicable delegation orders regarding the power marketing acts place the Commission in a role different from its regulatory responsibility under the Federal Power Act. Prior to the formation of the Department of Energy, the function of confirming and approving

¹ 16 U.S.C. 832.

² 16 U.S.C. 823a.

³ 43 FR 60636, issued December 23, 1978.

or disapproving Bonneville's rates rested with the Federal Power Commission (FPC). After formation of the DOE, this function passed to the Secretary of Energy.⁴ On January 1, 1979, the Secretary of Energy assigned to DOE's AS/RA and to this Commission various responsibilities relating to the rates of power marketing agencies.

By Delegation Order Number 0204-33, the Secretary of Energy delegated to the AS/RA the authority to develop power and transmission rates, acting by and through the Administrator of BPA, and to confirm, approve, and place in effect such rates on an interim basis. The Delegation Order also assigned to the Commission the authority to confirm and approve such rates on a final basis or to disapprove those rates developed by the AS/RA. The rate schedules of BPA before the Commission are the first to be considered under the new administrative arrangements.

Bonneville's Proposed Rates

The rates at issue replace rates that were approved by the FPC by order issued August 21, 1975, in Docket No. E-8978, for a period beginning December 20, 1974, and terminating not later than December 20, 1979.⁵ BPA's new rates will result in about 88 percent greater revenues than the old rates. BPA asserts it needs an increase in rates for a number of reasons.

BPA states that since 1974 it has experienced significant increases in the cost of operating and maintaining the federal generation and transmission system, in the cost of constructing new generation and transmission facilities, and in the cost of power purchases. BPA states that these cost increases have not been matched by revenue increases which have been limited to those resulting from an increase in the volume of sales.

Another significant change since the 1974 rate adjustment is that, pursuant to the 1974 Federal Columbia River Transmission System Act,⁶ BPA now operates on a self-financing basis. BPA

must pay a rate of interest on the bonds it sells to the United States Treasury to finance the construction of transmission facilities comparable to the current rate for bonds of similar quality sold in the money market. This has resulted in increased interest costs to BPA, as compared with rates of interest previously paid on appropriated funds.

The most significant cost increases, BPA asserts, are the result of construction delays and cost escalation at thermal plants from which BPA has purchased thermal output. BPA has contracted to purchase all or sizable portions of the capacity of four nuclear plants completed or under construction. The contracts provide for BPA to commence payment for its share of plant capacity at fixed dates whether or not the plants are completed or operating on those dates.

Costs for two of these plants, the Trojan facility constructed by Portland General Electric from which BPA acquires Eugene Water and Electric Board's 30 percent ownership share of the capability and the Washington Public Power Supply System's (WPPSS) Plant Number 2 from which BPA will acquire 100 percent of the capability, were included in BPA's 1974 rates. BPA asserts that costs of these plants have increased significantly since 1974. Also, costs of an additional thermal plant, WPPSS Plant Number 1, from which BPA will acquire 100 percent of the capability, are included in the present rates. The costs of the fourth plant, WPPSS Plant Number 3, from which BPA will acquire 70 percent of the capability, will be included in future rate adjustments.

The developments cited by BPA raise complex questions about the overall revenue requirements of BPA. Another complex and controversial area is BPA's proposed allocation of revenue-responsibility among the different BPA rate schedules.

BPA's H-6 rate schedule is particularly controversial. This rate schedule governs the sale of non-firm energy to BPA's non-preference customers. As developed by the Administrator of BPA and approved by the AS/RA, the H-6 rate, unlike the other BPA rate schedules, is premised on a "share-the-savings" concept. Charges for energy under this schedule are set to equal either 50 percent of the decremental cost of the customers' thermal energy that is displaced by energy from BPA or equal to the rate associated with the displaced firm purchase of thermal energy. The maximum charge under the H-6 rate is 20 mills per kilowatt hour and the minimum charge is 6.5 mills per kilowatt

hour during peak use periods or 4.5 mills per kilowatt hour during non-peak periods.

The H-6 schedule is a matter of great concern to many of BPA's customers in both the Pacific Northwest and Pacific Southwest service areas. Many petitioners assert that the H-6 rate schedule represents a radical departure from past practices and is contrary to the applicable statutory standards which they interpret as requiring that each of BPA's rates be formulated based on the costs of Bonneville to produce the power. Petitioners have also alleged that the H-6 rate will represent a disproportionate percentage increase of approximately 500 percent over the previous H-5 rate schedule for similar services.

The direct service industrial customers have challenged the rates under the IF-2 rate schedule, claiming that it does not properly reflect the interruptible nature of the service that is supplied to them under their contractual arrangements with BPA. The IF-2 rate schedule includes an adjustment that entitles the customer to a credit if that customer's load is restricted by BPA during the operating year. Certain customers have alleged that the rates charged these customers should not differ from rates charged other customers and that the availability credit is too large for the interruptions contemplated.

There are other matters also in controversy with respect to BPA's proposed rates. For example, various customers have also contended that the charges related to BPA's prepayments on the WPPSS plants through debt financing should be deferred to a period contemporaneous with the commencement of service from these units. According to these customers, if payments were to be deferred until the plants are placed in service, BPA's rate increase would amount to approximately 40 percent rather than 88 percent.

A number of petitioners have raised *Mobile-Sierra*⁷ contract-type questions, alleging that the AS/RA placed BPA's rates into effect prior to the effective date called for under the terms of the contract. Other petitioners have alleged that the new six-hour limitation on capacity under the F-7 rate schedule is contrary to the terms of their contractual agreements with BPA.

Other contentions that have been put forth by customers filing comments in this docket are: that BPA improperly

⁴On October 1, 1977, the Department of Energy Organization Act (42 U.S.C. § 7101 *et. sec.*) became effective, abolishing the FPC. The functions of the FPC under the Bonneville Project Act and other statutes relating to the BPA were transferred to and vested in the Secretary of Energy pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act.

⁵Public notice of the present filing was published in the Federal Register on December 12, 1979. Interested parties were invited to submit written comments to the Commission on or before January 4, 1980. On February 11, 1980, interested parties were afforded the opportunity to file cross-comments in response to previous comments filed in this proceeding. Petitions to intervene were filed by a substantial number of parties.

⁶P.L. 93-454.

⁷*United Gas Co. v. Mobile Gas Corp.*, 350 U.S. 332 (1956); *FPC v. Sierra Pacific Power Company*, 350 U.S. 348 (1956).

classified costs between capacity and energy; that elimination of the facilities charge in the rate to the wholesale firm preference customers is improper and unjustified; that BPA could unjustly and inappropriately designate a purchaser as a computed demand customer; that a computed demand customer could be unfairly penalized for an unauthorized increase in its usage; that the AS/RA improperly and illegally placed BPA's rates in effect on an interim basis; and that BPA failed to comply with the anti-inflation standards. Many petitioners have requested an opportunity to make oral presentations before the Commission.

The Commission's Review Responsibilities and the Present Record

The authority delegated to the Commission from the Secretary of Energy is that of confirming and approving, or disapproving, rates developed by the AS/RA on a final basis. The Commission must insure that the rates confirmed and approved by DOE (AS/RA) on an interim basis satisfy the standards of the Bonneville Project Act and the Flood Control Act. These standards provide that BPA rate schedules must be drawn:

1. Having regard to the recovery of the cost of generation and transmission of such electric energy;
2. So as to encourage the most widespread use of Bonneville power;
3. To provide the lowest possible rates to consumers consistent with sound business principles; and
4. In a manner which protects the interests of the United States in amortizing its investment in the projects within a reasonable period.⁹

Unlike our statutory authority under the Federal Power Act or the Natural Gas Act, the statutory mandate accorded to the Commission under the power-marketing acts does not include the power to modify the rates. The power marketing acts vest the responsibility to develop rates in the first instance in the PBA's Administrator. Those rates are then transmitted to the AS/RA for confirmation and approval on an interim basis. The interim rates and an evidentiary record are then submitted to the Commission for final confirmation and approval, or disapproval. Thus, the Commission's role can be viewed as an appellate one: to affirm, reverse, or remand the rates submitted to it for final review.

Not only is the Commission's function under the power-marketing acts different from its functions under the

Natural Gas Act and the Federal Power Act, but the substantive standards it must apply also differ. Under the Federal power-marketing statutes, the Commission must determine that proposed rates would provide a sufficient level of revenues to BPA to recover its costs and repay the federal investment within a reasonable period of time. The Commission's review in this matter is based on the supporting data and information submitted by the AS/RA consistent with the statutory standards set forth in the applicable power marketing acts.

The Administrator of BPA prepared a revised power repayment study of the Federal Columbia River Power System to determine the revenues necessary to recover the costs of producing and transmitting the electric power marketed by BPA, and to repay, with interest, the federal investment in the Federal Columbia River Project as required by statute.⁹ The study supported an 88 percent increase in total revenues over the entire repayment period. The increase in wholesale power rates proposed by BPA plus a future increase in transmission rates are based on this determination. BPA's prior rate schedules would have produced revenues of approximately \$343,100,000 in fiscal year 1980, assuming average water conditions. Accordingly to the study, the new rate schedules would have produced approximately \$645,600,000 in fiscal year 1980 under these same conditions for an increase of \$302,500,000 or 88 percent.

This study and the rest of the record submitted to the Commission by the AS/RA do not, however, provide the requisite support to permit the Commission to affirm that the standards set forth in the Bonneville Project Act and the Flood Control Act have been met and that the overall revenues to be generated by the rates before this Commission are appropriate. The record contains an estimate of revenues from each rate schedule for the time period over which approval is being sought. BPA and the AS/RA, however, have not provided sufficient information to support the derivation of the estimated revenues. For example, the description provided does not contain numerical back-up for the revenue calculations so that the sensitivity of these calculations to the underlying assumptions can be evaluated. Also, the basic source data for the revenue estimates, the "Long-Range Projects of Power Loads and

Resources for Thermal Planning", was not provided. Because this support is lacking, it is not possible to verify that the proposed rates will produce the projected revenues, and to test the reasonableness of the assumptions utilized in formulating the revenue estimates. The Commission is therefore unable to determine that the estimated revenues would recover BPA's capital investment allocated to electric power and will appropriately amortize the Government's investment.

With regard to the individual components of BPA's filing, it is necessary that the Commission understand the logic of the allocation of cost and revenue requirements among the various rate schedules. The rationale for the substantially differing cost-revenue relationship of the Non-Firm Energy, Annual Firm Capacity and Industrial Firm Power has not been adequately explained. The Commission has to affirm that the various components of BPA's overall pricing scheme meet the tests set forth in the Bonneville Power Act and the Flood Control Act discussed *infra*. Specifically, the Commission must address whether the rate scheme encourages the widest use of BPA power and provides the lowest rates to consumers consistent with sound business principles.

The Commission emphasizes that its role here is in the nature of an appellate body. However, in order for the Commission to discharge this duty, it must be apparent from the record before us that due process requirements have been met and that the Administrator's program of rate schedules and the decision of the AS/RA are rational and consistent with the statutory standards set forth above. Unfortunately, the record before this Commission lacks the requisite exposition of the logical relationship that the Administrator and AS/RA perceived among the various rate schedules that in sum comprise the overall revenues proposed to be collected by BPA. Moreover, we cannot determine from the record before us the reasons in support of a finding that the relationship among the components is in accord with the applicable statutory standards. Lacking an understanding of these issues, the Commission cannot determine whether BPA's proposed rates are appropriate.

In sum, the record before the Commission does not provide an adequate explanation of how the revenue requirements and relationships among the various rate schedules were determined. Support for empirical projections is lacking. Also, the record

⁹ 16 U.S.C. 822, 825s.

⁹ This study was prepared pursuant to the Bonneville Project Act, the Federal Columbia River Transmission System Act, and Section 2 of the Grand Coulee Third Power House Authorization (P.L. 89-448)

does not explain how the total revenues proposed to be collected as well as the division of revenues among rate schedules meet the applicable statutory standard. Therefore, the Commission will remand this record, without prejudice, to the Assistant Secretary of Energy for Resource Applications for supplementation.

The Record on Other Issues

Because the Commission is remanding this record, it is unnecessary that the other issues in this proceeding be addressed at this time. However, in order to assist the AS/RA and the various parties during the remand process, the Commission will set forth its current views with respect to the adequacy of the existing record as to other issues in this proceeding.

Many comments have raised issues concerning the consistency between the AS/RA's rate proposals and underlying contractual arrangements between BPA and its customers. In a recent decision of the United States District Court for the District of Columbia, *Arkansas Power & Light Company v. James R. Schlesinger* (Civil Action No. 79-1263, October 20, 1980), the Court held that the Southwest Power Administration (SWPA) was barred from proposing a price increase to one of its customers above the level allowed in a contract between SWPA and that customer. The remand provides an opportunity for the AS/RA, if she desires to do so, to consider allegations that the interim rates for customers of BPA are in violation of any contractual obligations between the parties.

The Commission is not disposed to inquire into the legal authority of the AS/RA to place rates in effect on an interim basis. The Commission's view is that this is a matter for the courts to decide.¹⁰

With regard to BPA's inclusion of debt service on the WPPSS plants, the Commission believes the present record supports a finding that these costs are proper for inclusion in the rates to its customers. BPA entered into contractual arrangements that obligated it to commence paying the fixed costs of WPPSS No. 2 and No. 1 in January 1977 and January 1980, respectively. BPA's repayment policies, as prescribed by the Department of Energy in Order RA 6120.2,¹¹ require it to make payment of purchased power costs in the year in which they are incurred. BPA does not

have the legal authority to borrow money for this purpose, so the Commission regards inclusion of these costs in the present rates to be an appropriate means of providing sufficient revenues for BPA to meet its contractual payments to WPPSS as they come due, and also to meet BPA's statutory obligation to amortize federal investments within a reasonable period of time.

The Commission believes that an adequate basis exists in the present record to support BPA's classification of costs between capacity and energy. No supplementation is required with respect to this matter.

As to BPA's practice of repaying high interest investments ahead of the required repayment date while deferring repayment in lower interest investments, the current record is not sufficient as to the reasons underlying this practice to enable the Commission to determine the appropriateness of this policy.

Similarly, we note that the existing record does not provide an adequate basis to explain BPA's elimination of the facilities charge for wholesale firm preference customers in light of the fact that some customers have relied upon BPA's past practice of collecting a facilities charge and have purchased their own transformation facilities.

Petitioners have challenged the development of a penalty charge for computed demand customers under the EC-8 rate schedule, arguing that a customer could be unfairly penalized for an unauthorized increase in its computed demand. The Commission believes that the present record provides adequate support for the AS/RA's exercise of her authority in developing this charge that seeks to assure that the customer uses all its own resources to meet its load first or sells its own excess resource capabilities.

Some customers argue that the Commission must reject BPA's rates based on an asserted conflict with the President's Wage and Price Guidelines. The Commission disagrees that the Wage and Price Guidelines authorize this Commission to subrogate its statutory mandates in favor of the Guidelines. As stated in the Guidelines:

The Council recognizes that the prices of most public utilities are already subject to regulation by the Federal Energy Regulatory Commission * * * and in issuing this price standard, the Council does not intend to supplant their statutory functions and responsibilities * * *.¹²

This policy is similarly applicable to the establishment of federal rates. The Commission believes the BPA's customers have sufficient protection in the statutory requirement that power and energy be disposed of "to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles * * *".¹³ Accordingly, while the Commission is mindful of the Guidelines, if the AS/RA demonstrates that the rates submitted conform with statutory requirements, the Commission need look no further.

Finally, the Commission believes the remand makes a hearing before the Commission unnecessary and inappropriate at this time. The Commission has the authority to institute a hearing whenever necessary. However, the Commission would expect that due process and hearing requirements generally would be satisfied when the proposed rates are being reviewed by the AS/RA, because the responsibility for developing the rates resides with the AS/RA acting by and through the Administrator of BPA, and not with the Commission. The Commission, therefore, does not envision at this time any further hearings before the Commission.

The Commission finds: The record transmitted by the Assistant Secretary of Energy for Resource Applications is not sufficiently developed to determine whether the rate schedules developed by the Administrator of the Bonneville Power Administration and placed into effect by the AS/RA have been drawn on a basis consistent with the statutory standards set out in the relevant power marketing acts. Therefore, it is necessary to remand the record for further development of the basis on which estimates of the revenues were made and an explanation of the relationship among the various rate schedules.

The Commission orders: (A) The rates and charges developed by the Administrator of the Bonneville Power Administration and placed in effect by the Assistant Secretary of Energy for Resource Applications are hereby remanded without prejudice for further development of the record in order to demonstrate that said rates and charges are in accordance with the applicable statutory standards.

¹⁰This issue was recently addressed by the U.S. District Court for the District of Oregon. See *Pacific Power & Light Co. v. Charles William Duncan, Jr., et al.* (Civil Docket No. 80-82, September 30, 1980).

¹¹Issued September 20, 1979.

¹²44 FR 17913, March 23, 1979 (5 CFR Part 705).

¹³Flood Control Act of 1944, 16 U.S.C. 625a (emphasis added).

(B) The Secretary shall promptly publish this Order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc 80-37187 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-129-000]

Appalachian Power Co.; Filing

November 25, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on behalf of its affiliate, Appalachian Power Company (APCO) tendered for filing on November 17, 1980, a change of rate schedule, Modification No. 14 to the Interconnection Agreement between APCO and Virginia Electric and Power Company (VEPCO). This Modification provides for an extension of the present System Unit Power sale by APCO of 600 MW to VEPCO from January 1, 1981 to August 31, 1981.

The proposed terms and conditions including billing rates of Service Schedule H—System Unit Power have not been changed and are the same as the rates originally accepted for filing by FERC on September 30, 1980.

Applicant has requested the Commission to accept the Modification for filing on or before January 1, 1981 as it intends to continue the sale of System Unit Power to VEPCO as of that date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 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 December 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc 80-37305 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-130-000]

**Appalachian Power Co., Proposed
Tariff Change**

November 25, 1980

The filing Company submits the following:

Take notice that Appalachian Power Company (APCO) on November 20, 1980 tendered for filing proposed changes in its FERC Rate Schedules for service to its twenty wholesale customers in the States of Virginia and West Virginia. The proposed rate changes would increase revenues from jurisdictional sales and service by \$8,715,455 based upon the 12-month period ending December 31, 1981. APCO proposes that the rates and charges which are revised by this filing become effective February 1, 1981.

The proposed changes reflected in the filing primarily involve:

1. Increased demands and energy charges.
2. A revised base cost of fuel as contained in a fuel adjustment clause prepared in conformity with Section 35.14 of the Commission's Regulations.

The proposed rate increase is occasioned by increases in the cost of providing electric service and to recover additional expenses associated with the commercial operation of Mountaineer Plant and Smith Mountain Unit 3. The proposed rates are designed to recover such cost of providing electric service.

Copies of the filing were served upon APCO's jurisdictional customers and the Virginia State Corporation Commission and the Public Service Commission of West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 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 December 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 80-37307 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-128-000]

**Central Illinois Public Service Co.;
Filing**

November 25, 1980.

The filing company submits the following:

Take notice that on November 17, 1980, Central Illinois Public Service Company tendered for filing Revision No. 6 dated October 30, 1980, to the Interconnection Agreement Between Central Illinois Public Service Company and Southern Illinois Power Cooperative dated May 2, 1972.

Copies of this filing have been sent to Southern Illinois Power Cooperative and the Illinois Commerce 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, 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 December 12, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 80-37307 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-124-000]

Commonwealth Edison Co.; Filing

November 25, 1980

The filing company submits the following:

Take notice that Commonwealth Edison Company on November 17, 1980, tendered for filing Amendment No. 13 to the Interconnection Agreement Dated as of March 1, 1964 between Commonwealth Edison Company and Illinois Power Company.

Amendment No. 13 provides for the inclusion in Service Schedule C-Short Term Power of provisions for the implementation of daily short term power transactions between the Companies.

Copies of the filing were served upon Illinois Power Company, Decatur, Illinois, and the Illinois Commerce Commission, Springfield, Illinois.

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 §§ 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 December 12, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37308 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-126-000]

Edison Sault Electric Co; Filing

November 25, 1980.

The filing company submits the following:

Take notice that Edison Sault Electric Company on November 17, 1980, tendered for filing a Supplemental Agreement No. 3 between Edison Sault Electric Company and Wisconsin Electric Power Company, dated November 1, 1980, which agreement will supplement an existing Contract for Electric Service, dated January 2, 1959, between the same two parties. The contract between the parties, dated January 2, 1959, has been designated FPC Rate Schedule FPC No. 5 (Docket No. E-7870). The proposed supplemental agreement provides for a revision in the rate schedule of the contract, being Article VI, Section A of the contract, dated January 2, 1959.

Copies of the filing were served upon Wisconsin Electric Power Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreement, 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 §§ 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 December 12, 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 agreement are

on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37309 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-127-000]

Iowa-Illinois Gas and Electric Co.; Filing

November 25, 1980.

The filing company submits the following:

Take notice that Iowa-Illinois Gas and Electric Company, Davenport, Iowa (Company) on November 17, 1980, tendered for filing an Amendment No. 1 to Participation Power Transaction No. 1, under Service Schedule K, Participation Power, of an Interchange Agreement of November 15, 1971, with the City of Geneseo, Illinois (City). Company indicates the Amendment is dated November 13, 1980, to become effective February 1, 1981.

Company states the Amendment No. 1 to Participation Transaction No. 1 extends the term thereof for six months, from February 1, 1981 through July 31, 1981, during which 3 MW, rather than 2 MW, will be sold to City. It is stated that no new or additional facilities are required to effectuate the extended transaction, and that no change in rates or of the Participation Units, or other provisions are contemplated by this Amendment.

According to the Company, copies of the filing have been mailed to the City and to 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, 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, 1.10). All such petitions should be filed on or before December 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37310 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-490]

Lockhart Power Co.; Filing

November 25, 1980.

The filing company submits the following:

Take notice that on November 5, 1980, Lockhart Power Company (LPC) submitted for filing an agreement between LPC and the city of Union, South Carolina (Union). Said agreement modifies LPC's rates to Union pending resolution of this proceeding, and also reflects the terms of the Settlement Agreement, filed in Docket No. ER80-473, by Duke Power Company (Duke). Duke supplies a substantial portion of LPC's power requirements.

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 (18 CFR 1.8 and 1.10). All such protests should be filed on or before December 16, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37311 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-125-000]

Niagara Mohawk Power Corp.; Proposed Tariff Change

November 25, 1980.

The filing company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on November 17, 1980 tendered for filing as a rate schedule, and agreement between Niagara and Power Authority of the State of New York (PASNY) dated April 25, 1980.

Niagara presently has on file an agreement with PASNY dated January 15, 1963. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 22. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the rate for emergency power as provided for in the terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1980.

Copies of the filing were served upon the following: Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

Any persons desiring to be heard or to protest said application should file a petition to intervene or to 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 Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc 80-37312 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-85-M

[Volume 325] Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

November 25, 1980.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8105574	K80-0097	1509720272	108	RECEIVED: 11/17/80 JAS KS STEWART NO 1	GREENSBURG	20.3	KANSAS POWER & LIGHT
8105525	5258	3705120153	102	RECEIVED: 11/14/80 JAS PA FRANCIS GRIFFIN WELL NO 1	MASONTOWN	183.0	COLUMBIA GAS TRANSMI
8105528	5264	3706324190	108	BAIN PALMER SR #1 K-H-17	UPPER DEVONIAN SANDS	2.0	INDUSTRIAL ENERGY SE
8105527	5263	3706521714	108	EMERY E RESINE #1 K-2-2	UPPER DEVONIAN SANDS	20.0	T W PHILLIPS GAS & O
8105526	5259	3706521723	108	NORA E SMITH #1 K-2-1	UPPER DEVONIAN SANDS	20.0	T W PHILLIPS GAS & O
8105548	5879	3705321126	108	RECEIVED: 11/14/80 JAS PA EV 1974 - 4	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105544	5876	3705321879	108	EV 1977 - 5	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105553	5885	3705321881	108	EV 1977 - 7	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105552	5884	3705321882	108	EV 1977 - 8	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105546	5878	3705321883	108	EV 1977 - 9	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105554	5886	3705321880	108	EV 1977 - 6	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105551	5883	3705322152	108	EV 1978 - 10	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105550	5882	3705322153	108	EV 1978 - 11	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105549	5881	3705322154	108	EV 1978 - 12	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105547	5880	3705322155	108	EV 1978 - 13	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105545	5877	3705322156	108	EV 1978 - 14	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105555	5887	3705322158	108	EV 1978 - 16	QUEEN SAND GLADE FORMATI	5.0	NATIONAL FUEL GAS SU
8105530	5820	3704700000	108	RECEIVED: 11/14/80 JAS PA DENVER MILLER #1 F-26	BENEZETTE	0.0	CONSOLIDATED GAS SUP
8105529	5819	3704700000	108	WARRANT 5390 #1 F-24	BENEZETTE	0.0	NATIONAL FUEL GAS SU
8105542	5870	3706520297	108	RECEIVED: 11/14/80 JAS PA HOOVER-MILLER #1 SN 1589	BIG RUN	8.8	CONSOLIDATED GAS SUP
8105556	5888	3706325128	103	LOCKHART #1	J ELMER LOCKHART	42.1	COLUMBIA GAS TRANSMI
8105557	5889	3706325205	103	LOCKHART #2	J ELMER LOCKHART	28.7	COLUMBIA GAS TRANSMI
8105540	5868	3706321590	108	RECEIVED: 11/14/80 JAS PA BOYD CUNNINGHAM WELL #1	YOUNG	2.5	PEOPLES NATURAL GAS
8105559	5894	3706321501	108	CLAIR E MARSHALL WELL #1	CONEMAUGH	5.0	PEOPLES NATURAL GAS
8105560	5895	3706321638	108	E T LIBENGOOD WELL #1	YOUNG	6.0	PEOPLES NATURAL GAS
8105539	5867	3706321661	108	KENT COAL MINING CO WELL #1	YOUNG	9.0	PEOPLES NATURAL GAS
8105536	5864	3706321591	108	MARGARET BROWN WELL #1	CONEMAUGH	8.0	PEOPLES NATURAL GAS
8105537	5865	3706321592	108	MARGARET BROWN WELL #2	CONEMAUGH	7.0	PEOPLES NATURAL GAS
8105538	5866	3706321660	108	MARGARET BROWN WELL #3	CONEMAUGH	5.0	PEOPLES NATURAL GAS

JD NO	JA UNK	API UNK	SEC ID	WELL NAME	FIELD NAME	PROD	PURCHASER
8105558	5893	3706321652	108	T E MORRUM WELL #1	YOUNG	6.0	PEOPLES NATURAL GAS
8105561	5896	3706321876	108	T E MORRUM WELL #2	YOUNG	8.0	PEOPLES NATURAL GAS
8105535	5863	3712920641	108	USA WELL #1	DERRY	14.0	T W PHILLIPS GAS & O
8105534	5862	3712920639	108	USA WELL #2	DERRY	15.0	T W PHILLIPS GAS & O
8105533	5861	3712920640	108	USA WELL #3	DERRY	9.0	T W PHILLIPS GAS & O
8105532	5860	3712920660	108	USA WELL #4	DERRY	10.0	T W PHILLIPS GAS & O
8105531	5859	3712942782	108	USA WELL #5	BLACK LICK	7.0	T W PHILLIPS GAS & O
8105541	5869	3706321503	108	M H GEMMELL WELL #2	YOUNG	14.0	PEOPLES NATURAL GAS

WEST VIRGINIA DEPARTMENT OF MINES							

8105573		4708524519	102	D CLIFF WILSON H-930	CLAY DISTRICT	35.0	CONSOLIDATED GAS SUP

** U.S. GEOLOGICAL SURVEY - DENVER, CO							

8105576	CD0019-80	0510307782	108	RECEIVED 11/17/80 JAI CO 1	DRAGON TRAIL	19.0	NORTHWEST PIPELINE C
8105575	CD 0022-80	0507708235	103	RECEIVED 11/17/80 JAI CO 1	MILOCAT	30.0	
8105582	UD0021-80	4304730496	103	RUBY LEE UNIT #1-2-9-101	NATURAL BUTTES	61.0	COLORADO INTERSTATE
8105583	UD0014-80	4304730637	103	CIGE 32A-20-9-20	NATURAL BUTTES	246.0	COLORADO INTERSTATE
8105580	UD0015-80	4301930637	103	CIGE 71-7-9-21	CISCO DOME	180.0	NORTHWEST PIPELINE C
8105578	UD0017-80	4301930625	103	RECEIVED 11/17/80 JAI UT 1	CISCO DOME	180.0	NORTHWEST PIPELINE C
8105581	UD 0006-80	4301930586	103	NP ENERGY FEDERAL 23-2	CISCO DOME	10.0	NORTHWEST PIPELINE C
8105579	UD0016-80	4301930588	103	NP ENERGY FEDERAL 23-3	CISCO DOME	106.0	NORTHWEST PIPELINE C
8105577	UD0013-80	4304730570	103	RECEIVED 11/17/80 JAI UT 1	PUMDER SPRINGS	631.0	MONTANA FUEL SUPPLY

** U.S. GEOLOGICAL SURVEY - CASPER, WY							

8105568	M 342-0	2507121661	102	RECEIVED 11/18/80 JAI MT 5	MUNDAK	154.0	KANSAS=NEBRASKA NATU
8105567	M 343-0	2507121645	102	0170 FEDERAL 1	MUNDAK	140.0	KANSAS=NEBRASKA NATU
8105566	M 344-0	2507121658	102	0460 FEDERAL 1	MUNDAK	137.0	KANSAS=NEBRASKA NATU
8105564	ND 331-0	3305300938	102	RECEIVED 11/18/80 JAI ND 5	MUNDAK	7.5	MONTANA DAKOTA UTILI
8105562	ND 336-0	3305300888	102	0951 FEDERAL	MUNDAK	7.5	MONTANA DAKOTA UTILI
8105572	M 339-0	4904120167	102	FEDERAL #15-32	RYCKMAN CREEK	250.0	NORTHWEST PIPELINE C
8105570	M 339-0	4904120166	102	RECEIVED 11/18/80 JAI NY 5	RYCKMAN CREEK	250.0	NORTHWEST PIPELINE C
8105569	M 340-0	4904120193	102	RYCKMAN CREEK UNIT WELL #17	RYCKMAN CREEK	250.0	NORTHWEST PIPELINE C
8105565	M 334-0	4901320849	107	RYCKMAN CREEK UNIT WELL #19	RYCKMAN CREEK	250.0	NORTHWEST PIPELINE C
8105565	M 323-0	4901420203	102	RYCKMAN CREEK UNIT WELL #22	RYCKMAN CREEK	250.0	NORTHWEST PIPELINE C
8105571	ND 337-0	4903721253	102	RECEIVED 11/18/80 JAI NY 5	MILOCAT	1825.0	KANSAS=NEBRASKA NATU
8105565	M 323-0	4901420203	102	RECEIVED 11/18/80 JAI NY 5	PAINTER RESERVOIR	456.0	
8105565	M 323-0	4901420203	102	MONETA HILLS NO 1-29	PAINTER RESERVOIR	456.0	
8105571	ND 337-0	4903721253	102	RECEIVED 11/18/80 JAI NY 5	MILOCAT	1825.0	KANSAS=NEBRASKA NATU
8105571	ND 337-0	4903721253	102	RECEIVED 11/18/80 JAI NY 5	MILOCAT	1825.0	KANSAS=NEBRASKA NATU
8105571	ND 337-0	4903721253	102	HORN CANYON #3	MILOCAT	1825.0	KANSAS=NEBRASKA NATU

BILLING CODE 6480-85-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). 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 December 16, 1980.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37313 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-123-000]

**South Carolina Electric & Gas Co.,
Filing**

November 25, 1980.

The filing company submits the following:

Take notice that on November 14, 1980, South Carolina Electric & Gas Company tendered for filing three Revised Exhibits A establishing a new delivery point and changes in two existing delivery points and service specifications with the City of Orangeburg, South Carolina.

The effective date for the revised service agreements is September 1, 1980. Service to the one new delivery point is expected to commence on or about December 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 December 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-37314 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. CS75-396-001, etc.]

**Suburban Propane Exploration Co.,
Inc. (Suburban Propane Gas Corp.), et
al.; Applications for "Small Producer"
Certificates¹**

November 25, 1980.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 10, 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). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions 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

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket Number, Date Filed, and Applicant

CS75-396-001, November 3, 1980,¹ Suburban Propane Exploration Co., Inc. (Suburban Propane Gas Corporation), P.O. Box 17689, San Antonio, Texas 78217

CS80-214, September 19, 1980, W. Ed Green, Jr., 4260 Gatewood Lane, Duluth, Georgia 31036

CS80-222, September 12, 1980, Hulen H. Lemon, P.O. Box 485, Midland, Texas 79702

CS81-17-000, November 3, 1980, Rogan Petroleum Corporation, One Galleria Plaza, Suite 810, Oklahoma City, Oklahoma 73102

CS81-18-000, November 3, 1980, Southern Uto Indian Tribe, Tribal Affairs Building, P.O. Box 737, Ignacio, Colorado 81137

CS81-19-000, November 10, 1980, P.A. Lyon, Jr., P.O. Box 652, Spearman, Texas 79081

[FR Doc. 80-37315 Filed 11-28-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. E-9610]

**Tipmont Rural Electric Membership
Corp. v. Public Service Company of
Indiana; Order Granting Motion To
Withdraw Application and Terminating
Docket**

November 25, 1980.

On October 7, 1980, Tipmont Rural Electric Membership Corporation (Tipmont) filed a motion to withdraw an October 27, 1977 application which sought a Commission order directing Public Service Company of Indiana (PSCI) to establish an additional 12 KV metering point at West Lafayette, Indiana, and to sell electric energy to Tipmont at the new metering point.

This controversy arose when, on September 16, 1977, a new industrial customer, Eli Lilly & Company (Lilly), applied to Tipmont for electric service. Because of the size of the new load, Tipmont sought the additional metering point from PSCI. According to Tipmont, PSCI denied its request since PSCI desired to serve the new load itself.

As a result of the dispute, Tipmont filed its application in this docket

¹Being noticed to reflect a name change from Suburban Propane Gas Corporation to Suburban Propane Exploration Co., Inc. as of 10-1-80.

pursuant to section 202(b) of the Federal Power Act. Notice of the application was issued on November 2, 1977, with comments due on or before November 23, 1977.

On November 23, 1977, PSCI filed an answer to Tipmont's application. PSCI stated that it would be able to serve the Lilly load more economically because its electric system is closer to Lilly than is the Tipmont system. In accordance with its desire to provide service to Lilly, and in accordance with Indiana law, PSCI had also petitioned the Indiana Public Service Commission for authorization to serve Lilly. Finally, PSCI contended that the line from which Tipmont was seeking a delivery point is not a "transmission line" within the meaning of section 202(b) of the Federal Power Act.

In a response to PSCI's answer, filed on December 19, 1977, Tipmont asserted that PSCI's desire to serve Lilly, and its refusal to establish the requested metering point, constituted anticompetitive conduct by PSCI. Tipmont also contended that the line from which it was seeking a metering point is a transmission line under section 202(b).

By letter dated January 3, 1978, Tipmont was advised by the Commission's Secretary that it would be necessary for Tipmont to furnish certain additional materials required by section 32.2 of the regulations. Tipmont did not respond to that deficiency letter.

Tipmont's present motion indicates that the parties have since resolved their differences and that further proceedings before the Commission would serve no useful purpose. No objections to Tipmont's motion have been received by the Commission.

Discussion

Under § 1.11(d)(2) of the Commission's Rules of Practice and Procedure, a pleading such as Tipmont's, which is in the nature of a complaint, may be withdrawn only upon express Commission approval.¹ From the facts presented, we find that the controversy has effectively been rendered moot and that good cause exists to permit Tipmont to withdraw its application.

¹ See, e.g., *Anza Electric Cooperative, Inc.*, Docket No. EL78-26 (Oct. 6, 1980).

Accordingly, we shall authorize such withdrawal.

The Commission Orders

(A) Tipmont's motion to withdraw its October 27, 1977 application in this docket is hereby granted.

(B) Docket No. E-9610 is hereby terminated.

(C) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-37316 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-95-M

Office of Energy Research

Research & Development Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Research & Development Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770).

Date and Time: December 19, 1980, 9:00 am to 4:00 pm

Place: Department of Energy, Forrestal Building, Room BE-069, 1000 Independence Avenue, SW., Washington, D.C. 20585

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, MS 3F-032, 1000 Independence Avenue, SW., Washington, D.C. 20585. Telephone: 202/252-8833.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda: Discussion of Methodology for Evaluating Energy R&D Priorities.

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research

Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between 8:00 am and 4:00 pm Monday through Friday, except Federal Holidays.

Issued at Washington, D.C. on November 24, 1980.

Edward A. Frieman,

Director of Energy Research.

[FR Doc. 80-37277 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed Week of October 17 through October 24, 1980

During the week of October 17 through October 24, 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. Breznay,

Director, Office of Hearings and Appeals.

November 24, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Oct. 17 through Oct. 24, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 17, 1980	Asamera Oil/Amoco Oil Co et al' Washington D.C.	BEJ-0147 to BEJ-0152	Motion for Protective Order. If granted, Asamera Oil Company would enter into a Protective Order with Amoco Oil Co., Cities Service Co., Kerr-McGee Refining Co., Little America Refining Co., Mobil Oil Corp. and Paster Petroleum Company regarding the exchange of proprietary information.
Oct. 17, 1980	Crown Central Petroleum Company, Office of Special Counsel, Baltimore, Maryland	ERJ-0125	Supplemental Order. If granted, The February 23, 1980 Decision and Order (Case No. BEJ-0024) issued to Crown Central Petroleum Company and the Office of Special Counsel would be extended and a stay would be granted regarding the enforcement proceedings involving the Objections to a Proposed Remedial Order (Case No. DRQ-0111) issued to the firm.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Oct. 17 through Oct. 24, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 17, 1980	Economic Regulatory Administration & Energy Information Administrator, Washington, D.C.	BER-0066	Request for Modification and Rescission. If granted: The July 1, 1980 Decision and Order (Case No. BFA-0358) issued to Foster Associates, Inc. regarding the release of certain DOE data would be modified.
Oct. 20, 1980	Gold Louis, Washington, D.C.	BFA-0505	Appeal of an Information Request Denial. If granted: The October 6, 1980 Information Request Denial issued by the Office of Procurement Operations would be rescinded, and Louis Gold would receive access to information concerning the waste material gasification program at Columbia University.
Oct. 20, 1980	Husky Oil Co./Cross Service, Denver, Colorado	BEA-0502	Appeal of an Assignment Order. If granted: The December 4, 1979 Assignment Order issued to Husky Oil Company by the Economic Regulatory Administration, Region VIII would be modified regarding Husky Oil Co.'s supply obligations to Cross Service.
Oct. 20, 1980	Husky Oil Company, Denver, Colorado	BEA-0501	Appeal of an Assignment Order. If granted: The December 4, 1979 Assignment Order issued to Husky Oil Company by the Economic Regulatory Administration, Region VIII would be modified regarding Husky Oil Co.'s supply obligations to Kwik Way.
Oct. 20, 1980	Husky Oil Company, Denver, Colorado	BER-0067	Request for Modification/Rescission. If granted: The February 2, 1980 Decision and Order issued to Husky Oil Company by the Office of Hearings and Appeals Western Regional Center would be modified regarding the firm's supply obligations to Calder Brothers Company, Inc.
Oct. 20, 1980	Monsanto Company (Belitz, Pipkin, Cody, Dwinell), Houston, Texas.	BEE-1502 to BEE-1505.	Price Exception. If granted: Monsanto Company would receive upper tier or market prices from Permian Corporation for crude oil sold during March, 1980, produced from the Belitz, Pipkin, Cody and Dwinell Properties.
Oct. 20, 1980	Stephen M. Shaw, La Jolla, California	BFA-0504	Appeal of an Information Request Denial. If granted: Stephen M. Shaw would receive access to certain DOE materials.
Oct. 20, 1980	Stephen M. Shaw, La Jolla, California	BFA-0503	Appeal of an Information Request Denial. If granted: Stephen M. Shaw would receive access to certain DOE materials.
Oct. 20, 1980	Ven-Fuel, Inc., Miami, Florida	BRH-1274 and BRD-1274.	Motion for Discovery and Motion for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Ven-Fuel, Inc. in response to a Proposed Remedial Order issued to the firm (Case No. BRO.1274).
Oct. 21, 1980	Getty Refining & Marketing Company, Tulsa, Oklahoma	BEA-0507	Appeal of an Decision and Order. If granted: The September 3, 1980 Decision and Order issued to Consumers Service Stations would be modified with respect to its motor gasoline allocation.
Oct. 21, 1980	Alan Ramo, Berkeley, California	BFA-0506	Appeal of an Information Request Denial. If granted: Alan Ramo would receive access to certain DOE material.
Oct. 21, 1980	Ramco Oil Company, West Sacramento, California	BRD-0075 and BRD-0075.	Request for Evidentiary Hearing and Motion for Discovery. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with Ramco Oil Company's Statement of Objection in response to Proposed Remedial Order (Case No. DEO-1073) issued to the firm.
Oct. 21, 1980	Seneca Oil Company, Major County, Oklahoma	BEL-1508 through BEL-1512.	Price Exception and Temporary Exception. If granted: Seneca Oil Company would be permitted to sell the crude oil produced from the Boston No. 1, Davidson No. 1, Nightengale No. 1, Ritter No. 1-25 and Speece No. 1 wells, located in Major County, Oklahoma, at market prices.
Oct. 21, 1980	Union Oil Company of California, Schaumburg, Illinois	BEE-1507	Price Exception. If granted: Union Oil Company of California would be granted an exception from the provisions of 10 CFR Part 212 Subpart E which would permit the firm to pass through a Connecticut gross receipts tax solely in the prices it charges for covered products sold in Connecticut.
Oct. 22, 1980	Arent, Fox, Kintner, Plotkin, & Kahn (Webber)	BFA-0508	Appeal of an Information Request Denial. If granted: The October 16, 1980 Information Request Denial issued by the Strategic Petroleum Reserve Project Management Office would be rescinded and the firm would receive access to certain DOE data.
Oct. 22, 1980	Bracewell & Patterson (DePaulo), Washington, D.C.	BFA-0509	Appeal of an Information Request Denial. If granted: The October 3, 1980, Information Request Denial issued by the Office of Regulatory Policy, ERA, would be rescinded, and Bracewell & Patterson would receive access to documents relating to the proposed crude oil reseller regulations issued by the DOE on October 25, 1979.
Oct. 22, 1980	Shell Oil Company, Houston, Texas	BER-0068	Request for Modification/Rescission. If granted: The September 11, 1980 Decision and Order issued to Stockman Oil Two, Inc. (Case Nos. DEE-7909 and DEE-6101) would be modified regarding Shell Oil Company's supply obligations to the firm.
Oct. 23, 1980	Chevron USA Inc./Standard Oil, Co. of Ohio	BEN-1414 and BEN-1378.	Request for Interim Order. If granted: Chevron U.S.A. Inc. and Standard Oil Co. of Ohio would be permitted to treat unleaded premium gasoline as a separate category of gasoline for purposes of Section 212.83(c)(1)(i)(B).
Oct. 23, 1980	Duffy's Car Wash, Inc.; Newport, Kentucky	BCX-0122	Supplemental Order If granted: The April 16, 1980 Decision and Order (Case No. DEE-4940) issued to Duffy's Car Wash, Inc. by the Office of Hearings and Appeals would be modified in connection with the October 21, 1980 Proposed Order Reversing and Remanding Contested Decision and Order (Case No. RA80-56) issued by the Federal Energy Regulatory Commission.
Oct. 23, 1980	Fuel Oil Supply and Terminals, Washington, D.C.	BED-0073	Motion for Discovery. If granted: Discovery would be granted to Fuel Oil Supply & Terminals in connection with its Application for Exception (DEE-6388).
Oct. 23, 1980	Oahu Gas Service, Inc., Washington, D.C.	BED-0083	Motion for Discovery. If granted: Discovery would be granted to Oahu Gas Service, Inc. in connection with Gasco Inc's Application for Exception and Supplemental Request (Case Nos. BXE-1191 and BEX-0072).
Oct. 23, 1980	Office of Special Counsel, Washington, D.C.	BRD-0074	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the statement of Objection submitted in response to a Proposed Remedial Order (Case No. BRO-1153) issued to Conoco, Inc.
Oct. 23, 1980	Shell Oil Company, New Orleans, Louisiana	BEE-1516	Price Exception. If granted: Shell Oil Company would be permitted to sell the crude oil produced from the West Delta Block 30 Field at upper tier ceiling prices.
Oct. 23, 1980	Southwest Petro-Refining Company, Houston, Texas.	BEE-1513	Exception from the Buy/Sell Program. If granted: Southwest Petro-Refining Company would receive an exception to the provisions of 10 CFR 211.65 regarding the firm's participation in the crude oil Buy/Sell Program.
Oct. 24, 1980	Champlin Petroleum Company, Fort Worth, Texas	BRA-0510 and BRS-0510.	Appeal of a Modified Remedial Order and Request for Stay. If granted: The July 23, 1980 Modified Remedial Order issued by the Office of Special Counsel for Compliance to Champlin Petroleum Company would be modified regarding the treatment of class purchasers. The firm would receive a stay of the Modified Remedial Order pending a final determination on its Appeal.
Oct. 24, 1980	Dr. Hooper Oil and Royalty, Houston, Texas	Company BXE-1514.	Price Exception. If granted: Dr. Hooper Oil and Royalty Company would be permitted to continue to sell the crude oil produced from the W. P. McComb Lease located in Conroe Field, Montgomery County, Texas at upper tier ceiling prices.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline—Week of October 17, 1980 to October 24, 1980

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Name, Case Number, Date, and State

LeBlanc's Arco, BEX-0121, October 21, 1980, California
Moore's Gulf, BEE-1412, September 25, 1980, Florida
Belvidere Car Wash, BEX-0123, October 24, 1980, Maine

Notices of Objection Received—Week of October 17, 1980 to October 24, 1980

Date, Name, location of applicant, and Case Number

October 15, 1980, Texaco, Inc., White Plains, NY, BEE-1518

October 20, 1980, Wolfe's AM/PM Car Wash, Redlands, CA, BEX-0093

October 20, 1980, Dow Chemical, U.S.A., Houston, TX, BEE-1393

October 20, 1980, Charles H. Booth, Anniston, AL, BEE-0874

October 20, 1980, Cities Service Co., Tulsa, OK, BEE-1400

October 21, 1980, Raritan Oil Company, Inc., San Francisco, CA, BEE-0411

October 22, 1980, Marina South Car Wash, Los Angeles, CA, BEX-0092

[FR Doc. 80-37173 Filed 11-20-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of October 25 through October 31, 1980

During the week of October 25 through October 31, 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 or 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. Breznay,

Office of Hearings and Appeals.

November 24, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Oct. 25 though Oct. 31, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 26, 1980	Energy Cooperative Inc., East Chicago, Indiana	BEN-0508	Interim Order. If granted: Energy Cooperative Inc. would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-0508).
Oct. 27, 1980	Alamo Expressway Service, San Antonio, Texas	BEX-0126	Supplemental Order. If granted: Alamo Expressway Service would be required to meet the criteria set forth in Case No. DXE-8261, concerning exception relief in certain motor gasoline allocation cases.
Oct. 27, 1980	Armstrong Petroleum, Newport Beach, California	BRX-0129	Supplemental Order in <i>Armstrong Petroleum</i> , 4 DOE F. (November 23, 1979). If granted: An oral argument would be convened pursuant to the Federal Energy Regulatory Commission's Remedial Order review.
Oct. 27, 1980	Black's Shell Service, Spartanburg, South Carolina	BEX-0127	Supplemental Order. If granted: Black's Shell Service would be required to meet the criteria set forth in DXE-8261, concerning exception relief in certain motor gasoline allocation cases.
Oct. 27, 1980	Chevron USA Inc./Little America Refining, Washington, D.C.	BEJ-0154 and BED-0154	Motion for Discovery and Protective Order. If granted: Chevron USA Inc. would enter into a Protective Order with Little America Refining regarding the exchange of proprietary information.
Oct. 27, 1980	E-Z Serve, Inc., Houston, Texas	BES-0112 and BST-0112	Request for Stay and Temporary Stay. If granted: E-Z Serve, Inc. would receive a Temporary Stay and a Stay of the single Firm Rule of the Mandatory Petroleum Price Regulations.
Oct. 27, 1980	Mobil Oil Corporation, Washington, D.C.	BED-0077 and BEH-0077	Motion for Discovery and Request for Evidentiary Hearing. If granted: An Evidentiary Hearing would be convened and Discovery would be granted to Mobil Oil Corporation in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEE-1064) issued to Little America Refining Co., Inc.
Oct. 27, 1980	Office of Special Counsel, Washington, D.C.	BRD-0079	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1243) issued to Atlantic Richfield Company.
Oct. 27, 1980	Rapid Oil Service, Roberts, Wisconsin	BEX-0128	Supplemental Order. If granted: Rapid Oil Service would be required to meet the criteria set forth in Case No. DXE-8261, concerning exception relief in certain motor gasoline allocation cases.
Oct. 27, 1980	Tosco Corp./Office of Special Counsel, Washington, D.C.	BEJ-0153	Motion for Protective Order. If granted: Tosco Corporation would enter into a Protective Order with the Office of Special Counsel regarding the exchange of proprietary information.
Oct. 27, 1980	Tri-Service Drilling Co., Washington, D.C.	BRD-1293	Motion for Discovery. If granted: Discovery would be granted to Tri-Service Drilling Co. in connection with the Statement of Objections submitted in response to the July 18, 1980 Proposed Remedial Order (Case No. BRO-1293) issued to the firm by the Economic Regulatory Administration.
Oct. 28, 1980	Alliance Oil & Refining Company, Houston, Texas	BRT-0012	Request for Temporary Stay. If granted: Alliance Oil & Refining Company would receive a temporary stay of the October 24, 1980 Interim Remedial Order for Immediate Compliance issued by the Office of Enforcement Region VI, regarding the firm's sale of crude oil.
Oct. 28, 1980	Farmers Union Central Exchange, St. Paul, Minnesota	BRS-0113	Request for Stay. If granted: Farmers Union Central Exchange would receive a stay of portions of a Notice of Probable Violation (No. 740001243) pending a final determination of the issues it raises.
Oct. 28, 1980	Office of Enforcement, Washington, D.C.	BRZ-0057	Interlocutory Order. If granted: Gulf Oil Corporation and Gulf Exploration and Production Company would be joined as a party to Remedial Order proceeding (Case No. BRO-0434).
Oct. 29, 1980	Oklahoma Publishing Company (Taylor), Oklahoma City, Oklahoma	BFA-0512	Appeal of an Information Request Denial. If granted: The October 9, 1980, Information Request Denial issued by the Office of Public Affairs would be rescinded, and the Oklahoma Publishing Company would receive access to reports and memoranda regarding DOE publications <i>Nifty Nugget-78</i> and <i>BEX-78</i> .
Oct. 29, 1980	Robert J. Kutinac Shell, Washington, D.C.	BRW-0070	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Robert J. Kutinac Shell on May 19, 1980 would be issued as a final Remedial Order.
Oct. 29, 1980	Terry F. Lenzer, Washington, D.C.	BFA-0511	Appeal of an Information Request Denial. If granted: The May 30, 1980 Information Request denial issued by the Office of FOI and Privacy Acts Activities would be rescinded.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Oct. 25 through Oct. 31, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 29, 1980	Union Oil Company of California, Schaumburg, Ill. nois.	BER-0069	Request for Modification. If granted: The July 24, 1980 Decision and Order issued to Public Oil Company would be modified regarding supply obligations of Union Oil Company of California to Public Oil Company.
Oct. 31, 1980	Necchi and Campighio, Torrington, Connecticut	BEE-1515	Exception from the Energy Conservation Program for Consumer Products. If granted: Necchi and Campighio (NECA) would not be required to perform energy efficiency tests of its cast iron multi-fuel and cast iron solid fuel boilers as required under 10 CFR 430.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of October 21, 1980 to October 31, 1980]

If granted: The following firms would be granted relief which would increase their base period allocation of motor gasoline.

Name	Case No. and date	State
DAECO	BXE-1519, 10/27/80	Calif.
Echo Bay Resort	BEN-1315, 10/30/80	Nev.

Notices of Objection Received

[Week of October 24 to October 31, 1980]

Date	Name and location of applicant	Case No.
10/24/80	Bradley Texaco (Williams), Washington, D.C.	BEO-1332
10/27/80	Atlantic Gasohol Fuels Co., Virginia.	BEE-1358
10/28/80	DeBlois Oil Company, Rhode Island.	BEE-1379
10/29/80	Calaveras Transit Company, Vallecito, California.	DEE-6797
10/29/80	St. Louis County Police Dept., St. Louis, Missouri.	DEE-6619
10/30/80	Hempstead Resources Recovery, et al. See attached.	See attached

Attachment

Names of petitioners	Dates of filing	Case No.
Hempstead Resources Recovery Corporation.	June 3, 1980	BEE-1407
Arizona Chemical Company	July 7, 1980	BEE-1273
Powerline Oil Co.	July 15, 1980	BEE-1289
Laketon Asphalt Refining	July 26, 1980	BEE-1312
Peerless Petrochemicals, Inc.	June 25, 1980	BEE-1251
Giant Industries, Inc.	July 17, 1980	BEE-1406
Coastal Petroleum Refiners, Inc.	June 18, 1980	BEE-1405
Colonial Oil Industries, Inc.	Aug. 25, 1980	BEE-1364
Cadence Chemical Resources, Inc.	Aug. 25, 1980	BEE-1360
Milwaukee Metropolitan Sewerage District.	Aug. 25, 1980	BEE-1361
Northeast Petroleum Industries, Inc.	Aug. 20, 1980	BEE-1350
County Sanitation Districts of Orange County California.	Aug. 27, 1980	BEE-1374
Nashville Thermal Transfer Corp.	Aug. 26, 1980	BEE-1371
American Can Company	Aug. 26, 1980	BEE-1372
Yetter Oil Company	Aug. 27, 1980	BEE-1367
Midwest Solvents Co., Inc.	Aug. 26, 1980	BEE-1370
Irving Oil Corporation	Aug. 26, 1980	BEE-1366
Western Refining Company	Sept. 2, 1980	BEE-1408
Coral Petroleum, Inc.	Sept. 2, 1980	BEE-1387
City of Los Angeles	Sept. 5, 1980	BEE-1388
Val Verde International, Inc.	Aug. 29, 1980	BEE-1380

FR Doc. 80-37175 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed, Week of October 31, Through November 7, 1980

During the week of October 31 through November 7, 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.

Dated: November 24, 1980.

George B. Breznay,
Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Oct. 31, through Nov. 7, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 31, 1980	Commonwealth Oil Refining Co., Inc., San Antonio, Texas.	BEG-0036	Request for Special Redress. If granted: Commonwealth Oil Refining Co., Inc. would be permitted to sell previously issued but unsold Entitlements on the next Entitlements Notice.
Oct. 31, 1980	Dow Chemical USA, Houston, Texas	BEX-1520	Exception from the Buy/Sell Program. If granted: Dow Chemical USA would receive an exception to the provisions of 10 CFR § 211.65 regarding the firm's continued participation in the Crude Oil Buy/Sell Program.
Oct. 31, 1980	Energy Cooperation, Inc., Central Point, Oregon	BEE-1501	Allocation Exception. If granted: Energy Cooperation, Inc. would receive an exception from the provisions of 10 CFR Part 211, which would permit the firm to receive an increased allocation of unleaded motor gasoline for the purposes of blending gasoline.
Oct. 31, 1980	Oahu Gas Service/Gasco Inc., San Francisco, California.	BEJ-0158	Motion for Protective Order. If granted: Oahu Gas Service would enter into a Protective Order with Gasco Inc. regarding the exchange of proprietary information.
Oct. 31, 1980	Whitfield County Public Schools, Dalton, Georgia	BER-0070	Request for Modification/Rescission: If granted: The July 23, 1980 Decision and Order (Case No. BEE-0390) issued to Gulf Oil Corp. would be modified and Whitfield County Public Schools would continue to be supplied with motor gasoline by Gulf Oil Corp.
Oct. 31, 1980	341 Tract Unit, Citronelle Field, Alabama	BEN-0071	Motion for Interim Order. If granted: The 341 Tract Unit would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. DEE-7746).
Nov. 3, 1980	Cities Service Company, Tulsa, Oklahoma	BEN-0367	Motion for Interim Order. If granted: Cities Service Co. would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-0367).
Nov. 3, 1980	Dixon Oil Company, Gunnison, Utah	BEE-1521	Exception from the Entitlements Program. If granted: Dixon Oil Co. would receive an exception from the provisions of 10 CFR § 211.67 which would modify its entitlements purchase obligations.
Nov. 3, 1980	Monoco Oil Company, Washington, D.C.	BEL-0066	Temporary Exception from the Entitlements Program. If granted: Monoco Oil Company would receive a temporary exception from the provisions of 10 CFR § 211.67 which would modify its entitlements purchase obligations.
Nov. 3, 1980	Plaquemines Oil Sales Corp., Belle Chasse, LA	BRH-1320	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Plaquemines Oil Sales Corp. in response to the Proposed Remedial Order issued to the firm.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Oct. 31, through Nov. 7, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 3, 1980	Pryor Interprises, Inc., Atlanta, Georgia	BEN-0072	Motion for Interim Order. If granted: Pryor Interprises, Inc. would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. DEE-5441).
Nov. 4, 1980	Anderson Oil Company and Volta Oil Company, Atlanta, Georgia	BEG-0037	Request for Special Redress. If granted: The Office of Hearings and Appeals would direct DOE's Office of Special Counsel to issue an Interim Remedial Order for Immediate Compliance to Texaco, Inc., regarding alleged violations of the Normal Business Practice Regulation in connection with Anderson Oil Company and Volta Oil Company.
Nov. 4, 1980	Barnett, Alagia and Carey (Himmelbery), Washington, D.C.	BFA-0514	Appeal of an Information Request Denial. If granted: Barnett, Alagia and Carey (Himmelbery) would receive access to all documents pertaining to any task or projects on which the Special Assistant to the DOE Secretary and Deputy Secretary was working as of September 29, 1980.
Nov. 4, 1980	Charles Varon, San Francisco, California	BFA-0513	Appeal of an Information Request Denial. If granted: The October 15, 1980 Information Request Denial issued to Charles Varon by the Office of Military Application would be rescinded, and Charles Varon would receive access to documents related to the Department of Energy's support to the Nuclear Regulatory Commission during the Three Mile Island nuclear reactor incident.
Nov. 4, 1980	Navajo Refining Company, Houston, Texas	BEX-0131	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Navajo Refining Company during its fiscal year ended July 31, 1980, to determine whether the level of relief accorded the firm was appropriate.
Nov. 4, 1980	Standard Oil Company (Ohio), Cleveland, Ohio	BEJ-0155	Motion for Protective Order. If granted: Standard Oil Company (Ohio) would enter into a Protective Order with Somerset Refining, Inc. regarding the release of proprietary information to Standard Oil Company (Ohio) in connection with Somerset Refining, Inc.'s Application for Temporary Exception and Exception (Case Nos. BEE-1500 and BEL-1500).
Nov. 4, 1980	Traders Oil & Royalty, Washington, D.C.	BRD-1312	Motion for Discovery. If granted: Discovery would be granted to Traders Oil & Royalty in connection with the Statements of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1312) issued to the firm by the Economic Regulatory Administration.
Nov. 5, 1980	Mobil Oil Corp./Somerset Refining, Inc., Fairfax, Virginia	BEJ-0156	Motion for Protective Order. If granted: Mobil Oil Corporation would enter into a Protective Order with Somerset Refining, Inc. regarding the release of proprietary information to Mobil Oil Corporation in connection with Somerset Refining, Inc.'s Application for Exception (Case No. BEE-1500).
Nov. 5, 1980	Office of Enforcement (National Helium), Washington, D.C.	BEF-0008	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with the January 30, 1980 Consent Order issued to National Helium Corporation.
Nov. 5, 1980	The Crude Company, Washington, D.C.	BEZ-0058, BRZ-0059, BEZ-0060, BRZ-0061, BRZ-0062.	Motion for Interlocutory Order. If granted: The Crude Company, Ernest E. Akerkamp, Summit Transportation Co., J. D. Street Co., Inc. and Site Oil Company would receive a stay of their regulatory obligations until December 8, 1980.
Nov. 5, 1980	Trends Publishing, Inc., Washington, D.C.	BFA-0515	Appeal of an Information Request Denial. If granted: The October 20, 1980 Information Request Denial issued to Trends Publishing, Inc. would be rescinded and Trends Publishing, Inc. would receive access to documents relating to the development and testing of an electric engine by a subsidiary of Gulf and Western Industries, Inc.
Nov. 6, 1980	Alliance Oil & Refining Company, Houston, Texas	BRS-0114	Request for Stay. If granted: Alliance Oil & Refining Company would receive a stay of an October 24, 1980 Interim Remedial Order for Immediate Compliance pending a final determination on a Statement of Objections to that order which the firm intends to file.
Nov. 6, 1980	Milner & Chevalier (Milner), Washington, D.C.	BFA-0516	Appeal of an Information Request Denial. If granted: The October 3, 1980 Information Request Denial issued by the Office of Special Counsel for Compliance would be rescinded, and Milner & Chevalier would receive access to information in relation to certain DOE audits.
Nov. 6, 1980	Marathon Oil Company, Somerset Refining, Inc., Washington, D.C.	BEJ-0157	Motion for Protective Order. If granted: Marathon Oil Company would enter into a Protective Order with Somerset Refining, Inc. regarding the exchange of proprietary information.
Nov. 6, 1980	Natural Resources Defense Council, Inc., Washington, D.C.	BFA-0517	Appeal of an Information Request Denial. If granted: The October 21, 1980 Information Request Denial issued by the DOE Office of Safeguards and Security would be rescinded, and the Natural Resources Defense Council, Inc. would receive access to two DOE physical protection handbooks.
Nov. 6, 1980	Navajo Refining Company, Washington, D.C.	BER-0072	Request for Modification and Rescission. If granted: The October 23, 1980 Proposed Decision and Order issued to Navajo Refining Company (Case No. BEX-0069) by the Office of Hearings and Appeals would be modified.

List of Cases Involving the Mandatory Petroleum Allocation Regulations for Motor Gasoline

[Week of Oct. 31, 1980 to Nov. 7, 1980]

If granted: The following firm would be granted relief which would increase its base period allocation of motor gasoline.

Name	Case No. and date	State
National Pest Control-Associate, Inc.	BEE-1522, 11/7/80	Va.

Notices of Objection Received

[Week of Oct. 31, 1980 to Nov. 7, 1980]

Date	Name and location of applicant	Case No.
10/31/80	Navajo Refining Co., Washington, D.C.	BXE-1356.
10/31/80	Vanway Gasohol, Inc., Alabama	BEE-0978.
10/31/80	Standard Oil Co. (Ohio), (SOHIO).	BEE-1414.
11/4/80	Swiftly Distributors, Inc., Washington, D.C.	BEE-0963.
11/4/80	Penzoil Producing Co., Washington, D.C.	BEE-1186.
11/4/80	New York State PoCo, Albany, N.Y.	BEE-0266.
11/5/80	Bird Oil Co., Hilton Head, S.C.	BEE-0509.

[FR Doc. 80-37172 Filed 11-28-80; 8:45 am]

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Issuance of Decisions and Orders; Week of September 29 through October 3, 1980

During the week of September 29 through October 3, 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.

Appeals**Crude Oil Purchasing, Inc., Washington, D.C., BFA-0462, freedom of information**

Crude Oil Purchasing, Inc. filed an Appeal from a partial denial by the Deputy General Counsel for Rulings of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Deputy General Counsel properly withheld the requested materials pursuant to Exemption 5.

Horizon Petroleum Co., Houston, Tex., BFA-0463, freedom of information

Horizon Petroleum Company filed an Appeal from a denial by the District Manager of the Economic Regulatory Administration Southwest Enforcement District of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that documents responsive to the request did exist and a further search was therefore ordered.

Marathon Oil Co., Washington, D.C., BEA-0043 through BEA-0045, motor gasoline

On November 6, 1979, Marathon Oil Company filed an Appeal from three Orders for the Redirection of Product which the Region IV Office of Petroleum Operations of the Economic Regulatory Administration issued to the firm on October 9, 1979, pursuant to the provisions of 10 CFR § 211.107(c). Those Orders directed Marathon to supply a total of 212,589 gallons of motor gasoline for the month of September to three Florida jobbers: Treasure Coast Oil, Inc., B.W. Simpkins Oil, Inc., and Palm Beach Oil, Inc. In considering the firm's Appeal, the DOE determined that the October 9 Orders fail to establish a sufficient factual basis to support their issuance. The three jobbers are 100 percent owned by a common parent firm, S & S Enterprises, Inc. The DOE therefore concluded that the Redirection Orders should be remanded to ERA Region IV for a further determination as to the practicability of the parent firm securing additional supplies of motor gasoline for its subsidiaries from outside its market area.

Trends Publishing, Inc., Washington, D.C., BFA-0432, BFA-0465, freedom of information

Trends Publishing, Inc. (Trends) filed Appeals from partial denials by the Director of the Office of Advanced Conservation Technologies of the requests for information submitted under the Freedom of Information Act. The DOE determined that the Director had properly withheld each of the documents or portions of documents, which related to zinc-chloride battery technology. Accordingly, the Appeals were denied.

Requests for Exception**Allen Oil Co., Gainesville, Fla., DEE-5489 motor gasoline**

Allen Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in the base period allocation of motor gasoline for a retail sales outlet which it owns and supplies. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a gross inequity as a

consequence of the imposition of the updated base period. Specifically, the DOE determined that the outlet was sufficiently profitable with its present allocation to allow the firm to realize the intended benefits of its investment in acquiring the outlet. Accordingly, exception relief was denied.

Allison Oil Co., Ardmore, Okla., DEE-3034, motor gasoline

Allison Oil Company 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 and the allocations of three outlets it supplies. In considering the requests, the DOE found that exception relief was only necessary to relieve the gross inequity the firm was experiencing with respect to one of the three outlets. That determination was based upon a consideration of the investment the firm had made in the outlet and the fact that the outlet was generating a negative return for the firm with its then-current allocation. Accordingly, exception relief was granted in part and denied in part.

Amoco Quik-Six Shoppe (E. Alameda); Amoco Quik-Six Shoppe (S. Broadway), Washington, D.C., BEO-0692, BEO-0690, motor gasoline

On June 14, 1979, BNB, Inc. filed an Application for Exception from the provisions of 10 CFR § 211.9 on behalf of two retail service stations, Amoco Quik-Six Shoppe (E. Alameda) and Amoco Quik-Six Shoppe (S. Broadway). The firm sought an increase in the base period allocation of motor gasoline for each of two outlets. In considering the request, the DOE found that the S. Broadway facility had suffered a serious hardship and gross inequity as a result of the updating of the motor gasoline base period, but that the E. Alameda facility had not. Accordingly, the DOE granted the S. Broadway outlet exception relief which increased its base period allocation of motor gasoline.

Atkins Gulf Service, Lexington, Ky., DEE-6590, motor gasoline

Atkins Gulf Service 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. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a gross inequity as a consequence of the imposition of the updated base period. Specifically, the DOE determined that the outlet was sufficiently profitable with its present allocation to allow the firm to realize the intended benefits of its investment in acquiring the outlet. Accordingly, exception relief was denied.

Blue Ridge Oil Co., Hickory, N.C., DEE-6946, motor gasoline

Blue Ridge Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought the reassignment a portion of its base period allocation of motor gasoline from one of its base period suppliers to a lower-priced supplier. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a serious financial hardship as a consequence of the prices maintained by the base period supplier in

question. Accordingly, exception relief was denied.

City of North Miami Beach, Fla., North Miami Beach, Fla., BEO-0292, motor gasoline

The City of North Miami Beach, Florida filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the City sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that North Miami Beach required additional motor gasoline supplies to ensure the maintenance of vital municipal services and that the City would suffer an unfair distribution of burdens in the absence of exception relief. Accordingly, exception relief was granted.

Cleland Oil Co., Wagoner, Okla., DEE-A124, motor gasoline

Cleland Oil Company, a wholesale purchaser-reseller of motor gasoline, 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 Cleland was not entitled to exception relief either on the ground that its supplier's allocation fraction was less than 1.00 or on the ground that retail outlets supplied by Cleland were experiencing an unfair competitive disadvantage as a result of assignments made to new retail outlets. Accordingly, exception relief was denied.

Consumers Power Co., Jackson, Mich., DEE-0978, residual fuel oil

Consumers Power Company filed an Application for Exception from the provisions of 10 CFR § 211.67(a)(3), in which the firm sought to receive entitlement benefits for each barrel of residual fuel oil it has imported into the State of Michigan since January 1, 1977. In considering the request, the DOE found that the firm has, in fact, been eligible to receive entitlement benefits under the provisions of the Entitlements Program since July 1, 1978. In addition, the DOE found that there was no basis for awarding retroactive relief since Consumers had not demonstrated either that compelling reasons warranting such relief exist or that the firm would suffer irreparable injury in the absence of such relief. Accordingly, exception relief was denied.

Dale's Skelly Service, Chanute, Kans., BEO-0341, motor gasoline

Dale's Skelly Service filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its monthly base period allocation of motor gasoline. In considering the request, the DOE found that the firm was not adversely affected to a significant degree by DOE allocation regulations. Accordingly, exception relief was denied.

E & B Oil Co., of Burgaw, Inc., Burgaw, N.C., DEE-7260, motor gasoline

E & B Oil Company of Burgaw, 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 the firm had failed to demonstrate that it was suffering a gross

inequity as a consequence of the imposition of the updated base period. Specifically, the DOE determined that the base period did not constitute an anomalous period for the firm and that the firm was sufficiently profitable with its present allocation. Accordingly, exception relief was denied.

Fairgrove Oil Co. Fairgrove, Mich., DEO-0103, motor gasoline

Fairgrove Oil Co. filed an Application for Exception from the provisions of 10 CFR, §§ 212.93 and 210.62. The exception relief requested from § 212.93 would permit the firm to sell motor gasoline at prices in excess of permissible levels; the relief requested from § 210.62 would permit the firm to change its May 15th, 1973 credit practices regarding its accounts receivable. In considering the request, the DOE determined that Fairgrove should be granted relief from § 212.93 but, with respect to § 210.62, the DOE determined that exception relief was inappropriate. Accordingly, exception relief was granted in part.

Huntway Refining Co., Wilmington, Calif., BEE-0392, crude oil

On November 26, 1979, Huntway Refining Company filed an Application for Exception from the provisions of 10 CFR § 211.67 (the Entitlements Program), in which the firm requested that it be relieved of its obligation to purchase entitlements with respect to certain initial crude oil receipts used to establish its crude oil inventory. In considering the request, the DOE found that the operation of the Entitlements Program with respect to Huntway's initial purchases of crude oil for inventory results in a gross inequity to the firm. The DOE granted in part the Application for Exception by determining that Huntway should be issued an additional \$423,500 of entitlements. Accordingly, exception relief was granted in part.

Jerry Iredale's Getty, Fairless Hills, Pa., BEO-0192, motor gasoline

Jerry Iredale's Getty 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 the firm had failed to demonstrate that it was suffering a gross inequity as a consequence of the imposition of the updated base period, inasmuch as it had acquired the outlet after the date of its imposition and was therefore in a position to know the outlet's new allocation prior to acquiring it. Accordingly, exception relief was denied.

Kern County Refinery, Inc., Bakersfield, Calif., DXE-3448, crude oil

Kern County Refinery, Inc. filed an Application for Exception from the provisions of 10 CFR, § 211.67, in which the firm sought a resumption of the exception relief which was granted for the period December 1, 1978 through February 28, 1979. In considering the request, the DOE found that exception relief was necessary in order to allow the firm to attain its historical profit margin. Accordingly, exception relief was granted. An import issue discussed in the Decision and Order is the exclusion of officers' compensation from kern's projected costs and expenses as calculated by the DOE.

Manny's Standard Service, Milwaukee, Wis., DEE-6720, motor gasoline

Manny's Standard Service 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 requests the DOE found that exception relief was necessary to alleviate the gross inequity the firm was experiencing as a consequence of the imposition of the updated base period. Specifically, it determined that the base period constituted an anomalous period for the firm and that the consequent distortion was adversely affecting the firm in a significant manner. Accordingly, exception relief was granted.

Mid-Atlantic Petroleum Corp., Washington, D.C., DEE-7881, motor gasoline

Mid-Atlantic Petroleum Corp. filed an Application for Exception from the provisions of 10 CFR § 211.102, in which the firm sought an increase in the base period allocation of motor gasoline for one of its retail outlets. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a serious hardship, gross inequity, or unfair distribution of burdens. Accordingly, exception relief was denied.

Oliver's Exxon, Lafayette, Tenn., DEE-3109, motor gasoline

Oliver's Exxon 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 for a retail outlet that the firm operates. The DOE found that Oliver's did not qualify for exception relief because the investments that it made in the outlet during the base period were not designed to increase the outlet's sales of motor gasoline and because Oliver's had not shown that it was unable to realize significant profits at the outlet. Accordingly, the exception request was denied.

Ramrod Auto Clinic, Ramrod Key, Fla., DEE-3613, motor gasoline

Ramrod Auto Clinic 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 exception relief was necessary to alleviate the gross inequity the firm was experiencing as a consequence of the imposition of the updated base period. Specifically, it was determined that the base period constituted an anomalous period for the firm and that the consequent distortion was adversely affecting the firm in a significant manner. Accordingly, exception relief was granted.

Henry Reese, Cheektowaga, N.Y., DEE-6138, motor gasoline

Henry Reese filed an Application for Exception from the provisions of 10 CFR, Part 211, in which he sought an increase in his base period allocation of motor gasoline for a retail outlet which he operates. The DOE considered the financial data submitted by Reese and its claim that its margin was limited because of competition from nearby Canadian outlets, and concluded that Reese had failed to demonstrate that he would be

unable to continue to operate the outlet in the absence of exception relief. Accordingly, exception relief was denied.

SPC Service Co. Inc., Dudley, Mass., DEE-7428, motor gasoline

SPC Service 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 the firm had failed to demonstrate that the residents of its market area were experiencing difficulty in obtaining adequate supplies of motor gasoline. Accordingly, exception relief was denied.

Vantage Petroleum Corp., Bohemia, N.Y., DEE-6605; DEE-7132, motor gasoline

Vantage Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its allocation of motor gasoline and changes in its base period suppliers. In considering the request, the DOE found that the firm was suffering neither a gross inequity nor a serious financial hardship as a result of the application to it of the DOE regulations specifying a new base period for motor gasoline allocation. Accordingly, exception relief was denied.

Village Food Stores, Inc., Tilton, N.H., DEE-6779, motor gasoline

Village Food Stores, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in the base period allocation of motor gasoline of an outlet it owns. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering a gross inequity as a consequence of the imposition of the updated base period. Specifically, the DOE determined that the outlet was sufficiently profitable with its present allocation to allow the firm to realize the intended benefits of its investment in acquiring the outlet. Accordingly, exception relief was denied.

Request for Temporary Exception

Energy Cooperative, Inc., East Chicago, Ind., BEL-1298, crude oil

Energy Cooperative, Inc. filed an Application for Temporary Exception from the provisions of 10 CFR, Part 211, in which the firm sought the immediate equalization of its crude oil costs with the average post-entitlements crude oil costs of all U.S. refiners through December 31, 1980. ECI also sought additional relief to compensate the firm for higher per barrel fixed costs which it incurred during the period April through August 1980. In considering the request, the DOE found that the firm had failed to establish that it meets the criteria for temporary exception relief. Accordingly, temporary exception relief was denied.

Request for Stay

Total Petroleum, Inc., Alma, Mich., BES-1417, crude oil

Total Petroleum, Inc. filed an Application for Stay from the provisions of the DOE regulations which require Total and the Vickers Energy Corporation to treat their refining and marketing operations as a single

"firm" for purposes of determining prices and allocation fractions. In considering the Application, the DOE determined that since Total had recently purchased Vickers, the firm had not had sufficient time to inspect and evaluate Vickers' records. Total's stay request was therefore granted.

Motion for Discovery

Falcon Oil Co., Malco Petroleum Corp., Malco Industries, Inc., Cleveland, Ohio, BED-0071, motor gasoline

Falcon Oil Company, Malco Petroleum Corporation, and Malco Industries, Inc. filed a Motion for Discovery in connection with a Petition for Special Redress. In considering the request, the DOE determined that the petitioners had not demonstrated that the testimony of DOE auditors was necessary to establish a factual basis for the Petition for Special Redress. Accordingly, the Motion for Discovery was denied.

Supplemental Order

Greene's Transport Co., Thomaston, Ga., BRX-0096, propane

The Department of Energy received a submission from Greene's Transport Company in which the firm requested that it be permitted to establish a method of refunding overcharges different from the method prescribed in a Remedial Order issued to the firm on March 26, 1980. In considering the Application, the DOE determined that Greene's alternative method for refunding the overcharges was satisfactory. Accordingly, the DOE issued a Supplemental Order which granted Greene's request.

Remedial Order

In the following case involving a Proposed Remedial Order no Statement of Objections was filed. The DOE therefore issued the Order in final form.

Company name, Case No., and Location

Ron's Shell Service, BRW-0068, South San Francisco, Calif.

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 Order.

Company name, Case No., and Location

T&H Automotive Enterprises, Inc., BEN-1466, Washington, D.C.

Grogan's Marathon Service, BEN-1428, Speedway, IN

Protective Order

The following firms filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firms. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Name, Case No., and Location

Chevron USA, Inc/USA Petroleum Corp., BEJ-0135, Washington, D.C.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Order which determined that the requests be denied.

Company name, Case No., and Location

Boeing Co., DEE-7076, Seattle, WA
Crespo's Texaco S.S., BEO-0384, Hialeah Garden, FL

Davis Bros. Boone Exxon, BEO-0291, Kingsport, TN

E&E Exxon, BEO-0972, Wilmington, DE
Regan's Service, Inc., DEE-7111, Washington, DC

Simpson County Fiscal Court, BEO-0139, Franklin, KY

Village Standard, BEO-0665, Brooklyn, MI
Wayne Petty, BEO-0289, Paducah, KY

Wire Products Co., Inc., BEO-0248, Birmingham, AL

Dismissals

The following submissions were dismissed without prejudice to refile at a later date:

Name and Case No.

Bells Fuels, Inc., BRS-0097; BST-0097.

Chevron USA, Inc., BED-0087; BEJ-0087.

Dixilyn-Field Drilling Company, DEE-2233.

Franks Piping Co., Ltd., BEE-1394.

General Machine Corp., BXE-1336.

Highway Petroleum Sales, Inc., DEE-5815.

Institute of Scrap Iron Steel, BMR-0059.

State Park Marina, BRO-1317.

Strait Oil Company, BEE-0731.

Vantage Petroleum Corp., DES-7275; DST-7275.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: November 24, 1980.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 80-37174 Filed 11-28-80; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders, Week of October 6 Through October 10, 1980

During the week of October 6 through October 10, 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.

Appeals

Bracewell & Patterson, Washington, D.C., BFA-0466, freedom of information

Bracewell & Patterson filed an Appeal from a partial denial by the Acting Assistant Administrator for Enforcement, Economic Regulatory Administration, of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain portions of the "Crude Oil Certification Audit Guidelines" which were initially withheld under Exemption 2 should be released to the public because they contained only general descriptions of audit procedures of factual material describing certain practices of crude oil resellers. The DOE found that the remaining portions of the document were properly withheld because they contained information that could be used in furthering illegal practices.

Gary Energy Corp., Englewood, Colo., BFA-0464, freedom of information

Gary Energy Corporation filed an Appeal from a partial denial by the Authorizing Official of the Rocky Mountain District of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain of the documents which were initially withheld under Exemption 5 should be released to the public unless upon further review the Authorizing Official determined that they should be withheld under Exemption 4. The DOE further found that the jurisdiction, for withholding documents under Exemption 7 was inadequate, and remanded the proceeding to the Authorizing Official for a new determination. The DOE also held that the search fee charged was proper.

Karkanen, Miriam, Denver Colo., BFA-0460, freedom of information

Mrs. Miriam Karkanen filed an Appeal from a denial by the Albuquerque Operations Office of a request for information which she had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the search for additional responsive documents was made in a reasonable manner, and therefore her Appeal was denied.

Shaw, Stephen M., La Jolla, Calif., BFA-0469, freedom of information

Stephen M. Shaw filed an Appeal from a response by the Manager, DOE Low-Cost Solar Array Project, Jet Propulsion Laboratory (JPL Manager), of a request for information which he had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the JPL Manager's response, as supplemented by a subsequent letter to Mr. Shaw, was substantively responsive to Mr. Shaw's request. The DOE also concluded that the Solar Energy Institute does not currently possess documentary material or computer data responsive to Mr. Shaw's request, and that the agency is not required under the

FOIA to use its experts to construct information for a requester.

Wald, Harkrader & Ross, Washington, D.C. BFA-0473, freedom of information

Wald, Harkrader & Ross filed an Appeal from a determination of the Director of Freedom of Information and Privacy Acts Activities in which the firm was informed that certain documents it had sought under the Freedom of Information Act could not be located. In reviewing the Appeal, the Office of Hearings and Appeals found that the FOI Director did not act arbitrarily or capriciously in determining that the requested documents could not be located. It further stated that its own search for the documents indicated that they had been lost. Accordingly, the Appeal was denied.

Remedial Orders

Gibbons Oil Co., Bath, Maine, DRO-0332, Motor Gasoline

On July 27, 1979, the Northeast District Office of Enforcement of the Department of Energy issued an Interim Remedial Order for Immediate Compliance (IROIC) to the Gibbons Oil Company (Gibbons). In the IROIC, the Northeast District found that during June and July 1979, Gibbons failed to supply a retail outlet operated by McLoon Oil Company in violation of 10 CFR § 211.9(a). On the basis of this finding, the Northeast District ordered Gibbons to begin delivery of motor gasoline to the McLoon Company outlet within twenty-four hours after receipt of the IROIC, in accordance with normal business practices and applicable DOE price and allocation regulations. Gibbons filed a Statement of Objections with the Office of Hearings and Appeals and was notified that the Statement of Objections failed to satisfy the requirements of the DOE procedural regulations. Gibbons did not, however, correct those deficiencies, and the DOE therefore issued the IROIC as a final Order of the Department of Energy.

Noel T. Quелlette d.b.a. Spofford's Chevron Station, Lewiston, Maine, BRO-1149, Motor Gasoline

Noel T. Quелlette d.b.a. Spofford's Chevron Station objected to a Proposed Remedial Order which the Northeast District Office of Enforcement issued to the firm on March 19, 1980. In the Proposed Remedial Order, the Northeast District Office of Enforcement found that the firm charged prices for gasoline in excess of those permitted by 10 CFR § 212.93 and failed to properly post its maximum lawful selling prices or to certify that its prices were not in excess of its maximum lawful selling prices as required by 10 CFR § 212.119. In considering the firm's objections, the DOE found that the Northeast District Office of Enforcement was correct. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. The important issue discussed in the Decision and Order is whether a firm's "acquisition cost" for gasoline must reflect a cents per gallon "estimated operation and maintenance allowance" paid by the supplier to the firm.

Requests for Exception

Buck's Exxon, Upper Marlboro, Md., DEO-0381, motor gasoline

Buck's filed an Application for Exception

from the provisions of 10 CFR Part 211 in which the firm requested an increase allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to provide the firm's community with sufficient supplies of motor gasoline. Accordingly, exception relief was granted.

Charles Hasting Oil Co., Inc., Waynesboro, Tenn. BEE-0688, gasohol

Charles Hasting Oil Co. 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 unleaded motor gasoline for the purpose of producing gasohol. In considering the request, the DOE found that the firm failed to demonstrate that it was in an advantageous position to further the production and use of gasohol and that it had made a substantial commitment of resources for gasohol production. Accordingly, exception relief was denied.

Charles Vass Arco Station, Antioch, Calif., BEO-0602, motor gasoline

Charles Vass Arco Station 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 the firm was not suffering a gross inequity or a serious financial hardship as a result of the application to it of the DOE regulations specifying a new base period for motor gasoline allocation. Accordingly, exception relief was denied.

The City of Naples, Naples, Fla., DEE-7744, motor gasoline

The City of Naples filed an Application for Exception from the provisions of 10 CFR § 211.102 in which it sought an increase in its base period allocation of motor gasoline. In considering the City's request, the DOE determined that the City was able to purchase sufficient supplies of gasoline to meet its needs. Consequently, exception relief was denied.

City of Philadelphia/Federal Bureau of Investigation, Philadelphia, PA., BEE-1030, motor gasoline

The Federal Bureau of Investigation Branch Office in Philadelphia filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in the base period allocation of motor gasoline of the City of Philadelphia. In considering the request, the DOE found that exception relief was necessary to enable the FBI to obtain sufficient motor gasoline to perform its law protection functions and emergency services. Accordingly, exception relief was granted.

Colony Oil Service, Newport News, Va., DEE-6945, gasohol

Colony oil Service filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an allocation of unleaded gasoline so that it could blend and market gasohol. In considering the request, the DOE found that the firm was not in an advantageous position to further the production and use of gasohol. Accordingly, exception relief was denied.

Cray Energy, Bellows Falls, VT., BEE-0616, gasohol

Cray energy filed an Application for Exception from the provisions of 10 CFR § 211. If the request were granted, the firm would receive an increased allocation of motor gasoline for use in the production and marketing of gasohol. The Decision found that the DOE allocation program is not limiting the firm's access to sufficient volumes of unleaded gasoline for its gasohol program. Accordingly, the firm's Application was denied.

H-30, Inc., Wichita, Kans., DEE-5735 crude oil

H-30, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D in which the firm requested a retroactive price increase for crude oil produced at the firm's Lukens Lease between August 1976 and November 1978. In considering the request, the DOE found that the firm had failed to properly certify the Lukens Lease as a stripper well property as required under 10 CFR § 212.131(a). The DOE also found that H-30, Inc. would not suffer a serious financial hardship in the absence of exception relief. Accordingly, exception relief was denied.

Husky Oil Co., Denver, Colo., BEE-1248, gasohol

Husky Oil Company filed an Application for Exception from the provisions of 10 CFR § 212.83 in which the firm sought permission to treat gasohol as a separate category and grade of gasoline under the refiner price regulations. In considering the request, the DOE found that temporary exception relief was necessary to further the production and marketing of gasohol. Accordingly, exception relief was granted.

J. T. Collier & Sons Oil Co., Jesup, Ga., BEE-0568, gasohol

J. T. Collier & Sons Oil Co. filed a Request for Exception from the Motor Gasoline Allocation Regulations. In considering the exception request, the DOE found that the allocation regulations impede Collier's gasohol blending and marketing operations and thereby cause the applicant to experience a gross inequity. Accordingly, exception relief was granted.

Kansas Marine Dealers Association, Beverly, Kans., DEE-7849, motor gasoline

Kansas Marine Dealers Association (KMDA) filed an Application for Exception from the provisions of 10 CFR Part 212 in which the Association sought an increase in the legally allowable retail margin for motor gasoline for its member marinas. In considering the request, the DOE found that the Association had failed to provide sufficient financial data concerning the operations of the marinas involved to enable OHA to properly evaluate the propriety of granting price relief. The Decision also noted that while KMDA's Application apparently sought price relief for marinas as a class, the threshold criteria for filing a class exception had not been met. Accordingly, exception relief was denied.

Mat Hurwitz & Sons, Newton Lower Falls, Mass., DEE-7482, motor gasoline

Mat Hurwitz and Sons filed an Application

for Exception from the provisions of 10 CFR § 210.62 in which the firm sought permission to sell motor gasoline to customers at its retail outlet by appointment only when, in its judgment, it is necessary to do so. In considering the request, the DOE found that, because of the discriminatory treatment of customers that would result if the request were granted, the firm would have to make a very compelling showing of serious hardship or gross inequity before it would be entitled to relief, and that the firm did not make such a showing at the present time. The DOE also pointed out that the firm's request was based on speculative claims and that it has consistently held that exception relief should not be granted on the basis of mere speculation regarding future contingencies. Accordingly, exception relief was denied.

McWhirter Distributing Co., Inc., Polpet, Inc., J. E. Dewitt, Inc., San Francisco, Calif., DEE-6506, DEE-6507, DEE-6508, motor gasoline

McWhirter Distributing Company, Inc., Polpet, Inc. and J. E. DeWitt, Inc. filed Applications for Exception from the provisions of 10 CFR § 211.102 in which the firms sought an increase in their base period allocations of motor gasoline. In considering the requests, the DOE determined that the firms had failed to demonstrate that their financial positions would be adversely affected to a significant degree in the absence of exception relief. Accordingly, the Application for Exception was denied.

Mutual of New York, Columbus, Ohio, DEE-7835, temperature restrictions

Mutual of New York filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought permission to lower the temperature to 72°F during the cooling season in its offices located at 1241 Dublin Rd., Columbus, Ohio. In considering the request, the DOE found that the firm failed to establish that the Temperature Restrictions cause its employees to incur a special hardship, inequity or unfair distribution of burdens. Accordingly, exception relief was denied.

Andrew Posey, Florence, Ala., BEO-0584, motor gasoline

Andrew Posey 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 no exception was necessary to permit the firm an increase in its base period allocation, since the firm could transfer an allocation associated with a former outlet owned by the firm pursuant to 10 CFR § 211.106(e). However, the DOE held that an exception was necessary to permit the firm's allocation, which had been supplied by two different branded suppliers, to be combined and furnished by one supplier. Accordingly, exception relief was granted.

W. H. Price, Granbury, Tex., DEE-1949 crude oil

On October 10, 1978, W. H. Price filed an Application for Exception from the provisions of 10 CFR, Part 212, Subparts D and I, which, if granted, would permit Price to recertify as

stripper well crude oil the crude oil which he produced and sold from the Hawthorne Lease, located in Jones County, Texas, during the period September 1, 1976 through March 31, 1978. The relief would also permit Price to retroactively charge exempt prices for that crude oil. In considering the request, the DOE determined that Price had failed to show just cause for his initial improper certification of the crude oil or that the requested relief was warranted on the ground of serious hardship. Accordingly, exception relief was denied.

Shell Oil Co., Anaheim, Calif., BEE-1016, motor gasoline

Shell Oil Company filed a request for Exception from the Motor Gasoline Allocation Regulations. In considering the exception request the DOE found that Shell had not established that it or the residents of Anaheim, California were experiencing a gross inequity as a result of the base period allocation of an independently operated, Shell-owned service station located in Anaheim. Accordingly, the request was denied.

Taylor's Chevron, American Forks, Utah, BEO-0707, motor gasoline

Taylor's Chevron 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 the firm was not experiencing a serious financial hardship. The DOE further found that the residents of the community were not bearing a disproportionate burden. Accordingly, exception relief was denied.

Tomales Garage and Machine Shop, Tomales, Calif., DEE-5862, motor gasoline

Tomales Garage and Machine Shop filed an Application for Exception seeking an increase in the base period allocation of motor gasoline of a retail outlet that it operates. After considering the request, the DOE determined that Tomales had failed to demonstrate that existing supplies of motor gasoline were insufficient to meet the needs of the Tomales, California community. Accordingly, exception relief was denied.

Tuner-up of Boston, Boston, Mass., BEE-0055, motor gasoline

Tuner-up of Boston filed an Application for Exception from the provisions of 10 CFR § 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm had made its investment in the outlet after the establishment of the updated base period, and therefore should not have expected that it would receive additional quantities of motor gasoline. Accordingly, the firm's Application for Exception was denied.

Valpo Oil Supply, Valparaiso, Ind., BEE-0591, gasohol

Valpo Oil Supply 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 so that it could blend and market gasohol. In considering the request, the DOE found that the firm was not in an advantageous position

to further the national objective of increasing the use of alcohol extended fuels. Accordingly, exception relief was denied.

West Paterson Amoco, West Paterson, N.J., BEO-0819, motor gasoline

West Paterson Amoco filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that the firm has failed to demonstrate that the implementation of the new base period caused it to suffer a gross inequity. Accordingly, exception relief was denied.

Winan Avenue Missionary Baptist Church, Hot Springs, Arkansas, DEE-8229, Temperature Restrictions.

The Winan Avenue Missionary Baptist Church filed an Application for Exception from the provisions of 10 CFR Part 490 in which the firm sought permission to raise the maximum temperature in its building to 72°F for certain time periods. In considering the request, the DOE found that the firm failed to establish that the Temperature Restrictions cause it to incur a special hardship, gross inequity, or unfair distribution of burdens. Accordingly, exception relief was denied.

Zwierzynski Marathon Service, South Bend, Indiana, BEO-0315, Motor Gasoline.

Zierzynski Marathon Service filed an Application for Exception from the provisions of 10 CFR Part 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the capital investments made by the firm with the expectation of increasing sales of motor gasoline were either undertaken prior to the unusual growth adjustment period and should therefore be reflected in the firm's allocation or were made subsequent to the updating of the base period when the firm should have been aware of the limitation on its allocation. The DOE further determined that the firm had failed to demonstrate that in the absence of exception relief it would be adversely affected to a significant degree. Accordingly, exception relief was denied.

Request for Modification and/or Rescission MGPC, Inc., Los Angeles, California, BRR-0061; BRS-0108; BRT-0108; Natural Gas Liquids.

On September 26, 1980, MGPC, Inc., formerly McCulloch Gas Processing Corporation, filed an Application for Modification, Application for Stay and Application for Temporary Stay relating to DOE Orders issued to the firm on October 26, 1979 and May 22, 1980, which respectively granted in part a Motion for Evidentiary Hearing and Motion for Discovery filed by MGPC, Inc. on February 28, 1979. *McCulloch Gas Processing Corporation*, 4 DOE ¶ 82,565 (1979); *McCulloch Gas Processing Corporation*, 5 DOE ¶ 82,569 (1980). If the firm's Applications were granted, the Orders would be modified and the implementation of the Evidentiary Hearing Order would be stayed pending such modification. In considering the request, the DOE determined that MGPC, Inc. had presented no proper basis for the modification of the Orders

previously issued to the firm, and therefore denied the Application for Modification. Accordingly, the firm's Application for Stay and Application for Temporary Stay were also denied.

Motions for Discovery

Chevron U.S.A., Inc., San Francisco, California, BEJ-0109, BED-0109, Motor Gasoline.

On July 25, 1980, Chevron U.S.A., Inc. filed Motions for Discovery and Protective Order in which the firm sought a confidential copy of an Application for Exception filed by Zitro Energy Consultants, Inc. In considering the requests, the DOE found that since a Proposed Decision and Order had not yet been issued in the Zitro proceeding, Chevron's Application was premature. Accordingly, Chevron's Motions for Discovery and Protective Order were dismissed without prejudice to a refile at a later date.

Chevron U.S.A., Inc., Washington, D.C., BEJ-0122, BED-0122, Crude Oil.

Chevron U.S.A., Inc. filed Motions for Discovery and Protective Order pursuant to the provisions of 10 CFR § 205.66 in which the firm sought confidential copies of an Application for Exception, Application for Stay, and Application for Temporary Exception filed by Copano Refining. Upon examination of the Motions for Discovery and Protective Order, the DOE found that it was evident that such a filing was intended specifically for use at the objection stage of an exception proceeding. While finding that special circumstances might exist in a proceeding which would justify a departure from the terms of the procedural regulation whereby the DOE would consider a Motion for Discovery prior to the issuance of a Proposed Decision and Order, Chevron had not even alleged that any special circumstances existed which would warrant a departure. Accordingly, Chevron's request was denied.

Inexco Oil Co., True Oil Purchasing Co., Houston, Tex., Casper, Wyo., DRD-0264; DRH-0264; DRH-0070, Crude Oil

Inexco 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 issued to the firm by the ERA Southwest District Office of Enforcement. True Oil Purchasing Company also filed a Motion for Evidentiary Hearing in the proceeding. In considering the Motions, the DOE determined that the requested discovery and evidentiary hearings did not relate to contested findings of fact concerning the firms' posted price and due process claims. However, the DOE concluded that Inexco should be provided with the identity of all enforcement proceedings involving May 15, 1973 posted prices for crude oil in the Powder River Basin, Wyoming. Accordingly, Inexco's Motion for Discovery was granted in part, and the Motions for Evidentiary Hearing were denied.

Texaco Inc., Stamford, Conn., BED-0081; BEJ-0081, crude oil

Texaco Inc. filed a Motion for Discovery in which it sought confidential information

submitted to the DOE by Laketon Asphalt Refining, Inc. in the firm's Application for Exception from the provisions of 10 CFR § 211.67 (the Entitlements Program). The DOE determined that the issues raised by Texaco were legal issues, and the information that Texaco sought would not advance the resolution of those issues. The Motion was therefore denied.

Interim Order

Whitewater Petroleum Terminals, Inc., Chicago, Ill., BEN-0021, gasohol

Whitewater Petroleum Terminals, Inc. filed an Application for Interim Exception Relief from the provisions of 10 CFR § 211.102 in which the firm sought an immediate increase in its allocation of motor gasoline for the express purpose of producing gasohol and regohol. In considering the request, the DOE found that the firm had failed to demonstrate that it would experience an irreparable injury or that the viability of its current gasohol program would be jeopardized if it did not receive immediate exception relief. Accordingly, interim exception relief was denied.

Supplemental Order

On its own initiative the Office of Hearings and Appeals issued the following Supplemental Order which corrects two minor factual errors and several clerical errors in the Decision and Order, *Conoco, Inc., BFA-0453* (September 25, 1980).

Conoco, Inc., Washington, D.C., BFX-0117

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 Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Name, Case No., and Location

Cities Service Co./USA Petroleum Corp., BEJ-0136; Tulsa, OK
United Energy Co., Chevron USA, Inc., BEJ-0143; San Francisco, CA

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case No., and Location

Pinehurst Citgo, DEE-3524; Baltimore, MD
Scott Blvd. Chevron, BXE-0453; Decatur, GA
Southern Oil Co., DEE-3876; Emelle, AL
Tom's Arco, BEO-1049; Indiana, PA

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from provisions of the Motor Gasoline Allocation Regulations. The

requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case No., and Location

Affiliated Brokers, Inc., DEE-5949; Anaheim, CA
Bolling & Macklin's Shell, BEO-0601; Chicago, IL
Bondurant Shell Service Center, BEO-0253; Jacksonville, FL
Bubble Machine, BEO-0563; San Francisco, CA
Ernest J. Short & Son, DEE-4861; Lordsburg, NM
Kenneth W. Grundset, BEO-1159; Brooksville, FL
Kingsville Exxon, BEO-0128; Kingsville, OH
Len's Self-Service & Mini Shops, DEE-7490; Oak Brook, IL
Mission Hills Property Corp., BEO-0450; Palm Springs, CA
Purolator Courier Corp., BEO-0470; Phoenix, AZ
Ricky Adams Chevron, BEO-0541; Government Camp, OR
Rodelo's Service, BEO-0417; Chino, CA
The Bubble Machine, BEO-1305; Culver City, CA
The Hood Co., BEO-1119; Gainesville, FL
Triple G Drive Inn, BEO-1017; Barnett, MO
V & Y Garage, Inc., DEE-7262; Watertown, MA
Valley Center Supply, BEO-0662; Shelton, WA

Dismissals

The following submissions were dismissed without prejudice to refile at a later date:

Name and Case No.

Airport Limousine Service, DEE-7163
Broward Pure Oil, DEE-5829
Colorado Gasohol, Inc., BEE-1009
Genico Distributors, Inc., BSG-0035
Gibbons Oil Co., DRD-0332
Greenwood Oil Co., BEE-1175
Gulf Oil Corp., BEL-1304
J. S. Pate Oil Co., Inc., DES-4978
North Side Center, BXE-1190
Park & 66th Exxon, BEE-0684
Standard Oil of Ohio, BEL-1391
Tenneco Oil Co., BEL-1401
Wright & Wright Auto Repair, DEE-7437
Whitewater Petroleum Terminals, Inc., BEL-0044
341 Tract Unit of the Citronelle Field, DEL-7746

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a

commercially published loose leaf reporter system.

George B. Breznay,
 Director, Office of Hearings and Appeals.
 November 24, 1980.
 [FR Doc. 80-37176 Filed 11-26-80; 8:45 am]
 BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY
 [A-10-FRL 1686-4]

Air Quality; Issuance of PSD Permit to Alyeska Pipeline Co.

Notice is hereby given that on September 30, 1980, the Environmental

Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Alaska Pipeline Company for approval to construct two oil fired turbines at pump station No. 5 and modify pump stations No. 2 and No. 7 on the Trans Alaska Pipeline System in Alaska. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations subject to certain conditions, including:

1. Emissions of nitrogen oxides (NO_x), carbon monoxide (CO) and sulfur dioxide (SO) shall not exceed the following:

Emission Limitations

Pump station	Number of units	Description	Rating	Pollutant limit (Total tons per year)		
				NO _x *	CO	SO ₂
2	2	Pump turbine.....	13,500 hp	317.2	400.0	
	3	Turbine generator.....	800 kw	34.4	25.2	
	2	Diesel generator.....	150 kw	54.4	11.8	
	1	Incinerator.....	150lb/hr	4.4	4.4	
	1	Heater.....	18x10 ⁶ Btu/hr	20.1	1.5	
2	Heater.....	15x10 ⁶ Btu/hr	18	1.0		
		Total for pump station.....	2	448.5	443.9	
5	2	Pump turbine.....	13,500 hp	696.0		344.0
7	1	Pump turbine.....	13,500 hp	348.0		

*One unit is for standby. Emission limits for any other existing equipment should be added to these limits to obtain total for source.

*The emission limit is based on a fuel sulfur content of 0.3 percent.

*NO_x concentration (percent by volume at 15 percent O₂ dry basis per turbine) must meet the following calculation:

$$[0.015 \frac{(14.4)}{Y} + F]^*$$

*Y=manufacturer's rated heat-rate at peak load in kilojoules per watt hour based on the lower heating value of the fuel. The value of Y cannot exceed 14.4.

F is a function of the fuel nitrogen content as follows:

N		F
(fuel bound nitrogen by percent weight)		
$N \leq 0.015$		0
$0.015 < N \leq 0.1$		0.04N
$0.1 < N \leq 0.25$		$0.004 + 0.0067(N - 0.1)$
$N > 0.25$		0.005

[A-10-FRL 1686-2]

Air Quality; Issuance of PSD Permit to Atlantic Richfield Co.—SOHIO Petroleum Co.

Notice is hereby given that on June 13, 1980 the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Atlantic Richfield Company—SOHIO Petroleum Company for approval to

install additional gas fired turbines and heaters in the Prudhoe Bay oil field at Prudhoe Bay, Alaska: This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations subject to certain conditions, including:

1. Emissions of nitrogen oxides (NO_x), particulate matter (PM), and carbon monoxide (CO) shall not exceed the following:

Emissions Limitations

Location	Equipment	T _v	Pollutant (tons per year)	
			CO	PM ₁₀
G. C. No. 1	Turbines	4578	476	63
	Heaters ¹	184	32	13
G. C. No. 2	Turbines ¹	747	861	115
	Heaters	219	35	21
G. C. No. 3	Turbines	2553	476	63
	Heaters ¹	184	32	13
Well pads	Heaters ¹	120	13	8
Central compressor plant	Turbines	646	120	16
	Heaters	22	2	1
F. S. No. 1	Turbines ¹	243	503	70
	Heaters	393	742	91
F. S. No. 2	Turbines	35	8	5
	Heaters	3979	742	51
Total		22151	4109	582

¹ Gas Turbines

NO _x	150 (14.4%) ppm _v ²
CO	109.6 lb CO/10 ⁶ scf (fuel)
PM	14 lb PM/10 ⁶ scf (fuel) 10 percent Opacity Limit

¹ Process heaters

43 10 ⁶ Btu/hr	NO _x	0.08 lb NO _x /10 ⁶ Btu
43 10 ⁶ Btu/hr	NO _x	0.19 lb NO _x /10 ⁶ Btu
	CO	0.018 lb CO/10 ⁶ Btu
	PM	0.011 lb PM/10 ⁶ Btu

² NO_x emissions factor for gas-fired turbines is modified by an efficiency factor (η) which cannot exceed 14.4% (η = 14.4% × η_{act} / 100).
 Based on 15 percent oxygen on a dry basis.

2. With the exception of NO_x, PM, and CO, increases in potential emissions of any pollutant regulated under the Clean Air Act resulting from this modification will be less than 250 tons per year.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: November 20, 1980.
 Donald P. Dubois,
 Regional Administrator.
 [FR Doc. 80-37238 Filed 11-28-80; 8:45 am]
 BILLING CODE 6560-38-M

[A-9-FRL 1687-3]

Air Quality; Issuance of PSD Permit to Ball Glass Container Group

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Ball Glass Container Group, Placer County,

California, EPA project number SAC 79-02.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 13, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a bottle glass manufacturing plant to be located 5 miles north of Roseville, Placer County, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain

conditions including allowable emissions of: 504 tons/yr NO_x and 28 tons/yr particulate.

Best Available Control Technology (BACT) requirements include: for NO_x, high electric boost to furnace and excess oxygen control.

Continuous monitoring is required for NO_x, and the source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: November 14, 1980.
 Carl C. Kohnert, Jr.
 Acting Director, Enforcement Division,
 Region IX.

[FR Doc. 80-37234 Filed 11-28-80; 8:45 am]
 BILLING CODE 6560-38-M

[A-9-FRL 1687-2]

Air Quality; Issuance of PSD Permit to Champlin Petroleum Co.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Champlin Petroleum Company, Wilmington, California, EPA project number LA 79-05.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on March 21, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to proceed with Phase II modernization of Champlin Petroleum's Wilmington Refinery located in Wilmington, California. The

project will increase production of gasoline components and finished gasoline without increasing crude throughput.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: 245 tons/yr SO₂.

Best Available Control Technology (BACT) requirements include: for fluid catalytic cracking unit: desulfurization of gas oil to 0.1% sulfur and sulfur scavaging zeolite catalyst; for HF alky and Cat Poly Process heaters: refinery gas H₂S limit of 230 mg/dscm.

Continuous monitoring is required for stack gas SO₂ concentration and stack gas volumetric flow rate. The source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37223 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-38-M

[A-9-FRL 1687-4]

Air Quality; Issuance of PSD to Creole Corp.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Creole Corporation, a subsidiary of Texas Industries, Inc., Plaster City, Imperial County, California, EPA project number SE 78-09.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on May 20, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a Portland Cement plant and a limestone quarry with a primary crusher to be located in Plaster City, Imperial County, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: 419 tons/yr particulates; 1690 tons/yr NO_x; and 890 tons/yr SO₂.

Best Available Control Technology (BACT) requirements include: for particulates: baghouse dust collectors; and for NO_x and SO₂: precalciner/suspension preheater system.

The source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105 (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37225 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-38-M

[A-9-FRL 1688-1]

Air quality; Issuance of PSD Permit to Cyprus Hawaiian Cement Corp.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Cyprus Hawaiian Cement Corporation, 91-055 Kaomi Loop, Ewa Beach, Hawaii 96707, EPA project number HI 80-01.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on August 26, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above the approval to convert their cement manufacturing plant from use of fuel oil to coal.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations.

Best Available Control Technology (BACT) requirements include: sulfur content of coal <1.1 lbs/10⁶ BTU; sulfur discharge must be <0.9 lbs/10⁶ BTU, maximum 2 hour average; off gases from Raymond Coal Mill must be vented to a (existing) baghouse. Particulates must

not exceed 5.5 lbs/hr; coal storage bin and coal unloading facility must be vented to baghouses, scrubbers, or equivalent devices; fugitive dust must be controlled by: covering, wet suppression, stabilization systems, or equivalent; and when coal is delivered: unpaved plant haul roads must be watered, coal delivery trucks must be limited to 10 mph when on unpaved roads, and the tops of any open coal delivery trucks must be fitted with a tight fitting tarpaulin.

DATE: The PSD Permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105 (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37230 Filed 11-27-80; 8:45 am]
BILLING CODE 6560-38-M

[A-10-FRL 1686-1]

Air Quality; Issuance of PSD Permit to the Department of Energy

Notice is hereby given that on September 30, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Department of Energy for approval to resume operation of the Hanford nuclear fuel reprocessing facilities near Richland, Washington. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations subject to certain conditions, including:

1. Emissions of nitrogen oxides (NO_x) shall not exceed the following:

NO_x Emission Limitations

Source	Concentration— volume percent, dry basis	Kilo- gram per day	Mass emission rate metric tons per year
Purex plant			
NO _x absorber exit.....	2.0	1,160
Main stack.....		2,250	424
Uranium oxide plant			
Exit of final condenser (upstream of dilution air addition).....	4.0	858	50

2. With the exception of NO_x, increases in potential emissions of any

pollutant regulated under the Clean Air Act resulting from this operation will be less than 250 tons per year.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington, 98101.

Dated: November 20, 1980.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 80-37239 Filed 11-28-80; 8:45 am]

BILLING CODE 6560-38-M

[A-9-FRL 1686-8]

Air Quality; Issuance of PSD Permit to Gulf Oil Exploration and Production Co.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Gulf Oil Exploration and Production Company, Kern County, California, EPA project number SJ 78-82.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 21, 1980 the Environmental Protection Agency issues a PSD permit to the applicant named above for approval to construct the following equipment: eight (8) 30 MMBTU/hr steam generators; two (2) 4.2 MMBTU/hr heater treaters located in Section 32, T26S, R21E; and one (1) 30 MMBTU/hr steam generator located in Section 30, T26S, R21E, Lost Hills Oil Field, Kern County, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: 345 tons/yr NO_x.

Best Available Control Technology (BACT) requirements include: excess O₂ control and low NO_x burners.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,

Acting Director, Enforcement Division, Region IX.

[FR Doc. 80-37231 Filed 11-28-80; 8:45 am]

BILLING CODE 6560-38-M

[Ap10-FRL 1686-5]

Air Quality; Issuance of PSD Permit to Pacific Alaska LNG Associates

Notice is hereby given that on August 28, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Pacific Alaska LNG Associates for approval to construct a natural gas liquefaction facility in Nikiski, Alaska.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations subject to certain conditions, including:

1. Emissions of oxides of nitrogen (NO_x) and carbon monoxide (CO) shall not exceed the following:

Emission Limitations			
Source	Pollutant	Kilo-grams per day	Emission factor
Gas Turbines 11-TC-1 through 11-TC-4 and 16-TC-1 through 16-TC-4	NO _x	13 500	150 (E) ¹ ppm at 15% O ₂ dry basis.
	CO	650	640 kg/10 ⁶ m ³ gas (40 lb/10 ⁶ scf gas)
Gas Turbine 47-G 1 (Critical Service Generator)	NO _x	200	150(E) ppm at 15% O ₂ dry basis.
	CO	31	1 280 kg/10 ⁶ m ³ gas (80 lb/10 ⁶ scf gas)
AV Process Heaters	NO _x	125	43 m/L (0.1 lb) 10 ⁶ Btu
	CO	22	270 kg/10 ⁶ m ³ gas (17 lb/10 ⁶ scf gas)
LNG Shps	NO _x	5	
	CO	20	

¹ Emission Rate (E) = 14.4 kg/whr for actual 52 heat rate
² Tons per year

With the exception of NO_x and CO, potential emissions of any pollutant regulated under the Clean Air Act will be less than 250 tons per year.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of

today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: November 20, 1980.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 80-37239 Filed 11-28-80; 8:45 am]

BILLING CODE 6560-38-M

[A-9-FRL 1686-5]

Air Quality; Issuance of PSD Permit to Pacific Gas and Electric Co.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Pacific Gas and Electric Company (PG&E), 77 Beale Street, San Francisco, California 94106, EPA project number NC 79-01.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on January 8, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to expand the Geysers Geothermal Plant, Geysers Unit 17, 120 MW.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: 12 kg/hr H₂S.

Best Available Control Technology (BACT) requirements include: surface condenser/stretford process system.

Air Quality Impact Modeling is required for H₂S, and the source is subject to continuous monitoring requirements.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37234 Filed 11-28-80; 8:45 am]

BILLING CODE 6560-38-M

[A-9-FRL 1688-3]

Air Quality; Issuance of PSD Permit to Petro-Lewis Corp.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Petro-Lewis Corp., 717 17th Street, P.O. Box 2250, Denver, Colorado 80201, EPA project number SJ 79-28.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on May 8, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and operate a gas generator and associated equipment for recovering heavy crude oil.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: NO_x.

Best Available Control Technology (BACT) requirements include: use of no more than 7200 ft³ of natural gas per hour for the 1000 hp compressor engine and a closed hydrocarbon vapor recovery system on 11 cyclically stimulated producing wells.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37232 Filed 11-28-80; 8:45 am]

BILLING CODE 6560-38-M

[A-10-FRC 1686-6]

Air Quality Issuance of PSD Permit to Potlatch Corp.

Notice is hereby given that on September 30, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Potlatch Corporation for approval to construct a wood waste-fired power boiler in Lewiston, Idaho. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations subject to certain conditions, including:

1. Emissions of nitrogen oxides (NO_x) shall not exceed the following:

Emission Limitations

Source	Mode	Concentration	Tons per year
Power Boiler No. 4.	Wood waste-oil...	0.3 lb/10 ⁶ Btu...	
	Wood waste/gas.	0.2 lb/10 ⁶ Btu...	
Total			842

2. With the exception of NO_x, increases in potential emissions of any pollutant regulated under the Clean Air Act resulting from this construction will be less than 250 tons per year.

Under section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, Seattle, Washington 98101.

Dated: November 20, 1980

Donald P. Dubois,
Regional Administrator.

[FR Doc. 80-37220 Filed 11-28-80; 8:45 am]

BILLING CODE 6560-38-M

[A-9-FRL 1687-5]

Air Quality; Issuance of PSD Permit to Procter and Gamble Paper Products Co.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Procter and Gamble Paper Products Company, Oxnard, California, EPA project number LA 79-08.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 2, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a cogenerator gas turbine at the company's paper products plant located in Oxnard, California. The turbine will have a maximum output of 19.3 MW.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: 232 ton/yr NO_x.

Best Available Control Technology (BACT) requirements include: water injection and New Source Performance Standards emission rates for NO_x.

Continuous monitoring is required of water to fuel ratio being fired in the turbine.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37226 Filed 11-28-80; 8:45 am]

BILLING CODE 6560-38-M

[A-9-FRL 1687-8]

Air Quality; Issuance of PSD Permit to Ranchers Cotton Oil

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Ranchers Cotton Oil, 2691 South Cedar Ave., P.O. Box 2596, Fresno, California 93745, EPA project number SJ 79-13.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on June 3, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and operate a 400 ton per day cottonseed processing plant.

This permit has been issued under EPA's Prevention of Significant Air

Quality Deterioration (40 CFR 52.21) regulations.

Best Available Control Technology (BACT) requirements include: 35 high efficiency cyclones.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37229 Filed 11-28-80; 8 45 am]
BILLING CODE 6560-38-M

[A-9-FRC 1687-1]

Air Quality; Issuance of PSD Permit to Southwestern Portland Cement Co.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Southwestern Portland Cement Company, Victorville, California, EPA project number SE 79-02.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 11, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and install coal handling, grinding and burning systems for the conversion from oil to coal firing at the company's River Plant located in Victorville, San Bernardino County, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of SO₂ as follows: average limit of 1.1 lb/10⁶ BTU either per trainload or coal received or on a 7-day basis if coal is not received by train.

The source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated November 14, 1980

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX

[FR Doc. 80-37229 Filed 11-28-80; 8 45 am]
BILLING CODE 6560-38-M

[A-9-FRL 1687-7]

Air Quality; Issuance of PSD Permit to Southwestern Portland Cement Co.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Southwestern Portland Cement Company, San Bernardino County, California, EPA project number SE 79-03.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on January 29, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and install coal handling, grinding and burning systems for the conversion from oil to coal firing at the company's Black Mountain Plant located 15 minutes northeast of Victorville, San Bernardino County, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations.

The source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37229 Filed 11-28-80; 8 45 am]
BILLING CODE 6560-38-M

[A-9-FRL 1688-6]

Air Quality; Issuance of PSD Permit to Texaco, Inc.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Texaco, Inc., 3350 Wilshire Blvd., P.O. Box 3756, Los Angeles, California 90051, EPA project number NCC 78-04.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 4, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and operate steam generators, heater treaters and an atmospheric boiler in the San Ardo Oil Field.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: NO_x at 0.40 lbs/MMBTU for 3 20 MMBTU/hr steam generators, 2 hour average, and 2.8 lbs/hr for the 50 MMBTU/hr waste gas incinerator; SO₂ at 0.52 lbs/MMBTU for 3 20 MMBTU/hr steam generators and 0.21 lbs/MMBTU for 9 existing 50 MMBTU/hr steam generators, maximum 2 hour averages and 9.0 lbs/hr for the 50 MMBTU/hr waste gas incinerator.

Best Available Control Technology (BACT) requirements include:

(1) No more than 238 barrels/day of oil for 3 20 MMBTU/hr steam generators, less than 2% sulfur by weight;

(2) < 1.5 mmscf/day of natural gas to be used in 9 7.5 MMBTU/hr heater treaters; < 1.5 mmscf/day of natural gas to be used in 1 9.5 MMBTU/hr atmospheric boiler; and < 0.135 mmscf/day of natural gas to be used in 1 50 MMBTU/hr waste gas incinerator;

(3) Scrubbers for 3 20 MMBTU/hr steam generators (TX 2-4662, TX 2-3391 and TX 2-3389) and 9 50 MMBTU/hr steam generators (TX 2-4781 through 4783 and TX 2-5299);

(4) Nickel chloride scrubbing system for H₂S on the 50 MMBTU/hr waste gas incinerator;

(5) Vapor recovery system for all producing wells affected by steam stimulation; and

(8) Fencing of field to prevent exposure of public to high concentrations of NO_x.

Air Quality Impact Modeling is required for NO₂. Continuous monitoring is required for SO₂.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37235 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-38-M

[A-9-FRL 1687-6]

Air Quality; Issuance of PSD Permit to Tosco Corp.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Tosco Corporation, Bakersfield, California, EPA project number SJ 78-26.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on June 18, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a 119 MMBTU/hr CO boiler on an existing thermofor catalytic cracking unit, located in at the Tosco Refinery in Bakerfield, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: 180 tons/yr NO_x.

Best Available Control Technology (BACT) requirements include: an emission rate of 0.3 lb/MMBTU for NO_x.

The source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37227 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-38-M

[A-9-FRL 1688-4]

Air Quality; Issuance of PSD Permit to Tucson Electric Power Company

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Tucson Electric Power Co., 220 W. Sixth Street, P.O. Box 711, Tucson, Arizona 85705, EPA project number AZ 79-01.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 11, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and operate one 350 MW coal fired electric generating station.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: SO₂ at 0.218 lbs/10⁶ BTU or 817 lbs/hr maximum, particulate matter at 0.026 lbs/10⁶ BTU, and NO_x at 0.44 lbs/10⁶ BTU.

Best Available Control Technology (BACT) requirements include: for SO₂: calcium oxide spray scrubber; for particulate matter: baghouse; and for fugitive dust: negative pressure bag type air filtration systems to control dust from coal and lime storage silos, a fabric filter collection system to collect fly ash at the fly ash storage silo, and fly ash will be conditioned with water for transport by trucks to disposal site.

Air Quality Impact Modeling is required for SO₂ and particulate matter, and the source is subject to continuous monitoring requirements and New Source Performance Standards (NSPS).

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 80-37233 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-38-M

[A-10-FRL 1686-3]

Air Quality; Issuance of PSD Permit to Washington Water Power Co.

Notice is hereby given that on July 28, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to Washington Water Power Company for approval to construct a wood waste-fired power plant near Kettle Falls, Washington. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations subject to certain conditions, including:

1. Emissions of nitrogen oxide (NO_x), particulate matter (PM), hydrocarbons (HC) and carbon monoxide (CO) shall not exceed the following:

Emission Limitations

Pollutant	Pounds per hr	Tons per year	Emission factor
Particulate matter.....	26	114	0.02 gr/dscf at 12 pct CO ₂
Opacity:			
NO _x	104	456	
CO.....	160	701	
Hydrocarbons.....	160	701	

2. With the exception of particulate matter, oxides of nitrogen, carbon monoxide and hydrocarbons, increases in potential emissions of any pollutant regulated under the Clean Air Act resulting from this construction will be less than 250 tons per year.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200

Sixth Avenue, Room 11C, Seattle,
Washington 98101.

Dated: November 20, 1980

Donald P. Dubois,
Regional Administrator

[FR Doc. 80-37237 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-38-M

[A-9 FRL 1688-2]

Air Quality; Issuance of PSD Permit to Watson Energy Systems

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Watson Energy Systems, 3435 Wilshire Blvd., Suite 1500, Los Angeles, California 90010, EPA project No. LA 77-02.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on January 3, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct and operate a resource recovery steam generating plant.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: 64 lbs/hr SO_x.

Best Available Control Technology (BACT) requirements include: wet scrubbers for SO_x. Offsets apply for SO_x and NO_x.

Air Quality Impact Modeling is required for SO₂ and NO_x, and the source is subject to continuous monitoring requirements.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by January 30, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 566-3450.

Dated: November 14, 1980.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX

[FR Doc. 80-37231 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-38-M

[WH-FRL 1685-5]

Grants for Construction of Treatment Works, Exclusion of Major Industrial Users; Impact Analysis

November 24, 1980

AGENCY: Environmental Protection Agency

ACTION: Request for Comments.

SUMMARY: We are requesting comments from municipalities, industries and other interested parties regarding the potential effect of a recent amendment, Pub. L. 96-483, to the Federal Water Pollution Control Act. Section 3 of that amendment provides that grant assistance shall not be used after November 15, 1981, for the construction of any portion of a publicly owned wastewater treatment works designed to serve a major industrial user. Your comments will be considered during the conduct of our study of the effect of that provision. In accordance with section 4 of the new Law, we intend to report our findings, both qualitative and quantitative, to the Congress before March 15, 1981.

DATES: Comments must be submitted before December 31, 1980.

ADDRESS: Send comments to: Industrial Users Study, Municipal Construction Division (WH-547), Room 1217A, 401 M Street, S.W., Washington, D.C., 20460

FOR FURTHER INFORMATION CONTACT: Thomas A. Whalen, (202) 426-8902.

SUPPLEMENTARY INFORMATION: Public Law 96-483 is an Act to extend certain authorizations in the Clean Water Act and for other purposes. One of those purposes was to repeal the industrial cost recovery, the so-called ICR, requirement that was originally enacted as part of the 1972 Act. The original ICR requirement, on which a moratorium had been imposed in 1977, required that each municipality recover without interest, that portion of the Federal grant used to construct the industrial portion of a publicly owned treatment works

However, section 3 of the new Law states:

No grant made after November 15, 1981, for a publicly owned treatment works, other than for facility planning and the preparation of construction plans and specifications, shall be used to treat, store, or convey the flow of any industrial user into such treatment works in excess of a flow per day equivalent to fifty thousand gallons per day of sanitary waste. This subsection shall not apply to any project proposed by a grantee which is carrying out an approved project to prepare construction plans and specifications for a facility to treat wastewater, which received its grant approval before May 15, 1980

We are requesting your comments as input to the study and report that is required by section 4 of Pub. L. 96-483:

The Administrator of the Environmental Protection Agency shall study and report to the Congress not later than March 15, 1981, on the effect of the amendment made by section 3 on the construction of publicly owned treatment works, industrial participation in publicly owned treatment works, treatment of industrial discharges, and the appropriate degree of Federal and non-Federal participation in the funding of publicly owned treatment works.

Depending upon the nature of your comments and other sources of information, the report to Congress may also identify specific communities and projects affected by the amendment, especially those areas that are rural, have high unemployment or are economically distressed. In addition, we intend to develop information on the amounts and capital costs impacts of industrial flows both above and below the 50,000 gallon per day cut-off that are proposed for treatment in municipal plants. Therefore, your cooperation is critical to this effort and your comments will be appreciated.

Henry L. Longest II,
Deputy Assistant Administrator for Water Program Operations (WH-546).

[FR Doc. 80-37230 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-29-M

[ER-FRL 1685-6]

Intent to Prepare an Environmental Impact Statement

AGENCY: Environmental Impact Statement Preparation Section, Region III, Environmental Protection Agency.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (EIS).

PURPOSE: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Ms. Rochelle Volin, Environmental Impact Statement Preparation Section (31R60), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, telephone: (Commercial) 215-597-8335; (FTS) 8-597-8335.

1. Description of proposed action: An EIS will be prepared to assess the impacts of the upgrading and expansion of the Savage Wastewater Treatment Plant, Howard County, Maryland. The facility is currently under construction

and is being expanded to a 15 million gallon per day facility with phosphorous removal units and filtration facilities. The Savage Plant will discharge treated wastewater into the Little Patuxent River via a 3¼ mile extended outfall sized for the anticipated year 2000 needs of 25 million gallons per day.

2. Public and Private Participation in the EIS Process: Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

3. Issues: This EIS is being prepared in response to a citizen suit concerning potential impacts to the Patuxent River and its estuary as a result of an expansion of the Savage Wastewater Treatment Plant.

The EIS will evaluate the following specific issues of concern:

1. Potential impact from increased nitrogen discharges;
2. Potential for bacteria and viruses from discharge;
3. Increase eutrophication potential;
4. Lower Patuxent River as possible public drinking water source;
5. Other issues specified to EPA by cooperating governmental agencies and citizens.

4. Scoping: A scoping meeting was held on October 20 in Howard County with representatives of Maryland's Office of Environmental Programs, Howard County Department of Public Works, and concerned citizens groups. A public meeting will be scheduled to meet with citizens and groups in the area. For additional information, contact the person indicated above. Public notice will be given prior to all subsequent meetings.

5. Timing: EPA estimates the Draft EIS will be available for public review and comment in 11 months after initiation of the project.

6. Requests for Copies of Draft EIS: All interested parties are encouraged to submit their names and address to the person indicated above for inclusion on the distribution list for the draft EIS and related public notices.

Dated: November 21, 1980.

William N. Hedeman, Jr.

Director, Office of Environmental Review (A-104).

[FR Doc. 80-37258 Filed 11-28-80; 8:45 am]

BILING CODE 6560-37-M

[RD-FRC 1688-6]

Ambient Air Monitoring Reference and Equivalent Methods; Equivalent Method Designation

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, 41 FR 11255), has designated another equivalent method for the measurement of ambient concentrations of sulfur dioxide. The new equivalent method is an automated method (analyzer) which utilizes a measurement principle based on "second derivative spectroscopy." The method is:

EQSA-1280-049, "Lear Siegler Model AM2020 Ambient SO₂ Monitor," operated on the 0-0.5 ppm range, at a wavelength of 299.5 nm, and with a 5 minute integration period.

The method is available from Lear Siegler, Inc., Environmental Technology Division, 74 Inverness Drive East, Englewood, Colorado 80112.

A notice of receipt of application for this method appeared in the Federal Register, Volume 45, September 26, 1980, page 63911.

A test analyzer representative of this method has been tested by the applicant, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As an equivalent method, this method is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of Part 58 are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to Part 58 (44 FR 27585).

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given

in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this equivalent method will provide assistance to the States in establishing and operating their air quality surveillance systems under Part

58. Additional information concerning this action may be obtained by writing to the address given above. Technical questions concerning the method should be directed to the manufacturer.

Dated: November 24, 1980.

Stephen J. Cage,

Assistant Administrator for Research and Development.

[FR Doc. 80-37257 Filed 11-26-80; 8:45 am.]

BILLING CODE 6560-35-M

Office of Energy Conservation and Solar Energy

Energy Conservation Program for Consumer Products; Representative Average Unit Cost of Energy

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: In this notice, the Department of Energy is providing the representative average unit costs of residential energy for electricity, natural gas, No. 2 heating oil and propane, as part of the energy conservation program for consumer products. This program was established by the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act.

EFFECTIVE DATE: The representative average unit costs of energy contained in this notice will become effective December 31, 1980 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: James A. Smith, U.S. Department of Energy, Office of Conservation and Solar Energy, Division of Buildings and Community Systems, Consumer Products Efficiency Branch, Room GH-065, Mail Station GH-068, 1000 Independence Ave., SW, Washington, D.C. 20585, (202) 252-9127.

SUPPLEMENTARY INFORMATION: Section 323 of the Energy Policy and Conservation Act (Act)¹ requires that the Department of Energy (DOE) prescribe test procedures for the determination of the estimated annual operating costs and other measures of energy consumption for certain consumer products specified in the Act. DOE has prescribed test procedures for the types of covered products listed in Section 322(a)(1)-(13) of the Act. Those test procedures are found in 10 CFR Part 430, Subpart B.

Section 323(b) of the Act requires that the estimated annual operating cost of a covered product be calculated from

measurements of energy use in a representative average-use cycle, and from representative average unit costs of the energy needed to operate such product during such cycle. The section further requires DOE to provide information regarding the representative average unit costs. In this notice, DOE is providing representative average unit costs of energy for use wherever such costs are needed to perform calculations in accordance with the test procedures.

On July 15, 1977 (42 FR 36549), DOE's predecessor, the Federal Energy Administration, first published representative average unit costs of residential energy for use in the test procedures. On June 27, 1979 (44 FR 37534), DOE published the first update of representative average unit costs of energy. Effective December 31, 1980, those earlier cost figures will be superseded by the cost figures stated in this notice.

DOE's Energy Information Administration (EIA) has developed the representative average unit costs of energy found in this notice. Representative average unit cost forecasts were developed somewhat differently for each fuel type.

Residential No. 2 heating oil prices and residential propane prices were generated from the EIA Short-Term Cost Distribution Model, which forecasts prices of selected petroleum products based on changes in crude oil costs, seasonal patterns in retail prices, and established trends in margins and operating expenses. For purposes of these forecasts, propane prices were assumed to change at the same rate as the rate for No. 2 heating oil.

Natural gas price forecasts were generated by relating estimated future

production to the regulated prices of the various classes of natural gas created by the Natural Gas Policy Act (NGPA) 1978 (Pub. L. 95-621). The historical markup of wellhead prices to residential prices was then used to generate final residential price forecasts.

Residential electricity price forecasts were generated by relating electricity prices to the costs of primary fuels used by electric utility generating plants, basically residual fuel oil, natural gas, and coal.

A more extensive explanation of the development of the representative average unit costs found in this notice is given in volume Three of EIA's *Annual Report to Congress, 1979 DOE/EIA-0173(79)/3*. Copies of this report are available at the Energy Information Clearinghouse, 1726 M Street, NW, Washington, D.C. 20461.

It is anticipated that DOE will revise the representative average unit costs of energy on an annual basis. The publication date is expected to be on or about January 1, of each year to coincide with the Federal Trade Commission deadline for data submission by manufacturers of the estimated annual energy cost for covered consumer appliances.

The representative average unit costs stated in Table 1 are provided pursuant to Section 323(b)(2) of the Act and will become effective December 31, 1980. They will remain in effect until further notice.

Issued in Washington, D.C., November 21, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy

Table 1.—Estimated Representative Average Unit Costs of Energy for Four Residential Energy Sources (1981)

Type of energy	Representative average unit costs of energy		
	In common terms	As required by test procedure	In comparable terms ¹
(a)	(b)	(c)	(d)
Electricity ²	5.64¢/kWh ³	\$0.0564/kWh	\$16.53
Natural gas ⁴	42.5¢/therm or \$4.33/1,000 ft ³	\$4.25/10 ⁶ Btu	4.26
No. 2 heating oil ⁵	124.0¢/gal	\$8.94/10 ⁶ Btu	8.94
Propane ⁶	78.4¢/gal	\$8.52/10 ⁶ Btu	8.52

¹ Dollars per million Btu (British Thermal Units)

² 1 kWh = 3,413 Btu's

³ kWh stands for kilowatt hour

⁴ 1 therm = 100,000 Btu's or 1 ft³ = 10⁶ Btu's

⁵ 1,000 ft³ = 1,000 cubic feet

⁶ 1 gal = 138,700 Btu's

⁷ 1 gal = 91,000 Btu's

[FR Doc. 80-37157 Filed 11-26-80; 8:45 am.]

BILLING CODE 6450-81-M

¹ References to the "Act" refer to the Energy Policy and Conservation Act (Public Law 94-163) as amended by the National Energy Conservation Policy Act (Public Law 95-619).

FEDERAL RESERVE SYSTEM**Bank Leumi Le-Israel B.M., et al;
Proposal to Retain Leumi Financial
Corporation**

Bank Leumi le-Israel B.M., Tel Aviv, Israel; Otzar Hityashvuth Hayehudim B.M., Tel Aviv, Israel; JCT Trust Company Limited, Tel Aviv, Israel; and the Trust Created by Otzar Hityashvuth Hayehudim Jewish Colonial Trust Limited, London, England and JCT Trust Company Limited, Tel Aviv, Israel, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b) of the Board's Regulation Y (12 CFR-225.4(b)), for permission to retain direct and indirect control of Leumi Financial Corporation, New York, New York.

Applicants state that the proposed subsidiary would continue to engage in the activities of making, acquiring, and servicing commercial loans and other extensions of credit. These activities would be performed from offices of Applicants' subsidiary in New York, New York, and the geographic areas to be served are the States of New York, New Jersey and Connecticut. 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 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 New York.

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 December 19, 1980.

Board of Governors of the Federal Reserve System, November 20, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37139 Filed 11-28-80; 8:45 am]

BILLING CODE 6210-01-M

**Northern Bancshares, Inc., Formation
of Bank Holding Company**

Northern Bancshares, Inc., Chillicothe, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank of Chillicothe, Chillicothe, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 19, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 20, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37140 Filed 11-28-80; 8:45 am]

BILLING CODE 6210-01-M

**Northwest Investment Company of
Cloquet, Inc., Proposed Retention of
Leasing Activities**

Northwest Investment Company of Cloquet, Inc., Cloquet, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in equipment leasing activities. These activities would be performed from offices of Applicant in Cloquet, Minnesota, and the geographic area to be served consists of an area within 25 miles of Cloquet, Minnesota, including Duluth, Minnesota, and Superior, Wisconsin. 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 consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, of 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 Minneapolis.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 19, 1980.

Board of Governors of the Federal Reserve System, November 20, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37138 Filed 11-28-80; 8:45 am]

BILLING CODE 6210-01-M

**Federal Open Market Committee;
Domestic Policy Directive October 21,
1980**

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on October 21, 1980.¹

The information reviewed at this meeting suggests that real GNP increased somewhat in the third quarter following the sharp contraction in the second quarter, while prices on the average continued to rise rapidly. The recovery in retail sales and housing starts that began in June continued during the third quarter. Industrial production and nonfarm payroll employment expanded in September for the second consecutive month, and the unemployment rate edged down from 7.6 to 7.5 percent. The rise in the index of average hourly earnings moderated in

¹The Record of Policy Actions of the Committee for the meeting of October 21, 1980, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

the third quarter, but the rise over the first nine months of the year was about as rapid as in 1979.

The weighted average value of the dollar in exchange markets on balance has risen somewhat over the past month. The U.S. trade deficit in August remained well below the monthly average in the second quarter.

M-1A and M-1B continued to grow rapidly in September, although not so rapidly as in August, while growth in M-2 moderated further. From the fourth quarter of 1979 to September, growth of M-1A was slightly above the midpoint of the range set by the Committee for growth over the year ending in the fourth quarter of 1980, while growth of M-1B and M-2 was somewhat above the upper limits of their ranges. Expansion in commercial bank credit was relatively rapid in both August and September. On balance short-term market interest rates have risen considerably further since mid-September while long-term rates have changed little; average rates on new home mortgage commitments have continued upward. An increase in Federal Reserve discount rates from 10 to 11 percent was announced on September 25.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, encourage economic recovery, and contribute to a sustainable pattern of international transactions. At its meeting in July, the Committee agreed that these objectives would be furthered by growth of M-1A, M-1B, M-2 and M-3 from the fourth quarter of 1979 to the fourth quarter of 1980 within ranges of 3½ to 6 percent, 4 to 6½ percent, 6 to 9 percent, and 6½ to 9½ percent respectively. The associated range for bank credit was 6 to 9 percent. For the period from the fourth quarter of 1980 to the fourth quarter of 1981, the Committee looked toward a reduction in the ranges for growth of M-1A, M-1B, and M-2 on the order of ½ percentage point from the ranges adopted for 1980, abstracting from institutional influences affecting the behavior of the aggregates. These ranges will be reconsidered as conditions warrant.

In the short run, the Committee seeks behavior of reserve aggregates consistent with growth of M-1A, M-1B, and M-2 over the September-to-December period at annual rates of about 2½ percent, 5 percent, and 7½ percent respectively, or somewhat less, provided that in the period before the next regular meeting the weekly average federal funds rate remains within a range of 9 to 15 percent.

If it appears during the period before the next meeting that the constraint on the federal funds rate is inconsistent with the objective for the expansion of reserves, the Manager for Domestic Operations is promptly to notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, November 21, 1980.

Murray Allmann,

Secretary.

[FR Doc. 80-27411 Filed 11-20-80; 8:35 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed "de Novo" Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than December 22, 1980.

A. *Federal Reserve Bank of Philadelphia* (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

Philadelphia National Corporation, Philadelphia, Pennsylvania (financing, insurance, and mortgage banking activities; Delaware and adjacent areas): to engage, through its subsidiary, Signal Mortgage Corporation of Delaware, in making personal installment loans secured by mortgages other than first liens on the borrower's real estate; selling casualty insurance, credit life insurance and credit accident and health insurance in connection with such loans; reinsuring such insurance through other indirect subsidiaries, and generally engaging in the business of second-mortgage lending. These activities would be conducted from offices in New Castle, Newark, and Wilmington, Delaware, serving all of Delaware and adjacent areas in Pennsylvania and Maryland.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Omaha National Corporation, Omaha, Nebraska (mortgage banking activities; Oklahoma): to engage through its subsidiary Realbanc, Inc., in making, acquiring, and servicing loans and other extensions of credit secured by real estate mortgages. These activities would be conducted from an office in Tulsa, Oklahoma, serving an area within a 100-mile radius of Tulsa. Comments on this application must be received by December 18 1980.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Old National Bancorporation, Spokane, Washington (financing and insurance activities; Washington): to engage, through its subsidiary, Old National Financial Services, Inc., in making or acquiring for its own account or for the account of others, loans and other extensions of credit, including the making of consumer installment loans, purchasing consumer installment sales finance contracts, and the making of loans to small businesses and in acting as an insurance agent or broker for the purpose of selling credit life and credit accident and health insurance in connection with extensions of credit by Old National Financial Services, Inc., and acting as an agent or broker for the purpose of selling property and casualty insurance on personal property subject to security interests held by Old National Financial Services, Inc., and to engage, through its subsidiary, Union Securities Co., in acting as an insurance agent or broker for the purpose of selling credit life and credit accident and health insurance in connection with extensions of credit by Old National Financial

Services, Inc., and acting as an agent or broker for the purpose of selling property and casualty insurance on personal property subject to security interest held by Old National Financial Services, Inc. These activities would be conducted from an office in Seattle, Washington, serving the State of Washington.

D. Other Federal Reserve Banks.
None.

Board of Governors of the Federal Reserve System, November 21, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37203 Filed 11-28-80; 8:45 am]

BILLING CODE 6210-01-M

Burr Oak Banco, Inc., Formation of Bank Holding Company

Burr Oak Banco, Inc., Burr Oak, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.8 per cent or more of the voting shares of Burr Oak State Bank, Burr Oak, 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)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board

[FR Doc. 80-37198 Filed 11-28-80; 8:45 am]

BILLING CODE 6210-01-M

Childress Bancshares, Inc.; Formation of Bank Holding Company

Childress Bancshares, Inc., Childress, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank in Childress, Childress, Texas. The factors that are considered in acting on the application are set forth

in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37199 Filed 11-28-80; 8:45 am]

BILLING CODE 6201-01-M

First City Bancorporation; Acquisition of Bank

First City Bancorporation, Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Central Park Bank, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 21, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37205 Filed 11-28-80; 8:45 am]

BILLING CODE 6210-01-M

First Citizens Bankshares, Inc.; Formation of Bank Holding Company

First Citizens Bankshares, Inc., Glenville, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12

U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of First Citizens Bank, Glenville, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37201 Filed 11-28-80; 8:45 am]

BILLING CODE 6210-01-M

First Union Bancorporation, Firstsub, Inc.; Acquisition of Bank and Formation of Bank Holding Company

First Union Bancorporation, St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirectly 84.2 percent of the voting shares of Columbia Union Bank and Trust Company, Kansas City, Missouri. These shares would be acquired and held by Firstsub, Inc., St. Louis, Missouri, a wholly-owned subsidiary of First Union Bancorporation, and Firstsub, Inc., has applied for the Board's approval under section 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)) to become a bank holding company as a result of the acquisition. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions

of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37196 Filed 11-28-80; 8:45 am]
BILLING CODE 6210-01-M

First United Bancorporation, Inc.; Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of The Southwest State Bank, Brownwood, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 15, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37200 Filed 11-28-80; 8:45 am]
BILLING CODE 6210-01-M

Middle River Bancshares, Inc.; Formation of Bank Holding Company

Middle River Bancshares, Inc., Middle River, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94.11 per cent of the voting shares of First National Bank of Middle River, Middle River, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve

Bank, to be received not later than December 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 21, 1980

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37202 Filed 11-28-80; 8:45 am]
BILLING CODE 6210-01-M

Savannah Bancshares, Inc.; Formation of Bank Holding Company

Savannah Bancshares, Inc., Savannah, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First Community State Bank of Savannah, Savannah, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 21, 1980

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37206 Filed 11-28-80; 8:45 am]
BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire 100 percent of the voting shares of Banc-Southwest Corporation, Amarillo, Texas. The factors that are considered in acting on

the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 21, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37204 Filed 11-28-80; 8:45 am]
BILLING CODE 6210-01-M

Union Bancshares, Inc.; Formation of Bank Holding Company

Union Bancshares, Incorporation, San Antonio, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Union State Bank, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1980.

Jefferson A. Walker,
Assistant Secretary of the Board.

[FR Doc. 80-37207 Filed 11-28-80; 8:45 am]
BILLING CODE 6210-01-M

Union Bank Corp.; Formation of Bank Holding Company

Union Bank Corporation, Upton, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C.

1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (except directors' qualifying shares) of Union State Bank, Upton, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 21, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-37207 Filed 11-28-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 20, 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 receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and OSM requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before December 19, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Civil Aeronautics Board

The CAB requests an extension without change clearance of the reporting requirements contained in §§ 245.12, 245.13, 245.14 and 245.15 of Part 245 of the Board's Economic Regulations—Reports of Ownership of Stock and Other Interests. The CAB states that submission of the data is mandatory under the Federal Aviation Act of 1958, as amended, and that respondents are estimated to number approximately 35 and reporting burden to average 1.5 hours for reporting under § 245.12 or 245.13, 3 hours for reporting under § 245.14, and 30 minutes for reporting under § 245.15; according to which section applies to each respondent.

The CAB requests an extension without change clearance of Form 2786—Report of Ownership of Stock and Other Interests Under section 407(c) of the Federal Aviation Act of 1958 and Part 245 of the Economic Regulations. Form 2786 requires that officers and directors of air carriers disclose, on an annual basis, interests held in any air carrier, common carrier, or person engaged in a phase of aeronautics. The CAB estimates that respondents will number approximately 2,000 and that reporting burden will average 30 minutes per report filed.

Office of Surface Mining

The Office of Surface Mining, Department of the Interior, requests an extension without change clearance of the reporting and recordkeeping requirements contained in its Interim Regulatory Programs, as set out below. The Office of Surface Mining has determined that such information is necessary to perform its responsibilities under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* and must be collected, submitted or retained. The Office of Surface Mining has reviewed the requirements set out below and revised, where necessary, the number of respondents and burden hours associated with them. The requirements contained in each part are as follow:

30 CFR Part 710—Initial Regulatory Program

Section 710.4(b) requires approximately 13 states to submit weekly copies of mine inspection reports. OSM estimates reporting time to average 30 minutes per report.

30 CFR Part 715—General Performance Standards

Section 715.13(d) requires submission of plans for alternative post-mining use of the land for each of the approximately 1,240 surface coal mines subject to this provision. Reporting time is estimated by OSM to average from 8 to 40 hours per mine with an average of about 24 hours. Section 715.17(b) requires approximately 4,965 surface coal mine operators to submit copies of their quarterly NPDES permit surface water analyses report to OSM. Reporting time is estimated by OSM to be approximately 30 minutes per quarter. Sections 715.18(b) (2) and (6) require approximately 497 surface coal mine operators to submit dam construction plans and annual reports of modifications or changes in the geometry of the impounding structure. Reporting time is estimated by OSM to be one hour per construction plan and 15 minutes per annual report. Section 715.19(b) requires a submission of preblast survey reports by each of the approximately 497 surface coal mine operators subject to this provision. The reporting time is estimated by OSM to be 8 hours per operator. Sections 715.19 (c) and (d) require publication and distribution of initial and revised blasting schedules to the public for each of the approximate 4,460 surface coal mine operators. The reporting time is estimated by OSM to be 45 minutes per mine operator. Section 715.19(e)(4) requires maintenance of blasting logs for at least 3 years for approximately 4,460 surface coal mine operators. Recordkeeping time is estimated by OSM to be 78 hours annually per mine operator.

30 CFR Part 716—Special Performance Standards

Sections 716.7(c), (d) and (e) require approximately 76 surface coal mine operators to conduct soil surveys, document the presence of prime farmlands, and submit, on a one-time basis, plans for mining and restoring prime farmlands. OSM estimates the reporting time to be from 5 to 10 hours per operator.

30 CFR Part 717—Underground Mining

Section 717.17(b) requires the submission of a copy of the quarterly NPDES permit water analyses report to OSM for each of the approximately 3,428 underground coal mine operators subject to this provision. The reporting time is estimated by OSM to be one-half hour per report. Sections 717.18(b)(2)

and (6) require approximately 240 underground coal mine operators to submit dam construction plans and annual reports of modifications or changes in the geometry of the impounding structures. Reporting time is estimated to be one hour per construction plan and 15 minutes per annual report.

30 CFR Part 718—Adoption of State Standards

Section 718.1(b) establishes procedures for States in identifying more stringent State standards and for requesting a review of laws for adoption and application in their State, as Federal standards. OSM estimates 10 States may make such a request and reporting time will be 1½ hours per State request.

30 CFR Part 720—State Enforcement Activities

Section 720.13(a) and (b) require approximately 13 States to file copies of their weekly mine inspection reports and copies of initial, revised or renewed permits with OSM. The reporting time is estimated by OSM to be 52 hours annually per inspection report and 1 hour per permit.

30 CFR Part 725—Reimbursement to States

Section 720.15 establishes procedures for approximately 13 States for submitting annual grant applications. The reporting time is estimated by OSM to be 160 hours per application. Section 725.23(a) requires an annual submission, by approximately 13 State grantees, of a Financial Status Report and Performance Report in accordance with OMB's Circular A-102, Attachments H and I. The reporting time is estimated by OSM to be 40 hours per grantee. Section 725.24 requires approximately 13 State grantees to maintain books and records sufficient to reflect use of grant monies. OSM estimates the record maintenance time per State grantee as 240 hours.

The Office of Surface Mining, Department of the Interior, requests an extension without change clearance of the reporting and recordkeeping requirements contained in its Permanent Regulatory Program as set out below. The Office of Surface Mining has determined that such information is necessary to perform its responsibilities under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et. seq.* and must be collected, submitted or retained. The Office of Surface Mining has reviewed these requirements and revised, where necessary, the number of respondents and burden hours associated with them as set out below.

30 CFR Part 735—Grants for Program Development and Administration and Enforcement

Section 735.13(a) requires 23 State agencies to submit annual summaries of their program development budgets. Section 735.13(b) requires 23 State agencies, commencing October 1, 1980, to submit projected regulatory program budgets 18 months prior to the applicable Federal fiscal year and current regulatory program budgets 3 months prior to the applicable Federal fiscal year. The reporting time is estimated by OSM to be 100 hours per program development budget summary and 24 hours per projected and current regulatory program budget. Section 735.16(e) establishes annual grant application procedures for cooperative agreement grants for the 5 States subject to this provision. Reporting time is estimated by OSM to be 16 hours annually. Section 735.18 establishes procedures for submission of applications for annual grants. The reporting time is estimated by OSM to be 160 hours annually for the 23 States subject to this provision. Section 735.26 establishes annual financial reporting requirements for the 23 States subject to this provision. Reporting time is estimated by OSM to be 40 hours per report. Section 735.27 requires continuous maintenance of financial records by each of the 23 States. Recordkeeping time is estimated by OSM to average 240 hours.

30 CFR Part 795—Small Operator Assistance Program

Section 795.12 requires State regulatory authorities, to the extent possible, with available funds, to select and pay qualified laboratories to collect, report, and make available results of test borings and core samples to small coal mine operators. Reporting time is estimated by OSM to be 80 hours for each of the 23 State regulatory authorities subject to this provision. Section 795.18 establishes the minimum data requirements for studies to be conducted for approximately 1,754 eligible small coal mine operators by an estimated 500 qualified laboratories. Reporting time is estimated by OSM to be 176 hours per study.

Norman F. Heyl,

Regulatory Reports, Review Officer.

[FR Doc. 80-3216 Filed 11-26-80; A.G.]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Planning and Evaluation

[HEW-100-79-0165]

Symposium on Policy and Program Issues Related to Child and Family Services to Black Americans; Program Completion

Pursuant to Section 606 of the Community Services Act of 1974, (Pub. L. 93-614) 42 U.S.C. 2916, this agency announces the results, findings, data and recommendations reported as a result of activities associated with HHS project entitled, "Symposium on Policy and Program Issues Related to Child and Family Services to Black Americans."

The final report describes the Symposium which was held at the Hirambee House Hotel in Washington, D.C. on April 30, May 1-2, 1980. The primary objectives of the Symposium were (1) to identify and discuss policy and program issues in selected program areas (child health, child welfare, and child care) that are of priority concern to Black families; (2) to develop a set of criteria which may be used to assess the responsiveness of future policies and programs to the needs of Black families; and (3) to develop recommendations and strategies for effectively incorporating these criteria into the health and human services system. Another objective was to identify recommendations concerning specific research initiatives and other activities which could increase the responsiveness of HHS programs to the needs of Black children and their families.

Participants in the Symposium consisted of individuals from the public and private sector. The non-federal participants included state and local practitioners, researchers from various social sciences and advocates that are involved in the child health and social services. The federal participants included those in key HHS policymaking positions.

The report specifically discusses recommended criteria which may be used to assess the responsiveness of future policies and programs to the needs of Black families. These criteria address agreed-on characteristics, needs, and concerns of Black families and their communities, and may be used as an assessment tool by HHS policymakers and program managers in future policy development, policy implementation, and program monitoring and enforcement process activities. The criteria are expected to be employed to respond to the needs of

Black families and other minority and non-minority family needs by highlighting the importance of family diversity.

Finally, a series of implementation steps emerged from the Symposium discussions. These steps and recommended research activities were recommended for consideration by HHS.

A copy of the report will be available as soon as possible from the national Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: November 13, 1980.
John L. Palmer,
Assistant Secretary for Planning and Evaluation.

[FR Doc. 80-37148 Filed 11-28-80; 8:45 am]
BILLING CODE 4110-12-M

Office of the Secretary

Federal Financial Participation in State Assistance Expenditures

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of Federal Matching Shares for Aid to Families with Dependent Children, Medicaid and Aid to Needy Aged, Blind, or Disabled Persons for October 1, 1981—September 30, 1983.

SUMMARY: This notice announces the "Federal percentages" and "Federal medical assistance percentages" that we will use in determining the amount of Federal matching in State welfare expenditures. The table gives figures for each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands. These programs are under titles I, IV-A, X, XIV, XVI, (AABD), and XIX of the Social Security Act (the Act). The percentages in this notice apply to State expenditures for assistance payments. The statute provides separately for Federal matching of administrative costs.

Sections 1101(a)(8) and 1905(b) of the Social Security Act require the Secretary of Health and Human Services to publish these percentages each even-numbered year. The Secretary is to figure the percentages, by formulas in those sections of the Act, from the Department of Commerce's statistics of average income per person in each State and in the nation as a whole. The percentages are within upper and lower limits given in those two sections of the Act.

The "Federal percentages" are for Aid to Families with Dependent Children

(AFDC) and aid to needy aged, blind, or disabled persons, and the "Federal medical assistance percentages" are for Medicaid. However, under section 1118 of the Act, States with approved Medicaid plans may claim Federal matching funds for expenditures under approved State plans for these other programs using either the Federal percentage or the Federal medical assistance percentage. These States may claim at the Federal medical assistance percentage without regard to any maximum on the dollar amounts per recipient which may be counted under paragraphs (1) and (2) of sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a) of the Act.

DATES: The percentages listed will be effective for each of the eight quarter-year periods in the period beginning October 1, 1981, and ending September 30, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Emmett Dye, Office of Research and Statistics, Social Security Administration, Room 921, 1875 Connecticut Ave., NW, Washington, D.C. 20009—Telephone (202) 673-5610.

(Catalog of Federal Domestic Assistance Program Nos. 13.808—Assistance payments—Maintenance Assistance (State Aid); 13.714—Medical Assistance program)

Dated: November 25, 1980.
Patricia Roberts Harris,
Secretary of Health and Human Services.

Federal Percentages and Federal Medical Assistance Percentages, Effective Oct. 1, 1981-Sept. 30, 1983

[Fiscal years 1982 and 1983]

State	Federal percentages	Federal medical assistance percentages
Alabama.....	65.00	71.13
Alaska.....	50.00	50.00
Arizona.....	55.41	59.87
Arkansas.....	65.00	72.16
California.....	50.00	50.00
Colorado.....	50.00	52.28
Connecticut.....	50.00	50.00
Delaware.....	50.00	50.00
District of Columbia.....	50.00	50.00
Florida.....	53.24	57.92
Georgia.....	62.53	68.28
Guam.....	50.00	50.00
Hawaii.....	50.00	50.00
Idaho.....	61.59	65.43
Illinois.....	50.00	50.00
Indiana.....	51.92	56.73
Iowa.....	50.39	55.35
Kansas.....	50.00	52.50
Kentucky.....	64.38	67.95
Louisiana.....	63.17	68.85
Maine.....	65.00	70.63
Maryland.....	50.00	50.00
Massachusetts.....	50.00	53.56
Michigan.....	50.00	50.00
Minnesota.....	50.00	54.39
Mississippi.....	65.00	77.36
Missouri.....	55.98	60.38
Montana.....	61.49	65.34
Nebraska.....	53.46	58.12
Nevada.....	50.00	50.00
New Hampshire.....	54.91	59.41

Federal Percentages and Federal Medical Assistance Percentages, Effective Oct. 1, 1981-Sept. 30, 1983—Continued

[Fiscal years 1982 and 1983]

State	Federal percentages	Federal medical assistance percentages
New Jersey.....	50.00	50.00
New Mexico.....	63.55	67.19
New York.....	50.00	50.00
North Carolina.....	64.23	67.01
North Dakota.....	57.90	62.11
Northern Mariana Islands.....	50.00	100.00
Ohio.....	50.11	55.10
Oklahoma.....	55.46	59.91
Oregon.....	50.00	52.01
Pennsylvania.....	51.98	56.78
Puerto Rico.....	50.00	50.00
Rhode Island.....	53.08	57.77
South Carolina.....	65.00	70.77
South Dakota.....	64.65	69.19
Tennessee.....	65.00	68.63
Texas.....	50.83	55.75
Utah.....	65.00	68.64
Vermont.....	65.00	68.69
Virgin Islands.....	50.00	100.00
Virginia.....	51.93	50.74
Washington.....	50.00	50.00
West Virginia.....	64.38	67.95
Wisconsin.....	53.35	50.02
Wyoming.....	50.00	50.00

¹ For purposes of section 1118 of the Social Security Act, the percentage used under titles I, X, XIV, and XVI and Part A of title IV will be 75 per centum.

[FR Doc. 80-37268 Filed 11-28-80; 8:45 am]
BILLING CODE 4110-07-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-35]

General Motors Plant Relocation, Kansas and Franklin Farms, Va.; Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: General Motors Plant Relocation, Kansas City, Kansas; and Franklin Farms, Fairfax, Virginia. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended

mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C., November 19 1980.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS on General Motors Plant Relocation, Kansas City, Kansas

The City of Kansas City, Kansas has a proposal into the U.S. Department of Housing and Urban Development for Urban Development Action Grant funds under Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383) to be used for the General Motors Plant Relocation. A Draft Environmental Impact Statement will be prepared by the City of Kansas City, Kansas, in accordance with the National Environmental Policy Act of 1969 (Pub. L. 91-190) on such project.

Description. The project will relocate the existing General Motors Assembly Plant from Fairfax Industrial District to the western portion of Kansas City, Kansas. There are 540 acres in the site. HUD funds will be used for roads, storm and sanitary sewers, pipe relocation, a fire station, and improvements to railroad rights-of-way. The application to HUD is for \$23,000,000 of the total project cost of \$432,000,000. A grant proposal has been sent to EPA.

Need. It has been determined that a project of this magnitude will constitute an action significantly affecting the quality of the human environment.

Alternatives. Among the alternatives available are (1) accept the project as proposed, (2) change it to different locations, and (3) no project.

Scoping. There will be a scoping meeting. For further information on this meeting contact Ms. Midge Nutman, Grants Coordinator, at the address below. Her phone number is 913-321-2708.

Contact. All interested agencies, groups and persons are invited to submit written comments on this project and the Draft Environmental Impact Statement to the Kansas City Department of Economic Development, Seventh Floor, Municipal Building, 701 North Seventh Street, Kansas City, Kansas 66101. Such written comments should be received at the address specified on or before December 31, 1980, and all comments so received will be considered prior to the preparation

and distribution of a Final Environmental Impact Statement

Appendix—EIS on Franklin Farm, Fairfax, Virginia

The Washington, D.E. Area Office of the Department of Housing and Urban Development intends to prepare an EIS for Franklin Farm, a proposed residential development. That development will be located between West Ox Road and Centerville Road in Fairfax County. The purpose of this Notice is to solicit from all interested persons, local, state and Federal Agencies, recommendations regarding issues to be addressed in depth in the Environmental Impact Statement.

Description. Franklin Farm will be located approximately 2 miles north of Chantilly. The main access roads will be Route 50 and Ox Road. Burke Centre Partnerships the developer, proposes a total development of 1646 units on a 823 acre tract.

Need. Pursuant to 24 CFR Part 50, Procedures for Protection and Enhancement of Environmental Quality—HUD has determined that an Environmental Impact Statement will be prepared for this project because of its size.

Alternatives Perceived. The alternatives are: (1) Accept the project as submitted; (2) higher density development; (3) lower density development; (4) development of alternatives to mitigate major adverse impacts that may be uncovered during the EIS process; and (5) reject the project.

Scoping. A scoping meeting will be held. For further information contact the person listed below.

Comments. Comments should be sent on or before December 22, 1980, to Terry C. Chisholm, Area Manager, HUD, D.C. Area Office, 1875 Connecticut Avenue NW, Washington, D.C. 20009. HUD plans to have the Draft ready by February 13, 1981, for publication.

[FR Doc. 80-57214 Filed 11-28-80; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. NI-34]

Quintas de Dorado Housing Project, Dorado, Puerto Rico; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix of the Notice: Quintas de Dorado Housing Project, Dorado, Puerto Rico. This Notice is required by the Council on

Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies have jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C. November 19, 1980.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix—EIS for Quintas de Dorado Housing Project, Dorado, Puerto Rico

The Department of Housing and Urban Development, Region II, Caribbean Area Office, intends to prepare an Environmental Impact Statement (EIS) on the project described below and solicits comments and information for consideration in the EIS.

Description: The project location is Dorado, Puerto Rico, Higuillar Ward, Km 8.2, State Road No. 693. The project may be assisted under the following Federal Programs: 203 (b) 235.

Quintas de Dorado is the latest subdivision in a development of 1430 detached residential units. The first stage of the development, consisting of 289 residential lots, has received an environmental clearance from HUD. Approximately 200 units of the Stage 1 development have been built. Stages 2, 3 and 4 will total 1141 units at the termination of Quintas de Dorado.

Need: It has been determined to prepare an Environmental Impact Statement due to the size of the development.

Alternatives: Alternatives to be considered include changes to size design or no project.

Scoping: A scoping meeting with the participation of cooperating government agencies and the general public will be held. For information on this meeting contact the person listed below.

Comments: Estimated date for completion of Draft EIS: February 4, 1981. A copy of the draft will be published in Spanish, and will be available for inspection at the Area

Office. All comments will be considered when preparing the Draft and become part of the project's environmental file. These comments must be mailed or delivered to HUD at the following address on or before December 22, 1980. Jose' R. Febres-Silva, Area Manager, U.S. Department of Housing and Urban Development, U.S. Courthouse and Federal Building, Carlos Chardon Avenue, Room 428, Hato Rey, Puerto Rico 00918.

[FR Doc. 80-37213 Filed 11-28-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

White Earth and the Red Cliff Chippewa Indians; Plans for the Use of the Twenty Percent Program Funds of the Reservation Groups' Shares of Judgment Funds in Dockets 18-C and 18-T Before the Indian Claims Commission

November 18, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 208 DM 8.

A plan for the use of certain judgment funds of the White Earth and Red Cliff Reservation groups of the Mississippi and Lake Superior Bands of Chippewa Indians, pursuant to the provisions of the Act of October 19, 1973, 87 Stat. 466, became effective on February 1, 1979. Under the plan, twenty (20%) percent of the groups' shares of the Mississippi and Lake Superior funds awarded in Dockets 18-C and 18-T were set aside for the program aspect of the plan to be developed at a later date. Plans for the use of the program funds of the White Earth and Red Cliff Reservation groups were submitted to the Congress by a letter dated August 18, 1980, and was received (as recorded in the Congressional Record) by the House of Representatives on August 21, 1980, and by the Senate on August 22, 1980. Congress not having adopted a resolution disapproving it, the program plans became effective on September 22, 1980.

The plans read as follows:

"White Earth Reservation, Minnesota. In accordance with Resolution No. 55-80, as amended July 8, 1980, by the White Earth Reservation Business Committee, the twenty percent program funds and the interest and investment income accrued, shall be apportioned and utilized in the following manner:

A. Twenty (20) percent of such funds, and interest and investment accruing

thereon, shall be utilized in a Reservation Economic Development program, for such purposes as matching funds for federal, state and local programs and assistance to the White Earth Reservation Business Committee to establish and develop on-reservation based businesses.

B. Three (3) percent of such funds, and interest and investment income accruing thereon, shall be utilized in a Reservation Maintenance Program.

C. Thirty-two (32) percent of such funds, and interest and investment income securing thereon, shall be utilized as leverage capital to be used as security for loans, investments and other capital development projects for the White Earth Reservation.

D. Twenty (20) percent of such funds, including interest and investment income accruing thereon, shall be utilized for developing a land base.

E. Ten (10) percent of such funds, and interest and investment income accruing thereon, shall be utilized for Education and Social Programs.

F. Fifteen (15) percent of the program funds, including interest and investment income accruing thereon, shall be utilized in the re-assumption of jurisdiction and all other rightful duties and obligations of a self-sufficient and self-determining reservation such as zoning, law enforcement, game management, land use and other regulatory controls within the White Earth Reservation in accordance with and in furtherance of the mandate by Congress.

There shall be established six separate program accounts apportioned in the percentages above, including the interest and investment income accrued. The funds shall continue to be invested by the Secretary (hereinafter 'Secretary'), pursuant to 25 U.S.C. 162a, until such time as specific plans for the use of the program funds and tribal budgets are developed by the White Earth Reservation Business Committee, which shall be subject to approval by the Secretary. Should funds of a program account be in excess of needs, adjustments between program accounts may be made in tribal budgets developed by the governing body.

Red Cliff Reservation, Wisconsin. In accordance with Resolution No. 3-3-80G of the Red Cliff Tribal Council, the twenty percent program funds and the interests and investment income accrued thereon, shall be utilized in a Land Acquisition Program. Until such time the funds are needed for the program, the funds shall be held and invested by the Secretary under 25 U.S.C. 162a. The Red Lake Tribal Council shall be required to submit a

plan and tribal budgets for the use of the funds, which shall be subject to approval by the Secretary.

Should funds of the Red Cliff plan be in excess of needs, the tribal council may propose other uses of such funds to be included in annual tribal budgets, which shall be subject to approval of the Secretary.

Thomas W. Fredericks,
Deputy Assistant Secretary-Indian Affairs.

[FR Doc. 80-37253 Filed 11-28-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

New Mexico; Southeast Oklahoma Management Framework Plan—Coal Lease Modification Application by Lone Star Steel Co.

November 17, 1980.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of the Amendment of the Southeast Oklahoma Management Framework Plan (MFP).

SUMMARY: This notice is to advise the public that the Albuquerque District of the Bureau of Land Management will amend portions of the Southeast Oklahoma Management Framework Plan. This action is in response to an application for a federal coal lease modification. The applicant holds leases for the coal reserves on both sides of the proposed 50 acre modification area. The modification area includes approximately 6½ acres of strippable federal coal reserves under private surface that would be difficult to recover in other, future mining operations, due to its location.

SUPPLEMENTARY INFORMATION: The Albuquerque District of the Bureau of Land Management will amend portions of the Southeast Oklahoma Management Framework Plan (MFP), in response to a federal coal lease modification application by Lone Star Steel Company for the Milton Mine, operated by Dahlgren Contractors, Inc. The requested 50 acre modification would allow for the recovery of coal from approximately 6½ acres of federal coal reserves under private surface. It is doubtful that the coal could ever be profitably mined as a separate, future operation.

The proposed modification area is located three miles northeast of the unincorporated community of Milton, in LeFlore County, Oklahoma, and includes the following described lands:

Indian Meridian, Oklahoma

T. 8 N., R. 24 E.

Sec. 18, NE¼NW¼, NW¼SE¼NW¼

This area is part of the Oklahoma Subregion of the Western Interior Federal Coal Production Region. Lone Star Steel Company is interested in surface mining the Upper and Lower Hartshorne coal beds of the Hartshorne Formation, which have a high development potential and good metallurgical characteristics. The application for modification was submitted under 43 CFR Subpart 3432 guidelines.

Background standards and procedures for this MFP amendment preparation are contained in 43 CFR Part 3400 and 43 CFR Part 1600. The standards for this review are also discussed in the Final Environmental Statement-Federal Coal Management Program describing the Secretary of Interior's preferred coal program and alternatives, released in April 1979.

The MFP amendment, planned for completion by March 1981, will incorporate the coal lease modification application into the planning process for timely evaluation in relation to the Lone Star Steel mining schedule. During the amendment process an environmental assessment (EA) of the proposed modification will be conducted by staff specialists of the Oklahoma Resource Area Office of the Albuquerque District.

An interdisciplinary team will conduct the review, environmental assessment, and amendment process. Disciplines to be represented include cultural resources, geology, hydrology, realty, recreation, socioeconomics, soils, vegetation, and wildlife.

Public participation opportunities will be provided in the following ways: (1) A news release will appear in local newspapers, asking interested parties to identify issues of concern and impacts that should be addressed; (2) A notice of intent to amend the MFP will be sent to federal, state, and local governments that would be concerned with the plan or have land use regulatory authority in the vicinity of the proposed modification, also asking them to identify issues and concerns; (3) A draft MFP amendment and EA will be distributed for public review in January 1981. Thirty days will be provided for public review and comment; and (4) Public comments will be considered in preparation of the final amendment and EA, which will be completed and made available to the public in March, 1981.

For further information contact Jim Gegen at the Bureau of Land Management, Oklahoma Resource Area Office, 200 NW Fifth Street, Room 548, Oklahoma City, Oklahoma 73102, phone (405) 231-4481. Documents relevant to the planning process are also available

for public inspection at the above address.

L. Paul Applegate,
District Manager

[FR Doc. 80-37126 Filed 11-28-80; 2:11 PM]
BILLING CODE 4310-84-M

Colorado and Wyoming; Lease Sale Schedule for Federal Coal in the Green River-Hams Fork Coal Production Region

Corrections

In FR Doc. 80-35788 appearing at page 75770 in the issue for Monday, November 17, 1980, make the following corrections.

On page 75770, in the third column, under "Legal Description of Federal Coal in Danforth Hills No. 1 Track", in the fifth line, "Lots 1, 3, 4, 5" should have read "Lots 1, 3, 5".

On page 75770, in the third column, under "Legal Description for Federal Coal in the Medicine Bow Track", in the third line, "Lots 1, 7" should have read "Lots 1-7".

On page 75770, in the third column, under "Legal Description for Federal Coal in the Medicine Bow Track", in the fifth line, "Lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ ", should have read "Lots 1-4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ ".

On page 75771, in the first column, in the fourth line, "SE $\frac{1}{4}$ NW $\frac{1}{4}$ E $\frac{1}{2}$ * * *" should have read "SE $\frac{1}{4}$, NW $\frac{1}{4}$, E $\frac{1}{2}$ * * *".

On page 75771, in the first column, in the sixth line, "T. 23 N., R. 83" should have read "T. 23 N., R. 84".

On page 75771, in the first column, in the ninth line, "T. 24 N., R. 83" should have read "T. 24 N., R. 84".

BILLING CODE 1505-01-M

[AA-39570]

Alaska Native Claim Selection

On March 24, 1980, Cook Inlet Region, Inc., filed selection application AA-39570 under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976, for the surface and subsurface estates of certain lands located in Seward, Alaska.

Section 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administrator.

The lands are located outside the boundaries of Cook Inlet Region. With

the concurrence of the State of Alaska and Cook Inlet Region, Inc., the lands and improvements within selection AA-39570 were placed in the pool of properties available for selection by Cook Inlet Region, Inc., subject to valid existing rights, by notice dated July 12, 1979.

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

Seward Meridian, Alaska (Surveyed)

T. 1 S., R. 1 W.

Lot 3, Block 3, Federal Addition to Seward Townsite.

Containing .18 acre.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA).

The grant of the above-described lands shall be subject to: 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, contractee, 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. 688, 708; 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.

Section 12(b)(6) of Public Law (Pub. L.) 94-204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands and improvements described above have been appraised at a value of \$18,500. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 37.00 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its

selection rights to 37.00 acres of its out-of-region entitlement. Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

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 affected by this decision, and 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, 701 C Street, P.O. 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 by mail 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 December 31, 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 party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509. Ann Johnson,

Chief, Branch of Adjudication.

[FR Doc. 80-37137 Filed 11-28-80; 8:45 am]

BILLING CODE 4310-84-M

Draft Grand Gulch Plateau Management Plan; Extension of Comment Period

November 21, 1980.

AGENCY: Bureau of Land Management, Interior.

ACTION: Extended Comment Period, Draft Grand Gulch Plateau Management Plan.

As a result of requests from the public, the public comment period on the Draft Grand Gulch Plateau Management Plan has been extended thirty days, to January 1, 1981. This changes the comment deadline as noted on page 67161 of the October 9, 1980, Federal Register.

Requests for copies of the Draft Plan and comment form should be addressed to: Bureau of Land Management, Moab District Office, P.O. Box 970, Moab, Utah 84532. Copies can also be obtained by calling (801) 259-6111, Ext. 252. Comments must be received at the Moab District Office or the San Juan Resource Area Office by January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ed Scherick, Area Manager, San Juan Resource Area, P.O. Box 7, Monticello, Utah 84535 (801) 587-2201.

S. Gene Day,

District Manager.

[FR Doc. 80-37256 Filed 11-28-80; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed on or before December 22, 1980. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the

notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices on or before December 31, 1980, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, William and Taylor.

Supplemental (Republication)

MC-FC-78702. By decision of July 6, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1151, Review Board Number 5 approved the transfer to CARAVAN COACH LINES, INC. of Certificate Nos. MC 138730 (Sub-1 and 2) issued July 3, 1974 and December 15, 1975, License No. MC 130616F issued June 26, 1980 and those Certificates to be issued, formerly bearing Certificate Nos. MC 36031 (lead and Sub-4) and Certificate No. MC 41097, to Caravan Tours, Inc.

The foregoing Certificates authorize the transportation (a) of passengers and their baggage in charter operations, with restrictions, from points in Morris, Passaic, Sussex, Essex, Union, Hudson, Middlesex, Warren and Somerset Counties, NJ to New York, NY and points in Nassau, Suffolk, Rockland, and Westchester Counties, NY, and points in Bucks, Philadelphia, Monroe, Lehigh (except Allentown), Pike, Montgomery, Delaware, Northampton (except Easton and Bethlehem), and Wayne Counties, PA; (b) of Passengers and their baggage and express, in regular routes service (1) between McAfee, NJ and junction Interstate Hwy 80 and 287, between Franklin, NJ and junction NJ Hwy 23 and Interstate Hwy 80, between Bernardsville, NJ and Kennedy International Airport, between Bernardsville, NJ and junction U.S. Hwy 46 and Interstate Hwy 80, between Morristown, NJ and Newark Airport, between Parsippany, NJ and Newark Airport, and between junction Garden State Parkway and Interstate Hwy 80 and Newark Airport, and (2) between New York, NY and Newark Airport; and (c) passengers in charter operations between New York and Mamaroneck, NY, Atlantic City, NJ and points in Hudson, Bergen, Essex, Union, Morris, Passaic, Middlesex and Monmouth Counties, NJ, on the one hand, and, on

the other, points in the United States, except Hawaii and Alaska, and from New York, NY and Metuchen, NJ and points within 25 miles of Metuchen to points in New Jersey, New York, Pennsylvania, Maryland, Delaware, Oklahoma, Connecticut, Maine, Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Alabama, Georgia, Florida and the District of Columbia. The License authorizes operations as a broker in arranging transportation by motor vehicle of passengers and their baggage, in special or charter operations, beginning and ending at points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, NJ, and extending to points in the United States.

Applicant's representative is: L. C. Major, Jr., P.O. Box 11278, Alexandria, VA 22312.

Note.—This summary is being republished because certain authority transferred was not indicated in the original publication.

MC-FC-78753. By decision of September 26, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 5 approved the transfer to Service Cartage Company, Lemont, Illinois of Permit No. MC 146896 (Sub-1F) issued (date) August 26, 1980 to Paul R. Cheney, d/b/a Cheney Trucking Company, Lemont, Illinois authorizing common carrier transportation over irregular routes, transporting (1) *rolled paper mill products*, from the facilities of Prairie State Paper Mills, of Joliet, IL, to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin, and (2) *Materials, supplies and equipment* used in the manufacture of the commodities in (1) above (except commodities in bulk), in the reverse direction, under continuing contract(s) with Prairie State Paper Mills, a division of Chippewa Paper Products Company, of Joliet, IL subject to the following conditions:

Applicant's representative is: Patrick H. Suytho, Esq. (312) 263-2397, 19 South LaSalle St., Suite 521, Chicago, IL 60603.

MC-FC-78905. By decision of October 20, 1980, issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Continental Freightways, Inc. of Certificate of Registration No. MC 121037 (Sub-1) issued April 21, 1978 of Texas Con-Tran, Inc. authorizing the transportation of (1) *household goods, used office furniture and equipment, livestock, livestock feedstuffs, farm machinery and grain*, from Houston to all points in Texas and from all points in Texas to Houston; *reinforcing steel*,

between Houston and job sites within the State of Texas; *steel forms*, between Houston and job sites in the State of Texas, and from job sites to job sites within the State of Texas; *household goods, used office furniture and equipment, livestock feedstuffs, farm machinery and grain* from dealer to dealer; (2) *oilfield equipment and pipe*, when moving as oilfield equipment; *pipe* when it is to be used in the construction of pipe lines of any and every other character or use other than oilfield equipment between the points within the area covered by the existing certificate of the applicant; except that the applicant is prohibited from transporting pipe when not moving as oilfield equipment, where both origin and destination are places on the certificated routes of regular route common carrier motor carriers, when such pipe is less than four inches (4") in diameter and is also less than twenty-eight feet (28') in length; (3) *trenching machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozer, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machinery, sawmill machinery, telephone and telegraph poles, creosote and other pilings heavy furnaces or ovens, pipe* (including iron, steel, concrete, composition or corrugated), *punches, presses, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings sheets and plates, industrial hammers, industrial machinery*, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, water plant and wire covering, twisting or laving, derricks, hoists, steam or internal combustion engines rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks, when said commodity are not moving as oilfield equipment, the holder of this authority may transport the above-named commodities together with its attachments and its detached

parts thereof between incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of "special devices, facilities or equipment" for the safe and proper loading or unloading thereof; (4) *absorber* (scrubbers); *air or gas lift equipment; amplifiers*, seismic; *anodes*, magnesium; *armatures* (heavy) and parts; *assemblies*, backside, cashinghead, Christmas tree, stuffing, knock-off, screen setting, seating and set shoe; *asphalt plant; asphalt or pipe line (sic) coatings*, in barrels or drums; *bailers; barges; benders; pipe; blowout preventers*; boons, crane, truck, dragline, derrick and tractor; *brakes and parts, bridges*, portable; *buckets*, clam shell, dragline and shovel; *bug blowers; cable tool drilling machines; cable tools; cat heads; chains*, loading, in barrels; *casing spiders; chlorine and other chemicals* in steel cylinders or tanks (not tank trucks); *gas compressors; connection racks; conveyors; corebarrels; coring units; clutches* (heavy); *crown blocks; crank shafts* (heavy); *cross-areas* and their hardware; *cross-ties; cylinders* engine and compressor; *dehydration units; derrick ramps; derrick starting leg; derrick skids; derrick steps; derrick substructure; drill bits; drill collars; drilling line; drilling hose; draw works; drilling rig machinery; elevators; elevator bails; engine substructures; empty cylinders; extensions, derrick base; engine compound; finger boards; floor skids; fronts, rig or derrick; fishing tools; fouble boards; fuel, oil and gasoline*, (not including movement in tank trucks or tank trailers); *garages*, portable; *guards*, chain and belt *grief stems or kelly joints; guns*, mud; *gravity meters; heat exchangers; hooks; jack shafts; kelly and pipe straightener; ladders, derrick; light plants; machinery*; pipe screening, pipe screwing, pipe slotting, pipe threading or cutting, pipe wrapping, *water well machinery; water well surveying machinery; milling machine; marsh buggies; magnetic field balances; magnetometers; masts; monorail systems; mud boats; mud houses; mud mixers; mud tanks; mufflets*, (heavy); *mouse holes; nipples*, iron, cement; *perforators; planers*, power; *plow; poles, gin; power transmission equipment* (towers); *pressure devices; rails, steel; railroad engines, cars and equipment; rate holes; radiators* (heavy); *reamers; reinforcing steel; retorts*, iron or steel; *river clamps; rods, reinforcing and sucker* (single and bundles); *recording equipment; road lumber; rig timbers; seismic shooting*

equipment; slips; shale shakers; screens; substitutes; speed reducers; smoke stacks; starting units; stand pipes; swivels; suction; spears and fishing tools; take-off, power; tool joints towers; treating plants; tongs; traveling blocks; tubing and tubing heads; valves; V-belt drives; utility houses; welding machines; wire line, rope or cable, on reels; lift equipment, anchors; angles (heavy; mud, including drilling mud and conditioners (not including movements in tank trucks or tank trailers); propellers or shafts; blades, including bit, scraper and grader; boring machines or mills, including parts and equipment; dam and powerplant machinery and equipment (control gates) collars, including drill or pipe; counter balances, including counter shafts and weights; hoppers; printing machines; telephone equipment (cables, reels, switchboards); tools in boxes and houses; trailer, mounted units, including mounted workover units; treaters; blocks; jacks (heavy); joints, including expansion or Kelly; core drilling machines; core drilling equipment; protectors (attached to pipe); and heaters, when not moving as oilfield equipment. The holder of this authority may transport the above-named commodities (beginning with the commodity "Absorbers") together with its attachments and its detached parts thereof, between points in the pick-up and delivery limits of the regular route common carrier motor carriers in incorporated cities, towns, and villages only when the commodity to be transported weight 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, require the use of "special devices, facilities or equipment" for the safe and proper loading or unloading and transportation thereof. The term "special devices, facilities or equipment" is construed to mean only those operated by motive or mechanical power; and all commodities to be transported, beginning with "trenching machines", together with attached and detached parts thereof, must require specialized equipment for the safe and proper loading or unloading and transportation thereof, between all points in Texas.

Applicant's representative is Les Procter, Esq., Procter, Jones & Smith, 805 Capital National Bank Bldg., Austin, TX 78701.

MC-FC-78806. By decision of October 22, 1980 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to Luther McGill, Inc., of Houston, TX, of a portion of Certificate

of Registration No. MC-121037 (Sub-No. 1) reissued June 27, 1967, to Continental Freightways, Inc., of Houston, TX, evidencing a right to engage in transportation in interstate commerce corresponding in scope to a portion of Texas Specialized Motor Carrier Certificate of Convenience and Necessity No. 5152 dated March 8, 1978 issued by the Railroad Commission of Texas, authorizing the transportation of household goods, used office furniture and equipment, livestock, livestock feedstuff, farm machinery, and grain from Houston, TX, to points in Texas, and from points in Texas to Houston, TX. The transfer of the involved portion of these State rights was approved by the Railroad Commission of Texas, by order of August 25, 1980. Transferee presently holds no authority from this Commission. Applicant's representative is: John R. Whisenhunt, Robinson, Felts, Starnes & Lattig, P.C., P.O. Box 2207, Austin, TX 78768.

MC-FC-78836. By decision of November 7, 1980, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to Scott Davis and James Ketchum, a partnership d/b/a Valley Express, of Selah, WA, of Permit No. MC-141732, issued 4/5/77 to Varco Trucking, Inc., (Arthur W. Kirshenmann, Trustee in Bankruptcy), of Yakima, WA, authorizing the transportation of fruit juice and fruit juice concentrates (except in bulk), from points in Yakima and Chelan Counties, WA, to points in California and Oregon, under contract with Tree Top, Incorporated, of Selah, WA. Applicant's representative is: Douglas A. Wilson, 303 E. "D" St., Suite 2, Yakima, WA 98901. TA lease is not sought. Transferee holds no authority.

MC-FC-78837. By decision of November 7, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 5 approved the transfer to Richard F. Millar d/b/a Richard F. Millar Trucking, Covina, California of Certificate No. MC-134671 (Sub-No. 1) issued 4/20/72 to T.C. Eaton doing business as Bee Line Distributors, Ltd., Winnipeg 22, Manitoba, Canada, authorizing the transportation over IRREGULAR ROUTES: meats and meat products, from the ports of entry on the United States-Canada boundary line at or near Pembina, ND, and Noyes, MN, to points in California, Nevada, and Arizona, with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The authority granted herein is restricted to the transportation of shipments originating at points in the

Province of Manitoba, Canada. Applicant's representative is: Richard F. Millar (213) 331-7979, 16742 Bygrove, Covina, CA 91722.

MC-FC-78843. By decision of November 10, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132 Review Board Number 5 approved the transfer to Mr. G's Warehousing Corp. of Certificate No. MC-133572 issued December 13, 1973 to Alliance Furniture Delivery, Inc. authorizing the irregular-route transportation of new furniture, between New York, NY, on the one hand, and, on the other, points in that part of New Jersey and New York within 100 miles of Columbus Circle, New York City, NY. Applicant's representative is: Arthur J. Piken, Esq., Piken & Piken, Attorneys At Law, Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374.

MC-FC-78844. By decision of November 7, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to Redding Lumber Transport, Inc. of Redding, of Permit No. MC-138651 (Sub-No. 1) issued January 20, 1975 to Ralph Hyder, Inc. authorizing the transportation over irregular routes of wooden shakes and shingles, from points in Clallam, Cowlitz, Grays Harbor, Jefferson, Lewis, and Snohomish Counties, WA, and Tillamook County, OR to points in California, Nevada, and Arizona. Restriction: The operations authorized are limited to a transportation since to be performed, under a continuing contract, or contracts, with Weseo Cedar, Inc. of Eugene, OR. Applicant's representative: David D. White, Attorney at Law, 2400 S.W. 4th Avenue, Portland, OR. Agatha L. Mergenovich, Secretary.

[FR Doc. 80-37142 Filed 11-28-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR 1100.247). These rules provided, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to

demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by application within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Brooding amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain

requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before December 31, 1980 or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 377

Decided: November 18, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jents. Member Carleton not participating.

MC 44735 (Sub-47F), filed November 13, 1979, previously published in the FR issue of April 3, 1980. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12, Kansas City, MO 64126. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66603. Transporting (1) *clay (except in bulk), clay products, concrete products, and refractory products (except clay products)*, between points in AR, KS, MO, OK, IL, IA, NE, and TX, on the one hand, and, on the other, points in LA, MS, and TN.

Note.—This partial republication corrects the commodity description.

Volume No. 383

Decided: November 24, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 143577 (Sub-26F), filed June 9, 1980. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. Transporting (1) *photographic equipment and (2) materials, supplies and products used in the manufacture and processing of photographs (except in bulk)*, between the facilities of Eastman Kodak Company at Rochester, NY, and Windsor, CO, to points in CA. Agatha L. Mergenovich, Secretary.

(FR Doc. 80-37144 Filed 11-25-80; 8:45 am)
BULKING CODE 7035-81-3

[Finance Docket No. 29430; AB-216 (Sub-No. 1)¹
NWS Enterprises, Inc.—Control—Norfolk and Western Railway Co. and Southern Railway Co.; Norfolk, Franklin and Danville Railway Co.—Abandonment Between South Hill, VA. and Blanche, NC.

AGENCY: Interstate Commerce Commission.

ACTION: Waiver and clarification of regulations related to railroad consolidation and related railroad abandonment.

SUMMARY: Petitioner's requests for waiver of specific filing requirements of the regulations regarding railroad consolidations, 49 CFR Part 1111, and railroad abandonment 49 CFR Part 1121 are granted.

SUPPLEMENTARY INFORMATION: On October 16, 1980, the Norfolk and Western Railway Company (NW) and the Southern Railway Company (SR) filed a supplementary petition seeking waiver and clarification of our railroad consolidation regulations, 49 CFR Part 1111.²

The supplementary waiver petition was filed in anticipation of petitioners submitting a consolidation application under 49 U.S.C. 11343 and 11344 later this year. Petitioners expect to file their application on or about December 1, 1980. The application will seek Commission approval for a new holding company, NWS Enterprises, Inc. (NWS), to acquire control of NW and SR and of the Delaware and Hudson Railway Company (DH), whose stock is held entirely by Dereco, Inc. a wholly-owned subsidiary of NW.

Specifically petitioners seek a waiver or clarification of the following sections of the regulations:

1111.2(b)(1)(ii)—Revenue Carload Interchange Data.

1111.1(d)(10)—Encumbered Property.

1111.4(c)(2)(vi)—Filing of Directly Related Application.

On October 15, 1980, NW and its subsidiary the Norfolk, Franklin and Danville Railway Company (NFD) filed a petition seeking partial waiver of the railroad abandonment regulations at 49 CFR Part 1121 as they apply to a proposed abandonment of NFD right of way which will be related to the consolidation in F.D. No. 29430.

Petitioners seek waiver of the regulations at 49 CFR 1121.32, specifically the following sections: 1121.32(c)(4, 5)—Carload Commodity Group Tonnages. 1121.32(d)(1, 2, 4, 5)—Revenue and Cost Data.

(1) Consolidation Regulations
Section 1111.2(b)(1)(ii), Exhibit A-14(ii)

Section 1111.2(b)(1)(ii) requires submission of detailed revenue carload interchange data in a prescribed form denominated Tables A and B. In our earlier order we allowed petitioners to submit the data in Tables A and B for SR on a consolidated system basis and individually for NW and DH. Petitioners here seek waiver to allow DH to omit in Tables A and B the breakdown of interline received traffic by connecting carrier and for DH to omit in Table B the destination state of overhead and interline forwarded traffic.

Petitioners seek this waiver because the DH data base does not include a breakdown of the information for which waiver is sought. The data could be collected only through manual processing of all waybills. Since DH does not function as a part of the NW system, and will be an "applicant" only in a technical sense, we believe requiring this information would put an undue burden upon petitioners. The waiver will be granted. Petitioners' proposed formats for Tables A and B related to DH, which we accept, are set forth in the Appendix.

Section 1111.1(d)(10)

Petitioners seek clarification of § 1111.1(d)(10) which requires applicants to provide certain information "if any of the property covered by application is encumbered and applicant has agreed to assume obligations or liability in respect thereof." Petitioners are concerned with this requirement as it relates to the property of DH. Although DH will be an "applicant" in the technical sense, neither NW, SR nor NWS has agreed to assume any obligation or liability with respect to any encumbrance on DH properties. Petitioners intend to supply the valuation data for DH properties as required by § 1111.1(d)(7) but seek clarification that § 1111.1(d)(10) does not require information regarding encumbrances on those properties.

DH is presently operated independently of NW. We have recently rejected a petition by the State of New York to include DH in the NW system, thereby maintaining the autonomous operation of DH as a separate and distinct business entity, *Norfolk & W. Ry. Co. and New York, C. & St. L. R. Co. Merger*, 363 I.C.C. 270 (1980). Petitioners will not assume the obligations or

liabilities of DH, and we do not believe Section 1111.1(d)(10) requires information to be provided regarding those obligations and liabilities. The waiver will be granted.

Section 1111.4(c)(2)(vi)

Pursuant to § 1111.4(c)(2)(vi) of the consolidation regulations, all directly related applications must be filed concurrently with the control application.

Petitioners are preparing an application seeking approval of control by NWS of Southern Region Motor Transport, Inc. (SRMT) a motor carrier subsidiary of the Central of Georgia Railroad Company which is in turn a subsidiary of SR. As a result of the acquisition of control of SR by NWS, NWS will obtain indirect control of SRMT necessitating approval under 49 U.S.C. 11343 and 11344. Our regulations, 49 CFR 1134.50(a) and 49 CFR 1003.1, require an application for authority to acquire control of a motor carrier be filed on form OP-F-45. Item 4 of Appendix B of that form requires submission of an abstract of recent interstate shipments handled by SRMT.

Petitioners state that SRMT is a small carrier operating primarily within Georgia. Its authority is restricted to service auxiliary or supplemental to rail service. It is actively operating and had 1979 gross revenues of \$1.8 million. SRMT does not keep computerized records, and preparing an abstract as required would entail a burdensome manual effort and be virtually impossible to complete by the anticipated December 1, 1980, filing date. Extracting SRMT movements from SR's general traffic records would involve a similarly burdensome process.

Petitioners suggest that the sample of movements handled by SR which is being prepared for the rail diversion study, Exhibit A-16 is representative of movements handled by SRMT auxiliary to rail. Also, the commodities groups to be submitted for SR as part of Exhibit A-15(iii) reflect most commodities transported by SRMT.

Petitioners request waiver of the requirement that an SRMT abstract of movements be produced and submitted as a part of the directly related application for approval of SRMT by NWS.

We anticipate that the indirect control of SRMT by NWS will have little effect on SRMT's future operations. NWS's incentives in operating SRMT will be essentially those faced by SR. The information we require will be provided in the data for SR, and the abstract of shipments would serve no useful purpose. In light of the inordinate

¹This petition was originally filed as AB-10 (Sub.No. 23F) in the Norfolk and Western Railway Company abandonment series. Although NFD is a subsidiary of NW it has been given its own abandonment number—AB-216.

²Petitioners filed an original petition for waiver of the consolidation regulations on July 24, 1980 which was supplemented September 10, 1980. The original petition, as supplemented, was granted by the Commission by order of September 30, 1980, served October 1, 1980, and published at 45 FR 66911 of October 8, 1980.

burden of compiling the abstract, the waiver is granted.

Abandonment Regulations

NFD is a wholly-owned subsidiary of NW. It extends generally parallel to the Virginia-North Carolina border approximately 200 miles from Norfolk to Danville, VA. NFD connects with NW at Suffolk and Denniston, VA, and with SR at Suffolk, Clarksville and Danville, VA.

An application, directly related to the control transaction in FD 29430, will be filed by NW and SR to enable SR to acquire approximately eight miles of NFD from Danville, VA, to Blanche, NC. The operating plan to be proposed in the control application will include rerouting all NFD overhead traffic moving between South Hill, VA, and Blanche, NC.

These operational changes prompted by the proposed affiliation make it desirable for petitioners to abandon 79.9 miles of NFD trackage between milepost 117, west of South Hill, VA, and milepost 196.9, east of Blanche, NC. The application for abandonment, since it is directly related, must be filed along with the consolidation application.

The proposed abandonment is designed to eliminate redundant lines in the new NWS system. Petitioners state that most of the traffic moving over NFD between mileposts 117 and 196.9 is originated or terminated in Danville, VA. After abandonment, petitioners will route traffic from Danville over SR to Altavista, VA, to connect with NW, and then over NW to return to NFD trackage at Suffolk, VA. Present NFD traffic for interchange with NW at Denniston, VA will be handled over SR and NW mainlines.

Petitioners allege that eliminating the overhead traffic from the portion of NFD sought to be abandoned results in a light density line. Petitioners estimate that in 1979, 500 carloads originated or terminated along this line.

Petitioners seek specific waivers of the regulations requiring carload, commodity and cost data on traffic overhead to the line to be abandoned. In support of this waiver request, petitioners set forth a methodology for presenting evidence of the line's unprofitability based on remaining local traffic.

Alternatively, petitioners seek waiver of the requirement of concurrent filing at 49 CFR 1111.4(c)(2)(vi).

Commodity, Cost and Revenue— Sections 1121.32(c)(4, 5) and 1121.32(d)(1, 2, 4, 5)

Since the consolidated company expects to retain the overhead traffic now moving on the NFD line, petitioners

request waiver of §§ 1121.32(c)(4, 5) and 1121.32(d)(1, 2, 4, 5) dealing with carload commodity group tonnage and revenue and cost data related to such traffic. Petitioners estimate that over 22 man-months of time would be required to generate commodity, revenue and cost data on this overhead traffic due to non-computerized record keeping by NFD.

The overhead traffic will be retained by rerouting and has no bearing on the proposed abandonment. In this context, detailed information about overhead traffic is of no value to this Commission. The justification, if any, for continued service over this line must come from the local traffic on the line. See *Southern Pacific Transp. Co.—Abandonment*, 360 I.C.C. 138, 140 (1979); and *Seaboard Coast Line R. Co.—Abandonment*, 360 I.C.C. 123, 127 (1979). *Proposed Methodology for Determining Line Profitability*.

Petitioners recognize that a grant of the waiver would render the informational requirements at 49 CFR 1121.41—46 largely inapplicable. Accordingly, petitioners have developed an alternative methodology for calculating the profitability of the line sought to be abandoned without using the information required in these sections as applied by § 1121.32(d)(1).

Section 1121.32(d)(1) requires that avoidable costs be computed in accordance with the methodology prescribed in § 1121.42, which in turn requires that almost all costs shown be those actually incurred on the line proposed for abandonment. However, actual on-branch costs include cost elements attributable to the overhead traffic since local and overhead traffic are usually moved in the same train and the maintenance of way program is conducted for the benefit of both types of traffic. Petitioners state that our regulations do not provide a method for determining what actual costs might be strictly attributable to local traffic.

NFD suggest that it can present a reliable hypothetical picture of the economics of continued service over the South Hill to Blanche segment of its line after overhead traffic is removed. This profitability study, using data for 1979 and the first half of 1980, will be a comparison, of actual on and off-branch revenues on local traffic to the cost of a proposed train operation and maintenance of way program necessary to serve local shippers on that segment. In general NFD system unit costs would be applied to the proposed operation. The proposed operation would be explained in detail in the application, and all assumptions regarding required service would be stated.

Petitioners indicate that they will utilize the following format in their submission:

Revenues—Exhibit 1, lines 1-4:

Freight revenues will be developed solely for the actual traffic originated and terminated on the line. Car initial and number, car type and station data will be drawn from waybill information. Ton miles moved on and off-branch, gross revenues and revenues attributable on and off-branch will be developed. All other revenue will be computed according to section 1121.41(b).

On-branch costs, Exhibit 1, line 5.

Maintenance of way expenses will be developed as follows: Roadway maintenance will be calculated by dividing the total NFD maintenance of way expenses including a fringe benefit additive to labor by the total miles of NFD. This figure will then be multiplied by the number of miles proposed to be abandoned. Joint facility expenses will be calculated as set forth in the regulations. No avoidable cost will be shown for structures.

Maintenance of equipment will include only the cost of locomotive ownership and repair and maintenance of locomotive units attributable to the branch based on NFD total costs and locomotive unit miles on the line over which the proposed local operation would run.

Transportation expenses will be calculated for engine and train crews, road fuel and miscellaneous other road expenses. Wages and other road expenses will be developed using NFD system unit costs for train miles running and for train miles switching multiplied by the estimated number of train miles running and train miles switching for the proposed operation. Road fuel expenses will be allocated on the basis of locomotive unit miles.

No general administrative costs will be claimed as avoidable costs.

Freight car costs will be computed on the basis of an estimated average per diem or car hire determined by a ten percent sample of local cars moving on the line in 1979. This average car hire will be multiplied by (1) two days per car on-branch to determine daily car costs, and (2) the estimated on-branch car miles for the proposed operation to obtain mileage car costs. The sum of daily car costs and mileage car costs will represent on-branch freight car costs.

Return on investment will be calculated in accordance with the regulations.

No avoidable costs will be included for taxes, administration, casualty reserve account or rehabilitation.

Off-branch costs, Exhibit 1, line 6.
 Off-branch costs for 1979 will be computed in accordance with section 1121.42(n)(4). Off-branch costs for the first half of 1980 will be calculated using the 1979 off-branch costs for a six-month operation indexed by the Association of American Railroads Quarterly Material Price and Wage Index for 1980.

Subsidization costs, Exhibit 1, lines 8-11.

No subsidization costs will be calculated.

Return on value, Exhibit 1, lines 12-14.

Return on value will be calculated in accordance with sections 1121.44 and 1121.45.

Estimated subsidy, Exhibit 1, line 16.

An estimated subsidy will be calculated.

The overhead traffic on this line will probably be retained by the consolidated company, and thus becomes irrelevant to the issue of abandonment. In light of the great difficulty petitioners face in developing information pertaining to overhead traffic, their development of a methodology to show line profitability without overhead traffic data, and the

absence of any need to include that data in determining the issue of abandonment, we believe the requested waiver should be granted.

We have set forth petitioners' proposed revenues and costing methodology in some detail to provide adequate notice to potential parties and the public. The overhead traffic excluded from petitioners' alternate profitability study is not necessary for our purposes because the overhead traffic will be retained. Additionally, petitioners' methodology, if implemented properly will provide the information necessary for our determination of the abandonment application. However, petitioners specifically did not request our imprimatur upon their proposed revenue and costing methodology and thus it will not be given. The methodology advanced shows only that a reasonable means exists to arrive at estimates of profitability absent overhead traffic data. The actual implementation of this methodology depends on the development of unit costs and the accuracy of the service units to be

developed for the estimated service pattern on the line. The methodology used to develop these should be discussed in detail and very clearly outlined in the application. The methodology advanced by petitioners remains subject to examination and dispute by other interested parties.

In light of our grant of this waiver request, the alternative request for waiver need not be discussed. *It is ordered:*

(1) The petitions for waiver or clarification in Finance Docket No. 29430 and AB-216 (Sub-No. 1) are granted to the extent indicated in this decision.

(2) This decision shall be effective upon service.

Decided: November 20, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergonovich,
 Secretary.

Table A.—Revenue Carloads Interchanged—January 1979 to December 1979; D. & H.

Gateway	Connecting line-haul railroad or water carrier	Applicant's Revenue Carloads		Overhead (bridge)		Total cars by Interchanged
		Originated on applicant's line	terminated on applicant's line	Delivered by applicant	Received Total applicant	
Washington, D.C.	C. & O.	X,XXX		X,XXX		X,XXX
	Not identified		X,XXX		X,XXX	X,XXX
	SOU			X,XXX	X,XXX	X,XXX
Total		X,XXX	X,XXX	X,XXX	X,XXX	X,XXX

NOTE.—The D. & H. data base does not contain the identification of the connecting line-haul railroad or water carrier on interline received traffic.

Table B.—Revenue Carloads Interchanged, State-to-State Movements, by Gateway—January 1979 to December 1979; D. & H.

Washington, D.C., FSAC XXXXX			
Connecting line-haul railroad or water carrier	Origin State	Destination State	Revenue carloads
C. & O.	New York	Not identified ²	X,XXX
Not identified ¹	Georgia	not identified ²	X,XXX
SOU	Virginia	Not identified	X,XXX
Total			xx,XXX

¹The D. & H. data base does not contain the identification of the connecting line-haul railroad or water carrier on interline received traffic.

²The D. & H. data base does not contain the destination state on interline forwarded and overhead traffic.

[Volume No. 37]

Petitions, Applications, Alternate Route Deviations, Intrastate Applications, Gateways, and Pack & Crate

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 56679 (Sub-66F) (2nd republication). Applicant: BROWN TRANSPORT CORP., 352 University Avenue, S.W., Atlanta, GA 30310. Representative: Leonard S. Cassell, 352 University Avenue, S.W., Atlanta, GA 30310. An Order of the Commission, Division 2, decided August 29, 1980, and served October 9, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *general commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and motor vehicles), (a) between points in Duval County, FL, and Chatham County, GA, on the one hand, and, on the other, points in Alabama, Georgia, and Tennessee, and (b) between points in Duval County, FL, on the one hand, and, on the other, points in Florida; and (2) empty containers, trailers and trailer chassis, between points in Alabama, Florida, Georgia and Tennessee.

MC 119349 (Sub-18F) (1st republication), filed June 4, 1979, published in the Federal Register issue of January 8, 1980, and republished this issue. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box

1733, Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. An Order of the Commission, Review Board Number 3, decided October 14, 1980, and served October 27, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *petroleum and petroleum products, vehicle body dealer, and sound deadener compound*, (except commodities in bulk), from Congo and St. Marys, WV, to points in Alabama, Louisiana, Oklahoma, Texas, California, Minnesota, Colorado, Illinois, New Mexico, Arizona, South Carolina, Michigan, and Utah. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 119349 (Sub-31F) (1st republication), filed September 19, 1979, published in the Federal Register issue of February 20, 1980, and republished this issue. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, FL 33450. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. An Order of the Commission, Review Board Number 3, decided October 6, 1980, and served October 21, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *bananas*, from Galveston, TX, to points in Texas, Oklahoma, Arkansas, Missouri, Illinois, Indiana, Michigan, Iowa, Wisconsin, Kentucky, Nebraska, North Dakota, South Dakota, Minnesota, Colorado, Kansas, and Louisiana. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 142268 (Sub-3) (M2F) (Notice of Petition to Modify Certificate), filed June 6, 1980, previously noticed in Federal Register issue of July 28, 1980. Petitioner: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada NOR 1G0. Representative: Robert G. E. McFarland, 2855 Coolidge St., Suite 201-A, Troy, MI 49084. Petitioner holds a motor *common carrier* Certificate in MC 142268 Sub-3 issued November 25, 1977, authorizing transportation over irregular routes, of *alcoholic beverages*, in bulk, in tank vehicles, from Bardstown, KY, to points on the U.S.-Canada boundary line, located in MI, NY, NH, and VT, restricted to traffic destined to Montreal, Quebec, Canada. By the instant petition,

petitioner seeks to modify the territorial description to read as a radial movement in lieu of a from and to movement.

Note.—This republication changes the State of origin from NY to KY.

MC 144989 (Sub-6F) (1st republication), filed May 25, 1979, published in the Federal Register issue of January 15, 1980, and republished this issue. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Ct., Charlotte, NC 28206. An Order of the Commission, Review Board 2, decided September 15, 1980, and served October 1, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a contract carrier, by motor vehicle, over irregular routes, in the transportation of (1) carpeting, from points in Floyd and Gordon Counties, GA, to points in Arizona, California, Connecticut, Illinois, Indiana, Maine, Massachusetts, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, and Washington, and (2) materials used in the Manufacture of carpeting, from points in the destination States in (1) above to points in Floyd and Gordon Counties, GA under continuing contracts with Marglen Industries, Inc., of Rome, GA.

MC 147939 (Sub-2F) (1st republication), filed October 5, 1979, published in the Federal Register issue of February 26, 1980, and republished this issue. Applicant: CHARLOTTE VAN & STORAGE COMPANY, INC., P.O. Box 3544, Charlotte, NC 28203. Representative: Frank E. Watson, III, P.O. Box 3544, Charlotte, NC 28203. An Order of the Commission, Review Board No. 1, decided September 23, 1980, and served October 3, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of new furniture and furnishings, from points in North Carolina to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, Rhode Island, Tennessee, Vermont, and South Carolina.

Permanent Authority Decisions, Decision-Notice; Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: November 3, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

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 administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C.10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 (a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick, Fisher, and Dowell. Member Dowell not participating.

MC 83745 (Sub-10F), filed March 11, 1980, previously noticed in the Federal Register issue of June 16, 1980 on pg. 40697. Applicant: UNIVERSAL TRUCKING, INC., 6020 Hohman Ave.,

Hammond, IN 47320. Representative: Joel H. Steiner, 39 South LaSalle, St., Chicago, IL 60603. to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commodities* which because of their size or weight require special equipment, between Chicago, IL, Pittsburgh, PA and those points within 25 miles of Pittsburgh, PA, points in IN, OH, and those in IL on and south of U.S. Hwy 24, on the one hand, and, on the other, points in MI, KY, WV, and TN. (Hearing site: Chicago, IL.)

Note.—The sole purpose of this application is to substitute single-line for joint-line operations. The original publication was noticed with the broker applications.

Motor Carrier Intrastate Applications(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 208(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-434, filed November 12, 1980. Applicant: HELMERS FUEL AND TRUCKING, INC., Main Street, Old Forge, NY 13420. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities as follows: Between all points in Oneida, Herkimer, Hamilton, Franklin, and Essex Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9810, filed October 27, 1980. Applicant: GRAND ISLAND SALES & SERVICE, INC., 2024 Grand Island Blvd., Grand Island, NY 14072. Certificate of Public Convenience and Necessity sought to operate a

freight service, as follows:

Transportation of: General commodities as follows: Between all points in Erie and Niagara Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 002627D2A, filed November 3, 1980. Applicant: CENTRAL FREIGHT LINES, INC., 5601 West Waco Drive, P.O. Box 238, Waco, TX 76703. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, as follows: Between Corsicana, Texas and Tyler, Texas as follows: From Corsicana, Texas, over Texas Highway 31 to Tyler, Texas and return over the same route serving the termini and all intermediate points.

Note.—Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Certificates 2627, 2054, 4336 and 4337 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket MC 30867 and all subs thereunder.

Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 11, 1980. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will

not operate to say commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 107403 (Sub-E699) (correction), filed March 22, 1979, published in the *Federal Register* July 24, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: George B. Black, Jr. (same as above). The destination points included WV and here is corrected to substitute WY for WV. The remainder of the letter-notice stands as previously published.

MC 107403 (Subs-E712 and E713) (correction) filed March 22, 1979, published in the *Federal Register* July 24, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Representative: George B. Black, Jr. (same as above). The origin point was previously published as MO and is here corrected to MD. The remainder of the letter-notices stand as previously published.

By the Commission

Agatha L. Mergenovich,
Secretary

[FR Doc. 80-37143 Filed 11-28-80; 8:45 am.]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the *Federal Register* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *Federal Register*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make

available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted

Motor Carriers of Property Notice No. F-76

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 135454 (Sub-1-1TA), filed November 10, 1980. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, NY 14580. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. *Containers* from points in NJ to Rochester, NY. Supporting shipper: Genesee Brewing Company, Inc., 445 St. Paul Street, Rochester, NY 14695.

MC 147738 (Sub-1-1TA), filed November 13, 1980. Applicant: FALCON EXPRESS FORWARDERS, INC., 8 Lawrence Street, Belleville, NJ 07109. Representative: Thomas F. X. Foley, Esq., P.O. Box 7, Colts Neck, NJ 07722. *Beer and malt beverages, and materials and supplies used in the processing of beer and malt beverages*, between Fogelsville, PA and New York, NY under a continuing contract(s) with the F & M Schaefer Brewing Company of Fogelsville, PA and New York, NY. Supporting shipper: F & M Schaefer Brewing Company, P.O. Box 2568, Allentown, PA 18001.

MC 129600 (Sub-1-13TA), filed November 14, 1980. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: A. C. Gardner, 176 King Street, Hanover, MA 02339. *General commodities (except household goods as defined by the Commission and Classes A and B explosives)*, between points in the US, restricted to the transportation of traffic for Ascott Associates Co. Supporting shipper: Ascott Associates Co., 378 Commercial Street, Malden, MA 02148.

MC 59640 (Sub-1-14TA), filed November 6, 1980. Applicant: PAULS

TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, Three Commerce Drive, Cranford, NJ 07016. *Contract carrier: irregular routes: Such commodities as are dealt in by home centers and department stores, and equipment, materials and supplies used in the conduct of such businesses, (except commodities in bulk) between points in the US, except not between Jersey City, NJ, Canton, OH, Worcester, MA, and Rochester, NY, on the one hand, and, on the other, points in DE, FL, ME, MD, MA, NH, NJ, NY, NC, OH, PA, VT and VA, under continuing contract(s) with Ames Department Stores, Inc., Rocky Hill, CT. Supporting shipper: Ames Department Stores, Inc., 2418 Main Street, Rocky Hill, CT 06087.*

MC 128343 (Sub-1-21TA), filed November 12, 1980. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, NW, Washington DC 20036. *Contract carrier: irregular routes: (1) Band steel, cold rolled steel, flat wire, iron and steel articles, from Pawtucket, RI to points in MD and (2) materials, equipment and supplies used in the manufacture and distribution of band steel, cold rolled steel, flat wire, and iron and steel articles, from points in MD to Pawtucket, RI, restricted to services under a continuing contract(s) with Newman Crosby Steel Co., Inc. Supporting shipper: Newman Crosby Steel Co., Inc., 10 Dean Street, Pawtucket, RI 02862.*

MC 124373 (Sub-1-2TA), filed November 10, 1980. Applicant: NELMAR TRUCKING CO., 273 Paterson Avenue, East Rutherford, NJ 07073. Representative: E. Stephen Heisley, Suite 805, 666 11th St., NW, Washington, DC 20001. *Contract carrier: irregular routes: Household appliances and electrical goods; materials, equipment and supplies as are dealt in, used by or sold in the manufacture, sale or distribution thereof between Columbia, MD on the one hand, and points in MD, DE, PA, NJ, NY, CT, MA, NH and VA on the other under a continuing contract with General Electric Co., Appliance Park East, Columbia, MD. Supporting shipper: General Electric Co., Appliance Park East, Columbia, MD 21046.*

MC 139977 (Sub-1-1TA), filed November 10, 1980. Applicant: GEORGE J. SUMMERS, 23 Church Street, Upton, MA 01568. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *Liquid petroleum products, in bulk, in tank vehicles, between points in MA, RI and Tolland and Windham Counties, CT. Supporting shipper(s): Flynn's Truck*

Stop, 307 Hartford Pike, Shrewsbury, MA 01545; Noar's Oil Co., 38 Albany Street, Worcester, MA 01624; Agway Petroleum Corp., 21 Elm Street, Millbury, MA 01527; Lemieux Garage, Inc., Canal Street, Millbury, MA 01527.

MC 152603 (Sub-1-1TA), filed November 10, 1980. Applicant: F. J. O'HARA & SONS, INC., 211 Northern Avenue, Boston, MA 02210. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. *Contract carrier: irregular routes: Marine Petroleum Products, from Boston, MA to Portland, ME and Providence, RI, under continuing contract(s) with Texaco, Inc. Supporting shipper: Texaco USA, division of Texaco, Inc., 1111 Rusk, Houston, TX 77052.*

MC 152602 (Sub-1-1TA), filed November 10, 1980. Applicant: HENRY D. SCHMAELZLE, d.b.a. H. AND S. LIMITED, 22 Montowese Avenue Ext., North Haven, CT 06473. Representative: Henry D. Schmaelzle, McGowan 6-N, 660 Mix Avenue, Hamden, CT 06473. *Telephone cable on reels, empty reels, and scrap cable on reels, between points in the states of MA, CT, NY, NJ, PA, DE, MD, and between Orange, CT, and Cicero, IL. Supporting shipper: Southern New England Telephone Company, 48 Boston Post Road, Orange, CT 06477.*

MC 7840 (Sub-1-4TA), filed November 7, 1980. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: Werner J. Steinaker, 650 Cooper Street, Watertown, NY 13601. *Paper and paper products, and plastic and plastic products, and material, equipment and supplies used in the manufacture and distribution of such commodities between Guilderland Center, NY and points in the US (except AK and HI). Supporting shipper: Crown Zellerback Corp., One Bush Street, South Glens Falls, NY 12801.*

MC 17051 (Sub-1-4TA), filed November 13, 1980. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Avenue, Elizabeth, NJ 07202. Representative: Irving Klein, 371 Seventh Avenue, New York, NY 10001. *Wearing apparel and materials, equipment and supplies used in the manufacture thereof between the New York, NY Commercial Zone on the one hand, and, on the other Lepanto, AR. Supporting shipper: Lepanto Garment Co., Division of Minotola Industries, Inc., 410 South 4th St., Vineland, NJ 08360.*

MC 152596 (Sub-1-1TA), filed November 10, 1980. Applicant:

DOWNEAST DISPATCH, INC., 38 Rolfo Lane, Newbury, MA 01950. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *General commodities between points in CT, MA, ME (except points Aroostook and Washington counties), NH, NJ, NY, PA, RI, and VT. Supporting shipper(s): There are 8 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.*

MC 151740 (Sub-1-2TA), filed November 12, 1980. Applicant: LARRYMAR CORPORATION, P.O. Box 5, Route 541, Mt. Holly, NJ 08060. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19048. *Contract carrier: irregular routes: Asphalt and asphalt products from Philadelphia, PA and Cockpit Point, VA to Jessup, MD, under continuing contract(s) with Trumbull Asphalt Division of Owens-Corning Fibreglas Corp. Supporting shipper: Trumbull Asphalt Division of Owens-Corning Fibreglas Corporation, 59th and Arch Rd., Summit, IL 60501.*

MC 124060 (Sub-1-1TA), filed November 10, 1980. Applicant: P. & P., INC., d.b.a. JOHNNY'S EXPRESS, 11 Hobart Court, Rochelle Park, NJ 07062. Representative: George A. Olsen, P.O. Box 357, Gladston, NJ 07934. *Contract carrier: irregular routes: Automotive materials, equipment, and supplies, between South Plainfield, NJ, on the one hand, and, on the other, points in NY. Supporting shipper: Genuine Parts Company, 1770 New Durham Rd., South Plainfield, NJ 07080.*

MC 152595 (Sub-1-1TA), filed November 10, 1980. Applicant: C.L.D. TRANSPORTATION CO., INC., 751 Broadway, Bayonne, NJ 07002. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. *Passengers and their baggage, in special operations, beginning and ending at points in Staten Island, Brooklyn and Queens Counties, NY and extending to Atlantic City, NJ. Supporting shipper(s): Greate Bay Hotel and Casino, Inc., So. Indiana Ave., Atlantic City, NJ; Harrah's Marino Hotel Casino, 1725 Brigantine Blvd., Atlantic City, NJ 08401*

MC 152621 (Sub-1-1TA), filed November 13, 1980. Applicant: RUSH TRANSPORT, INC., Mapletree Industrial Park, P.O. Box 272, Palmer, MA 01069. Representative: James M. Burns, 1383 Main Street—Suite 413, Springfield, MA 01103. *Plastic film, sheeting, and bags, and rigid plastic articles consisting of trays, cups, bowls,*

tumblers, plates, egg cartons, meat trays, and sandwich containers, and machinery, equipment and supplies used in the manufacture and distribution of plastic articles, between Bakersfield, CA, Canandigua, NY, Covington, GA, Frankfort, IL, Jacksonville, IL, Lowell, MA, Macedon, NY, Shawnee, OK, Stratford, CT, Temple, TX, Washington, NJ and Woodland, CA, and points in the US. Supporting shipper: Mobil Chemical Company—Plastics Division, Macedon, NY 14502.

MC 59264 (Sub-1-3TA), filed November 13, 1980. Applicant: SMITH & SOLOMON TRUCKING COMPANY, P.O. Box 2015, How Lane, New Brunswick, N.J. 08903. Representative: Herbert Burstein, Esq., Zelby, Burstein, Hartmen & Burstein, One World Trade Center—Suite 2373, New York, NY 10048. Footwear, viz, boots, shoes, sandals, slippers, rubber outerwear, advertising displays, accessories and supplies used in retail shoe stores (1) between Lebanon, NJ on the one hand and points in MD, VA, and DC on the other hand; and (2) from New York, NY and Philadelphia, PA to Lebanon, NJ, restricted to shipments moving in steamship containers having prior transportation. Supporting shipper: Meldisco Division of Melville Corp., 401 Hackensack Ave., Hackensack, NJ 07601.

MC 151766 (Sub-1-2TA), filed November 13, 1980. Applicant: DIAMOND K TRUCKING CO. INC., 23 Terminal Road, Lyndhurst, NJ 07071. Representative: Richard Kasten, 23 Terminal Road, Lyndhurst, NJ 07071. General commodities in containers with the exception of Class A & B explosives and household goods between the New York, NY Commercial Zone on the one hand, and on the other, NY, CT, MA, PA, WV and NJ. Supporting shipper: Lyndal Chemical Co., 624 Schuyler Ave., Lyndhurst, NJ; Millmaster Onyx Co., Inc., Schuyler Ave. at Kingsland, Lyndhurst, NJ; Finetex, Inc., 418 Falmouth Ave., Elmwood Park, NJ; Delta Tanning Corp., 1615 51st Street, North Bergen, NJ.

MC 120641 (Sub-1-1TA), filed November 17, 1980. Applicant: DEE TRANSPORTATION, INC., 217 South Ashburnham Road, Westminster, MA 01473. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. (1) Foodstuffs, paper and paper products; and (2) equipment, material and supplies used in the manufacture, processing and distribution of the commodities named in (1) above, between Fitchburg and Westminster, MA, on the one hand, and,

on the other, points in CT, ME, MA, NH, NJ, NY, PA, RI and VT. Supporting shippers: Crocker Technical Papers, Inc., P.O. Box 666, Fitchburg, MA 01420; Dawley & Shepard, Inc., 1 Miller Wquare, Westminster, MA 01473.

MC 140636 (Sub-1-2TA), filed November 17, 1980. Applicant: RODCO LEASING, INC., 380 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Paper and paper articles, and equipment, materials and supplies used in the manufacture, sale and distribution of such commodities, between points in Hampden County, MA and points in the contiguous 48 states. Supporting shipper: Jen-Coat, Inc., 132 N. Elm Street, Westfield, MA 01085.

MC 151632 (Sub-1-4TA), filed November 17, 1980. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Road, Westfield, MA 01086. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Foodstuffs and equipment, materials and supplies used in the manufacture, sale and distribution of such commodities, between Clinton, MA and points in the contiguous 48 states. Supporting shipper: Van Brode Milling Company, Inc., Clinton, MA 01510.

MC 141932 (Sub-1-13TA), filed November 17, 1980. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner, 176 King Street, Hanover, MA 02339. General commodities (except household goods as defined by the Commission and Classes A and B explosives) between points in the U.S. Supporting shippers: Brockport Cold Storage Co., Inc., P.O. Box C, 98 Spring St., Brockport, NY; Stadler Packing Co., Columbus, IN 47201; Loroco Industries, Inc., 5000 Creek Road, Cincinnati, OH 45242.

MC 152731 (Sub-1-1TA), filed November 18, 1980. Applicant: RAPID RUBBISH REMOVAL, INC., P.O. Box 638, St. Johnsbury, VT 05819. Representative: Richard P. Gorman (same address as applicant). Non-radioactive hazardous waste materials, between points in all states east of the Mississippi River. Supporting shippers: Colt Industries, Inc., St. Johnsbury, VT 05819; Jones and Lambson, Inc., Springfield, VT 05156.

MC 112963 (Sub-1-9TA), filed November 14, 1980. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Representative: Leonard E. Murphy, 764 Boston Road, Pinehurst, Mass. 01866. Meat scraps, in bulk, in dump vehicles, from Woburn, MA to Kearny, NJ. Supporting shipper:

Independent Tallow Company, 39 Cedar St., Woburn, MA 01801.

MC 138304 (Sub-1-8TA), filed November 18, 1980. Applicant: NATIONAL PACKERS EXPRESS, INC., 90 Fisk Street, Jersey City, NJ 07305. Representative: Craig B. Sherman, Attorney at Law, Broad and Cassel. Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. (1) Non-edible grain flour, edible grain flour, dry beverage preparations, breadcrumbs, non-medicated syrup, and bread cubes, and (2) materials used in the manufacture of the commodities in (1) above, from points in Queens County, NY; Evansville, IN; and Ponchatoula, MS to all points in the U.S. Restricted against transportation of commodities in bulk and restricted to traffic originating at the plant sites and facilities of Modern Maid Food Products, Inc., and destined to the named destination points. Supporting shipper: Modern Maid Food Products, Inc., 200 Garden City Plaza, Garden City, NY 11530.

MC 40815 (Sub-1-2TA), filed November 7, 1980. Applicant: HARRAN TRANSPORTATION CO., INC., 1417 Jerusalem Avenue, North Merrick, NY 11568. Representative: William H. Shawn, Suite 501, 1780 M Street, N.W., Washington, DC 20036. Passengers and their baggage in the same vehicle with passengers, in one-way and round-trip charter and special operations, between New York, NY, and points in Rockland, Nassau and Suffolk Counties, NY, on the one hand, and, on the other, points in the US (except Hawaii). Supporting shippers: There are 7 statements in support attached to this application which may be examined at the ICC Regional Office in Boston, MA.

MC 152677 (Sub-1-1TA), filed November 17, 1980. Applicant: LEISURE TIME TOURS, INC., P.O. Box 587, Mahwah, NJ 07430. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Madison Avenue, 29th Floor, New York, NY 10022. Contract carrier: irregular routes: Passengers and their baggage, in vehicles having a capacity not in excess of 25 passengers, between New York, NY and Philadelphia, PA, on the one hand, and, on the other, Atlantic City, NJ, under contract with GNAC Corp. Supporting shipper: GNAC Corp., Boston at Pacific, Atlantic City, NJ 08404.

MC 128343 (Sub-1-22TA), filed November 17, 1980. Applicant: C-LINE, INC., 340 Jefferson Boulevard, Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Washington, DC 20036. Contract carrier: irregular routes: (1) Copper Rod and

Cathodes, from Baltimore, MD to points in RI and (2) *materials, equipment and supplies used in the manufacture and the distribution of copper rod and cathodes* from points in RI to Baltimore, MD. Restricted to services under a continuing contract(s) with Kennecott Minerals Company, a Division of Kennecott Corporation of Salt Lake City, UT. Support shipper: Kennecott Minerals Company, a Division of Kennecott Corporation, 10 East South Temple, P.O. Box 11248, Salt Lake City, UT 84147.

MC 152679 (Sub-1-2TA), filed November 18, 1980. Applicant: ONORIO GIANCARLO d.b.a. G-2 TRUCKING, 233 Thomas Avenue, Lyndhurst, NJ 07071. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Freight of all kinds having a prior or subsequent movement by air from Newark, NJ airport and LaGuardia and John F. Kennedy Airports, NY to airports in the US in and west of IL, AR, LA, MO and WI.* Supporting shipper: Right-O-Way, Inc., 57 St. Charles Street, Newark, NJ 07105.

MC 50307 (Sub-1-1TA), filed November 18, 1980. Applicant: INTERSTATE DRESS CARRIERS, INC., 215 County Avenue, Secaucus, New Jersey 07094. Representative: Arthur Liberstein, P.C., 888 Sevenue Avenue, New York, NY 10106. *Wearing apparel and materials, supplies and equipment used in the manufacture of wearing apparel, except commodities in bulk,* between Braintree and Randolph, MA, on the one hand, and, on the other, points in PA. Supporting shipper: Collegetown Manufacturing, a Division of Interco, Inc., Collegetown Drive, Braintree, MA 02184.

MC 142974 (Sub-1-1TA), filed November 19, 1980. Applicant: SURE TRANSPORT, INC., Industrial Center, P.O. Box G, Lincoln, RI 02865. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *Contract carrier: irregular routes: Such commodities as are dealt in by a manufacturer of children's clothing and piece goods,* between the facilities of Health-Tex, Inc. at Cumberland, RI, on the one hand, and, on the other, points, in AL, GA, VA, and ME, under continuing contract(s) with Health-Tex, Inc. Supporting shipper: Health-Tex, Inc., 88 Martin Street, Cumberland, RI 02864.

MC 2860 (Sub-1-22TA), filed November 17, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). *Pre-cut log*

homes and the commodities and supplies used in the manufacture and sale of such commodities, between Rowan and Cabarrus Counties, NC, on the one hand, and, on the other, all points in the US. Restricted to traffic originating at or destined to the facilities of Lincoln Log Homes. Supporting shipper: Lincoln Log Homes, Inc., 1908-A North Main Street, Kannapolis, NC 28081.

MC 152729 (Sub-1-2TA), filed November 18, 1980. Applicant: CATARACT INDUSTRIAL WAREHOUSING, INC., 4626 Royal Avenue, Niagara Falls, New York 14303. Representative: Michael A. Wargula, Esq., 2550 Main Place Tower, Buffalo, New York 14202. *Contract carrier: irregular route: Hazardous waste and toxic materials,* between points in the US (except AL and HI) under continuing contract(s) with Frontier Chemical Waste Process, Inc. Supporting shipper: Frontier Chemical Waste Process, Inc., 4626 Royal Avenue, Niagara Falls, NY 14303.

MC 143445 (Sub-1-7TA), filed November 17, 1980. Applicant: MMAR TRANSPORTATION, INC., 128 Pennsylvania St., Kearney, NJ 07032. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Household appliances, and materials and supplies used in the manufacture and distribution of household appliances* between points in NJ, CA, OH, TN, KY, IL, MO, TX, GA, FL, and IN. Supporting shipper: Emerson Quite Kool Corporation, 400 Woodbine Avenue, Woodbridge, NJ 07095.

MC 152694 (Sub-1-1TA), filed November 18, 1980. Applicant: PAGLUGHII TRUCKING, INC., 1190 Hendee Road, Vineland, NJ 08360. Representative: Frederic L. Wood, Nicholas J. DiMichael, 914 Washington Building, Washington, D.C. 20005. *Frozen foodstuffs,* between Cumberland County, NJ, on the one hand, and, on the other hand, points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and VA. Supporting shipper: Southland Frozen Foods, Inc., 1 Linden Place, Great Neck, NY 10021.

MC 66807 (Sub-1-2TA), filed November 17, 1980. Applicant: MANUFACTURERS EXPRESS, INC., 294 Kimberly Avenue, New Haven, CT 06519. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. *General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission)* between the facilities of Charter Oak Shippers Cooperative Association, Inc. in CT, on the one hand, and, on the other, all

points in CT. Supporting shipper: The Charter Oak Shippers Cooperative Association, 1 Parkland Drive, Darlon, CT 06820.

MC 147035 (Sub-1-1TA), filed November 19, 1980. Applicant: J. HOWARD LEASING, INC., Quaker Drive, Uxbridge, MA 01567. Representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, MA 02019. *Contract Carrier: irregular routes; meats, meat products and meat by-products, as described in Section A of Appendix 1 to the report in Description in Motor Carrier Certificates 61 M.C.C. 209 and 766,* between points in the US under continuing contracts with A. J. Cunningham Packing Corp., Quincy, MA. Supporting shipper: A. J. Cunningham Packing Corp., 1776 Heritage Dr., Quincy, MA 02171.

The following applications were filed in region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 94265 (Sub-II-25TA), filed November 12, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. *Non-exempt food or kindred products* from Jefferson and Orleans Parishes, LA to points in AL, AR, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, NI, MS, MA, MO, NE, NJ, NM, NC, ND, OK, PA, SC, SD, TN, TX, VA, WV, WI and DC, for 270 days. Supporting shipper: New Orleans Cold Storage and Warehouse Co., Ltd., 3401 Alvar, P.O. Box 26308, New Orleans, LA 70186.

MC 145242 (Sub-II-1TA), filed November 10, 1980. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Beery & Spurlock Co., 275 E. State St., Columbus, OH 43215. *Commodities which because of size or weight require the use of special equipment, (1)* between points in Fairfield County, CT; points in the Chicago, IL Commercial Zone; Jefferson County, KY; Baltimore, MD Commercial Zone; Baltimore, Harford, Wicomico Counties, MD; Belmont, Columbiana, Cuyahoga, Jefferson, Lorain, Mahoning, Marlon, Medina, Monroe, Portage, Stark, Summit, Trumbull, and Wayne Counties, OH; Allegheny, Beaver, Cumberland, Lancaster, Lebanon, Lawrence, Mercer, Northampton, Schuylkill, Washington, Westmoreland Counties, PA; Brooke, Cabell, Hancock, Jackson, Kanawha, Marshall and Wood Counties, WV, on the one hand, and, on the other, AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, LA, ME, points in MD on and west of U.S. Highway 15, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, points in NY on,

west and north of a line beginning at the NY-VT State boundary, then west on NY State Highway 8 to its intersection with NY State Highway 28, then north on NY State Highway 28 to its intersection with NY State Highway 12, then south on NY State Highway 12 to Utica, NY, then west on Interstate Route 90 to its intersection with NY State Highway 21, then south on NY State Highway 21 to its intersection with NY State Highway 417, then west on NY State Highway 417 to its intersection with NY State Highway 19, then south on NY State Highway 19 to the NY-PA State line, NC, ND, OK, OR, SC, SD, TN, TX, UT, VT, WA, WI, and WY. (2) between Genesee, Kent, Livingston, Macomb, Oakland, St. Clair and Wayne Counties, MI, on the one hand, and, on the other, all points in and east of ND, SD, NE, KS, OK, and TX, for 270 days. Supporting shippers: Copperweld Steel, Inc., P.O. Box 351, Warren, OH 44482. Van Huffle Tube, P.O. Box 1540, Warren, OH 44482. Crucible Steel, P.O. Box 226, Midland, PA 15059. Kaiser Aluminum Co., P.O. Box 98, Ravenswood, WV 26164.

Note.—Purpose of this application is to eliminate interline service between commonly controlled companies. Case Heavy Hauling, Inc., Ohio Fast Freight, Inc., and Bellevue Trucking, Inc.

MC 144513 (Sub-II-1TA), filed November 10, 1980. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. (1) *Vinyl siding and related accessories*, from the facilities of Alside, Inc. at or near West Salem, OH, to points in the US (except AK and HI); and (2) *Materials, equipment and supplies used in the production and distribution of commodities named in (1) above* (except in bulk), from points in the US (except AK and HI), to the facilities of Alside, Inc. at or near West Salem, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Alside, Inc., 3773 Akron, Cleveland Road, Akron, OH 44309.

MC 152637 (Sub-II-1TA), filed November 12, 1980. Applicant: D-X TRUCKING, INC., 5660 Southwyck Blvd., Toledo, OH 43614. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Contract, irregular: *New furniture and furniture parts (crated and uncrated); and materials, equipment and supplies used in the manufacture and distribution thereof* between pts. in the U.S. under continuing contracts with La-Z-Boy Chair Co. of Monroe, MI, for 270 days. Supporting shipper: La-Z-Boy Chair Co.,

1284 N. Telegraph Rd., Monroe, MI 48161.

MC 102616 (Sub-II-22TA), filed November 14, 1980. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Rd., Akron, OH 44313. Representative: W. M. Kiefaber (same as applicant). *Petroleum products, in bulk*, from Rock Island, IN to E. St. Louis, IL and St. Louis, MO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rock Island Refining Corp., P.O. Box 69007, Indianapolis, IN 46268.

MC 114123 (Sub-II-2TA), filed November 14, 1980. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Sugar, in bulk, in tank vehicles*, between (1) New York, NY, and pts. in MA, CT, PA, NJ, DE, MD, VA and WV; and (2) between Baltimore, MD and pts. in NY, PA, NJ, DE, VA and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Amstar Corp., P.O. Box 356, Delaware Ave. and Reed St., Philadelphia, PA 19105.

MC 152672 (Sub-II-1TA), filed November 14, 1980. Applicant: A ROGER LEASING, LTD., 850 Beaver Grade Road, Corapolis, PA 15108. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Contract: *Irregular: (1) iron and steel, and (2) iron and steel products*, between Cannonsburg, PA and Wilmington, DE, on the one hand, and on the other points in the United States (except AL and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Forbes Steel & Wire Corporation, P.O. Box 329, Cannonsburg, PA 15317.

MC 152672 (Sub-II-2TA), filed November 14, 1980. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Road, Corapolis, PA 15108. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Contract: *Irregular: (1) metal products, and (2) materials, supplies and equipment used in the manufacture and distribution of (1) above*, between points in the United States (except AL and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Copperweld Corporation, Box 1000, Glassport, PA 15045.

MC 144859 (Sub-II-2TA), filed November 14, 1980. Applicant: SCOTT PALLETS, INC., P.O. Box 341, Amelia, VA 23002. Representative: Jo Anne Scott (same as applicant). Contract *Irregular: (1) Tires, rubber from points in OH and PA to points in VA. (2) Steel bars, shapes and steel products* from Aliquippa, Beaver, Falls, Carnegie,

Homestead, Pittsburgh and commercial zone, Phila. and commercial zone, PA; Baltimore and commercial zone, Sparrows Point, MD, Beech Bottom and Wierton, WV, Cleveland and commercial zone and Martins Ferry, OH to Richmond and commercial zone, VA; and from Atlanta and commercial zone to Savannah, GA, Charleston and commercial zone, Darlington and commercial zone Georgetown and commercial zone, Florence and commercial zone, SC and Charlotte and commercial zone, NC to Richmond and commercial zone and Ashland, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Steel Service, Inc., 204 S. Leadbetter Rd., Ashland, VA 23005.

MC 152640 (Sub-II-1TA), filed November 13, 1980. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 No. DuPont Hwy., Dover, DE 19901. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. Contract: *irregular: Lumber, or wood products (except furniture) and rubber or miscellaneous plastic products* between Ottawa County, MI and pts. in the US under continuous contract(s) with John Thomas Batts, Inc., Zeeland, MI for 270 days. Supporting shipper(s): John Thomas Batts, Inc., 421 Centennial St., Zeeland, MI 49464.

MC 136343 (Sub-II-15TA), filed November 14, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Plastic articles (except in bulk)* from the facilities of Union Carbide Corp. near Cartersville, GA, East Hartford, CT, Rogers, AR and Southampton, PA to points in and east of ND, SD, NE, KS, OK and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Carbide Corp., 270 Park Ave., New York, NY 10017.

MC 1824 (Sub-2-12TA), filed November 13, 1980. Applicant: PRESTON TRUCKING CO., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same as applicant). *Foodstuffs, and materials, equipment, and supplies used in the manufacture, packaging, and distribution thereof*, between Baltimore, MD, and Atlanta, GA, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, restricted to shipments originating at or destined to the facilities of J. H. Filbert, Inc. for 270 days. Supporting shipper(s): J. H. Filbert,

Inc., 3701 Southwestern Blvd., Baltimore, MD 21229.

MC 151707 (Sub-II-3TA), filed November 14, 1980. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis Kupchik (same address as applicant). *Contract; irregular: Hermetic Motor Parts and materials used in their manufacture between points in the U.S. (except AK and HI) under a continuing contract or contracts with Copeland Electric Corp., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Copeland Electric Corp., 957 West Mullins, Humboldt, TN 38343.*

MC 152673 (Sub-II-1TA), filed November 14, 1980. Applicant: ODENTON SHELL SERVICENTER, INC., 1144 Annapolis Rd., Odenton MD 21113. Representative: Rony Werthamer, 6507 Glenwick Ct., Baltimore, MD 21209. *Machinery and supplies, self-propelled vehicles, (except automobiles) and transportation equipment in towaway service between pts. in DE, DC, MD, NJ, NY, PA, VA, and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): LPM Parts & Service of Baltimore, Inc., 1414 Cherry Hill Rd., Baltimore, MD 21225. Maryland Industrial Trucks, Inc., 8232 Telegraph Rd., Odenton, MD 21113. Hayward Baker Co., 1875 Mayfield Rd., Odenton, MD 21113.*

MC 107012 (Sub-II-108TA), filed November 14, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Such merchandise as dealt in or used by commercial, institutional, or industrial establishments, between Los Angeles County, CA and Atlanta, GA on the one hand and on the other points in the US (except AK and HI) for 270 days. Restricted to traffic originating at or destined to the facilities of the Purex Industries, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Purex Industries, Inc., 24600 S. Main St., Carson, CA 90749.*

Note.—Common control may be involved.

MC 150339 (Sub-2-19TA), filed November 14, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: General commodities, except household goods as defined by the Commission and classes A & B explosives, (1) between the facilities of Ralston Purina Co. in Union City, GA, and points in NC, and (2) between Dunkirk and Buffalo, NY, on the one hand, and, on the other,*

points in Cumberland County, PA, under a continuing contract(s) with Ralston Purina Co., 5001 W. Fayetteville Road, Fairburn, GA 30213, and Ralston Purina Co., 5909 Brandy Lane, Mechanicsburg, PA 17055 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ralston Purina Co., 5001 W. Fayetteville Rd., Fairburn, GA 30213, and Ralston Purina Co., 6509 Brandy Lane, Mechanicsburg, PA 17055.

MC 107012 (Sub-II-107TA), filed November 12, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Energy saving articles from Chattsworth, CA to AL, AR, AZ, CO, GA, ID, IL, IN, IA, KY, MI, MN, MO, NJ, OH, OR, PA, NC, TN, TX, UT, VA, WA, and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Energy House, Inc., 9183 Kelvin, Chattsworth, CA 91311.*

Note.—Common control may be involved.

MC 150339 (Sub-2-18TA), filed November 10, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: Drugs, hospital supplies, intravenous solution, and toilet preparations, from Rocky Mount, NC, to Jersey City, NJ, under a continuing contract(s) with Abbott Laboratories, 1400 Sheridan Road, North Chicago, IL 60064 for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Abbott Laboratories, 1400 Sheridan Rd., North Chicago, IL 60064.*

MC 107012 (Sub-II-106TA), filed November 10, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Bath tubs and shower units from Jacksonville, FL to points in the US (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Waugh & Co., Inc., 2203 W. Beaver St., Jacksonville, FL 32203.*

Note.—Common control may be involved.

MC 146865 (Sub-II-2TA), filed November 14, 1980. Applicant: M. T. SERVICES, INC., d.b.a. BRENNAN EXPRESS, P.O. Box 18402, Baltimore, MD 21237. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *Caprolactam and containers, between Hopewell, VA, on the one hand, and, on the other, Newport News, Norfolk and Portsmouth, VA for 270 days. Supporting shipper: The Fibers & Plastics Co., Div. of Allied*

Chemical Corp., P.O. Box 31, Petersburg, VA 23804.

MC 144269 (Sub-2-1TA), filed November 10, 1980. Applicant: MESSA ENTERPRISES, INC., P.O. Box 2000, Wise, VA 24293. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Contractors equipment and heavy machinery and such commodities which, because of size or weight, require the use of special equipment or handling, and related tools, parts, accessories and attachments moving incidentally thereto as part of the same shipment, between points in FL on the one hand, and, on the other, points in VA, WV, TN and KY for 270 days. There are 5 supporting shippers. Their statements may be examined at the I.C.C. Regional Office, Philadelphia, PA.*

MC 106920 (Sub-II-11TA), filed November 10, 1980. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, D.C. 20001. *Foodstuffs and materials, equipment and supplies used in the manufacture and distribution of foodstuffs (except commodities in bulk) between Archbold, OH, on the one hand, and, on the other, pts in the U.S. in and east of MT, WY, CO, and NM; restricted to traffic moving from or to the facilities of Beatrice Frozen Specialties, Division of Beatrice Foods Co. in Archbold, OH for 270 days. Supporting shipper: Beatrice Frozen Specialties, Division of Beatrice Foods Co., 601 McArthur St., Archbold, OH 43502.*

MC 119118 (Sub-II-3TA), filed November 10, 1980. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, PA, 15650. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. *Malt beverages, in containers, from Evansville, IN, to points in VA, fr 270 days. Supporting shipper: Tidewater Distributing Co., Inc., 1370 Ingleside Road, Norfolk, VA, 23502.*

MC 107012 (Sub-II-109TA), filed November 19, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Commodities dealt in or used by retail stores, from North Bergen, NJ to Nashville, TN for 270 days. An underlying ETA seeking authority for 120 days. Supporting shipper: Mid-Tenn Freight Association, 245 Great Circle Rd., Nashville, TN 37228.*

Note.—Common control may be involved.

MC 150939 (Sub-2-20TA), filed November 17, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: Cheese*, (1) from Monroe, WI, to Pittsburgh, PA, and (2) from Pittsburgh, PA, to points in WI, IL, MI, IN, KY, TN, MS, AL, DC, GA, FL, SC, NC, VA, WV, OH, PA, MD, DE, NJ, NY, ME, MA, CT, VT, NH, and RI, under continuing contract(s) with Dairyland Cheese Corp., 4700 Campbells Run Rd., Pittsburgh, PA 15205. An underlying ETA seeks 120 days authority. Supporting shipper(s): Dairyland Cheese Corp., 4700 Campbells Run Rd., Pittsburgh, PA 15205.

MC 150339 (Sub-2-21TA), filed November 19, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: Filters, and materials, equipment and supplies used in the manufacture thereof*, between Henderson, NC, on the one hand, and, on the other, points in the US (except AK and HI) for 270 days under continuing contract(s) with Facet Enterprises, Inc., US Hwy 1 Bypass, Henderson, NC 27536. An underlying ETA seeks 120 days authority. Supporting shipper(s): Facet Enterprises Inc., US Hwy 1 Bypass, Henderson, NC 27536.

MC 152724 (Sub-II-1TA), filed November 19, 1980. Applicant: MID-ATLANTIC FREIGHT CARRIERS, INC., 869 North Liberty St., Harrisonburg, VA 22801. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Stoves, materials, equipment, and supplies used in the manufacture thereof*, between Harrisonburg, VA on the one hand, and, on the other, points in the US (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sierra Manufacturing Co. of VA, P.O. Box 346, Harrisonburg, VA 22801.

MC 21866 (Sub-2-36TA), filed November 14, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Baked goods*, from the facilities of Penn Dutch Cookie Company, a division of Merico, Inc., at Fleetwood and Blandon (Berks County), PA, to points in the United States (except AK, HI and PA), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Penn Dutch Cookie Company, a division of Merico, Inc., 19

West Poplar Street, Fleetwood, PA 19522.

MC 152462 (Sub-II-1TA), filed November 14, 1980. Applicant: ACKERMAN TRUCKING, P.O. Box 565, Gouldsboro, PA 18424. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. Coal, in bulk from Carbon County, PA to Port Newark, NJ for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): Ashland Energies, Inc., 29 North Street, Plymouth, PA 18651.

MC 152639 (Sub-II-1TA), filed November 12, 1980. Applicant: HE & WI LEASING, INC., 20878 Burgandy Dr., Strongsville, OH 44136. Representative: Lynn R. Delnoce, 10576 Broadview Rd., Broadview Heights, OH 44147. *Steel shot, coke, coal and alloys*, between OH, IN, IL, MI, NY, PA, RI, CT, WI, MA, WV, TN, AL, GA, TX, AK, MO, OK, IA, NC, SC, VA, MS, MN, VT, NH, KY, LA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Hickman Williams & Co., 14600 Lakewood Dr., Lakewood, OH 44107.

MC 150693 (Sub-II-3TA), filed November 7, 1980. Applicant: GENERAL MOTOR LINES, INC., P.O. Box 9583, Baltimore, MD 21237. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract; irregular: General commodities in containers (except Classes A & B Explosives) restricted to traffic having a prior or subsequent move by water*, between Baltimore, MD on the one hand, and, on the other, points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Harper Robinson Company, 1st National Bank, 8th Floor, Redwood & Light Streets, Baltimore, MD 21202.

MC 147804 (Sub-II-1TA), filed November 13, 1980. Applicant: R. E. HUSMAN EXPRESS, INC., 3926 Hemphill Way, Cincinnati, OH 45236. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. (1) *mattresses; box springs; convertible sofa beds; upholstered furniture; batting; padding; frames; springs or molds; unwoven, knitted or stitched cloth; cotton or synthetic fiber; and filter media including filtering discs, cellulose sponges and brushes; and (2) equipment, material and supplies used in the manufacture, sale and distribution of the commodities named in (1) above (except commodities in bulk)*, between Hamilton County, Warren County, Preble County and Columbiana County, OH; Laurel County, KY; Middlesex County, NJ; and Pontotoc County, MS; on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and LA for 270 days. An

underlying ETA seeks 120 days authority. Supporting shipper: The Stearns & Foster Co., Wyoming & Williams Ave., Lockland, OH 45215.

MC 124821 (Sub-II-27TA), filed November 10, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *Zinc, lead, copper, zinc oxide, zinc dust and zinc dross*, from points in PA to points in NY, NJ, DE, MA, CT, RI, IN, IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): St. Joe Minerals, Inc., P.O. Box A, Monaca, PA 15061.

MC 119496 (Sub-II-1TA), filed November 13, 1980. Applicant: THE JAMES GIBBONS COMPANY, P.O. Box 253, Annapolis Junction, MD 20701. Representative: William F. King., Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. *Plastic bottles and containers and materials, supplies and equipment used in the manufacture thereof*, moving in shipper's trailers, between the facilities of Bercon Packaging, Inc., Berwick, PA and Jessup, MD, on the one hand, and, on the other, points in DE, MD, NC, NJ, NY, OH, PA, VA, WV and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bercon Packaging, Inc., 1800 North Market Street, Berwick, PA 18603.

MC 150958 (Sub-II-2TA), filed November 10, 1980. Applicant: GRANNY'S EXPRESS, INC. 2101 Ross Ave., Cincinnati, OH 45212. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. *Contract; Irregular: Cleaning compounds, Herbicides, Insecticides, Roofing Materials, Oil and Grease*, (except in bulk), from Sharonville, OH to Atlanta, GA, Orlando, FL, Dallas, TX, Grand Rapids and Detroit, MI, Chicago, IL, and Davenport, IA. Supporting shipper: Dubois Chemical Div., Chemed Corp., 3630 E. Kemper Rd., Sharonville, OH 45241.

MC 129124 (Sub-II-3TA), filed November 7, 1980. Applicant: SAMUEL J. LANSBERRY, INC., Intersection of Rt. 322 & 970, P.O. Box 58, Woodland, PA 16881. Representative: John C. Fudesco, 1333 New Hampshire Ave., NW, Suite 960, Washington, DC 20036. *Coal, in bulk in dump vehicles*, from points in Luzerne County, PA to points in Hartford County, CT, Essex County MA and Suffolk County, NY. An underlying ETA seeks 120 day authority. Supporting shipper: Charles Fox, 20th & Vine Street, Hazelton, PA 18201.

MC 8575 (Sub-II-1TA), filed November 7, 1980. Applicant:

FERGUSON VAN LINES, INC., 3999 Erie Ave., Cincinnati, OH 45208. Representative: Howard Gould, 2613 Carew Tower, Cincinnati, OH 45202. *Household goods* between points in the U.S. for 270 days. Supporting shipper(s): There are fourteen supporting shippers' statements attached to this application which may be examined at the Phila. Regional office.

MC 124821 (Sub-II-26TA), filed November 10, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18515. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *Foodstuffs*, between Franklin Park, IL and points in the U.S. in and east of WI, IL, KY, TN and MS, for 270 days. Supporting shipper(s): Fearn International Inc., 9353 Belmont Ave., Franklin Park, IL 60131.

MC 140889 (Sub-II-5TA), filed November 7, 1980. Applicant: FIVE STAR TRUCKING, INC., 4720 Biedler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Building, Cleveland, OH 44114. Type of Service: Contract, irregular; *Refractories, foundry supplies, including fluxes, chemical and mineral mixtures, except in bulk* from points in Cuyahoga County, OH to points within TX, OK, IL, IN, WI; Utah County, UT; Clackamas County, OR; Riverside County, CA; and St. Louis County, MN. Shipper: Foseco, Inc., 20200 Sheldon Rd., Brookpark, OH 44142.

MC 141124 (Sub-II-2TA), filed November 6, 1980. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box, 15000, Wilmington, DE 19850. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Foundry facing and foundry materials and supplies (except in bulk)*, between the facilities of Hill and Griffith Co. at Burbank, OH; Chicago, IL and Birmingham, AL, on the one hand, and, on the other, points in the U.S. east of the Mississippi River. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Hill and Griffith Co., 1262 State St., Cincinnati, OH 45204.

MC 65475 (Sub-II-7TA), filed November 8, 1980. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Floating pier systems and equipment, materials, and supplies used in the construction thereof*, between points in the U.S. (except AK and HI), restricted to shipments originating at or destined to facilities or construction sites of Marinas Internationale Ltd. or its suppliers. An underlying ETA seeks 120

days authority. Supporting shipper: Marinas Internationale Ltd., 1485 Chain Bridge Rd., Ste. 101, McLean, VA 22101.

MC 152627 (Sub-II-1TA), filed November 7, 1980. Applicant: BOB HEAD, Box 518, Indiana, PA 15701. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Oilfield and gas field drilling and production equipment, supplies and materials* between points in PA, on the one hand, and, on the other, points in OH, MD, NY and WV. An underlying ETA seeks 120 days authority. Supporting shipper(s): Eastman Whipstock, Inc., P.O. Box. 3142, Morgantown, WV 26505. Ingersoll-Rand Compression Services, Suite 2300, One Williams Center, Tulsa, OK 74172. McJunkin Corp., Jack Drive, Indiana, PA 15701. The Continental Supply Co., Robinson Plaza, III, Suite 315, Pittsburgh, PA 15205.

MC 115181 (II-11TA), filed November 6, 1980. Applicant: HAROLD M. FELTY, INC., R. D. #1, Box 148, Pine Grove, PA 17963. Representative: Lee E. High, 541 Penn Street, Reading, PA 19601. *Petroleum Coke*, in bulk, in dump vehicles, from Baltimore, Maryland, to St. Mary's, Pennsylvania, and Niagara Falls, New York. An underlying ETA seeks 120 days authority. Supporting shipper: Airco Carbon Division, 800 Theresia St., St. Mary's PA 15857.

MC 143394 (Sub-II-18TA), filed November 6, 1980. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). Contract: Irregular: *General Commodities (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)*, Between New York, NY, Philadelphia, PA, Chicago, IL, and points in the U.S. under continuing contract(s) with Acme Fast Freight, Inc., New York, NY, for 270 days. Supporting shipper: Acme Fast Freight, Inc., 201 11th Avenue, New York, NY 10001.

MC 134235 (Sub-II-1TA), filed November 7, 1980. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Neal A. Jackson, 1156 15th St., NW., Washington, DC 20005. *Calcium chloride*, in bulk, from Ludington and midland, MI, to Cleveland and Orwell, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Broadway Supply Co., 7525 Bessemer Ave., Cleveland, OH 44127.

MC 107012 (Sub-II-110TA), filed November 20, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001

U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *General commodities*, from the facilities of A & D Transco at or near Seattle, WA to points in and east of ND, SD, NE, CO, OK and TX for 270 days. An underlying ETA is seeking 120 days. Supporting shipper: A & D Transco, 1702 6th Ave., South, Suite 123, Seattle, WA 98134.

Note.—Common control may be involved.

MC 110525 (Sub-II-19TA), filed November 17, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same as applicant). *Liquid "Hydan" and animal feed supplements, in bulk in tank vehicles* from Newport, TN facility of E.I. du Pont de Nemours to points in AR, MS for 270 days. Supporting shipper: E. I. du Pont de Nemours & Co., 1017 Market St., Wilmington, DE 19898.

MC 152702 (Sub-II-1TA), filed November 17, 1980. Applicant: CHESAPEAKE PIEDMONT CORP., 1210 Gallop Ave., P.O. Box 1452, Chesapeake, VA 23320. Representative: John Warren Ford, 9612 14th View St., Norfolk, VA 23503. Contract, irregular: *Beer and soft drinks and materials, equipment and supplies used in the manufacture, distribution and sale of beer and soft drinks*, between Norfolk and Williamsburg, VA on the one hand, and on the other Elizabeth City, NC, under a continuing contract with City Beverage Co., Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: City Beverage Co., Inc., P.O. Box 1036, Elizabeth City, NC 27909.

MC 152494 (Sub-II-1TA), filed November 17, 1980. Applicant: CHESSIE MOTOR EXPRESS, INC., P.O. Box 8419, 3200 Terminal Tower, Cleveland, OH 44101. Representative: Eugene D. Anderson, 910 17th St., NW., Suite 428, Washington, D.C. 20006. *General Commodities (except when transported in flatbed or tank trailers and further restricted against transportation of household goods, Class A & B explosives, commodities which because of size or weight require special equipment, and driveway transportation)* between points in CT, DC, IL, IN, KY, MA, MD, ME, MI, MO, NJ, NY, OH, PA, RI, VA, WI, WV, and from Philadelphia, PA, to Jacksonville, Miami and Orlando, FL, (restricted to transportation which auxiliary to or supplemental of a railroad; or restricted to transportation which has a prior or subsequent move by rail; or restricted to transportation where the origin or destination is a point served by the

Chessie System), for 270 days. Applicant intends to interline. An underlying ETA seeks 120 days authority. Supporting shipper(s): Chessie System, 3200 Terminal Tower, Cleveland, OH 44101.

MC 94851 (Sub-II-1TA), filed November 17, 1980. Applicant: HOWARD W. CLARK, INC., 8201 Stayton Dr., Jessup, MD 20794. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Ste. 605, Washington, DC 20014. *Contract, Irregular: Electrical and gas appliances, including, but not limited to washing machines, drying machines, TV sets, central heating and air conditioning units, room air conditioning units, room air conditioners, refrigerators, ranges and toasters.* between points in Howard County, MD, on the one hand, and points in DC, DE, NJ, PA, and VA, on the other, for 270 days. Supporting shipper: General Electric Co., Appliance Park-East, Columbia, MD 71046.

MC 149043 (Sub-II-5TA), filed November 17, 1980. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Drive, Dayton, OH 45414. Representative: H. Neil Garson, 3251 Old Lee Hwy., Suite 400, Fairfax, VA 22030. (1) *Vegetable Oils, Vegetable Oil Shortenings and Food Stuffs, in bulk* in tank vehicles from the facility of Capital City Products Co. at Columbus, OH to pts. in the US (except AK & HI) and (2) *Material and supplies used in the manufacture of Vegetable Oils, Vegetable Oil Shortenings, and Food Stuffs in bulk* tank vehicles from pts. in the US (except AK & HI) to the facility of Capital City Products Co. at Columbus, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: CAPITAL CITY PRODUCTS CO., Division of Stokely Van Camp, Inc., P.O. Box 569, Columbus, OH 43216.

MC 79550 (Sub-II-3TA), filed November 17, 1980. Applicant: ERSKINE TRUCKING, INC., 6210 Center Rd., Lowellville, OH 44436. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Reinforced concrete pipe* from the facilities of Price Brothers Company at or near Dayton, OH, to points in Onondaga County, NY. An underlying ETA seeks 120 days authority. Supporting shipper(s): Price Brothers Company, P.O. Box 825, Dayton, OH 45401.

MC 647 (Sub-II-TA), filed November 17, 1980. Applicant: Exhibitors Service Co., 85 Helen St., McKees Rocks, PA 15136. Representative: Samule P. Delisi, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Frozen foods*, from Avon, NY to Mogadore, Solon, Akron, Youngstown, Bellaire, Barnesville,

Canton, Warrensville, Massillon, Maple Heights, Bedford Heights and West Austintown, OH, and from Avon, Fulton, North Rose, Sodus, Fairport, Mt. Morris, Rochester and Syracuse, NY to Cleveland, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: General Foods Corp., 250 North St., White Plains, NY 10625.

MC 145282 (Sub-II-TA), filed November 17, 1980. Applicant: Falcon Transport, Inc., P.O. Box K, Bird-in-Hand, PA 17505. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043. *Iron, steel, aluminum and copper and iron, steel, aluminum and copper articles, and materials supplies and equipment used in the manufacture and distribution of such commodities* between Lancaster County, PA and points in DE, IL, IN, KY, MD, MI, NJ, NY, OH, VA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: High Steel Service Center, 401 Steel Way, P.O. Box 4037, Lancaster, PA 17604.

MC 121327 (Sub-II-1TA), filed November 18, 1980. Applicant: FINK'S FAST FREIGHT, INC., 911 South Prince St., Lancaster, PA 17604. Representative: Maxwell A. Howell, 100 Investment Bldg., 1511 K St., N.W., Washington, D.C. 20005. *General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between pts. in the Lancaster, PA Commercial Zone, on the one hand, and, on the other, pts. in Adams, York, Lancaster, Lebanon, Dauphin and Cumberland Counties, PA. The transportation service authorized herein is restricted to the transportation of interstate shipments moving in interline service with Friedman's Express, Inc., Wilkes-Barre, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Friedman's Express, Inc., P.O. Box 480, Wilkes-Barre, PA 18703.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 138635 (Sub-3-14TA), filed November 20, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton (same address as applicant). *General Commodities (except those of unusual value, classes A and B explosives, commodities in bulk and those requiring special equipment)*, between New Orleans and its commercial zone and Jefferson Parish, LA, on the one hand,

and, on the other, points in the U.S. restricted to traffic originating at or destined to the facilities of New Orleans Cold Storage & Warehouse Co., Ltd. Supporting shipper: New Orleans Cold Storage & Warehouse Co., Ltd., P.O. Box 895, Metairie, LA 70004.

MC 151040 (Sub-3-2TA), filed November 18, 1980. Applicant: RTL HOLDINGS, INC., P.O. Box 2408-R, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Contract carrier: Irregular: Non-ferrous metals and non-ferrous metal products* between Maricopa County, AZ, on the one hand, and on the other, Colbert County, AL; Lawrence County, AL; or Maury County, TN; under a continuing contract or contracts with Metal Exchange Corporation. Supporting shipper: Metal Exchange Corporation, 111 West Port Plaza, Suite 704, St. Louis, MO 63141.

MC 121654 (Sub-3-28TA), filed November 18, 1980. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Bruce E. Mitchell, P.C., 3390 Peachtree Rd., N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Lawn Care Equipment, and Materials and Supplies used in the manufacture and distribution of such equipment* from Orangeburg, SC to points in RI, CT, MA, NY, PA, VA, NC, TX, GA, LA, DE, MD, MS, AL, WV and OH. Supporting shipper: Roper Outdoor Products, P.O. Box 1687, Orangeburg, SC 29115.

MC 126436 (Sub-3-83TA), filed November 18, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd., N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Fiber glass products, and materials, equipment and supplies used in the manufacture, distribution and sale thereof (except in bulk)* (1) from facilities of PPG Industries, Inc., at or near Fort Lauderdale, FL to points in AZ, AR, CA, CO, KS, LA, MO, NM, OK, and TX; and (2) from Charlotte, NC to facilities of PPG Industries, Inc., at or near Fort Lauderdale, FL under continuing contract(s) with PPG Industries, Inc. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 128720 (Sub-3-14TA), filed November 18, 1980. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Drive, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *General commodities (except those of unusual value, classes A and B explosives,*

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Simpson County, KY, on the one hand, and points in MI, on the other. Supporting shipper(s): There are 30 certificates of support submitted with this application.

Note.—Applicant intends to tack with its existing authority under MC 128720 and subs at Simpson County, KY, and interline at all authorized points.

MC 148016 (Sub-3-2TA), filed November 19, 1980. Applicant: McWHORTER-GRAY ENTERPRISES, INC., 1010 Highway 15 North, Ripley, MS 38663. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Hazardous waste materials from Braintree, to Emelle, AL under a continuing contract or contracts with Recycling Industries, Inc. Supporting shipper: Recycling Industries, Inc., 385 Quincy Avenue, Braintree, MA 02184.

MC 152658 (Sub-3-1TA), filed November 19, 1980. Applicant: HUCKS-PIGGYBACK SERVICE, INC., 1200 N. Tryon Street, Charlotte, NC 28208. Representative: Eric Meierhoefer, Suite 423, 1511 K Street N.W., Washington, DC 20005. General commodities (except household goods as defined by the Commission and classes A and B explosives, having prior or subsequent movement by rail or in foreign commerce), between points in Gaston and Mecklenburg Counties, NC, on the one hand, and, on the other, points in NC and SC. Supporting shippers: National Piggyback Service, Inc., 831 Baxter St., Suite 202, Charlotte, NC 28202; Rauch Industries, Inc., P.O. Box 609, Gastonia, NC 28052; and Magla Products, 1066 Clinton Ave., Irvington, NJ 07111.

MC 134064 (Sub-3-9TA), filed November 19, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Such commodities as are dealt in by retail, discount department, or variety stores, except commodities in bulk, between Atlanta, GA and points in its commercial zone and Charlotte, NC and points in its commercial zone; restricted to traffic either originating at or destined to the facilities of Richway, a Division of Federated Department Stores, Inc. Supporting shipper: Richway, a Division of Federated Department Stores, Inc., 615 Stonehill Dr., S.W., Atlanta, GA 30336.

MC 144827 (Sub-3-21TA), filed November 19, 1980. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box

18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. (1) Cleaning compounds, food preservatives, extracts and flavorings and flavoring concentrates from Louisville, KY; Dallas, TX; and Orlando, FL; to points in the U.S. and (2) materials and supplies used in the manufacture and distribution of commodities in (1) from points in the U.S. to Louisville, KY; Dallas, TX; and Orlando, FL. Supporting shipper: Southland Corporation, Chemical Division, 5801 Marvin D. Love Freeway, Suite 400, Dallas, TX 75237.

MC 121796 (Sub-3-1TA), filed November 19, 1980. Applicant: MOUNTAIN EXPRESS, INC., P.O. Box 788, Crossville, TN 38555. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. General Commodities (except household goods as defined by the Commission, classes A and B explosives and commodities which because of size or weight require special equipment or handling) between points in Cumberland, White and Van Buren Counties, TN, on the one hand, and, on the other, points in the U.S., except AK, HI and TN. Supporting shippers: There are 12 supporting shipper statements attached to this application which may be examined at the regional offices of the ICC in Atlanta, GA.

MC 144827 (Sub-3-22), filed November 20, 1980. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. Institutional furniture from Temple, TX, to Los Angeles, CA; Denver, CO; Newark, NJ; Kent, WA; Raleigh, NC; and Sumter, SC. Supporting shipper: Artco-Bell Corporation, P.O. Box 608, Temple, TX 76501.

MC 146782 (Sub-3-8TA), filed November 20, 1980. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Building, Nashville, TN 37201. Iron and steel articles having a prior interstate movement by water, from Davidson County, TN, to Hendersonville, TN. Supporting shipper: Weirton Steel Division, MAB, Weirton, WV 26062.

MC 136464 (Sub-3-13TA), filed November 20, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton (same address as applicant). (1) Foodstuffs and (2) supplies, materials and equipment

used in the manufacture, distribution and sale of (1) above between points in the United States under continuing contract(s) with Mrs. Smith's Frozen Foods. Supporting shipper: Mrs. Smith's Frozen Foods, P.O. Box 298, Pottstown, PA 19464.

MC 111485 (Sub-5TA), filed November 20, 1980. Applicant: PASCHALL TRUCK LINES INC., Route 4, Murray, KY 42071. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. Household appliances, accessories, and materials used in the manufacture, sale, and distribution of household appliances, between the facilities of The Tappan Company at or near (a) Mansfield, OH, (b) Nashville, TN, and (c) Dalton, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: The Tappan Company, 801 Smith Industrial Drive, Dalton, GA 30720.

MC 106074 (Sub-3-16TA), filed November 19, 1980. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221, S., Forest City, NC 28043. Representative: John J. Capo, Attorney, P.O. Box 720434, Atlanta, GA 30320. Plastic materials, other than expanded mass, between Grand Junction, TN and Lovelady, TX, on the one hand, and, on the other, all pts. in the U.S. (except AK and HI). Supporting shipper: Phillips Petroleum Company, 734 Adams Bldg., Bartlesville, OK 74004.

MC 2934 (Sub-3-21TA) (republication—originally published in Federal Register of November 3, 1980, page 72816, volume 45, No. 214), filed October 16, 1980. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same as above). New office furniture, fixtures and parts for manufacturing thereof, from Muscatine, IA and Cedartown, GA to points and places in the states of: AL, AR, CT, DE, DC, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI. Supporting shipper: The Hon Company, P.O. Box 820, Muscatine, IA 52761.

MC 74761 (Sub-3-1TA), (republication—originally published in Federal Register, of 11-03-80 page 72815, Volume 45, No. 214), filed October 20, 1980. Applicant: TRAILWAYS TAMIAMI, INC., P.O. Box 56669, 200 Spring Street NW, Atlanta, GA 30303. Representative: Gregory A. Presnell and Robert B. Nadeau, Jr., 17th Floor, CNA Bldg., P.O. Box 231, Orlando, FL 32802. Common carrier, regular routes, passengers and their baggage, and

express and newspapers in the same vehicles with passengers, (charter and special operations not involved). (a) Between Jacksonville, FL and Tallahassee, FL: from Jacksonville over Interstate Hwy. 10 to junction U.S. Hwy. 90 (approximately 8 miles east of Tallahassee), then over U.S. Hwy. 90 to Tallahassee, and return over the same route, serving the intermediate points of Lake City and Live Oak via the following access roads: U.S. Hwy. 441 and 41, Interstate Hwy. 75 and U.S. Hwy. 129; (b) Between Jacksonville, FL and Gainesville, FL: from Jacksonville over U.S. Hwy. 301 to Waldo, then over FL Hwy. 24 to Gainesville, and return over the same route, serving all intermediate points; (c) Between Tampa, FL and Clearwater, FL: from Tampa over FL Hwy. 60 to Clearwater, and return over the same route, serving no intermediate points; (d) Between Daytona Beach, FL and Fort Lauderdale, FL: from Daytona Beach over U.S. Hwy. 92 to junction Interstate Hwy. 95, then over Interstate Hwy. 95 to junction Florida's Turnpike, then over Florida's Turnpike to junction FL Hwy. 74 (Palm Beach Gardens Interchange 44), then over FL Hwy. 74 to junction Interstate Hwy. 95, then over Interstate Hwy. 95 to Fort Lauderdale, and return over the same route, serving all intermediate points; (e) Between Titusville, FL and junction FL Hwy. 50 to junction Interstate 95: from Titusville over FL Hwy. 50 to junction Interstate Hwy. 95, and return over the same route, serving all intermediate points; (f) Between Cocoa, FL and junction FL Hwy. 520 and Interstate Hwy. 95: from Cocoa over FL Hwy. 520 to junction Interstate Hwy. 95, and return over the same route, serving all intermediate points; (g) Between Melbourne, FL and junction U.S. Hwy. 192 and Interstate Hwy. 95: from Melbourne over U.S. Hwy. 192 to junction Interstate Hwy. 95, and return over the same route, serving all intermediate points; (h) Between Fort Pierce, FL and junction FL Hwy. 66 and Interstate Hwy. 95: from Fort Pierce over FL Hwy. 66 to junction Interstate Hwy. 95, and return over the same route, serving all intermediate points; also between Fort Pierce and junction FL Hwy. 70, Florida's Turnpike, and Interstate Hwy. 95: from Fort Pierce over FL Hwy. 70 to junction Florida's Turnpike and Interstate Hwy. 95, and return over the same route, serving all intermediate points; (i) Between Fort Pierce, FL and Orlando, FL: from Fort Pierce over FL Hwy. 70 to junction Florida's Turnpike, then over Florida's Turnpike to junction U.S. Hwy. 441, then over U.S. 441 to Orlando, and return

over the same route, serving junctions FL Hwy. 70, Florida's Turnpike and Interstate Hwy. 95, Florida's Turnpike and FL Hwy. 60, Florida's Turnpike and combined U.S. Hwys. 192 and 441 for purposes of joinder only; also between Yeehaw junction, FL and junction FL Hwy. 60 and Florida's Turnpike: from Yeehaw junction over FL Hwy. 60 to junction Florida's Turnpike, and return over the same route, serving the termini for purposes of joinder only; (j) Between Titusville, FL and Melbourne, FL: from Titusville over U.S. Hwy. 1 to Melbourne, and return over the same route, serving all intermediate points. Note: Common control may be involved. Supporting shippers: There are 38 statements of support which may be examined at the ICC Regional Office, Atlanta, Georgia. Applicant intends to tack with existing authority and interline at Jacksonville and West Palm Beach, FL.

MC 30446 (Sub-3-5TA), filed November 17, 1980. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., P.O. Box 5647, Charlotte, NC 28225. Representative: Charles Ephraim, Suite 406, 918 16th Street, NW, Washington, DC 20006. *Common carrier: regular: General commodities (except household goods and Classes A and B explosives)* (1) Between the junction of Interstate Hwy 75 and the GA-TN State line and junction of Interstate Hwy 75 and the FL-GA State line, over Interstate Hwy 75; (2) Between the junction of Interstate Hwy 20 and the AL-GA State line and Florence, SC, over Interstate Hwy 20; (3) Between the junction of Interstate Hwy 85 and the AL-GA State line and Henderson, NC, over Interstate Hwy 85; (4) Between the junction of U.S. Hwy 80 and Macon, GA, over U.S. Hwy 80; (5) Between the junction of U.S. Hwy 82 and the AL-GA State line and Wilmington, NC: from junction of U.S. Hwy 82 and AL-GA State line over U.S. Hwy 82 to junction U.S. Hwy 17, then over U.S. Hwy 17 to Wilmington, and return over the same route; (6) Between the junction of U.S. Hwy 84 and the AL-GA State line and Waycross, GA, over U.S. Hwy 84; (7) Between Macon, GA and Savannah, GA over Interstate Hwy 16; (8) Between Macon, GA, and Jesup, GA: from Macon over U.S. Hwy 23 to Chauncey, GA, then over U.S. Hwy 341 to Jesup, and return over the same route; (9) Between Atlanta, GA and Clinton, SC: from Atlanta over U.S. Hwy 78 to Athens, GA, then over GA Hwy 72 to the GA-SC State Line, then over SC Hwy 72 to Clinton, SC, and return over the same route; (10) Between Atlanta, GA and Greenville, SC: from Atlanta over U.S. Hwy 23 to Baldwin, GA, then

over U.S. Hwy 123 to Greenville, and return over the same route; (11) Between Augusta, GA and junction GA Hwy 17 and U.S. Hwy 301: from Augusta over U.S. Hwy 25 to Millen, GA, then over GA Hwy 17 to junction U.S. Hwy 301; (12) Between Athens, GA and Waynesboro, GA: from Athens over U.S. Hwy 441 to Milledgeville, GA, then over GA Hwy 24 to Waynesboro, and return over the same route; (13) Between junction Interstate Hwy 16 and U.S. Hwy 25 near Register, GA and Roanoke Rapids, NC: from junction Interstate Hwy 16 and U.S. Hwy 25 over U.S. 25 to Statesboro, GA, then over U.S. Hwy 301 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Roanoke Rapids, and return over the same route, Service in connection with the above specified routes is authorized to and from all intermediate and off-route points in Georgia, North Carolina and South Carolina. Applicant intends to interline at Asheville, Fayetteville, Charlotte, Greensboro, Hickory, Raleigh, and Wilmington, NC; Charleston, Columbia, Greenville and Greer SC; and Augusta, Savannah, Atlanta, Macon, Rome, Columbus, Valdosta, Waycross and Athens, GA. There are 109 statements of support attached to this application which may be reviewed at the ICC Regional office in Atlanta, GA.

MC 103051 (Sub-3-6TA), filed November 17, 1980. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., N., Nashville, TN 37209. Representative: Russell E. Stone (same address as applicant). *Chemicals, in bulk* from points in TN to points in the U.S. Supporting shipper: There are 6 statements of support of this application, which may be examined at the Interstate Commerce Commission Regional Office at Atlanta, GA.

MC 152669 (Sub-3-1TA), filed November 17, 1980. Applicant: C & C TRUCKING, INC., Route 9, Box 22A, Statesville, NC 28677. Representative: Timothy C. Miller, Suite 301, 1307 Dohley Madison Blvd., McLean, VA 22101. *Carpet padding and materials and supplies used in the distribution and sale thereof*, from the facilities of Walk-On-Products, Inc., at Statesville, NC to Birmingham and Mobile, AL, Phoenix, AZ, Jacksonville, FL, Atlanta, GA, Idaho Falls and Twin Falls, ID, Morris, IL, Louisville, KY, Detroit, MI, Minneapolis, MN, Kansas City and St. Louis, MO, Las Vegas, NV, Albuquerque, NM, Columbus, OH, Tulsa, OK, Memphis, TN and Salt Lake City, UT. Supporting shipper: Walk-On-Products, Inc., Highway 90N., Statesville, NC 28677.

MC 126195 (Sub-3-1TA), filed September 15, 1980. Republication—

originally published in Federal Register of 10-01-80, page 65062, volume 45, No. 192. Applicant: COLEY MOVING & STORAGE, INC., Industry Dr., P.O. Box 941, Burlington, NC 27215.

Representative: Carl B. Coley (same as above). *Contract carrier, irregular routes; Toilet prep-compounds, waxes, polishes, brushes, and premiums of general merchandise such as irons, blankets, similar gifts*, from Burlington, NC to points in NC and counties of Chesterfield, Marlboro, Marion, Dillon and Horry, SC, under a continuing contract with Stanley Home Products Company, Westfield, MA. Supporting shipper: Stanley Home Products, Inc., Richmond, VA 23228.

Note.—Applicant intends to tack with existing authority MC-126195.

MC 152056 (Sub-3-1TA), filed November 17, 1980. Applicant: RHETT BUTLER TRUCKING, INC., Route 6, Box 83, Andalusia, AL 36420. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203. *Foodstuffs, supplies and ingredients used in the manufacture of non-exempt food or kindred products*, between Morgan County, IL, on the one hand, and, on the other, points in AL, NC, SC, KY, LA, MS, TN and TX. Supporting shipper: Anderson Clayton Foods Division of Anderson Clayton & Co., P.O. Box 226165, Dallas, Texas 75266.

MC 148822 (Sub-3-7TA), filed November 17, 1980. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Avenue, Fairfield, Alabama 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *Contract carrier: irregular route: primary metal products, fabricated metal products, machinery and materials, equipment and supplies used in the manufacture thereof*, between points in the U.S. under continuing contract with Tyler-Kalt, Inc. of Olive Branch, MS. Supporting shipper: Tyler-Kalt, Inc., Olive Branch, MS.

MC 151622 (Sub-3-2TA), filed November 17, 1980. Applicant: SERVICE TRUCKING, INC., P.O. Box 158, Eustis, FL 32726. Representative: Gene Baugh (same address as applicant). *Foodstuff*, between points in the U.S., except AK and HI. Supporting shipper: Food Wholesalers, Inc., 2907 7th Avenue, South, St. Petersburg, FL 33712.

MC 145596 (Sub-3-4TA), filed November 17, 1980. Applicant: A & M EXPRESS, INC., 1136 Haley Road, Murfreesboro, Tennessee 37130. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, Tennessee 37219. *General commodities (except household goods as defined by the Commission and*

classes A & B explosives) between points in TN and GA, on the one hand, and points in the U.S., on the other. There are 24 supporting shipper statements attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 152527 (Sub-3-1TA), filed November 17, 1980. Applicant: Ralph C. Gaddis, Route 10, East Butler Road, Greenville, S.C. Representative: Jerry Chapman, P.O. Box 243, Mauldin, S.C. 29662. *Pianos*, from points in MS, AR and TN to points in SC and NC. Supporting shippers: Cagle Music Co., 78 Patton Avenue, Asheville, N.C. 28801, Davis Music Co., Wade Hampton Mall, Greenville, S.C. 29615, Galloway Music House, 202 N. Pleasantburg Dr., Greenville, S.C. 29607.

MC 85970 (Sub-3-16TA), filed November 17, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Larry Kilzer (same as applicant). *Common; Regular. General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between St. Louis, MO and Memphis, TN, serving no intermediate points; from St. Louis, MO, over I-55 to its junction with I-155, then over I-155 to Dyersburg, TN, then over U.S. Hwy 51 to Memphis, TN, and return over the same route. Supporting shippers: There are 16 supporting shippers. Their statements may be examined at the Atlanta Regional Office.

Note.—Applicant intends to interline at St. Louis, MO and Memphis, TN.

MC 142680 (Sub-3-4TA), filed November 17, 1980. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Lumber*, from the facilities of Linden Lumber Co. at or near Linden, AL to points in GA, FL, and LA. Supporting shipper: Linden Lumber Co., P.O. Box 506, Linden, AL 36748.

MC 146060 (Sub-3-1TA), filed November 17, 1980. Applicant: S & S TRUCKING COMPANY, 120 South Oakland Avenue, Statesville, NC 28677. Representative: James M. Sample, Jr. (same address as applicant). *Contract: Irregular: Artist and Office Materials and Supplies* from Statesville, NC to MN, IA, MO, AR and LA, and points East, excluding NC, under a continuing contract(s) with Hunt Manufacturing Company. Supporting shipper: Hunt Manufacturing Company, P.O. Box 5030, Statesville, NC 28677.

MC 146096 (Sub-3-1TA), filed November 17, 1980. Applicant: BARRY D STROUPE TRUCKING, Route 2 Box 32 BA, Kings Mt., NC 28086.

Representative: W. G. Reese III, 623 E. Artesia, Carson, CA 90748. *Contract: Irregular: Cylinder liner board, jacquard board, machinery, parts, astro packing*, Between the facilities of Shelby Baxter Corporation located at or near Shelby NC, Hawthorne, NJ, Whippany, NJ, and Florence, KY, on the one hand, and on the other, points and places in NC, NJ, MA, KY. Supporting shipper: Shelby Baxter Corporation, 211 N. Poston St., Shelby, NC 28150.

MC 146467 (Sub-3-1TA), filed October 17, 1980. Republication—originally published in Federal Register of 11/05/80, page 73547, volume 45, No. 216. Applicant: TRIAD MOTOR LINES, INC., Route 8, Box 374, Burlington, NC 27215. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Bldg., 6121 Lincoln Rd., Alexandria, VA 22312. *Passengers and their baggage, in the same vehicle with passengers, in charter service*, beginning and ending at points in Alamance County, NC, and extending to points in AL, FL, GA, IN, KY, LA, MD, MS, NY, OH, PA, SC, TN, VA, WV, and DC. Supporting shipper: There are 15 appendix of support attached which may be reviewed at the Atlanta Regional Office.

MC 145230 (Sub-3-3TA), filed November 18, 1980. Applicant: H & S TRUCKING, INC., P.O. Box 127, 456 Main Street, Wesson, MS 39191. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. *Contract carrier: irregular: Building materials and supplies* between points in the United States under a continuing contract or contracts with Woodstock, Inc. Supporting shipper: Woodstock, Inc., P.O. Box 569, Terry, MS 39170.

MC 117943 (Sub-3-1TA), filed October 28, 1980. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: David C. Venabe, Suite 805, 668 Eleventh Street, NW, Washington, DC 20001. *Foodstuffs (except commodities in bulk, in tank vehicles from the plantsite of Adams Packing Association, Inc., at or near Memphis, TN, to points in the U.S. (except AK and HI)*. Supporting shipper: Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823.

MC 121306 (Sub-3-1TA), filed October 27, 1980. Applicant: SUPERIOR MOTOR EXPRESS, INC., P.O. Box 98, Gold Hill, NC 28071. Representative: William L. Earnhardt (address same as applicant). *Iron and steel articles*, from Charleston, SC to GA, NC, SC, TN, and VA.

Supporting shipper: Driller Service, 792 Highland Avenue, Hickory, NC 28601. Applicant intends to tack with existing authority.

MC 136685 (Sub-3-13TA), filed October 28, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton (same as above). (1) *Automotive Parts and (2) equipment, supplies and material used in the manufacture of (1) above between points in the U.S. Supporting shipper: Carroll Shelby Industries, Inc., 19021 S. Figueroa, Gardena, CA 90248.*

MC 146451 (Sub-3-24TA), filed October 27, 1980. Applicant: WHATLEY-WHITE, INC., P.O. Box 6, Dothan, AL 36302. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE., Atlanta, GA 30326. *Textiles and textile products and materials, equipment and supplies used in the manufacture and distribution of such products between points in the US, restricted to the transportation of traffic moving from or to facilities of Union Underwear Company, Inc. of Bowling Green, KY. Supporting shipper: Union Underwear Company, Inc., P.O. Box 780, Bowling Green, KY 42101.*

MC 130650 (Sub-3-1TA), filed November 18, 1980. Applicant: LOW COUNTRY ADVENTURES, LTD., Nine Pope Greenwood, P.O. Box 4942, Hilton Head Island, SC 29928. Representative: Charlene Barrett (same address as applicant). *Passengers and their baggage in charter or special operations beginning and ending at Hilton Head Island, SC and extending to points and places in Chatham, Effingham, and Fulton Counties, GA. Supporting shippers: Hyatt on Hilton Head Island, P.O. Box 6167, Hilton Head Island, SC 29928; Sea Pines Plantation Company, Hilton Head Island, SC 29938; Sand Dollar Management Corp., P.O. Box 5606, Hilton Head, SC 29928; and Holiday Inn, South Forest Beach Drive, Hilton Head Island, SC 29928.*

MC 136709 (Sub-3-2TA), filed November 17, 1980. Applicant: WALLACE TRUCKING COMPANY, Route 4 Box A-71, Laurinburg, NC 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602. *Medical supplies, health care products, rigid, flexible, and/or devices, intravenous saline, nutritional, and anticoagulant solutions in glass or plastic collecting or dispensing containers or sets and materials used in making, packing or shipping of such solutions, containers, devices or sets between Laurinburg, NC and VA, MD, RI, DE, DC, NJ, PA, NY, CT, MA, NH, VT, ME, WV, TN, KY, IN, IL, OH, MI, WI, CA, NV, AZ, UT, CO,*

WY, NE, MO, IA, NM, TX, AR, MS, AL, LA, KS and OK. Supporting shipper: Abbott Laboratories, Inc., P.O. Box 1009, Laurinburg, NC 28352.

MC 31675 (Sub-3-25TA), filed November 18, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, N.C. 28234. Representative: Jay R. Hanson (same as above). *General Commodities in Containers between Charleston, S.C. and points in and east of MN, IA, MO, AK and LA. Supporting shipper(s): International Forwarders, Inc., 1122 Morrison Drive, P.O. Box 550, Charleston, S.C. 29402; Harper Robinson and Company, 205 King Street, P.O. Box 971, Charleston, S.C. 29402; Hipage Co., Inc., 24 Vendue Range, P.O. Box 841, Charleston, S.C. 29402.*

MC 91306 (Sub-3-7TA), filed November 18, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue, N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *New furniture and new furniture parts, and materials and supplies used in the manufacture and distribution thereof, (1) from points in Guilford, Davie, McDowell, Davidson, Randolph and Iredell Counties, NC, to points in DC, DE, MD, NY, NJ, PA, MA, CT and RI; (2) from points in Burke and Cleveland Counties, NC, to points in MA, CT, RI, DC and MD; and (3) from points in DC, DE, MD, NY, NJ, PA, MA, CT and RI, to points in Guilford, Davie, Burke, Cleveland, Davidson, Randolph, Iredell and McDowell Counties, NC. Supporting shippers: There are 12 statements of support which may be examined at the Atlanta, GA, Regional Office.*

MC 2900 (Sub-3-24TA), filed November 17, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408-R, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Rum, alcoholic beverage, in bulk, in trailers or containers restricted to shipments having prior or subsequent movement by water between Duval County, FL, on the one hand, and on the other, points in the State of KY. Supporting shipper: Crowley Maritime Corporation, Caribbean Div., P.O. Box 2110, Jacksonville, FL 32203.*

MC 147886 (Sub-3-6TA), filed November 18, 1980. Applicant: A M & M, INCORPORATED, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Lumber and lumber mill products from AL, AR and MS to points in TN on and west of the Tennessee River. Supporting*

shipper: Bolen-Brunson-Bell Lumber Co., P.O. Box 11485, Memphis, TN 38111.

MC 152075 (Sub-3-1TA), filed November 18, 1980. Applicant: EDDIE C. HALE d.b.a. EDDIE C. HALE, 5135 Barbara Courts, Hixson, TN 37343, MC 152075R-3-1 (Sub-TA), Oct. 8, 1980. Representative: Eugene W. Ward, Atty., Suite 300, Young Executive Bldg., 1300 Division St., Nashville, TN 37203. *Contract Carrier: Irregular Routes: Stoves, heaters, fireplace inserts, parts and accessories for stoves, heaters, and fireplace inserts, between Chattanooga, TN, South Pittsburg, TN, and Bridgeport, AL, and points and places in: AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NV, NY, NJ, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WV, and WI. Supporting shipper: United States Stove Co., P.O. Box 5439, Chattanooga, TN 37406.*

MC 144715 (Sub-3-7TA), filed November 14, 1980. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *Pork skins, from points in VA, NC, SC, KY, TN, GA, FL, AR, AL, MS, MO, OH, IN, IA, KS, OK, MT, CO, and IL to Laredo, TX, and points in its commercial zone. Supporting shipper: Midwest Commodity Export Services, 1400 Gulf Shore Blvd., N. Naples, FL 33940.*

The following protests were filed in region 4. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 219 South Dearborn Street, Room 1304, Chicago, IL 60604.

MC 121309 (Sub-4-1TA), filed November 18, 1980. Applicant: P. A. JOHNSON & CO., 7701 W. 59th Street, Summit, IL 60501. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *General Commodities (except classes A and B explosives, commodities in bulk, those of unusual value, and used household goods as defined by the Commission) between points in the following counties in IL, Boone, Bureau, Cass, Champaign, Cook, DeWitt, KeKalb, DuPage, Ford, Fulton, Grundy, Henry, Iroquois, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Macon, Marshall, McHenry, McLean, Menard, Ogle, Peoria, Platt, Putman, Rock Island, Sangamon, Stark, Stephenson, Tazewell, Vermilion, Whiteside, Will, Winnebago, Woodford; counties in IN, Lake, LaPorte, Marshall, Porter, St. Joseph, Starke; counties in WI, Dane, Green, Jefferson, Kenosah, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington,*

Waukesha. Supporting shippers: There are 8 statements of support attached.

MC 151663 (Sub-4-1TA), filed November 18, 1980. Applicant: CLINGON TRUCKING, INC., 811 Superior, Rockford, IL 61111. Representative: Martin J. Kennedy, 120 W. Madison, Suite 718, Chicago, IL 60602. *Iron and steel articles, rubber products, metal fittings and empty steel bins* between Rockford, IL and points in Cook and DuPage Counties, IL on the one hand, and Euclid, OH, Cleveland, OH, Iola, KS, Kansas City, KS, Louisville, KY, Detroit, MI, Decorah, IA, Kansas City, MO, and St Louis, MO, on the other. An underlying ETA seeks 120 days authority. There are 6 supporting shippers.

MC 88818 (Sub-4-1TA), filed November 17, 1980. Applicant: WEDUL TRUCK LINE, P.O. Box 293, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Salt, in bulk*, from Superior, WI to points in MN. An underlying ETA seeks 120 days authority. Supporting shipper: Cutler-Magner Company, Salt Division, 12th Ave. W. and Waterfront, Duluth, MN 55806.

MC 150980 (Sub-4-3TA), filed November 13, 1980. Applicant: PATRICK DERRO d.b.a. DERRO CARTAGE CO., 10701 South Keeler Ave., Oak Lawn, IL 60453. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *General Commodities (except Class A & B explosives, household goods as defined by the Commission, articles requiring special handling or articles of unusual value)* between Chicago, IL and its commercial zone on the one hand, and, on the other points in OH, IN, MI, WI and IL. Restricted to the transportation of traffic having a prior or subsequent movement by rail or water. An underlying ETA seeks 120 days authority. There are 5 supporting shippers.

MC 141869 (Sub-4-1TA), filed November 17, 1980. Applicant: ROYAL COACH LINES, INC., 1600 Junction Avenue, Racine, WI 53403. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Common; Regular; *Passengers and their baggage* between Sheboygan, WI on the one hand, and O'Hare Field, Chicago, IL on the other beginning at Sheboygan, WI on Interstate 43 and US 141 south to Junction 94 then on 94 to O'Hare Field and return over the same route serving points in the counties of Sheboygan, Ozaukee and Washington as intermediate and off-route points. Supporting shippers: Travel & tours, Inc., 625 North 8th St., Sheboygan, WI 53081;

Chamber of Commerce, Box 687, Sheboygan, WI 53081.

MC 125708 (Sub-4-14TA), filed November 17, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Road, Lake Station, IN 46405. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. (1) *Wood fence posts, wire fencing, steel fence posts, fence post fittings, coiled wire and pipe* from points in TX, to points in ND, SD, NE, KS, OK, MN, IA, MO, AR, LA, WI, IL, IN, KY, TN, MS, AL, and CO; (2) *Materials and supplies on return*. An underlying ETA seeks 120 days authority. Supporting shipper(s): Halco Fence and Wire, 8008 C. W. Hawn Freeway, Dallas, TX 75217. Gilbert Merrill Steel Co., 5310 Haven Hill Rd., Dallas, TX 75150.

MC 147216 (Sub-4-1TA), filed November 14, 1980. Applicant: CARL KLEMM, INC., 1126 Terry Lane, P.O. Box W197, De Pere, WI 54115, De Pere, WI 54115. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Petroleum products* from Green Bay, WI, to Covington, MI. An underlying ETA seeks 120 days authority. Supporting shipper: Grosskopf Oil, Inc., 811 East Green Bay Street, Shawano, WI 54166.

MC 124078 (Sub-4-47TA), filed November 13, 1980. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Commodities, in bulk*, between all points in the U.S. Supporting shipper: Continental Trading Co., 792 Windsor Street, Atlanta, GA 30315.

MC 109633 (Sub-4-3TA), filed November 18, 1980. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Containers, container ends and closures; commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers; and materials, equipment and supplies used in the manufacture and distribution of containers, container ends and closures*, Between the plant sites of Boise Cascade Corp. at Whiting, IN, West Chicago, IL and St. Louis, MO (Champs Village), on the one hand, and on the other, points in the states of IL, MIN and WI. Supporting shipper: Boise Cascade Corporation; P.O. Box 7747; Boise, ID 83707. An underlying E.T.A. seeks 120 days authority.

MC 152619 (Sub-4-1TA), filed November 18, 1980. Applicant:

CLARENCE E. SCHMIDT d.b.a. C & J TRUCKING, Route 2, Beaver Dam, WI 53916. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. *Foodstuffs*, from points in Dodge County, WI to points in IL, MD, MI, NY, NJ, OH, PA, and DC. An underlying ETA seeks 120 days authority. Supporting shipper: Royer Cheese Corp., 407 Dayton St., Mayville, WI 53050; and, Heim Cheese Co., Inc., P.O. Box 32, Lowell, WI 53557.

MC 144599 (Sub-4-1TA), filed November 17, 1980. Applicant: TRANSFER, INC., 4750 Kentucky Avenue, Indianapolis, IN 46241. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. *General commodities (except household goods as defined by the Commission and classes A and B explosives)*, between the facilities of Trans-City Terminal Warehouse, Inc., Marion County, IN, and points and places in AR, GA, IL, IN, KY, MI, MO, NJ, OH, PA, TN, TX, VA, WV, and WI. Supporting shipper: Trans-City Terminal Warehouse, Inc., 4750 Kentucky Avenue, Indianapolis, IN 46241. An underlying ETA seeks 120 days authority.

MC 143417 (Sub-4-1), filed November 18, 1980. Applicant: FLASH INTERSTATE DELIVERY SYSTEM, INC., 4711 West 16th St., Cicero, IL 60650. Representative: Barry Roberts, 888 17th Street, NW., Washington, DC 20006. *General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment)* from Chicago, IL to points in CT, IN, MA, MD, NJ, NY, PA, RI, WI, DC, OH and the lower peninsula of MI restricted to traffic having a prior movement by rail in TOFC service. Supporting shipper: Co-Operative Shippers, Inc., 2608 S. Damen Avenue, Chicago, IL 60608.

MC 135561 (Sub-4-1), filed November 18, 1980. Applicant: N. E. FINCH CO., 1120 West Camp St., East Peoria, IL 61611. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Earth moving, construction and materials handling machinery and equipment, engines, and materials and supplies used in the manufacture thereof*, between points in Scott County, IA on the one hand, and on the other, points in IL. Supporting shipper: Caterpillar Tractor Co., 100 NE. Adams St., Peoria, IL 61629.

MC 30837 (Sub-4-8TA), filed November 18, 1980. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4314-39th Avenue, Kenosha, WI 53142. Representative:

Albert P. Barber (same address as applicant). *Automobiles and trucks*, in secondary movements, in truckaway service, from Baltimore, MD, to points in IL, DE, IN, KY, MD, MI, MN, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI and DC, in foreign commerce, restricted to traffic originating at the facilities of Recie Nationale Des Usines (Renault) in France. An underlying ETA being filed simultaneously. Supporting shipper: American Motors Corporation, 14250 Plymouth Road, Detroit, MI 48232.

MC 143699 (Sub-4-1TA), filed November 18, 1980. Applicant: QUALITY CONTRACT CARRIERS, INC., 1009 West Edgewood Avenue, Indianapolis, IN 46217. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Contract irregular: Such commodities as are dealt in or used by manufacturers and distributors of paint, chemicals, and related articles (except in bulk) from points in OH, KY, and IL to points in CA (under continuing contract with The Sherwin Williams Company).* Supporting shipper: The Sherwin Williams Company, 101 Prospective Avenue, Cleveland, OH 44101.

MC 126555 (Sub-4-24TA), filed November 18, 1980. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette (same as applicant). *Lumber and Wood Products* between points in AR, CO, IA, ID, KS, MN, MO, MT, ND, NE, NM, OK, OR, SD, TX, UT, VA, WA and WY. Supporting shipper: Weyerhaeuser Company, 1820 Industrial Ave., Sioux Falls, SD 57104.

MC 113434 (Sub-4-6TA), filed November, 1980. Applicant: GRA-BELL TRUCK LINE, INC., P.O. Box 1001, A5253-144th Avenue, Holland, MI 49423. Representative: Roger Van Wyk, P.O. Box 1001, A5253-144th Avenue, Holland, MI 49423. *Plastic containers* between Newark, OH and Sunman, IN. Supporting shipper: Sewell Plastic, Inc., Old Route 119 South, New Stanton, PA 15672.

MC 144884 (Sub-4-1TA), filed November 18, 1980. Applicant: ARTHUR E. JOHNSTON & MICHAEL A. JOHNSTON d.b.a. JOHNSTON TRUCKING, P.O. Box 325, Spearfish, SD 57783. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SC 57701. *Lumber and Lumber Products* from Hulett, WY and points in its Commercial Zone to points in IL, IN, KY, MI, MO, OH, OK, and PA. An underlying ETA seeks 120 days authority. Supporting shipper: Devils Tower Forest Products, P.O. Box 218, Hulett, WY 82710.

MC 147284 (Sub-4-7TA), filed November 18, 1980. Applicant: JAT EXPRESS, INC., Rt. R. 1, Box 405, Muncie, IN 47302. Representative: Paul R. Bergant, 1113 E. Walnut St., Rogers, AR 72758. *Meat, meat products and meat by-products and articles distributed by meat packinghouses* as described in sections A & C of Appendix I to the Report of Descriptions in Motor Carrier Certificates 81 M.C.C. 209 and 766 (except commodities in bulk and hides), between points in the U.S. Supporting shippers: Price Brokerage Company, 130 S. State Road, Springfield, PA 19064. Muncie Cold Storage, P.O. Box 2, Muncie, IN 47305. B. DeYoung & Company, Inc., P.O. Box 2136, Clearwater, FL 33517.

MC 15975 (Sub-4-18T), filed November 18, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). *Household appliances, parts thereof, radio and television receiving sets, sound reproducing or recording equipment, and materials and supplies used in the manufacture and distribution of the foregoing commodities, between Appliance Park, Louisville, KY, on the one hand, and, on the other, points in the States of AR, IL, MI, Mo, GA, and MD for 270 days.* An underlying ETA seeks 120 days authority. Supporting shipper(s): General Electric Company, Major Appliance Business Group, Appliance Park, Louisville, KY 40225.

MC 114194 (Sub-4-11TA), filed November 18, 1980. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Ave., Madison, IL 62060. Representative: William J. O'Donnell (same address as applicant). *Bulk salt*, from Chicago, IL, Dubuque, IA, Milwaukee, WI, Mt. Vernon, IN, and St. Louis, MO, to all points in the U.S. (except AK and HI). Supporting shipper: Domtar Industries, Inc., 9950 W. Lawrence Ave., Suite 400, Schiller Park, IL 60176.

MC 151899 (Sub-4-3TA), filed November 18, 1980. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main, Ft. Atkinson, WI 53538. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *Contract: Irregular: (a) wire, springs and coils and (b) equipment, materials and supplies used in the manufacture of the commodities in (a) above* between Millbury, MA on the one hand, and, on the other, points in the U.S. in and East of ND, SD, NE, CO, OK and TX. An underlying ETA seeks 120 days authority. Supporting shipper: New England High Carbon Wire Corp., 50 Howe Ave., Millbury, MA 01527.

MC 152701 (Sub-4-1TA), filed November 19, 1980. Applicant: KRYDER'S INC., P.O. Box 57-14513 Leo Road, Leo, IN 46765. Representative: Jerry P. Carnes (same address as applicant). *Contract: Irregular: Industrial batteries for recycling purposes; and iron and steel articles* between IL, IN, and MI, on the one hand, and on the other, points in TX under continuing contracts with Dallas Scrap Bailing. Supporting shipper: Dallas Scrap Bailing, 3920 Singleton Blvd., Dallas, TX 75212.

MC 76266 (Sub-4-13TA), (republication), filed October 22, 1980. Applicant: ADMIRAL MERCHANTS MOTOR FREIGHT, INC., 215 South 11th Street, Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such commodities as are used in the manufacture and erection of steel storage tanks (except commodities in bulk), from the facilities of G.A.T.X. Tank Erection Corporation in East Chicago, IN to points in the U.S. (except AK and HI).* Supporting shipper: G.A.T.X. Tank Erection Corporation, P.O. Box 440, East Chicago, IN 56312.

MC 125708 (Sub-4-15TA), filed November 18, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Road, Lake Station, IN 46405. Representative: Edward F. V. Pietrowski, 3300 Birney Avenue, Moosic, PA 18507. *Lumber, wooden pallets, blocking material, lumber products and pallet parts* between Wayne County, MO and points in IL, MI, WI, IN, IA, MN, AR, TN and KY. There are six supporting shippers:

MC 152706 (Sub-4-1TA), filed November 18, 1980. Applicant: MIDWEST OIL TRANSIT, INC., 4902 West 86th St., Indianapolis, IN 46268. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian St., Indianapolis, IN 46204. *Asphalt flux (also known as vacuum tower bottoms) and No. 6 fuel oil* from Marion County, IN, to Hamilton County, OH. An underlying ETA seeks 120 day authority. Supporting shipper: Rock Island Refining Corp., 5000 W. 86th St., Indianapolis, IN 46268.

MC 144867 (Sub-4-3TA), filed November 19, 1980. Applicant: R & J TRANSPORT, INC., 929 North 24th St., Manitowoc, WI 54220. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Machinery, equipment, machinery parts and accessories, and materials, equipment and supplies used or useful in the manufacture, sale or distribution of machinery and equipment, parts and accessories, between Outagamie*

County, WI, on the one hand, and, on the other, points in the United States (except AK and HI). Underlying ETA seeks 120 days authority. Supporting shipper: Appleton Machine Company, 2111 North Sandra St., Appleton, WI 54911.

MC 140553 (Sub-4-4TA), filed November 18, 1980. Applicant: ROGERS TRUCK LINE, INC., 801 Erie St., Logansport, IN 46947. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. *Malt beverages and related advertising materials*, from Milwaukee, WI and St. Paul, MN, to points in NE. An underlying ETA seeks 120 days authority. Supporting shipper: L&M Distributing Co., 1110 W 26th St., Scottsbluff, NE 69361.

MC 152709 (Sub-4-1TA), filed November 19, 1980. Applicant: INTERMODAL MARKETING CORP., 1448 Wabash Avenue, Suite 406, Detroit, MI 48216. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. *Pre-recorded phonograph records, tapes, advertising material and display racks*, between points in Wayne, Oakland, and Macomb Counties, MI, on the one hand, and, on the other, Livingston County, MI. Restricted to shipments having a prior or subsequent movement by rail. Supporting shipper: Handleman Company, 1055 West Maple Road, Clawson, MI 48107.

MC 152719 (Sub-4-1TA), filed, November 19, 1980. Applicant: DONALD L. HUSSMAN d.b.a. HUSSMANN TRUCKING CO., 4035 N. 72nd Street, Milwaukee, WI 53216. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Contract irregular: Such commodities as are dealt in or used by a manufacturer of cheese and cheese products* between points in Fond Du Lac County, WI, on the one hand, and, on the other, points in CT, IL, IN, MA, MI, NJ, NY, OH, PA, WV, and DC, under a continuing contract with Park Cheese Company, Inc. Supporting shipper: Park Cheese Company, Inc., 233 W. Division St., Fond Du Lac, WI, 54935.

MC 152708 (Sub-4-1), filed, November 19, 1980. Applicant: GOODLUCK REFRIGERATION SERVICE, INC., 67200 Hartway, Romeo, MI 48065. Representative: Wallace H. Glendening, 1800 First National Building, Detroit, MI 48226. *Contract Irregular: Culture media and laboratory reagents, and supplies and materials related in the manufacture thereof*, between points in the U.S. under continuing contract or contracts with BBL Microbiology Systems of Cockeysville, MD. Supporting Shipper: BBL Microbiology Systems, Cockeysville, MD 21030.

MC 142310 (Sub-4-5TA), filed, November 19, 1980. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. *Such commodities as are dealt in by wholesale, retail, and chain food business houses* from Northlake, IL and Shakopee, MN to points in WI and the Upper Peninsula of MI. An underlying ETA seeks 120 days authority. Supporting shipper: Hunt-Wesson Foods, Inc., P.O. Box 127, Rossford, OH 43460.

MC 145102 (Sub-4-5TA), filed, November 19, 1980. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Avenue, Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, Wisconsin 53703. *Contract Irregular Wearing apparel and materials, equipment and supplies* used or useful in the manufacture, sale or distribution of wearing apparel, from Kenosha, WI to Carson City, NV. Underlying ETA seeks 120 days authority. Supporting Shipper: Jockey International, Inc., 2300 60th Street, Kenosha, Wisconsin 53140.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-37276 Filed 11-29-80; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Applications

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rule of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions),

we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before January 15, 1981 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-082

Decided: November 18, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman. Member Eaton not participating.

MC 152174 (Sub-1F), filed October 22, 1980. Applicant: IBI SECURITY SERVICE, INC., 29-19 39th Avenue, Long Island City, NY 11101. Representative: Bruce J. Robbins, 118-21 Queens Boulevard, Forest Hills, NY 11375. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeded 100 pounds, between points in the U.S.

Volume No. OP3-085

Decided: November 19, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 1515 (Sub-294F), filed October 7, 1980, previously noticed in the Federal Register on November 4, 1980. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same

address as applicant). Over regular routes, transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between junction CA Hwy 22 and Interstate Hwy 405 at or near Westminster, CA and junction Interstate Hwy 405 and Interstate Hwy 5 near Irvine, CA over Interstate Hwy 405; (2) between junction Interstate 405 and unnumbered Hwy (Magnolia Ave.) and Santa Ana, over unnumbered Hwy (Magnolia Ave.) and Santa Ana, over unnumbered Hwy, in (1) and (2) above, serving all intermediate points.

Note.—This republication is necessary to show the docket number as MC-1515 Sub 294F.

Volume No. OP4-132

Decided: November 21, 1980.

By the Commission, Review Board Number 3, members Parker, Fortier and Hill

MC 126477 (Sub-10F), filed: November 13, 1980. Applicant: JET AIR FREIGHT & PARCEL DELIVERY, INC., P.O. Box 9313, Fort Wayne, IN 46899. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 152656F, filed November 10, 1980. Applicant: ELROY H. DOMMER d.b.a., ELROY DOMMER TRUCKING, Route 1, Seymour, WI 54165. Representative: Perry D. Pierre, 222 N. Main St., Seymour, WI 54165. Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers*, by the owner of the motor vehicle in such vehicle, between points in the U.S., under continuing contract(s) with InoFood Corp. of Merrill, WI.

MC 15546 (Sub-1F), filed: November 12, 1980. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 W. Carroll Ave., Chicago, IL 60612. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions)* for the United States Government, between points in the U.S.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-3725 Filed 11-28-80; 8:45 am]
BILLING CODE 7095-01-M

INTERNATIONAL COMMUNICATION AGENCY

Performance Review Board Members

AGENCY: International Communication Agency.

ACTION: Notice.

SUMMARY: This Notice is issued to revise the membership of the International Communication Agency (USICA) Performance Review Board.

DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Alvin H. Cohen, Special Assistant to the Director, Office of Personnel Services, International Communication Agency, 1776 Pennsylvania Ave. NW., Washington, D.C. 20547 (202-724-9921).

SUPPLEMENTARY INFORMATION: In accordance with Section 4314(c) (1) through (5) of the Civil Service Reform Act of 1978 (Public Law 95-454), the following list amends the International Communication Agency Notice (44 FR 66996, November 21, 1979), effective November 21, 1979:

Acting Chairperson: Associate Director for Broadcasting—Mary G. F. Bitterman

Career SES: Deputy Director, Office of Programs, Associate Directorate for Broadcasting—Claude B. Groce
Manager, Office of Program Development and Coordination, Television and Film Service, Associate Directorate for Programs—John H. Deviney

Senior Advisor, Associate Directorate for Educational and Cultural Affairs—Mildred K. Marcy

Director, Office of Personnel Services, Associate Directorate for Management—Angie Garcia

Non-Career SES: General Counsel—Michael A. Glass

Foreign Service Information Officer (FSIO): Associate Director, Associate Directorate for Programs—John W. Shirley

Executive Secretary: Special Assistant to the Director, Office of Personnel Services—Alvin H. Cohen

Alternates:

Career SES: Director, Office of Engineering and Technical Operations, Associate Directorate for Broadcasting—Vacant

Chief, News and Current Affairs, Associate Directorate for Broadcasting—Alan L. Heil, Jr.

Director, Exhibits Service, Associate Directorate for Programs—Vacant
Director, Office of Comptroller Services, Associate Directorate for Management—Stanley M. Silverman
Non-Career SES: Director, Office of Academic Programs, Associate Directorate for Educational and Cultural Affairs—Stanley Nicholson
Foreign Service Information Officer (FSIO): Director, Office of East Asian and Pacific Affairs—Norris P. Smith, Acting

The following names announced in the International Communication Agency Notice (44 FR 66996, November 21, 1979) are removed from the International Communication Agency Performance Review Board Register:
John P. Clyne, Deputy Director, Office of Personnel Services, Associate Directorate for Management (Executive Secretary)
Julia Chang Bloch, Deputy Director, Office of African Affairs
Alan Carter, Director, Office of East Asian and Pacific Affairs
John K. Jacobs, Director, Exhibits Service, Associate Directorate for Programs
James D. Isbister, Associate Director for Management
Gordon Winkler, Deputy Associate Director, Associate Directorate for Programs.

Dated: November 21, 1980.

John E. Reinhardt,

Director, International Communication Agency.

[FR Doc. 80-37212 Filed 11-28-80; 8:45 am]
BILLING CODE 8230-01-M

International Convention Advisory Commission

Meeting

Notice is hereby given in accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Tuesday, December 16, 1980 9:00 a.m., New Executive Office Building, Room 10105, Washington, D.C.

The Commission will consider work plan implementation, domestic procedures for implementation of the Convention, applications for international trade in species protected by the Convention, and miscellaneous business pertaining to the third meeting of the Conference of the Parties in New Delhi.

For further information contact Dr. William Y. Brown, Executive Secretary, International Convention Advisory

Commission, Washington, D.C. 20240, telephone 202/343-7407. Opportunity will be given for oral or written presentations provided that appointments are made with Dr. Brown by 5:00 p.m., December 12, 1980.

Dated: November 26, 1980.

Jane H. Yarn,
Chairman, International Convention
Advisory Commission.

[FR Doc. 80-37171 Filed 11-28-80; 8:45 am]
BILLING CODE 4310-68-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17325; File No. SR-CBOE-80-8]

Chicago Board Options Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 8, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

Statement of the Terms of Substance of the Proposed Rule Changes

Rule 1.1. Existing definitions of the terms "put," "call," "exercise price," "aggregate exercise price" and "covered" in the Rule are proposed to be amended to make those terms applicable to options on Government securities, and certain additional definitions are proposed to be added to the Rule to clarify the meaning of the modifications to existing definitions.

In particular, paragraphs (n) and (o), defining "put" and "call," respectively, would be amended to provide that the holder of a Government securities option has the right to sell to or purchase from the Clearing Corporation, as the case may be, in accordance with the terms of the option, \$100,000 principal amount of particular Government securities.

Paragraph (s) of the Rule would modify the term "exercise price," in the context of Government securities options, to refer to the specified percentage of the principal amount at which the particular underlying Government security may be purchased or sold upon exercise of an option.

Paragraph (t) of the Rule is proposed to be amended so that the term "aggregate exercise price," in the context of Government securities options, would mean the exercise price of an option multiplied by the principal

amount of the particular Government security underlying the option.

Paragraph (y) of the Rule is proposed to be amended so that the term "covered," in the context of Government securities options, would correlate appropriately (i) short positions in Government securities call options with long positions in either the underlying security or in Government securities call options and (ii) short positions in Government securities put options with long positions in such options, based on the exercise price of the offsetting options positions or the principal amount of the offsetting Government securities position.

Paragraph (ff) of the Rule would define the term "Government securities" in a manner confining that term to Government securities which are Government notes or bonds, as defined in paragraphs (gg) and (hh) of the Rule, especially Treasury notes and bonds (although the term "Government securities" is defined sufficiently broadly to refer to the several types of such securities).

Paragraph .016 of Interpretations and Policies pursuant to Rule 4.3. The stated policy would permit members to maintain wire connections for the purpose of obtaining timely information on price movements in Treasury securities.

Rules 4.11 and 4.12. Rules 4.11 and 4.12 would be amended to provide for new position and exercise limits on Treasury securities options, expanding the limits to 2,000 contracts in the case of underlying Treasury securities having an initial public issuance of more than \$2 billion.

Rule 5.1. The Rule is proposed to be amended to apply to Treasury securities options, specifying that all option contracts for Treasury Securities shall be designated by reference to the coupon rate and date of maturity in addition to the other criteria set forth for all options.

Rule 5.3. A new paragraph (d) would be added to the Rule to provide for Treasury securities options, establishing minimum original public sale criteria for eligible Treasury securities.

Rule 5.4. The Rule is proposed to be amended to provide for the withdrawal by the Securities Committee of approval of securities underlying options, including Government securities. A new interpretation and policy under the Rule (paragraph .03) would be added to confine underlying Treasury securities to the most recently issued and actively traded and to ensure that specified minimum amounts of such securities underlying options remain outstanding.

Rule 5.5. The Rule would be amended to provide for commencement of Treasury securities options trading on a particular underlying Treasury security any time after its initial public auction.

Rule 5.6. Paragraph (a) of the Rule is proposed to be amended to provide for determination by the Securities Committee of the expiration month and year in the case of Government securities options, to establish particular expiration months for series of such options, to set a 9-month expiration cycle for such series, and to provide for the fixing of exercise prices by reference to current market prices for Government securities.

Paragraph .01 of Interpretations and Policies pursuant to Rule 6.1. The paragraph would establish hours for trading Government securities options corresponding to the hours during which Government securities ordinarily are traded in the cash market.

Paragraph .01 of Interpretations and Policies pursuant to Rule 6.2. The paragraph is proposed to be amended to provide for commencement of the opening rotation in Government securities options following the availability of quotations for Government securities on the quotation display mechanism(s) approved by CBOE and to provide for those occasions on which such quotations are not available.

Rules 6.3 and 6.4. These Rules are proposed to be amended to provide for trading halts and suspensions with respect to Government securities options in the event current quotations are unavailable.

Rule 6.41. Paragraph (a) is proposed to be amended to provide that bids and offers for Government securities options shall be expressed in terms of a percentage of the nominal principal amount, assuming a stated rate of interest equal to the designated rate. A new paragraph .02 would be added to the Interpretations and Policies pursuant to the Rule to establish that such bids and offers shall be expressed in terms of $\frac{1}{64}$ th of 1 percent of the nominal principal amount unless a different percentage is approved by the Floor Procedure Committee.

Paragraph .01 of Interpretations and Policies pursuant to Rule 6.45. The paragraph is proposed to be amended to treat orders to sell Government securities options at a price of $\frac{1}{64}$ th of 1% in the same fashion as orders to sell stock options at a price of $\frac{1}{16}$ th.

Rule 6.54. The Rule and the Interpretations and Policies thereunder are proposed to be amended to treat orders for Government securities options priced at one cent per \$1,000 of

nominal principal amount in the same manner as orders for stock options priced at one cent per share.

Paragraph .01 of Interpretations and Policies pursuant to Rule 6.56. The paragraph would be revised to specify 8:00 a.m. (Chicago time) of the following business day as the time by which unmatched trades in Government securities options must be resolved.

Rule 6.73. Paragraph (b) of the Rule is proposed to be amended to provide that, with respect to Government securities options, contingency and one-cancels-the-other orders may be executed by a Floor Broker on the basis of the most reliable price information as to Government securities reasonably available to the Floor Broker.

Rule 8.7. Paragraph (b) of the Rule is proposed to be amended to establish levels of generally acceptable spreads between market maker bids and offers for Government securities options depending upon the last transaction price for such options.

Rule 9.7. Paragraph (a) of the Rule is proposed to be amended to require special approval of customers' accounts prior to acceptance by members of orders from customers to purchase or write Government securities options. Paragraph (e) of the Rule is proposed to be amended to require customers whose accounts have been approved for Government securities options transactions to be provided with a current Clearing Corporation prospectus on Government securities options.

Rule 9.15. The Rule is proposed to be amended to provide for the delivery of the Clearing Corporation prospectus on Government securities options.

Rule 9.21. The Rule is proposed to be amended to require that written materials concerning Government securities options disseminated thereunder must be accompanied or preceded by a current Clearing Corporation prospectus on Government securities options, and that advertisements with respect to GNMA options must state the name and address of a person from whom such a prospectus may be obtained.

Rule 11.2. The Rule is proposed to be amended to differentiate between positions of block size and smaller positions in Government securities options in allocating exercise notices.

Paragraph .01 of Interpretations and Policies to Rule 10.1. The paragraph is proposed to be amended to specify 8:00 a.m. (Chicago time) as the time by which unmatched transactions in GNMA options rejected overnight by the Clearing Corporation must be resolved.

Rule 11.3. The Rule is proposed to be amended to require, in connection with

the exercise of Government securities options, the payment of accrued interest thereon.

Rule 12.3. Paragraph (a) of the Rule is proposed to be amended, by adding a new subparagraph (5) thereof, to establish percentages of the market value of equivalent units of Government securities underlying an option as the required margin in connection with a short position in such an option as follows: 3 percent of the market value for Government securities having a remaining term to maturity of five years or more; 2 percent of the market value for Government securities having a remaining term to maturity of three years or more but less than five years; and 1 percent of the market value for Government securities having a remaining term to maturity of two years or more but less than three years. Further, paragraph (b) of the Rule is proposed to be amended with respect to related securities positions so that, when the security in the long position is a Government securities option and the security in the short position is the related Government security, the margin required shall be the lesser of the margin required on the short security or the amount by which the exercise price of the related option exceeds the market value of the underlying security. Finally, paragraph (b) is proposed to be amended to accord to members who are dealers reporting positions to the New York Federal Reserve Bank treatment identical to that now afforded market maker and specialist members.

CBOE's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to implement CBOE's market for the trading of options on Government securities, initially limited to securities issued by the United States Treasury. CBOE intends the proposed rule change to become effective 30 days following Commission approval. Although most of CBOE's current rules are consistent with the trading of options on Government securities, there are certain qualitative and quantitative differences between stocks, which presently underlie CBOE options, and Government securities that necessitate amendments to several CBOE rules. The proposed rule change reflects amendments to CBOE rules that are presently applicable only to trading of options on underlying stocks so as to make those rules also applicable to trading of options on underlying Government securities. However, in drafting each proposed amendment, the

same substantive basis or policy followed in formulating a rule with respect to options on underlying stocks has been retained, modified only as necessary to reflect the particular standards or practices of the Government securities market. Certain of the proposed amendments are more substantive than others, and merit a brief explanation.

The position limits proposed in Rule 4.11 reflect that the Government securities market is largely an institutional market in which the average trade size is \$1,000,000 principal amount (i.e., the equivalent of 10 Government securities options having a unit of trading of \$100,000 principal amount of the underlying Government security). In view of this large average trade size, it is necessary that position limits for Government securities options be sufficiently large to provide useful hedging opportunities for institutions and other Government securities traders. Accordingly, it is proposed to establish a two-tiered position limit, with a 1,000 contract limit applicable to securities having an original issue of \$2 billion or less and a 2,000 contract limit applicable to securities having an original issue over \$2 billion. Exercise limits (Rule 4.12) are set at the same levels as position limits.

The purpose of Rules 5.3 and 5.4, in establishing criteria for the listing and delisting of options covering particular Treasury securities, is to ensure that the Treasury securities chosen for options trading are widely held and actively traded. For this reason, it is provided that only the larger Treasury issues may be selected as underlying securities, and that even these will ordinarily remain as underlying securities only for one year following their original selection, since CBOE will ordinarily not introduce series with new expiration months on an underlying note or bond six months after the inception of options trading on that particular underlying Treasury security. After six months, CBOE will ordinarily commence options trading on a more recently issued Treasury note or bond.

The proposed amendment to Rule 5.5 is to make it clear that options trading on a particular underlying Treasury issue may commence immediately following the public auction, when trading in the underlying security itself commences on a when issued basis.

Although not reflected in Rule 5.6 governing the terms of options, it will be the policy of CBOE to open additional series of options covering a particular underlying Treasury security at intervals (currently anticipated to be 1 percentage point intervals whenever the bid price for the underlying security reaches the

mid-point between such intervals) appropriate to current market conditions in light of such factors as volatility and liquidity.

Under Rules 6.3 (Trading Halts) and 6.4 (Suspension of Trading), it is proposed that the appropriate officials have authority to halt or suspend trading in Government securities options when conditions detrimental to the maintenance of a fair and orderly market are present. Included among such conditions is the unavailability of current quotations in the underlying Government security. This reflects that Government securities are ordinarily traded on the basis of current quotations, not last sale reports; it is intended that CBOE options on Government securities will also be traded on the basis of such current quotations.

The changes to Rules 6.41 and Interpretation 6.42.01 make clear that premiums for options on Government securities will be expressed in terms of a percentage of the principal amount of the underlying security, and that quotations for Government securities options ordinarily will be expressed in terms of $\frac{1}{4}$ th of 1 percent.

Under Rule 6.73(b), it is proposed that a Floor Broker handling an order in a Government securities option that is dependent upon a quotation for the underlying security shall be responsible for satisfying the dependency requirement on the basis of the most reliable information reasonably available to him concerning current quotations for the underlying Government security. Thus the Floor Broker is not limited to quotation information obtained from the quotation display mechanism, but may also utilize such information obtained from other reliable sources.

Separate market-maker obligations for Government security options are proposed in Rule 8.7(b) with respect to the maximum spread between the "bid" and "ask", with the size of the maximum spread depending upon the price at which the option last traded. Such spreads also are intended to reflect customarily spreads in the market for the underlying security. This requirement and the absence of specific standards of continuity reflect the unique characteristics of the Government securities market, including that it is a dealer market, and that Government securities are less volatile than stocks.

It is proposed to amend CBOE's rules relating to account approval, suitability of recommendations and disclosure (Rules 9.7, 9.9, 9.15 and 9.21) to provide separate account approval and

disclosure requirements for options on Government securities, and to impose on *all* recommendations relating to Government security options the higher suitability standards that presently apply to recommendations of certain writing transactions.

Rule 11.3 (Delivery and Payment) will be amended to make it explicit that, in accordance with the standard procedures in the Government securities market with respect to the treatment of accrued interest, the exercising holder of a call option or the writer of a put option assigned an exercise notice must pay both the exercise price of the Government security option plus interest on the underlying Government security accrued from but not including the last interest payment date to and including the exercise settlement date.

It is proposed to amend Rule 12.3 to provide minimum margin requirements for option contracts on Government securities carried in a short position in a customer account. The proposed margin requirements were arrived at after considering the current practices of banks that extend credit secured by Government securities, the existing margin requirements applicable to futures contracts on Government securities, and the proprietary haircuts prescribed by Rule 15c3-1. Rule 12.3 will exempt from customer margin requirements those persons who are Government securities dealers reporting their positions to the New York Federal Reserve Bank, reflecting that those dealers have no margin requirements respecting their short positions in Government securities themselves. The proposed amendment to Rule 12.3(b)(1) that limits the margin required for short positions in Government securities that are offset by long positions in call options covering the securities sold short reflects the reduced risk of such covered short positions.

The proposed rule change is adopted pursuant to Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, in that the rules proposed hereby are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest in connection with transactions in options covering underlying Government securities.

CBOE believes that its proposed market for options on Government securities is consistent with the standards of Section 6(b)(5) since it expects such a market to provide the same increased investment flexibility with respect to Government securities as the present options market provides

with respect to stocks. CBOE's discussions with Government securities investors and primary dealers have strengthened its conclusion that such a market is both feasible and in the interests of investors. The basic economic function of a Government securities option will be essentially similar to that of an option on common stock: to separate the risks and opportunities of investing in securities, and to redistribute those risks and opportunities between the holder and writer of the option. CBOE expects that Government securities options will be used primarily to hedge against adverse price fluctuations in Government securities resulting from changes in interest rates and other economic developments which affect the money and capital markets.

In January 1976, CBOE established a Fixed Income Securities Task Force consisting of CBOE members and commercial banks experienced in the options market or in the market for fixed income securities to assess the feasibility of providing a market in options on such securities. Comments received informally from members of the Task Force and other potential participants in such an options market were generally in favor of developing such a market, and selecting Government notes and bonds as the underlying fixed income securities, as reflected in the proposed rule change. Formal comments on the proposed rule change have not been solicited or received.

CBOE believes that the proposed rule change will not impose any burden on competition.

On or before January 5, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

- A. By order approve such proposed rule change, or,
- B. Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the Public Reference Room, 1100 L

Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

November 21, 1980.

[FR Doc. 80-37191 Filed 11-20-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-639]

Combined Insurance Company of America; Application and Opportunity for Hearing

November 21, 1980.

Notice is hereby given that the Combined Insurance Company of America, ("CICA"), an Illinois Corporation, has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), seeking an exemption from the reporting requirements of Sections 13 and 15(d) of that Act.

The application states, in part: 1. CICA is a reporting company under Section 15(d) of the 1934 Act.

2. In 1979, CICA caused the formation of Combined International Corporation ("CIC"), a Delaware corporation, for the purpose of effecting a plan of exchange (the "Plan") whereby CIC would become the sole shareholder of CICA and CICA shareholders would become shareholders of CIC. The Plan was effected on March 30, 1980 and the company stock of CIC was listed on the New York Stock Exchange.

3. Both CIC and CICA have December 31 fiscal years and CIC currently represents CICA's identical business enterprises.

4. Any reports to be filed by CICA would be substantially duplicative of that information provided to the Commission with respect to CIC and would require additional expense.

5. CICA believes that the 108 holders of its currently outstanding \$8,776,000 aggregate principal amount of 4 1/4% Subordinated Debentures Due 1998, exchangeable for common stock of American International Group, Inc., will have sufficient information respecting CICA available to them by reason of CIC's filings pursuant to Section 13 of the 1934 Act.

Accordingly, the Applicant believes that the requested exemption 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 1934 Act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than December 16, 1980, may submit to the Commission in writing his views on any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol St., NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after that date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary

[FR Doc. 80-37192 Filed 11-20-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21801; 70-5929]

Connecticut Light & Power Co. et al.; Proposal To Sell Interest in Electric Generating Facility

November 21, 1980.

In the matter of the Connecticut Light & Power Company, Selden Street, Berlin, Connecticut 06037; Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01099; the Hartford Electric Light Company, Selden Street, Berlin, Connecticut 06037.

Notice is hereby given that the Connecticut Light & Power Company ("CL&P") The Hartford Electric Light Company ("HELCO") and Western

Massachusetts Electric Company ("WMECO"), each a public utility subsidiary of Northeast Utilities, a registered holding company, have filed a post-effective amendment to a declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

By orders dated December 29, 1978 (HCAR No. 20854), February 7, 1979 (HCAR No. 20915) and June 28, 1979 (HCAR No. 21118) CL&P was authorized to sell portions of its 11.97760% joint ownership interest in Seabrook Unit Nos. 1 and 2 ("Seabrook Project"), nuclear-fired electric generating facilities presently under construction in Seabrook, New Hampshire. Pursuant to those orders CL&P sold an aggregate 7.48443% interest to Bangor Hydro-Electric Company, Town of Hudson Massachusetts Light & Power Company, Taunton Municipal Lighting Plant Commission, Maine Public Service Company, Massachusetts Municipal Wholesale Electric Cooperative and Vermont Electric Cooperative, Inc. Jurisdiction was reserved over further sales of CL&P's remaining interest in the Seabrook Project pending completion of the record with respect to those transactions. CL&P has now filed a post-effective amendment to its declaration seeking authorization to sell a 0.43332% interest in the Seabrook Project to Fitchburg Gas and Electric Light Company ("Fitchburg"). Assuming a transfer on December 31, 1980, the consideration to be received by CL&P from Fitchburg is estimated at \$5,543,000.

The Commission's order of June 28, 1979 stated that CL&P also intended to sell portions of its remaining interest in the Seabrook Project to Montaup Electric Company ("Montaup") and New Bedford Gas and Edison Light Company ("New Bedford") as well as to Fitchburg. New Bedford subsequently decided not to proceed with its purchase. In addition, the Massachusetts Department of Public Utilities denied Montaup's request for approval of its purchase from CL&P of an interest in the Seabrook Project. CL&P has withdrawn its request for authorization to sell such interests and after consummation of the proposed sale to Fitchburg will retain a 4.05985% ownership interest in the Seabrook Project. It is estimated that as a result of

the proposed transfer to Fitchburg, CL&P will reduce its expenditures for capital programs, including nuclear-fuel expenditures, by \$7,637,000 for the years 1981 through 1985.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transaction will be filed by amendment. The proposed transfer to Fitchburg has been approved by the Connecticut Department of Public Utility Control, the Massachusetts Department of Public Utilities and the New Hampshire Public Service Commission. The United States Nuclear Regulatory Commission must authorize the amendment of the construction permits for Seabrook Unit Nos. 1 and 2 to reflect the proposed transfer to Fitchburg. It is stated that no other state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 15, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-37188 Filed 11-28-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-637]

Glendale Federal Savings and Loan Association, as Originator and Servicer; Application and Opportunity for Hearing

November 21, 1980.

Notice is hereby given that Glendale Federal Savings and Loan Association (the "Applicant"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for exemption from certain reporting requirements under Section 13 of the 1934 Act.

The Application states in part: In the absence of an exemption, the Applicant would be required to file reports adhering to all the item requirements of Form 10-K, 10-Q and 8-K of the 1934 Act.

Applicant believes that the exemptive order requested by it is appropriate in view of the fact that Form 10-Q and certain items of Form 10-K of the 1934 Act are inapplicable to the pass-through mortgage pool arrangement.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than December 16, 1980, may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-37195 Filed 11-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release Nos. 33-6264; 34-17316; IC-11452; IA-740; File No. 4-241]

Comprehensive Review of the Commission's Statistical Program

AGENCY: Securities and Exchange Commission.

ACTION: Announcement of a comprehensive review of the Commission's statistical program.

SUMMARY: The Securities and Exchange Commission has announced that it is undertaking a comprehensive review of its statistical program. The Commission has begun an internal review, but it also seeks the views and insights of the public, particularly the users of its published statistical data. The purpose of this announcement, therefore, is to encourage the submission of constructive commentary and suggestions for enhancing the usefulness of the Commission's statistical program. **DATE:** Comments must be received on or before January 31, 1981.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to file No. 4-241. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Davis, Assistant Director, of Economic and Policy Analysis (telephone 202/272-2850), Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is undertaking a comprehensive review of its statistical program, focusing upon: (1) The benefits to the Commission, other government agencies and the public of continuing to publish statistical data; (2) the specific needs served by the publication of specific data series; (3) the identification of additional data series for which there exists a public need; (4) the availability of alternative data sources; and (5) the costs associated with the collection, processing and publication of data series, individually and collectively.

On an internal basis, this review began several months ago with the formation of a Statistical Strategy Planning Group within the Commission's Directorate of Economic and Policy Analysis. This Group was assigned the task of analyzing, from a practical cost-benefit perspective, all statistical data series published in the Commission's

Monthly Statistical Review. The Group's analysis is now being reviewed with respect to the implementation of its recommendations.

During the course of the review by the Statistical Strategy Planning Group, and in consultation with the Group, the editorial management of the *SEC Monthly Statistical Review* was restructured. An Editor, an Associate Editor and an Editorial Board (consisting of professional economists) were appointed in order to establish clearer lines of responsibility for the publication. The Editorial Board's first priority was to accomplish, as soon as possible, any revisions in the format of the data series which the Board deemed to be necessary and desirable. As a result of the Board's efforts, the Commission's *Statistical Bulletin* has been renamed the *SEC Monthly Statistical Review*; the explanatory notes accompanying the data presentations have been expanded and improved, some of the statistical tables have been modified in format, content and frequency of publication; a brief "Statistical Highlights" feature and a list of other publications have been added; and additional changes have been planned, including the republication of Executive Summaries from recent Commission studies and changes in the coverage of the published tables.

As part of the internal program review, the Commission staff conducted an audit of its Registered Offerings Statistics ("ROS") data base. The ROS data base is continuously updated and maintained by the Commission staff using as primary source documents the registration statements filed with the Commission. The labor intensity of this maintenance effort creates the potential for human error, while its public availability (on computer tape) and its usage within the Commission impose a high standard of reliability. For these reasons, an audit was designed to measure the reliability of the data base. In view of the potential for error, the results were encouraging; the measured error rate was only slightly greater than two percent. In addition, the audit has provided the staff with guidance for improving the process by which the data base is maintained; such improvements are expected to produce an even lower error rate.

While this release is an attempt to generate suggestions and comments, the Commission has already sought such input from other government agencies. In cooperation with the Office of Federal Statistical Policy Standards, the Commission has designed a

questionnaire and distributed it to 31 senior level economic/statistical personnel representing Federal government agencies which are most likely to use or have need for the statistical data produced by the Commission. The questionnaire seeks responses to detailed questions regarding whether or not each data series is used, how frequently it is used, for what purpose it is used, whether alternative sources exist, and how the presentation of the series might be improved.

The Commission's statistical program review is a part of a larger effort to enhance, within the constraints of the Commission's limited resources, the reliability and usefulness of its regulatory data bases. Thus, this review is linked, for example, with the Commission's recently announced proposal to revise the Financial and Operational Combined Uniform Single (FOCUS) Report (in Securities Exchange Act Release No. 17138, September 9, 1980; 45 FR 62092, September 18, 1980), which is the key data gathering source for the Commission's broker-dealer regulatory data base. The FOCUS Report revision and this broader review are representative of the Commission's regulatory data base management initiatives and, for this reason, they share the objective of achieving maximal benefit from the most efficient application of the Commission's limited statistical resources.

The Commission encourages comments from all sectors of the public and particularly from regular users and potential users of the Commission's statistical data. The Commission requests specific comments on the data series published in the *SEC Monthly Statistical Review*; those series fall into the following categories: (1) Stock Market Statistics; (2) Options Market Statistics; (3) Securities Offering Statistics; (4) Securities Registration Statistics; (5) Pension Fund Statistics; (6) Institutional Stock Transaction and Stockholding Statistics; and (7) Broker-Dealer Financial Statistics. Where possible, comments should refer to specific data series and should indicate for each category how the data is used, how frequently it is used, whether alternative sources are available and the identity of such sources, and how the data could be improved to meet the needs of the user. Although the Commission seeks specific comments relating to identified data series, it welcomes any other constructive comments relevant to its statistical program.

All comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 and should refer to File No. 4-241. All correspondence with regard to this release will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

By the Commission.
George A. Fitzsimmons,
Secretary.

[FR Doc. 80-37199 Filed 11-23-80; 8:45 am]
BILLING CODE 8010-01-M

[File No.: 81-645]

Las Vegas Bancorporation; Application and Opportunity for Hearing

November 21, 1980.

Notice is hereby given that Las Vegas Bancorporation ("Applicant"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for exemption from the periodic reporting requirements under Section 13 of the 1934 Act.

The Application states in part: In the absence of an exemption, Applicant would be required to file periodic reports required by Section 13 of the 1934 Act.

Applicant believes that the exemptive order it requests is appropriate in view of the limited trading interest and number of stockholders, the fact that financial statements and statistical information were deemed by the Commission to be unnecessary in Applicants' registration statement, the costs and management burdens that compliance would cause, and the protection for investors afforded by review by various banking authorities.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the Office of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than December 16, 1980 may submit to the Commission in writing his views on any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or

requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-37194 Filed 11-28-80; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 21803; 70-6518]

**New England Electric System, et al.;
Proposal for One Subsidiary to Enter
Into Joint Venture To Build a Collier,
for Another Subsidiary To Lease the
Collier From the Joint Venture and for
the Holding Company to Make Certain
Guarantees and Advances in
Connection With Those Transactions**

November 24, 1980.

In the matter of New England Electric System, New England Energy Incorporated, New England Power Company, 25 Research Drive, Westborough, Massachusetts 01581.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, New England Energy Incorporated ("NEEI"), a fuel supply subsidiary of NEES, and New England Power Company ("NEPCO"), an electric utility subsidiary of NEES, have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a), 10, 12(b), 12(f) and 13(b) of the Act and Rules 45(b)(3) and 86 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The applicants-declarants seek authorization for (1) NEEI to enter into a joint venture to build, own or lease, and operate a self-unloading coal-fired collier; (2) for NEPCO to charter the vessel from the joint venture for a term of 24½ years; (3) for NEES to make certain guarantees in connection with these transactions and (4) for NEES to advance to NEEI and NEEI to provide to

the joint venture funds for initial capital and for construction of the collier. The applicants-declarants also seek an exception under Section 13(b) from the service-at-cost requirement of that Section.

NEPCO is presently engaged in the conversion to coal of its three oil-fired electric generating units at Brayton Point. These units have a combined generating capacity of 1162 megawatts and upon conversion by the end of 1981 will have annual coal requirements of approximately 3 million tons. NEPCO also plans to convert to coal its three oil-fired units at Salem Harbor, assuming such conversion is economically and environmentally feasible. These units have a combined generating capacity of 317 megawatts and when fully converted will have annual coal requirements of 600,000 tons. The Brayton Point and Salem Harbor units were coal fired prior to their conversion to oil burning in 1968. Because rail service to Salem Harbor is poor and is nonexistent to Brayton Point, coal was delivered to those plants by sea prior to 1968. NEPCO states that such transportation of coal to Brayton Point and Salem Harbor by large ocean-going vessel remains more economical than any rail transportation that is currently or likely to become available.

Coal will be purchased from mines in Virginia, West Virginia and Pennsylvania and shipped by rail to East Coast ports where it will be loaded onto the collier to be built by the joint venture for shipment to Brayton Point or Salem Harbor. In order to maximize flexibility and minimize the chances of a disruption in supply, three railroads will be contracted with to deliver coal to the port or ports served by each railroad.

NEPCO is now chartering vessels to provide the coal for its reconverted generating plants. It states that for the past ten years there has been no substantial movement of coal by water along the East Coast, and for the preceding ten years the trade was diminishing. As a result the few vessels left which are appropriate for carrying coal are all thirty or more years old. These ships are deteriorating and their hulls are becoming too thin to withstand the use of onshore unloading equipment without extensive repairs. Both in the past and at present, movements of coal depend on vessels chartered by the shipper. In light of these factors it was decided that the most economical alternative available was to build a new collier.

NEEI and Keystone Shipping Company ("Keystone"), a nonaffiliate, as members of the joint venture, having signed a letter of intent with the Quincy

Shipbuilding Division of the General Dynamics Corporation to enter into a contract for the construction of the collier. The price for the vessel will be \$57,500,000, escalated at 7% per annum from October 31, 1980, to the date of executive of the contract. In addition to the price paid under the construction contract the cost of additional equipment and other costs will bring the total estimated cost of the vessel to approximately \$85 million. The delivery date will be December 31, 1982, extended for each day from October 31, 1980, to the execution of the contract.

Under the letter of intent NEES has agreed to provide at the time of execution of the construction contract a guarantee of the joint venture's obligations thereunder.

The vessel will be 665 feet in length and will have a summer mean draft of about 32', fully loaded and with normal bunkers, water and stores. This draft is the maximum which can be accommodated at Salem Harbor without additional dredging. It also permits use of most other major East Coast ports. The vessel will be designed to burn coal as fuel, but will also be fitted from burning bunker oil. This dual capability will permit the vessel to burn low sulfur fuel oil, if required for environmental reasons, while entering and leaving port. Its fuel consumption is expected to be about 442 barrels of fuel oil, or about 100 tons of steam coal per day, when making 15 knots, fully loaded, at sea under normal conditions. The vessel will be designed to receive cargo at a sustained rate of up to 5,000 short tons per hour under normal conditions. The collier will have a capacity of approximately 36,000 tons which will enable it to carry approximately 80% of the total coal requirements at Brayton Point, approximately 2.4 million tons annually. The remaining transportation requirements will be covered by open market charters of additional ships. The collier will have a self-unloading capability of 3,500 tons per hour. Without this capability new onshore unloading facilities having a unloading capacity of 600 tons per hour would have to be constructed at Brayton Point and Salem Harbor at a cost of approximately \$14 million at each site. The shipboard unloading mechanism is estimated to cost \$9 million. The higher rate of unloading will give the collier a faster turn-around time, reducing the delivered cost of coal and allowing the ship to accommodate its schedule of deliveries. On the basis of these features, the self unloading is expected to cost about \$1.20 a ton, compared to

\$4.50 a ton for reliance on shore facilities.

The collier will be owned by New England Collier Company, a joint venture of NEEI and Keystone, which will charter the vessel to NEPCO for a period of 24 years, 6 months, commencing at the time of delivery of the collier to the joint venture. NEEI will have a 51% participation in the joint venture, with Keystone having the other 40%. The initial capital of the joint venture will be \$450,000 to be contributed by each participant in its respective interest percentage. Except as otherwise provided, additional advances, as well as profits and losses, will be in the ratio of the participating interests. Such additional advances will be made as necessary to provide additional funds for working capital and for the construction and operation of the collier and for the financing thereof. The advances will be deemed loans repayable by the joint venture and will be subordinated, if necessary, to other obligations incurred by the joint venture in connection with financing the construction of the ship.

The joint venture contemplates that NEEI will arrange for, and negotiate the terms of, the financing of construction of the vessel, with the concurrence of Keystone and NEPCO. The preferred method of financing will be a leveraged lease under which a lessor will receive an assignment of the construction contract from the joint venture, pay for construction of the vessel, and charter the vessel to the joint venture under a demise charter which will be, in all material respects, the equivalent of a leveraged lease. It is anticipated that the lessor will finance the construction with 70% bonds guaranteed by the U.S. Maritime Administration and 30% equity supplied by the lessor. The lessor will receive the benefits of investment tax credit and other tax benefits. Charges payable by the joint venture under the demise charter will reflect lessor's cost of financing, as negotiated by NEEI and approved by Keystone. It is expected that the lessor's financing will be secured by a mortgage of the vessel, as well as an assignment of the joint venture's rights under the charter with NEPCO. It is also proposed that NEEI and Keystone's parent company, Chas. Kurz & Co., Inc., will guarantee the performance of their respective subsidiaries under the demise charter. This guarantee will cover the payment by the joint venture of all costs under the demise charter under all circumstances, including the situation in

which payments by NEPCO under the charter are based on market value which is less than such costs under the demise charter. The joint venture will be managed by a management committee comprised of two representatives of NEEI and one representative of Keystone.

The joint venture has selected the shipyard and agreed on the construction price as stated above. The joint venture is to advance in installments 16.22% of the contract price during the first year, about 58.7% during the balance of the construction period, pay 23.1% on delivery and the final 2% within 3 months thereafter. Until financing is arranged, 51% of those advances will be provided by NEEI, directly or indirectly.

It is expected that the delivery date will be in the first quarter of 1983. The contract provides that the vessels will be delivered to NEPCO under the charter, simultaneously with the delivery by the shipyard, after completion of dock and sea trials. It contains various alternatives for dealing with possible defects under the construction contract. In general, if the vessel is not delivered, the charter terminates. NEPCO has the right under the charter to monitor construction of the vessel and to require the joint venture to assign to it warranty rights against the shipyard and its materialmen and subcontractors. After any such transfer of rights, the joint venture shall not be liable to NEPCO for any claims arising from construction of the vessel.

NEPCO will pay to the joint venture under the charter an annual fixed rate during each calendar year which will be 90% of the then current market rate for similar coal-carrying vessels as determined by NEPCO and the joint venture annually in accordance with further provisions. Payments will be made in equal monthly installments in advance on the first day of each month.

The annual fixed rate will be set by the first day of October immediately preceding a calendar year. It will be based on charges for the use of vessels similar to the collier, engaged in the same trade over the same geographic route for periods of one year or more. For the purpose, vessels similar to the collier will mean coal-fired, self-unloading, United States flag vessels of 20,000 to 40,000 deadweight tons. If there is no such market rate for coal-fired vessels, the market rate for oil-fired vessels will be utilized. If there is not a market rate for self-unloading vessels, an amount of \$1.20 per short ton of coal will be added to the market rate for vessels which are not self-unloading. In

setting the annual fixed rate, the joint venture and NEPCO will consider all relevant charters known to them as having been made during the preceding twelve-month period for performance during the next calendar year. If no such charter known to the joint venture and NEPCO, they will consider charters made for the previous year. If agreement cannot be reached on the annual fixed rate for a coming year the matter is to be submitted to arbitration. The annual fixed rate will be subject to escalation on a quarterly basis if certain changes occur in the consumer price index and in fuel price. Increases and decreases in the annual fixed rate from year to year will be subject to certain limitations set forth in the charter.

The joint venture will be responsible for the maintenance and operations of the collier and will contract with Keystone Shipping Company to operate the vessel as its agent. In this capacity, Keystone will, subject to approval by NEEI and/or NEPCO in certain instances, negotiate the construction contract and supervise construction of the collier, apply for all necessary approvals for design, construction, licensing and operation of the ship and file all applications with the U.S. Maritime Administration required to consummate the financing of the vessel. It is expected that the joint venture will be able to provide the services of the collier to NEPCO at a 10 percent discount from the market price for such services, as defined under a complex formula contained in the charter. Applicants-declarants state that this venture involves the kind of special and unusual circumstances which entitle it to an exemption from general service-at-cost requirement of Section 13(b) of the Act.

NEPCO will have the right to subcharter the collier or to request the joint venture to find alternate employment for the vessel. The proceeds of any such subcharter or employment will be applied against the charter hire. Any excess of proceeds of such alternate employment over the highest subcharter hire previously received by NEPCO will go to the joint venture.

NEEI will be reimbursed monthly by the joint venture for expenses and costs incurred in discharging its obligations under the joint venture agreement. Keystone will be reimbursed monthly for expenses and costs incurred in discharging its obligations under the agreement. Such reimbursement will be at Keystone's prevailing rates except to the extent that such reimbursement is otherwise provided for under agreement

between Keystone and the Joint Venture.

The charter may be terminated by NEPCO upon six months notice to the joint venture and is also terminable upon the occurrence of certain events. In those specified events the joint venture is entitled to require NEPCO to assume all of the joint venture's obligations. Upon such payment, all rights in the collier, or insurance or requisition proceeds, become the property of NEPCO.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is stated that no state or federal regulatory authority other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 18, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-37193 Filed 11-28-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-640]

Wood County Telephone Co.; Application and Opportunity for Hearing

November 21, 1980.

Notice is hereby given that Wood County Telephone Company ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934 (the "1934 Act") for an order granting Applicant an exemption from the provisions of Section 12(g) of the 1934 Act.

The Applicant states, in part:

(1) Applicant furnished telephone service to those portions of Wood, Juneau, Adams, and Portage Counties which are within a 16 mile radius of the City of Wisconsin Rapids in central Wisconsin;

(2) Applicant is regulated as a public utility by the Public Service Commission of Wisconsin and is subject to the reporting requirements of that Commission;

(3) All of the subscriber-stockholders of Applicant are Wisconsin residents; and

(4) There is no trading market for Applicant's securities.

Applicant contends that the granting of the exemption would not be inconsistent with the public interest or the protection of investors.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person no later than December 16, 1980, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80-37193 Filed 11-28-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17330; File No. SR-PSE-80-21]

Pacific Stock Exchange Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on November 17, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE") proposes to add Section 2(f) to Rule II of its Rules to provide for a Registered Specialist Assistant for each specialist.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide enhanced coverage of each specialist post by requiring a Registered Specialist Assistant for each Specialist, with such Registered Specialist Assistant able to transact business at the post with full authority of the specialist.

The proposed changes are consistent with Section 6(b)(5) of the Act in that they will serve to promote just and equitable principles of trade and to protect investors and the public interest.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden on competition.

On or before January 5, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 22, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons
Secretary.

November 24, 1980.
[FR Doc. 80-37267 Filed 11-26-80 8:43 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Amendment to Final SBA Procedure Implementing National Environmental Policy Act

AGENCY: Small Business Administration.

ACTION: Amending Final SBA NEPA Procedures.

SUMMARY: The Small Business Administration published its final procedures to implement NEPA on February 1, 1980 (45 FR 7358). Paragraph 4a of these procedures indicated that this expansion of the procedures would be made in the future. This amendment adds the NEPA guidelines for financial assistance applicants as appendix 2 to the basic procedures.

EFFECTIVE DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Questions about this amendment can be directed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street NW, Washington, D.C. 20416. Telephone (202) 653-6470.

Accordingly, the following amendment to the Standard Operating Procedure previously published is adopted.

Dated: November 19, 1980.
A. Vernon Weaver,
Administrator.

[SOP 90-57]

Appendix 2

NEPA Guidelines for Financial Assistance Applicants

1. These guidelines apply to all applicants for regular 7(a) business loans, 7(h) Handicapped Assistance Loans, 7(i) Energy Loans Section 502 and 503 Local Development Company Loans and Section 7(b) and 7(g) physical and non-physical disaster loans.

2. These guidelines apply to any such loans if the use of loan proceeds (total loan, not just SBA share) exceeds \$300,000 for construction reconstruction and/or the acquisition of land. All other loans are categorically excluded.

3. The loan officer screening the application will make the initial evaluation of the possibility that a loan could result in a significant environmental impact if the loan is approved. Loans that are not categorically excluded will be forwarded to the district director. When the district director determines that a NEPA decision is required before the loan could be approved (see figure 1, Sample Format—District Director's Evaluation), the loan officer will contact

the applicant (the small business concern for a direct loan or the participating lender for a participation or guarantee loan) and notify it that it may take several weeks to complete the assessment or Environmental Impact Statement. Determine if the applicant wants to withdraw the application rather than submit the additional forms and wait for the formal NEPA decision procedures to be completed. Any such application presented under the BCP plan will be immediately converted to the regular 7(a) business loan procedure unless the applicant withdraws it.

4. All such applicants will be required to complete SBA Form 1231, "Small Business Administration Applicant's Environmental Impact Data."

5. The district director, based on SBA Form 1231, will have an environmental assessment prepared. Unless SBA makes a determination of "no significant impact," an Environmental Impact Statement will also be prepared. (See 40 CFR 1508.9 and 1508.13.)

6. An Environmental Impact Statement (EIS) is a detailed study intended to generate full consideration of all direct and indirect environmental results or effects of loan approval. The format for an EIS appears in 40 CFR 1502.10. The EIS for an SBA loans must be prepared by SBA personnel or by a contractor selected by and paid by SBA.

Figure 1.—Sample Format—District Director's Evaluation

Environmental factors	Possible environmental impact			
	None	Minor	Potentially significant	Comments/ explanation
Impact of land acquisition/construction on:				
Wetlands				
Wooded areas				
Floodplain				
Wild life refuge				
Wild scenic rivers				
Historic preservation sites				
Other				
Possible pollution of				
Air/water				
Noise				
Adequacy of				
Housing				
Transportation				
Water supply				
Sewer/waste treatment facilities				
Parking				

[FR Doc. 80-37267 Filed 11-24-80 8:43 am]
BILLING CODE 8025-01-M

**DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
Draft Environmental Impact Statement (DEIS) for Navigational Aids Proposed for Torrance, Calif., Municipal Airport**

Notice is hereby given that the Federal Aviation Administration (FAA)

has prepared a Draft Environmental Impact Statement for the installation of navigational aids at Torrance Municipal Airport, Torrance, California. The proposal consists of three electronic aids (glide slope and middle marker for Runway 29R, and distance measuring equipment at the existing localizer, and five visual aids (medium intensity

approach lights with runway alignment indicators for Runway 29R, visual approach slope indicators for Runways 29R, 29L and 11L and runway end identifier lights for Runway 29L).

Two public meetings will be held for the purpose of receiving public comments on the draft environmental statement.

The meetings will be held on January 7, 1981, at the Lomita City Hall, 24300 Narbonne Avenue, Lomita, California, at 7:00 p.m., and on January 8, 1981, at the Torrance Recreation Center, 3341 Torrance Boulevard, Torrance, California, at 7:00 p.m. Interested parties may attend either meeting or submit comments in writing by January 14, 1981 to the address below.

For further information concerning the proposed action or the environmental impact statement contact: Stan Walsh, Project Manager, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009; Telephone: 213-536-6420.

Issued in Los Angeles, California on November 17, 1980.

H. C. McClure,

Acting Director, Western Region.

[FR Doc. 80-36789 Filed 11-28-80; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Separation Study Review Group; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Separation Study Review Group to be held on December 18-19, 1980 in Conference Room 261, 1717 H Street NW., Washington, D.C. commencing at 9 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Seventh Meeting Held on July 24-25, 1979; (3) FAA Summary of Operational Performance of Data Sample Subsets; (4) Suggestions for FAA Follow-up Action; (5) Preparation of Summary Report of Group Activities; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman,

members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on November 18, 1980.

Karl R. Bierach,

Designated Officer.

[FR Doc. 80-37127 Filed 11-28-80; 8:45 am]

BILLING CODE 4910-13-M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

SES Performance Review Board

Sec. 4314(c) (1) through (5) of title 5 U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The Board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Members of the Performance Review Board appointed by the Honorable John W. Snyder, Chairman, Board of Trustees, are:

Honorable Charles S. Murphy, General Counsel Harry S. Truman Scholarship Foundation

Louis H. Blair, Ph. D., President's Radiation Policy Council

Malcolm C. McCormack,

Executive Secretary.

November 24, 1980.

[FR Doc. 80-37147 Filed 11-28-80; 8:45 am]

BILLING CODE 6115-01-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 232

Monday, December 1, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, December 2, 1980.

PLACE: Commission conference room, 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Freedom of Information Act Appeal No. 80-9-FOIA-1-MM, concerning information in a charge file collected at a fact finding conference.

2. Freedom of Information Act Appeal No. 80-9-FOIA-498, involving a request for copies of Commission charges against respondents who are not represented by the requester.

3. Freedom of Information Act Appeal No. 80-8-FOIA-417, concerning information in an Age Discrimination in Employment Act charge file.

4. Freedom of Information Act Appeal No. 80-8-FOIA-486, involving a request for documents which served as a basis for a Commissioner's charge.

5. Proposed Revised Commission Deferral Regulation 1601.13.

6. Final Guidelines on Discrimination Because of National Origin.

7. Adjustment of Field Structure; Office of Government Employment.

8. Report on Commission Operations by the Executive Director.

Closed to the public:

1. Litigation Authorization: General Counsel Recommendations.

2. Reconsideration of previous Litigation Authorization.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE

INFORMATION: Treva I. McCall, Acting Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued November 25, 1980.

[S-2181-80 Filed 11-25-80; 12:05 p.m.]

BILLING CODE 8570-06-M

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FEDERAL COMMUNICATIONS COMMISSION.

Additional item to be considered at November 25th special open meeting.

The subject matter listed below was inadvertently omitted from the November 18th Public Notice (#01767) which listed the subjects to be considered at the Tuesday, November 25, 1980, Special Open Meeting, starting at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item Number, and Subject

General—5—Preparations for the 1982 ITU Planning Plenipotentiary Conference.

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: November 25, 1980.

Federal Communications Commission
William J. Tricarico,
Secretary.

[S-2177-80 Filed 11-25-80; 1:00 p.m.]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to subsection (c)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 3:00 p.m. on Tuesday, November 25, 1980, the Board of Directors of the Federal Deposit Insurance Corporation met by telephone conference call to consider the following matters:

Request of Canadian State Bank (In Organization), Yukon, Oklahoma, for

modification of a condition imposed in approving an application for Federal deposit insurance.

Recommendation regarding the liquidation of assets acquired by the Corporation from International City Bank and Trust Company, New Orleans, Louisiana.

In calling the meeting, the Board determined, on motion of Director William M. Isaac (Appointive), seconded by Chairman Irvine H. Sprague, concurred in by Mr. H. Joe Selby, acting in the place of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: November 25, 1980.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-2180-80 Filed 11-25-80; 11:05 a.m.]

BILLING CODE 6714-01-M

4

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, 226, 76840, November 20, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11 a.m., Wednesday, November 26, 1980.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following items have been added to the open meeting:

Office of Neighborhood Reinvestment.
Technical Correcting Amendments Relating to Credit Card Authority.
Holding Company Acquisition—Heron International Limited, London, England, to Acquip, Pima Savings & Loan Association, Tucson, Arizona.

Conversion to a Federal Mutual Savings Bank—Anchor Savings Bank, Brooklyn, New York.

Trust Powers Authorization.

[S-2184-80 Filed 11-28-80; 12:51 pm]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, 226-76840, November 20, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Wednesday, November 26, 1980.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6877).

CHANGES IN THE MEETING: The board meeting previously scheduled for 9:30 a.m., has been changed to 11 a.m.

[S-2185-80 Filed 11-28-80; 12:51 pm]

BILLING CODE 6720-01-M

6

FEDERAL RESERVE SYSTEM.

Board of Governors.

TIME AND DATE: 10 a.m., Wednesday, December 3, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Appointment of new members to the Consumer Advisory Council. (This matter was originally announced for a meeting on November 24, 1980.)

2. Proposed changes to the Plans administered under the Federal Reserve System's employee benefits program. (This matter was originally announced for a meeting on December 1, 1980.)

3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: November 25, 1980.

Theodore E. Allison,
Secretary of the Board.

[S-2170-80 Filed 11-28-80; 9:45 am]

BILLING CODE 6210-01-M

7

LEGAL SERVICES CORPORATION.

Board of directors meeting.

TIME AND DATE: 9 a.m.-6 p.m., Friday and Saturday, December 5-6, 1980.

PLACE: Fairmont Hotel, Bayou Room 2, University Place, New Orleans, Louisiana.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of September 5, 1980 Meeting.
3. Report on Congressional Reauthorization, fiscal year 1981 Appropriation and Board Nominations.
4. Report from Committee on Appropriations and Audit:
 - Budget Review and Modification Guidelines.
 - Legal Services Corporation's fiscal year 1980 Annual Audit.
 - Proposed Consolidated Operating Budget for FY 1981.
 - Proposed Budget for fiscal year 1982 Budget Request.
5. Report from Committee on Operations:
 - Proposed Amendment to 45 CFR Part 1612.
6. Report from Committee on Provision of Legal Services:
 - A Plan for the Future, a report by Howard Sacks.
7. Future Meeting Dates.
8. Other Business.

CONTACT PERSON FOR MORE

INFORMATION: Dellanor Khasakhala, Office of the President, 202-272-4040.

Issued: November 25, 1980.

Dan J. Bradley,
President.

[S-2178-80 Filed 11-28-80; 10:15 am]

BILLING CODE 6820-35-M

7

LEGAL SERVICES CORPORATION.

Appropriations and Audit Committee meeting.

TIME AND DATE: 6 p.m.-9 p.m., Thursday, December 4, 1980.

PLACE: Fairmont Hotel, Orleans Room Mezzanine, University Place, New Orleans, Louisiana.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of November 18, 1980 Meeting.
3. Preliminary Final Consolidated Operating Budget for fiscal year 1980.
4. Proposed Consolidated Operating Budget for fiscal year 1981.
5. Proposed Budget for fiscal year 1982 Budget Request.
6. Other Business.

CONTACT PERSON FOR MORE

INFORMATION: Dellanor Khasakhala, Office of the President, 202-272-4040.

Issued: November 25, 1980.

Dan J. Bradley,

President.

[S-2179-80 Filed 11-28-80; 10:15 am]

BILLING CODE 6820-35-M

9

NUCLEAR REGULATORY COMMISSION.

DATE: Week of December 1.

STATUS: Open.

MATTERS TO BE CONSIDERED: Monday, December 1:

2 p.m.

Briefing on Environmental Releases at NFS-Erwin and Other Fuel Cycle Plants (approximately 1 hour, public meeting) (rescheduled from November 26).

Tuesday, December 2:

10 a.m.

Briefing on Ice Condenser and Mark III Containments (approximately 1½ hours, public meeting).

Wednesday, December 3:

2 p.m.

1. Briefing on Development of Requirements in a Fire Protection Rule for Future Plants (approximately 1½ hours, public meeting).

2. Affirmation Session (approximately 10 minutes, public meeting):

- a. Revised Criteria for States.
- b. Protection of Unclassified Safeguards Information.
- c. PRM from Public Citizen Litigation Group on Required Levels of Financial Protection.
- d. Advance Notice of Proposed RM Concerning Design and Other Changes after CP Issuance.
- e. Rulemaking in 10 CFR Part 2.
- f. ALAB-613 in the Matter of Pennsylvania Power & Light Co.

ADDITIONAL INFORMATION: Discussion of Indian Point, scheduled for 2 p.m. November 25, is rescheduled for 2 p.m., November 26.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE

INFORMATION: Walter Magee (202) 634-1410.

November 25, 1980.

Walter Magee,
Office of the Secretary.

[S-2187-80 Filed 11-28-80; 3:17 pm]

BILLING CODE 7590-01-M

10

POSTAL RATE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday and 9:30 a.m., Thursday, December 3-4, 1980.

PLACE: Conference room, room 500, 2000 L Street NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Issues in Docket No. R80-1. (Meetings closed pursuant to 5 U.S.C. § 552b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268; telephone (202) 254-5614.

[S-2186-80 Filed 11-26-80; 2:06 pm]

BILLING CODE 7715-01-M

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, November 20, 1980.

CHANGES IN THE MEETING: Additional items. The following additional items were considered at a closed meeting scheduled for Tuesday, November 25, 1980, at 10 a.m.:

Consideration of *amicus* participation.
Litigation matter.
Institution of injunctive action.

Chairman Williams and Commissioners Loomis, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272-2178.

November 26, 1980.

[S-2182-80 Filed 11-26-80; 12:43 pm]

BILLING CODE 8010-01-M

12

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of December 2, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, December 2, 1980, at 10 a.m. and on Thursday, December 4, 1980, following the 10 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 522b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Friedman, and Thomas determined to held the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, December 2, 1980, at 10 a.m., will be:

Institution of injunctive actions.
Institution of administrative proceeding of an enforcement nature.
Settlement of administrative proceeding of an enforcement nature.
Settlement of injunctive action.
Regulatory matter bearing enforcement implications.
Litigation matter.
Freedom of Information Act appeal.
Opinion.

The subject matter of the closed meeting scheduled for Thursday, December 4, 1980, following the 10 a.m. open meeting, will be:

Formal orders of investigation.
Dismissal of an injunctive action.
Settlement of administrative proceeding of an enforcement nature.
Regulatory matter regarding financial institutions.
Freedom of Information Act appeals.

The subject matter of the open meeting scheduled for Thursday, December 4, 1980, at 10 a.m., will be:

1. Consideration of whether to grant the appeal of Thomas J. Madden, seeking access to documents concerning the request for acceleration of the effective date of the registration statement of XOIL Energy Resources, Inc. For further information, please contact Andrew W. Sidman at (202) 272-2454.

2. Consideration of whether to grant the request of Joel Seligman, Associate Professor of Law at the Northeastern University School of Law in Boston, Massachusetts, to read and copy exhibits to certain Commission Minutes. Mr. Seligman has requested the material for a booklength history of the Commission which he is writing. For further information, please contact Theodore Bloch at (202) 272-2454.

3. Consideration of whether to issue a release announcing that requestors of no-action and interpretive letters from the Division of Corporation Finance should submit an original and seven copies of their requests. The announcement would also reiterate certain previously announced procedures to be followed by such requestors. For further information, please contact Ann M. Glickman at (202) 272-2373.

4. Consideration of whether to adopt an amendment to Rule 13d-2(a) under the Securities Exchange Act of 1934 which would remove the availability of an exception from the requirements to file amendments to statements filed on Schedule 13D. For further information, please contact W. Scott Cooper at (202) 272-2589.

5. Consideration of whether to affirm action, taken by the Duty Officer, authorizing publication of a release extending the comment period on proposed amendments to Form S-18 and Item 2 of Regulation S-K and a proposal to rescind Form S-3 until December 21, 1980. For further information, please contact Michael J. Eizelman at (202) 272-2644.

6. Consideration of whether to publish for comment a proposal to standardize financial statement requirements in management investment company prospectuses and reports to shareholders. Based on these standardized financial statement requirements, open-end companies would then be permitted to incorporate by reference financial statements contained in any report to shareholders into the prospectus or to transmit a copy of the currently effective prospectus as the equivalent of any report to shareholders. For further information, please contact Dianne E. O'Donnell at (202) 272-2115.

7. Consideration of whether to issue a release of a study entitled "Rule 242: A Monitoring Report on the First Six Months of Its Use." The Report sets forth the findings of an empirical study of the offerings made in reliance upon Rule 242 and the issuers utilizing the Rule. For further information, please contact Jeffrey L. Davis at (202) 272-2850.

At time changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272-2178.

November 25, 1980.

[S-2183-80 Filed 11-26-80; 12:44 pm]

BILLING CODE 8010-01-M

Federal Register

Monday
December 1, 1980

Part II

**Department of
Health and Human
Services**

Health Care Financing Administration

**Medicare Program; Withholding of
Payments to Practitioners, Providers, and
Suppliers of Services When There Is
Evidence of Fraud**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 420

Medicare Program; Withholding of Payments to Practitioners, Providers, and Suppliers of Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposal would amend existing regulations to provide timely notice and administrative review when Medicare payments for services are withheld because there is evidence of fraud. This proposal would specify what constitutes evidence of fraud sufficient to support withholding: where a case is under criminal investigation, or a formal criminal charge has been issued, or a civil suit has been filed, or the procedures for exclusion from the Medicare program have been initiated because of fraud related to the Medicare program.

The purpose of this proposal is to specify in regulations procedures to protect the interests of providers, practitioners, and suppliers of service without compromising pending actions or procedures or the ability of the Federal government to protect funds.

DATE: To assure consideration, comments should be received by January 30, 1981.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to: Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave, SW., Washington, D.C. or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

Please refer to File Code BQC-4-P. Agencies and organizations are requested to submit comments in duplicate. Comments will be available approximately 2 weeks after publication in Room 309-G of the Department's office at 200 Independence Avenue, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION CONTACT: Irwin Cohen, 301-594-8213.

SUPPLEMENTARY INFORMATION:

Background

Current Medicare regulations at 42 CFR 405.371(b) specify the proceedings

for suspension of payments to practitioners, providers, or suppliers of services when there is reliable evidence of fraud or willful misrepresentation. The regulations do not define "reliable evidence of fraud," nor do they require notice to the affected party within a specified period or opportunity for that party to submit information with respect to whether withholding (suspension of Medicare payments) should be made.

The proposed regulations would specify when a withholding action will be taken. They would also provide for procedures for notice and opportunity for the affected party to submit information.

Major Provisions

1. When Payment May Be Withheld

Current regulations do not specify what constitutes sufficient evidence of fraud to warrant withholding. The proposed regulations would provide that evidence of fraud is sufficient to support a withholding when it is substantiated by a legal action or investigation that is initiated because of irregularities in either the Medicare or Medicaid program. In addition, the circumstances that cause the overpayment in Medicare and serve as the basis for withholding payments would also have to be part of the basis for the legal action or investigation initiated against the affected party.

Thus, we propose that there is evidence of fraud when any of the following occurs:

- (a) HCFA has referred a case in writing to the legally responsible authorities for criminal investigation.
- (b) HCFA is notified in writing by legally responsible authorities that a criminal investigation has begun.
- (c) A civil suit has been filed.
- (d) A formal criminal charge has been issued.
- (e) Procedures for exclusion from the Medicare program have been initiated.

Because these actions are serious steps that are taken only after development of a case and thorough consideration of all the factors involved, we consider these steps substantiate sufficient evidence of fraud to warrant withholding to protect trust fund monies.

2. HCFA Decision Not to Withhold

Our program integrity experience has indicated that a withholding action or the release of evidentiary material during administrative review may at times have an adverse impact on investigation, prosecution, or civil action. A withholding action could alert

the affected party to impede an investigation. The administrative review elaborates on the same fraudulent acts that are the basis for such procedures as criminal prosecutions, and this could prejudice the parties involved. Ultimately, the efforts of HHS to eliminate fraud would be impeded. Therefore, the proposed regulations would provide that HCFA may choose not to withhold after consultation with the investigative or prosecutive authorities if it determines that withholding at that time would adversely affect the case.

Since the reason for taking an action to withhold payments is to protect the program against financial loss, HCFA may also decide not to withhold if it determines that there is no financial risk to the government.

3. Notice of Withholding

The intermediary or carrier would furnish the practitioner, provider, or supplier of services with a written notice of withholding within 5 days after initiating the withholding action.

The intermediary or carrier would develop this notice in conjunction with HCFA and would send it by certified mail, return receipt requested. The notice would state the following:

- (a) The reasons for the withholding.
- (b) The amount of withholding.
- (c) That there will be no payment for assigned claims submitted to a carrier under Part B of the Medicare program; or that there will be a reduction in the interim payment for claims submitted to an intermediary under Part A or Part B of the Medicare program. The amount withheld from interim payments will not exceed the approximate costs attributable to the particular service or cost center in which overpayment is suspected.
- (d) That the practitioner, provider, or supplier of services continues to be bound by the terms of the assignment or provider agreement and may not charge beneficiaries or third parties any amounts not allowed under the assignment or provider agreement.

(e) That if the withholding exceeds 12 months, HCFA will offer the practitioner, provider, or supplier of services an administrative review within 10 days after the end of the 12-month period.

(f) That HCFA may suspend the administrative review if a criminal charge has been issued or if a civil fraud suit has been filed, pending the resolution of such actions.

(g) That the practitioner, provider, or supplier may at any time submit additional information or argument in

writing for consideration by HCFA with respect to whether the proper amount is being withheld or whether the withholding action could be terminated.

4. Amount of Withholding

The intermediary or carrier would withhold only that amount of funds required to protect against the estimated overpayment and would repay any funds withheld in excess of the final determination of overpayment.

5. Administrative Review

When payments are withheld in cases involving evidence of fraud, HCFA wishes to postpone an administrative review lest the review prejudice parties involved in such procedures as investigations or criminal actions. However, we do not wish to continue the withholding of Medicare payments for an indefinite period without opportunity for administrative review.

We are proposing, therefore, that when a withholding based on evidence of fraud goes into effect, the practitioner, provider, or supplier of services would be entitled to notice and an opportunity to submit facts contesting the withholding. In addition, ordinarily within 12 months and 10 days of the date of the withholding action, HCFA would either offer an administrative review to the affected party, to determine whether to continue or discontinue the withholding, or terminate the withholding action and pay the funds withheld.

HCFA could defer the administrative review beyond the 12-month period if a criminal charge has been issued or a civil action has been filed. In these cases, the issues which would be considered during administrative review would be adequately adjudicated in those actions.

The administrative review would be nonadversary in nature and afford the affected party the opportunity to present additional evidence in writing or in person. The procedures for the administrative review would be as follows:

(a) When the affected party requests a review, HCFA, within 10 days, would provide a notice that contains the specific facts upon which the withholding is based.

(b) The affected party would have 90 days to study the material and to request, in writing, an opportunity to contest the withholding.

(c) If the affected party requests an opportunity to contest the withholding, a HCFA official not involved in the withholding would conduct a review within 15 days.

(d) Within 10 days after the review, HCFA would inform the affected party in writing of its decision to continue or discontinue the withholding of payments. That notice would contain specific findings as to the facts upon which the continued withholding is based and a statement explaining the final decision.

42 CFR Chapter IV is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

1. Section 405.371(b) is revised to read as follows:

§ 405.371 Proceeding for suspension.

* * * * *

(b) *Fraud.* The provisions of paragraph (a) of this section shall not apply where HCFA has evidence that the circumstances giving rise to the need for a suspension of payments involve fraud. For procedures in cases involving evidence of fraud, see part 420 of this chapter.

2. Part 420 is amended by adding a new Subpart D to read as follows:

PART 420—PROGRAM INTEGRITY

* * * * *

Subpart D—Withholding of Payments in Cases of Suspected Fraud

Sec.

- 420.300 Scope of subpart.
420.301 Basis for withholding.
420.302 Withholding of payments by intermediary or carrier.
420.303 Notice of withholding.
420.304 Administrative review.

Authority: Section 1102 of the Social Security Act (42 U.S.C. 1302).

Subpart D—Withholding of Payments in Cases of Suspected Fraud

§ 420.300 Scope of subpart.

This subpart sets forth criteria and procedures for withholding payments to practitioners, providers, and suppliers of services when a withholding action is necessary to protect against overpayment and there is evidence that the circumstances giving rise to the need for withholding involve fraud. Payments are withheld in order to protect the Government from financial loss

§ 420.301 Basis for withholding.

(a) HCFA will instruct the intermediary or carrier to withhold payments under Medicare for items or services furnished by a practitioner, provider, or supplier of services when—

(1) Withholding is necessary to protect against overpayment; and

(2) The circumstances requiring the withholding serve as part of the basis for any of the following actions taken against that practitioner, provider, or supplier because of conduct in the Medicare or Medicaid program:

(i) HCFA has referred a case in writing to a legally responsible authority for criminal investigation.

(ii) A legally responsible authority has notified HCFA in writing that a practitioner, provider, or supplier is under criminal investigation.

(iii) A formal criminal charge has been issued.

(iv) A civil fraud suit has been filed.

(v) HCFA has initiated exclusion procedures in accordance with § 420.102 of this part because of fraud.

(b) HCFA may defer withholding payments if it determines that—

(1) Withholding will adversely affect the investigation or legal actions under paragraph (a) of this section; or

(2) There is no financial risk to the government.

§ 420.302 Withholding of payment by intermediary or carrier.

When HCFA determines that a withholding action is required, it will notify the intermediary or carrier to—

(a) Withhold only that amount of funds required to protect against overpayment; and

(b) Begin immediately withholding payments, including payments for claims the intermediary or carrier has on hand, in the following manner:

(1) Withhold payments for all assigned claims submitted to the carrier under Part B of the Medicare program; or

(2) Reduce the interim payments for claims submitted to the intermediary under Part A or Part B of the Medicare program. The amount withheld from the interim payments must not exceed approximate costs attributable to the particular service or cost center in which overpayment is suspected.

§ 420.303 Notice of withholding.

(a) *Timing of notice.* The intermediary or carrier shall notify the affected party of the withholding action by certified mail, return receipt requested, within 5 days of taking such action.

(b) *Content of notice.* The notice will state—

(1) The reasons why payment is being withheld;

(2) The effective date of withholding;

(3) The circumstances (see § 420.304 (a) of this subpart) under which HCFA will either terminate the withholding or offer an administrative review to the affected party;

(4) The amount of the withholding;

(5) The extent of the withholding:

(i) That withholding applies to all assigned claims submitted to a carrier under Part B of the Medicare program; or

(ii) That, for claims submitted to an intermediary under Part A or Part B of the Medicare program, the withholding of interim payments will not exceed approximate costs of the particular service or cost center in which overpayment is suspected;

(6) That the affected party must continue to comply with the terms of the assignment or provider agreement and may not charge beneficiaries or third parties any amounts not allowed under the assignment or provider agreement; and

(7) That the affected party may, at any time, submit additional information or argument in writing for consideration by a HCFA official with respect to whether the withholding will be terminated or continued or whether the correct amount is withheld.

(c) *Result of review of information.* HCFA will consider evidence or written argument received from the affected party in accordance with paragraph (b)(7) of this section and will furnish a written notice, within 15 days of the receipt of that evidence, stating whether withholding of payments will be continued or discontinued, and whether or not the amount withheld has been adjusted.

§ 420.304 Administrative review.

(a) *Right to review.* Except as provided in paragraph (b) of this section, HCFA will either offer an administrative review or terminate the withholding and pay the funds withheld, when the earliest of the following occurs:

(1) The investigative or prosecutive authority determines that fraud has not been committed by the affected party.

(2) Civil or criminal proceedings initiated against the affected party, specified in § 420.301(a)(2)(iii) and (iv) of this subpart, are completed.

(3) Exclusion procedures in accordance with § 420.102 of this part are completed.

(4) Withholding continues for a 12-month period without the initiation of an administrative review. In this case, HCFA will either offer the administrative review, or terminate the withholding and pay the funds withheld, within 10 days after the 12-month period.

(b) *Suspension of administrative review.* HCFA may suspend the administrative review pending the completion of those legal proceedings initiated against the affected party

specified in § 420.301(a)(2)(iii) and (iv) of this subpart:

(c) *Conduct of the review.* When a provider, practitioner, or supplier of services requests a review offered under paragraph (a) of this section, HCFA will observe the following procedures:

(1) Within 10 days of receipt of the request for a review, HCFA will mail a notice to the affected party that—

(i) Informs the affected party of the specific facts upon which the withholding is based; and

(ii) Provides the affected party 90 days to study this information and to request the opportunity to contest it.

(2) If the affected party requests the opportunity to contest the information, HCFA will provide the affected party an opportunity to present his or her case, in writing or in person, within 15 days to a HCFA official not involved in the withholding.

(3) Within 10 days after the affected party presents his or her case, HCFA will notify the party in writing of its decision to continue or discontinue the withholding. That notice will contain specific findings of fact and a statement explaining the final decision.

(Sec. 1102, of the Social Security Act (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance Program; No. 13.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 5, 1980.

Howard Newman,
Administrator, Health Care Financing Administration.

Approved: November 17, 1980.

Patricia Roberts Harris,
Secretary.

[FR Doc. 80-36663 Filed 11-28-80; 8:45 am]

BILLING CODE 4110-35-M

**1980
Federal Register**

**Monday
December 1, 1980**

Part III

**Department of
Transportation**

**Office of the Secretary, Federal Highway
Traffic Safety Administration, Urban Mass
Transportation Administration, National
Highway Traffic Safety Administration**

**Transportation Systems Management
(TSM) Program**

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Notice Number 80-20]

Comprehensive Transportation System Management Assistance and Complementary DOT Programs

SUMMARY: The Department of Transportation (DOT) is soliciting proposals for Transportation System Management (TSM) approaches to improving the operation of local transportation systems. Four DOT programs are being coordinated to contribute to this effort. Notices of Solicitation for three of these programs are being published immediately following this Notice; the fourth, the Innovative Grants Program of the National Highway Traffic Safety Administration (NHTSA), was announced earlier. Together, these announcements represent a significant advance in DOT's support for local TSM activity.

FOR FURTHER INFORMATION: Questions and comments on the coordination of agency programs, and on DOT's general approach as expressed in this overview Notice should be directed to Don Ryan, Office of the Assistant Secretary for Budget and Programs, Department of Transportation, Washington, D.C. 20590; or phone (202) 426-9603. Questions and comments on the individual agency program solicitations which follow should be directed as each Notice of Solicitation indicates.

Background

The joint planning regulations of FHWA and UMTA that comprise the Urban Transportation Planning Process (23 CFR 450.116 and Appendix A) require Transportation System Management (TSM) planning in both short and long range planning. TSM is based on the proposition that system capacity is as much a function of operating efficiency as of physical facilities. Emphasis is shifted to improvements in service and operations as the preferred means of assuring and improving mobility. Beyond mobility demands, TSM planning accounts for related considerations, such as energy conservation, air quality, urban revitalization environmental enhancement and fiscal constraints, which have recently taken on increased importance.

TSM measures generally include, but are not limited to, ride-sharing, alternative work schedules, transit service improvements, parking management, pedestrian and bicycle facilities and programs, High Occupancy Vehicle (HOV) lanes, traffic signalization, efficient driving techniques and vehicle maintenance, and related public information, marketing, and operational support activities.

TSM actions have several important characteristics. Two in particular are: (1) they are usually, but not uniformly, low capital projects that emphasize more efficient use of existing vehicles and facilities rather than new vehicles or construction; and (2) they are often synergistic in nature, the combined effect of a package of related, reinforcing actions being greater than the cumulative effect of the same projects deployed in isolation from one another.

The DOT recognizes that successful nationwide application of TSM practices requires coordinated support from this Department for local transportation planners and decisionmakers. Three major actions have already been undertaken: (1) revising state-level and urban transportation planning regulations (a first round of revisions completed August 29, 1980 [45 FR 58022] and a second round issued for public comment on October 30, 1980, [45 FR 71990]) to fully acknowledge the importance placed on TSM activities; (2) making TSM planning and implementation activities eligible items under most FHWA and UMTA regular program

funding and certain NHTSA funding; and (3) undertaking a broad range of TSM training, guidance, and information sharing programs. DOT's purposes in taking these actions, and in making today's program announcements, may be summarized as follows:

(1) To encourage strategic local planning and programs to meet transportation, energy, air quality, economic development, goods movement and other goals (Note: such planning activities are eligible items under most regular DOT program funding, and are not an intended use of the program funds announced today);

(2) Subject to that planning, to encourage the packaging of mutually-reinforcing TSM transportation actions into comprehensive TSM strategies;

(3) To join DOT and other Federal, State, local and private resources together in support of those strategies;

(4) To structure DOT financial and technical assistance to be convenient to, and supportive of, comprehensive community TSM planning.

This Notice, and the individual program Notices which follow, represent an effort to describe and associate complementary DOT programs in a comprehensive way. The programs contained in these Notices share, and contribute in different ways to, the goals of Transportation System Management. By offering to potential applicants the opportunity to develop comprehensive strategies that serve these goals, and by structuring its process to acknowledge such approaches, the DOT hopes to advance both the goals and the usefulness of the program support provided.

Program Description

Three program announcements are being published by DOT agencies today. They are:

(1) *Comprehensive Transportation System Management (TSM) Assistance*—Federal Highway Administration (FHWA), Urban Mass Transportation Administration (UMTA), National Highway Traffic Safety Administration (NHTSA);

(2) *Ridesharing Discretionary Grant Program* (FHWA);
(3) *Innovative Techniques and Methods in the Management and Operations of Public Transportation* (UMTA).

These three programs, together with NHTSA's Innovative Grants Program (discussed below), may all be used to support TSM strategies, although each may have other specific purposes. Resources from the four programs may be used in conjunction with other Federal, State, local and private resources to advance local TSM goals—and this is expressly encouraged in program criteria. In particular, use of other DOT regular program funds, such as UMTA Section 5 funds and most Federal-aid Highway funds, is encouraged and will be recognized in the award of funds advertised in today's publications.

The goals and provisions of the individual programs are closely related but distinctive. Applicants are encouraged to read the notices carefully in order to understand both the distinctions and the common or complementary aspects of each. In particular a review of the criteria for awards and the categories of eligible projects will help to clarify this (categories or projects eligible for funding from more than one program are so noted).

The Comprehensive TSM Assistance Program is new this year. It is intended to encourage comprehensive local TSM approaches, especially those that may produce energy savings, and to act as a means of associating the TSM aspects of the other DOT programs.

FHWA's Ridesharing Discretionary Grant Program is intended to promote broad application of innovative ridesharing techniques, with special consideration given to

ridesharing efforts that have active employer commitment and involvement.

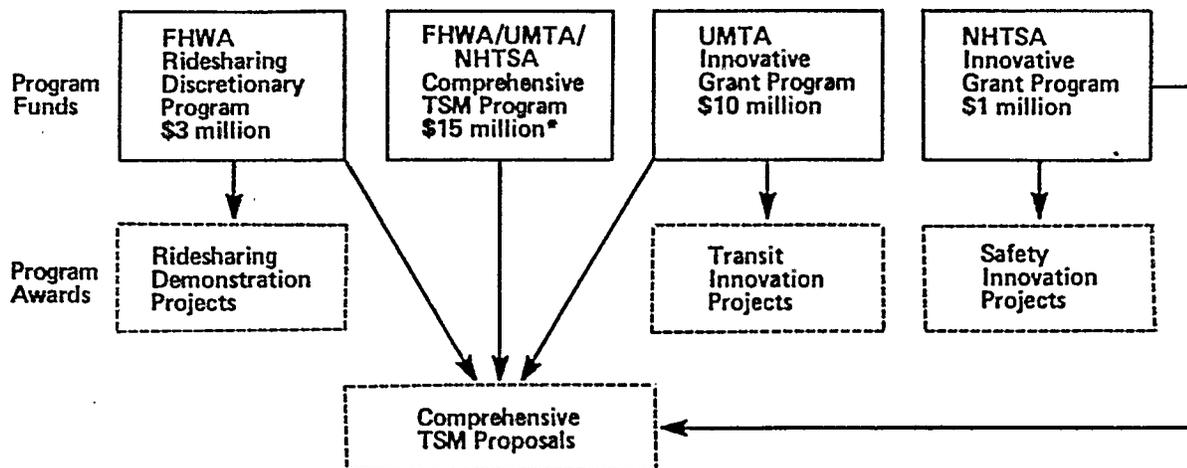
UMTA's Innovative Techniques and Methods program, also new this year, provides assistance for improvements in the management and operation of public transportation services, including support for TSM activities that complement and contribute to such improvements.

NHTSA's Innovative Grants program is primarily directed to highway safety activities, but may be applied to projects which advance both safety and driver/vehicle efficiency goals.

Procedure for Applications

Potential applicants may submit proposals individually to any of these programs, or they may submit a single

comprehensive TSM proposal to the Comprehensive TSM Assistance Program (see individual program Notices for specifics of applicant eligibility). If applicants elect the comprehensive approach, specific elements of their proposals are eligible for funding from any of the four agency programs wherein that element qualifies as an eligible project. Thus a comprehensive package of TSM actions which included an HOV lane designation, a ridesharing program and an employer-subsidized transit fare prepayment project would be considered eligible for funding under each of three programs. This wider eligibility is intended as an incentive to communities to undertake comprehensive planning and implementation. This approach is illustrated schematically on the following chart:



*This \$15 million comes from funds earmarked by the Congress in the DOT's Fiscal Year 1981 Appropriations Act. \$10 million is administratively located in NHTSA, and \$5 million in UMTA's Innovative Techniques category, and these amounts are subject to the statutory obligations of those agencies. However, the full \$15 million will be functionally administered as a single program, with FHWA the lead agency, as described in this and the following Notices of Solicitation:

The Conference Committee Report gives the following direction to DOT:

The conferees have earmarked \$10,000,000 under this heading [NHTSA] and \$5,000,000 of the funds included for urban discretionary grants [UMTA] to accomplish the energy conservation and air quality objectives of the transportation systems management program. In addition to these funds, the conference agreement also provides funding for certain programs of the Federal Highway Administration, Urban Mass Transportation Administration and the National Highway Traffic Safety Administration which have similar objectives to those of the transportation systems management program.

The conferees expect these programs to be coordinated and consolidated to the maximum extent possible so that the most efficient use of funds is made to meet these objectives in the most cost effective manner.

An applicant may also make application directly to any of the three individual agency programs. Since there are

distinctions among the programs, such a separate application may be appropriate. For example, a transit agency may wish to improve run-cutting and scheduling operations of its passenger information systems. Such projects are encouraged by UMTA, and would be considered for funding from its Innovative Techniques and Methods program.

Applications for Comprehensive TSM Assistance grants will be submitted through usual FHWA channels (even if they contain projects which may ultimately be funded from more than one program). Proposals will be reviewed at the Federal regional level by a panel of FHWA, UMTA, and NHTSA regional staff. All proposals will then be forwarded to the DOT in Washington, where a panel of the same agencies will coordinate award decisions, including decisions on which individual projects in a TSM package will be funded from which program funds.¹

Applications to individual programs, for any projects eligible within the criteria and project categories of that program, should proceed through agency channels as

¹Note that certain statutory provisions such as labor protection may apply to some program funds and not others. Compliance with these provisions wherever possible will assure broadest eligibility.

indicated in the solicitation. Awards will be made separately by the agency involved, but in close coordination with the other DOT agencies.

Proposals submitted to either the Comprehensive TSM Assistance Program or to individual programs will be due to the appropriate DOT field office by March 1, 1981. This will allow comprehensive proposals and individual program proposals to be considered simultaneously, and will allow DOT agencies to weigh the merits of combined or separate funding of proposals.

Innovative Grants Program—NHTSA

A Notice of Proposed Rulemaking for NHTSA's Innovative Grants program was published in the Federal Register on October 23 (45 FR 70282). NHTSA expects to adopt a Final Rule on this program on or about December 15, 1980, and will be soliciting proposals at that time. Submissions will be due on March 1, 1981, as with the other programs.

Although the primary focus of the NHTSA program is on innovative methods of improving highway safety, some eligible projects may also have an energy conservation dimension. Driver training, inspection and maintenance, and other programs may be structured to improve driver and vehicle operating efficiencies as well as safety, and to that extent may be considered by DOT as eligible for funding under both the Innovative Grants and Comprehensive TSM Assistance programs. Such projects may be submitted as part of a comprehensive community TSM proposal, subject to the criteria for both programs. Of course innovative highway safety, or safety and energy efficiency proposals may still be submitted directly to NHTSA to compete only for NHTSA funding.

(Department of Transportation Act, 49 U.S.C. Section 1651 et seq.)

Issued in Washington, D.C. on November 21, 1980.

Angus Duncan,

Director of Energy Policy, Office of the Secretary.

[FR Doc. 80-37165 Filed 11-28-80; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

National Highway Traffic Safety Administration

Comprehensive Transportation System Management Assistance Program: Solicitation of Interest

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

ACTION: Notice.

SUMMARY: The Department of Transportation Appropriations Act for 1981 (Pub. L. 96-400, 94 Stat. 1681) and the Conference Report (H.R. Rep. No. 98-1400, 95th Cong., 2nd Sess. 12, 15 (1980)) provide \$15 million of discretionary funds (\$10 million from NHTSA State and Community Highway Safety funds and \$5 million from UMTA urban discretionary grants) for a joint FHWA, UMTA, NHTSA program to accomplish energy conservation, air quality, and related objectives. FHWA has the lead administrative responsibility for the program. This program is to be coordinated with other programs of FHWA, UMTA, and NHTSA, which have similar objectives. This solicitation of interest for the Comprehensive Transportation System Management Assistance Program is being jointly announced with the

UMTA program for Innovative Techniques in the Management and Operation of Public Transportation and the FHWA Ridesharing Discretionary Program

The intent of these TSM program funds is to stimulate wider implementation of comprehensive TSM programs and projects.

DATE: Letters of interest for the TSM program should be submitted by the appropriate State agency to the Federal Highway Administration division office by March 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Gary Maring, Chief, Transportation System Management Branch, 202-426-0210, or Lee J. Burstyn, Office of the Chief Counsel, 202-426-0754, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590. Office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION:

Introduction

Transportation plans and programs are being called upon to an increasing extent to support other important national and local objectives such as energy conservation, air quality, safety, urban revitalization, and economic development. At the same time, increasing costs of constructing transportation facilities and decreasing fiscal resources make major new investments extremely difficult. These factors have made it increasingly important that existing transportation resources—facilities, equipment, and services—be operated in the most effective and efficient manner possible. It is this need that led to the concept of TSM and its inclusion as a required element in the transportation plans for urbanized areas.

Although progress has been made in implementation of certain types of TSM projects, comprehensive strategies and programs have generally not been implemented. The intent of this new program is to stimulate broader implementation of a wide range of generally proven TSM techniques. The funds will be used to encourage increased use of regular program funds of FHWA, UMTA, and NHTSA for TSM. To maximize effectiveness of the program in achieving its objectives such as energy conservation, States and local areas are strongly encouraged to package comprehensive TSM strategies that encompass three broad areas: (1) improving transportation system efficiency by increasing occupancies, e.g., through ridesharing, high occupancy vehicle (HOV) techniques, parking management, (2) providing alternatives to the automobile, e.g., pedestrian and bicycle improvements, (3) improving driver efficiency, e.g., driver training programs for energy conservation.

The following list, which is not intended to be all inclusive, provides examples of eligible project elements.

Examples of Eligible Expenditures for TSM Program

- Ridesharing *
 - Promotion and marketing
 - Matching
 - Vanpool acquisitions
 - Preferential parking
- Alternative Work Schedules *
 - Flexitime programs
 - Staggered work hour programs
 - Compressed work week programs
- HOV Facilities *
 - Designation of HOV lanes on arterials and freeways (contra-flow or with-flow)
 - HOV bypass of ramp meter
 - HOV signal preemption or progression
 - Fringe parking (leasing or minor construction)
 - Enforcement and initial operation

—Traffic Signalization

- Signal timing
- Signal interconnect
- Signal control systems
- Surveillance and control systems

—Transit Service Improvements

- Transit marketing
- Integration of Service
- Transit shelters
- Transit pricing
- Parking related transit incentives
- Signal preemption

—Pedestrian and Bicycle Facilities

- Pedestrian facilities such as paths, over and underpasses, shelters, skyways, and curb cuts
- Auto restricted zones
- Bicycle signing, lanes, paths, and lockers
- Neighborhood enhancement

—Parking Management Programs

- Supply management
- Pricing
- Residential parking permit programs
- Enforcement

—Goods Movement

- Truck routing
- Loading zone designation and enforcement
- Terminal access

—Vehicle Use Δ

- Fuel economy aspects of police and other fleet operations
- Driver training in energy-efficient driving; especially for new drivers and heavy duty vehicle drivers
- Energy efficient trip planning, choice of mode, and vehicle selections
- Energy efficient vehicle inspection, maintenance, and repair; e.g., tire inflation, engine tuning, use of reduced friction lubricants; wheel alignment
- Distribution of energy conservation awareness material through driver licensing and vehicle registration channels
- Associated public information, education, and training for all of the above

The anticipated length of funding for a TSM project or program is not expected to exceed 2 years.

* Certain of these expenditures are also eligible under the Ridesharing Discretionary Program

Certain of these expenditures are also eligible under the UMTA program for Innovation Techniques in the Management and Operation of Public Transportation

Δ Certain of these expenditures are also eligible under the Innovative Grants Program of NHTSA

Eligible Participant

Any public agency with authority to administer such programs is invited to express its interest in the TSM program. Other interested private or nonprofit agencies that wish to submit letters of interest may do so by working in cooperation with an eligible public agency to sponsor the proposed program or project.

One lead agency should coordinate development and submittal of the letter of interest for the entire package of TSM improvements. The metropolitan planning organization (MPO) must endorse the letter of interest.

Financing

The program will provide discretionary funds to State and local agencies to increase implementation of comprehensive TSM programs. There is a strong emphasis to use these new TSM funds in combination with regular program funds, of FHWA, UMTA, NHTSA, and other Federal, State, local, and private funds. Except for certain driver efficiency activities

(listed under Vehicle Use in this Notice), these should be new TSM funding commitments beyond those programmed as of December 1, 1980. While no explicit local match is required for this program, DOT expects significant evidence of the applicant's commitment to support and continue the activities from this program. A suggested minimum commitment would be \$2 of new TSM funding (including local match for regular Federal program funds) for each \$1 sought from this program. For driver efficiency programs, existing rather than new commitments would be acceptable.

Program sponsors are encouraged to use regular program funds, e.g., apportioned Federal-aid highway funds, UMTA Section 3 or 5 grants, NHTSA funds, for those project or program items normally eligible under the existing funding categories, especially for significant capital elements, and to use the additional discretionary funds being requested for elements that have not traditionally been funded.

Specific requirements for data collection and project monitoring and evaluation will be determined after project selection, but such expenditures are expected to be modest and should normally not exceed 10 percent of the total discretionary funds requested. Requests for funding from the new TSM program funds are normally not expected to exceed \$500,000 per project as these funds are considered as "seed" money for implementation of larger TSM programs.

Selection Criteria

The following criteria, not necessarily in order of importance, will be used to determine which of the interested parties will be selected to participate in the program:

1. Commitment of other State, local, or Federal program funds (e.g., apportioned Federal-aid funds; UMTA program funds; NHTSA program funds) and other program resources to the TSM proposal.

2. Cost and energy conservation effectiveness of program.

3. Commitment of State or local area to a comprehensive and continuing TSM program (package)—one that emphasizes activities which contribute to and enforce each other.

4. Contribution of program to adopted community energy conservation and related environmental, urban revitalization, and economic goals.

5. Extent to which the proposal is a result of the planning process and the TSM component.

6. Commitment of funds awarded under this program to nonconstruction, low-capital elements not normally funded with regular program funds.

7. Private sector participation in the project funding, development, and operation.

Contents of Letters of Interest

Letters of interest (totaling not more than 30 pages) should include at least the following:

1. An overall statement of the proposed program goals and objectives, involved parties, and target area. For larger urban areas, the programs or project may be areawide or only encompass a portion of the urban area, e.g., central business district (CBD) or other major problem areas.

2. A narrative description of the TSM program, including but not limited to descriptions of:

a. Program area including demographic (population, vehicles, and other vital statistics) and economic characteristics,

b. Existing TSM projects in program area,

c. Specific problems to be addressed,

d. A description of proposed program elements,

e. Anticipated benefits and impacts of proposed program including costs and energy effectiveness, and

f. Legal, zoning, regulatory or institutional barriers, and means to address them.

3. A statement of previous and current TSM activities including annual financial level of effort and funding sources.

4. A breakdown of program cost by element (e.g., parking, pedestrian, driver efficiency), by funding sources, a program cost summary, and anticipated program revenues if appropriate. Budgets are expected to cover the entire duration of programs (i.e., up to 2 years). A sample budget format follows:

I. Funding Source Summary for Total Program

Program element	A	B	Total
Regular Federal funds:			
FHWA (Identify type)	\$	\$	\$
UMTA (Identify type)	\$	\$	\$
NHTSA (Identify type)	\$	\$	\$
Other (Identify type)	\$	\$	\$
State funds (Identify type)	\$	\$	\$
Local funds (Identify type including soft match):			
City	\$	\$	\$
County	\$	\$	\$
Private Employer, etc	\$	\$	\$
New TSM Program funds requested	\$	\$	\$
Totals	\$	\$	\$

II. Program Cost Summary

1. Employee salaries
2. Employee travel
3. Computer expenses
4. Consultant or other contracts
5. Data collection, project monitoring, and evaluation
6. Capital cost elements
7. Operational cost elements

III. Expected Program Revenues (if applicable)

5. Demonstration of local commitment evidenced by attaching the following information:
 - a. A resolution of the governing body of the party authorizing submittal of the letter of interest.
 - b. Identification of urbanized area and endorsement of the program by the MPO.
 - c. Where the MPO is not the areawide A-95 clearinghouse agency, a record of A-95 review.
 - d. Letters of endorsement and commitment from public and private organizations, including private employers who will participate in the program.

Interested Party Responsibilities

The letter of interest and attachments should be sent to the appropriate State agency with a certification that the proposed program will be included in the TIP for the local area. The State should certify that the proposed project(s) will be included in the State 105 program, and the State Highway Safety Plan as appropriate. Copies of all letters of interest should be forwarded by the State to the FHWA division office by March 1, 1981.

If selected for funding consideration, the program sponsor must plan, implement, collect data, monitor and evaluate project activities under agreement with the State transportation agency and the FHWA and participate with other program sponsors in meetings or workshops as appropriate.

Projects using the UMTA urban discretionary grant funds must meet normal requirements of these funds including Sections 3(d), 3(e), 3(f), 3(g), and 13(c) of the UMT Act.

Time Schedule

Letters of interest should be submitted by the State to the FHWA division office no later than March 1, 1981. They will then be forwarded by FHWA division offices to FHWA

regional offices where they will be coordinated with UMTA and NHTSA regional offices. Letters of interest with regional comments will be forwarded to the FHWA Headquarters Office in Washington, D.C. Preliminary selection will be made at Headquarters by a panel of representatives from FHWA, UMTA, and NHTSA. The preliminary announcement of selected programs will be made as soon as possible thereafter.

Evaluation

Evaluation of this program will require the administering agency to monitor and collect items to be described, submit quarterly reports, an annual program summary, and a final program evaluation report.

Quarterly and annual reports shall include:

1. Accomplishments during period,
2. Difficulties encountered and recommendations for improvement,
3. Funds expended for period and to date, and
4. Work planned for upcoming period.

The project final report shall include a description of overall program accomplishments, quantitative results attributable to the program, program expenditures and revenues, program activities to be continued. Measures of effectiveness to be monitored and reported for the program or project area will include, as appropriate, items such as changes in vehicle occupancy, traveltime, VMT, transit ridership, parking utilization, accidents, energy consumption.

This solicitation of interest is being issued under the provisions of the Department of Transportation Appropriations Act, 1981, Pub. L. 96-400, 94 Stat. 1681.

Issued on:

John S. Hassell, Jr.,

Federal Highway Administrator.

Joan Claybrook,

National Highway Traffic Safety Administrator.

Theodore C. Lutz,

Urban Mass Transportation Administrator.

[FR Doc. 80-37166 Filed 11-28-80; 8:45 am]

BILLING CODE 4910-22-M

Federal Highway Administration

National Ridesharing Discretionary Program; Solicitation of Interest

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Highway Administration (FHWA) issues this information notice for any parties that may be interested in participating in a ridesharing discretionary funding program. The program will be the basis of a continuing effort to further test innovative and/or comprehensive approaches to ridesharing. This solicitation of interest is being jointly announced with the Urban Mass Transportation Administration program for Innovative Techniques in the Management and Operation of Public Transportation and the Comprehensive Transportation System Management Assistance Program.

DATE: Letters of interest for the initial round of discretionary funding should be submitted by the State transportation agency to the appropriate FHWA division office on or before March 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Barbara Reichart, Chief, Ridesharing Branch, Office of Highway Planning, 202-426-0210; or Ruth Johnson, Office of the Chief Counsel, 202-426-0781, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

Introduction

The Ridesharing Discretionary Program is being announced jointly with the Urban Mass Transportation Administration (UMTA) program for Innovative Techniques in the Management and Operation of Public Transportation and the FHWA, UMTA, NHTSA Comprehensive TSM Assistance Program. Potential applicants may submit letters of interest directly for the Ridesharing Discretionary Program or the UMTA program or may submit a comprehensive proposal including ridesharing elements to the Comprehensive TSM Assistance Program. If applicants elect the comprehensive approach, specific elements of their proposals are eligible for funding from any of the announced programs wherein that element appears as an eligible project or category.

The objective of this Ridesharing Discretionary Program is to gain broader application of positive ridesharing techniques developed in previous efforts by FHWA, UMTA, or others, or developed in projects selected under the National Ridesharing Demonstration Program. Special consideration and priority for funding will be given to proposals that include approaches such as:

1. Innovative mechanisms to secure employer commitment and involvement (e.g., alternative institutional and management arrangements, turnkey marketing).
2. Programs to coordinate small employers who might not otherwise find sponsoring a ridesharing program practical.
3. Multi-shift vanpool or buspool programs at employment centers with consecutive shifts (i.e., hospitals, utility plants, etc.).
4. Vanpool programs using "seed" vans to initiate programs.
5. Work site buspools.
6. Non-commuter ridesharing.
7. Multiple uses of pool vehicles.
8. Programs aimed at site specific problems such as major new construction sites, office parks, regional shopping centers.
9. Innovative funding and financing arrangements.
10. Innovative matching services.

The anticipated length of a project is 2 years.

Eligible Participant

Any public agency with authority to administer ridesharing projects involving the expenditure of Federal-aid highway funds and/or Urban Mass Transportation transit assistance funds is invited to express its interest in the program. Other interested parties who wish to submit letters of interest may do so by working in coordination with an eligible public agency to sponsor the proposed project.

Financing

The program will provide funding to State and local agencies to explore innovative approaches to increase the use of ridesharing. Funding will consist of a 75 percent Federal share and a 25 percent non-Federal local match. The local share may include in-kind contributions such as the value of donated advertising and radio and TV public service announcements, donated personnel and computer hardware and software. Sponsors are especially encouraged to gain the financial support of private employers either in cash (e.g., a fee for each employee newly joining a carpool, vanpool, or buspool) or in commitment of staff time or other resources.

All project-related activities eligible for Federal-aid funding under the Federal-aid carpool and vanpool program are eligible expenses under the discretionary program. Project sponsors are encouraged to use conventional Federal-aid funds for those project items normally eligible under the existing funding categories especially for highway-related incentives such as high occupancy vehicle facility signing and to use the discretionary funds being requested in

the development of a comprehensive ridesharing program utilizing a variety of innovative approaches (such as those outlined in the introduction) as well as for data collection and project monitoring.

It is anticipated that data collection and project monitoring will be budgeted at approximately 10 percent of total funds requested. Request for funding are not expected to exceed \$300,000 per project.

Evaluation

Evaluation of the discretionary program projects will require the administering agency to submit quarterly reports and an annual summary report.

Quarterly reports shall contain a brief narrative discussion containing information leading to preparation of the yearly report and covering each of the following:

1. Activities and accomplishments during this quarter.
2. Difficulties encountered and recommendations of improvement.
3. Work planned for the upcoming quarter.

In addition the report shall contain a funding summary including funds expended during the quarter, total funds expended to date, funds remaining and funds to be expended in the upcoming quarter.

At the end of the first year an interim report shall be submitted summarizing the years accomplishments. At the conclusion of the project a final report shall be submitted containing the following:

1. Activities and Accomplishments
Include in this section specific quantitative results attributable to the program. The results in this section should be clearly defined and utilize visual aids (charts, graphics, etc.) when appropriate. Measures of effectiveness discussed in this section should include:
 - a. Number and type of employer sponsored programs initiated or expanded, percent of work force participating, type and effectiveness of employer provided initiatives, and annual employer cost.
 - b. Change in peak period vehicle occupancy rates
 - c. Reduction in parking demand
 - d. Estimated reduction in VMT
 - e. Percent increase in ridesharing by mode (i.e., carpools, vanpools, buspools, etc.)
 - f. Estimated attrition and replacement rates
 - g. Estimated energy savings (i.e., gallons of gasoline)
 - h. Estimated reduction in mobile source pollutants
 - i. Cost effectiveness (i.e., dollars expended per new ridesharer attracted).

2. Discussion of results:

Include in this section a summary of all project activities intended to increase ridesharing and a discussion of their relative success or failure in achieving the desired objectives. Also discuss reasons why activities succeeded or failed.

3. Work planned to incorporate the positive elements of the project into an ongoing program:

Include a discussion of project strategies to be continued and activities planned to correct past deficiencies.

4. A summary of funds expended.

Selection Criteria

The following criteria, not necessarily in order of importance, will be used to determine which of the interested parties will be invited to participate in the programs:

- a. Innovative features regarding marketing incentives, financing, regulations, insurance, matching, management, and other aspects that have the potential to increase the level of ridesharing activity nationally as well as locally.
- b. Private sector participation in the project funding, development, and operation. (Special consideration will be given to those projects which are comprehensive in nature

and include a definite commitment of resources from the employer or developer.)

c. Commitment of personnel from local agencies such as ridesharing offices, traffic and planning departments, and transit operators to participate in the implementation of a comprehensive ridesharing program.

d. Commitment of State, local, and Federal program funds and resources, particularly past and projected commitment of Federal-aid Urban and/or Primary Systems funds, to implement ridesharing programs and incentives.

e. Degree of community involvement and support from public officials, public and private bus operators, employers and other relevant groups as evidenced by letters of endorsement.

f. Endorsement and willingness of State and local officials to cooperate in the development and implementation of a comprehensive ridesharing program.

g. Cost and energy conservation effectiveness of program. (e.g., Level of anticipated increase in number of ridesharers per dollar of public funds spent.)

h. Degree of management capability to develop and adequately evaluate a comprehensive ridesharing program.

i. Degree of coordination with other energy conserving transportation measures.

Contents of Letters of Interest

Letters of interest should include, in the following order:

a. A concise statement of the proposed projects goals and objectives. Objectives should be quantified to the extent possible. For large urban areas the project may encompass only a segment of the urban area.

b. A narrative description of the activities to be carried out during the project. The narrative should contain a comprehensive discussion of the activities to be implemented with each element discussed individually. In addition, the narrative should state what approaches will be used to match potential poolers, incentives to be developed for pooling, involve employers or groups of employers or employees, involve public and private bus operators in forming buspools, identify legal, zoning, regulatory, or institutional barriers to the formation and encouragement of carpools, vanpools, and buspools, and planned activities to eliminate these barriers and the projects connection with any previous ridesharing activities.

This narrative should be limited to a maximum of 10 pages.

c. A statement of previous and current ridesharing activities, if any, specifically identifying annual financial level of effort and funding sources, size of staff, number of requested matches, number of carpools/vanpools formed, evaluation results, marketing and promotional activities, and legal or regulatory actions taken to encourage ridesharing. If a new ridesharing effort is proposed a statement summarizing past ridesharing efforts by others (either public or private) should be prepared.

d. A breakdown of project cost by project element, by funding sources, and a project cost summary. A sample budget-format follows below indicating the categories to be used.

I. Project Element Summary:	
1. Element A.....	\$
2. Element B.....	\$
3. Element C.....	\$
Total.....	\$
II. Funding Source Summary:	
Federal-aid funds.....	\$
FHWA (identify type).....	\$
UMTA (identify type).....	\$
Other (identify type).....	\$
Total.....	\$

Local Match (Specify if in-kind services):	
City A.....	\$
City B.....	\$
Employer.....	\$
County.....	\$
State.....	\$
Other.....	\$
Total.....	\$
Discretionary Funds Requested (Requires 25% no-Federal match) Total.	

Budgets are expected to cover the entire 2 year duration of the project.

III. Project Cost Summary:	
1. Employee salaries professional.....	\$
2. Employee salaries clerical.....	\$
3. Employee benefits.....	\$
4. Travel.....	\$
5. Computer expenses.....	\$
6. Marketing.....	\$
7. Consultant contracts.....	\$
8. Other contracts (specify).....	\$
9. Data collection and evaluation.....	\$
10. Vanpool vehicle acquisition.....	\$
11. Other project costs (specify).....	\$
12. Contingencies.....	\$
Total.....	\$

e. A copy of the following information should be included:

1. A resolution by the governing body of the party authorizing submittal of the letter of interest.
2. Identification of the urbanized area and endorsement of the proposed project by the metropolitan planning organization (MPO).
3. Where the MPO is not the areawide A-95 Clearing-house agency, a record of A-95 review.

f. Letters of endorsement and commitment from public and private organizations should be included as an attachment and will not be considered part of the letter of interest. No other attachments should be included.

g. Letters of commitment from employers to participate in the ridesharing program.

The Letters of Interest should not exceed 25 pages.

Interested Parties' Responsibilities

Copies of the letter of interest should be sent to the State transportation agency, if the interested party is other than the State Transportation agency, with a certification that the proposed project, if preliminarily selected for funding, will be included in the Transportation Improvement Program for the local area and State 105 program. If selected for funding consideration, the project sponsor must plan, implement, collect data, document, monitor and evaluate project activities under agreement with State transportation agency and the FHWA, and participate in ridesharing workshops with other project sponsors and agency representatives.

Time Schedule

Letters of interest (for the initial round of discretionary funding) should be submitted by the State transportation agency to the appropriate FHWA division office on or before March 1, 1981. They will then be forwarded through FHWA division and regional offices to the FHWA Headquarters office in Washington, D.C. Project received after March 1 will be considered as additional funding becomes available.

Preliminary selection will be made by FHWA. The announcement of selected projects will be made as soon as possible thereafter.

This solicitation of interest is being issued under the authority of sections 126 (e) and (f) of the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2706, and the interim delegation of authority issued by the Office of the Secretary on January 4, 1979.

Issued on: November 25, 1980.

John S. Hassell, Jr.,
Federal Highway Administrator.

[FR Doc. 80-37187 Filed 11-28-80; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation
Administration

49 CFR Part 644

[Docket No. 80-D]

Innovative Techniques and Methods in
the Management and Operation of
Public TransportationAGENCY: Urban Mass Transportation
Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: Section 4(i) of the Urban Mass Transportation Act of 1964, as amended, authorizes the Urban Mass Transportation (UMTA) to make grants to States and local public bodies "for projects for the deployment of innovative techniques and methods in the management and operation of public transportation services." UMTA is proposing policies and procedures for administering and applying for grants for projects using such innovative techniques and methods. During the period of this rulemaking, UMTA will use these proposed policies and procedures as guidance in administering the Section 4(i) program.

DATES: Comments must be received on or before February 25, 1981.

ADDRESS: Comments must be submitted to UMTA Docket No. 80-D, 400 7th Street, S.W., Washington, D.C. 20590. All comments and suggestions received will be available for examination in room 9320 at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with each comment.

FOR FURTHER INFORMATION CONTACT: Norm Ensrud, Office of Service and Methods Demonstrations, (202) 426-4984.

SUPPLEMENTARY INFORMATION: All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. Comments received after the expiration of the comment period will be considered to the extent feasible.

The Administrator has determined that this regulation is not a significant regulation under the criteria in the DOT Order for Improving Government Regulations (44 FR 11042, February 26, 1979).

The proposed regulations set out the procedures for application for a grant program. Therefore, under the DOT

Order, a full evaluation is not warranted because the expected economic impact of the proposed regulations is minimal. The provision of OMB Circular A-95 apply to this Notice of Proposed Rulemaking. It covers the following program as listed in the Catalog of Federal Domestic Assistance: 20.506—Urban Mass Transportation Demonstration Grants.

Discussion of Proposal and Background

The purpose of the proposed regulations is to prescribe policies and procedures for administering a grant program designed to foster the adoption of innovative techniques and methods in the management and operation of public transportation services (referred to as "innovations" in this document). Section 4(i) of the Urban Mass Transportation Act of 1964, as amended, (the Act) through the delegation of authority by the Secretary of Transportation, authorizes the Urban Mass Transportation Administration (UMTA) to make grants to States and local public bodies for projects for the deployment of innovative techniques and methods in the management and operation of public transportation services. Congress has appropriated \$15 million for the Section 4(i) Program in Fiscal Year 1981, although it has earmarked a portion of these funds, \$5 million, for transportation systems management (TSM) projects. \$10 million assigned by Congress to the National Highway Traffic Safety Administration (NHTSA) has also been earmarked for TSM activities, and the two amounts will be combined into a single Comprehensive TSM Assistance Program administered cooperatively by UMTA, NHTSA, and the Federal Highway Administration. UMTA will use the remaining \$10 million appropriated for the Section 4(i) program for projects which focus primarily upon transit industry activities. Packaging of transit and other local TSM projects that are mutually reinforcing is encouraged in the Section 4(i) Program.

Concurrent with this proposed rulemaking for the Section 4(i) program, FHWA, NHTSA and UMTA are announcing and describing their \$15 million Comprehensive TSM Assistance Program referred to above. These funds will be used for projects in three areas: (a) improving transportation system efficiency by increasing occupancies, e.g., ridesharing, alternative work schedules, parking management, High Occupancy Vehicle (HOV) techniques, (b) providing alternatives to the auto, e.g., pedestrian and bicycle facilities, (c) improved driver efficiency, e.g., driver

training programs for energy conservation.

UMTA is presently inviting project proposals to utilize the \$10 million of Section 4(i) funds intended primarily for transit industry innovations. During the period of this rulemaking, applications will be considered for Section 4(i) grants using the proposed regulations as guidance. Applications must be received on or before March 1 of the fiscal year in which Federal assistance is sought.

The Section 4(i) program is intended to promote the adoption of proven innovative techniques and methods in public transportation. Several UMTA offices have been administering research and demonstration programs. From these programs, as well as from elsewhere in the public transportation field, various innovative techniques and methods have been developed. However, their adoption has been uneven. This program is intended to remedy this situation.

In each fiscal year grants for any one State may not exceed 12½% of the funds available for all grant recipients. The grants will be made on a competitive and discretionary basis in accordance with the procedures proposed in this document.

The innovative techniques and methods under consideration for this grant program can be generally described as those: (1) of fairly recent origin (last ten years); (2) of proven benefit to urban transportation in improved service, improved management or reduced total or unit cost; and (3) that have thus far not been adopted as widely as they might be.

Attention is drawn particularly to those techniques and methods developed and/or demonstrated by UMTA's Office of Service and Methods Demonstrations and Office of Transportation Management. The following major categories of innovations exemplify those that should be considered (this list is not all inclusive):

Conventional Transit

- High Occupancy Vehicle (HOV) Priority Projects
- Designation and operation of exclusive bus and HOV roadways
- Designation and operation of Contra Flow HOV lanes on Freeways, arterials or Central Business District (CBD) Streets
- Metered Freeway Access ramps with preferential entry for HOVs
- Exclusive lanes at toll plazas or other bottlenecks.
- Reserve concurrent flow HOV arterial lanes
- Signal preferential techniques for buses (may be preemption or progression)
- Transit Malls—bus only CBD streets with improved facilities for pedestrians

The Office of Service and Methods Demonstrations has developed a number of concepts in this area, but for fiscal year 1981 these types of projects may also be proposed under the joint FHWA, NHTSA, UMTA TSM program.

Most of the major cost elements in this category of projects will qualify under existing programs such as UMTA's Section 3 and FHWA's Federal Aid to Urban Systems (FAUS) or Interstate programs. Use of these funds is encouraged for the high capital costs of HOV priority projects.

Paratransit and Special User Transit

- Brokering—special user groups coordinated service arrangements
- Ridersharing/Brokering—comprehensive buspool, vanpool, carpool projects either areawide or targeted to major employment concentrations or special user groups, particularly if under the control of the transit operator.
- Bicycle/Transit Integration
- User Side subsidy—to target groups or general public

Note.—All transit authority ridesharing efforts must be closely coordinated with any area wide ridesharing activities that may already be underway.

Pricing Policy Projects

- Central Business District Fare-Free Zones
- Premium Fares for Premium Service
- Parking Pricing Strategies and associated transit services
- Transit Fare Prepayment
- Promotional Fare Incentives
- Improved Transfer Policies
- Transit Fare Integration

Note.—Local efforts are encouraged that lead to a comprehensive and coordinated set of transportation pricing policies. These policies would discourage single driver trips through such actions as peak surcharges on parking and would encourage transit use and ridesharing through transit fare integration, employer discounts of transit passes and preferential low cost parking for vanpools and carpools. These activities may also be proposed as part of a broad package of actions under the joint FHWA/UMTA/NHTSA TSM umbrella program.

Operations and Maintenance

- Various computer programs for improving management efficiency such as RUCUS (run cutting and scheduling), and SIMS (maintenance and inventory management), and also more general programs to provide a wider range of management information
- Automated data collection systems at bus service islands to measure vehicle use of various fluids, and detect faults by computer analysis before they become road failures
- Introduction of superior maintenance manuals, and associated maintenance training programs

Human Resources Projects

- Various kinds of employee training programs from among a number of such efforts that have been developed over

- recent years including, but no limited to, a general orientation course for all employees, technical training for bus operators, and various kinds of professional and managerial development programs for white collar employees
- Implementation of the so-called Validated Test Battery for the selection of bus driver candidates
- Development and institution of an employee assistance program to channel workers who are troubled with alcohol-related problems, drugs, domestic issues or financial difficulties into appropriate social services for their remedy
- Design and implementation of employee training programs on a multi-property basis for blue collar and/or managerial personnel

Marketing

- Passenger information systems, such as automated displays telling when trains or buses are due, or telephone information centers to provide transit information to callers
- Unified public information programs for a region where public transportation is provided by a number of different transit operators and agencies
- Marketing programs for an entire transit system, or for some specified target market within an overall system.

Nothing in the above listing should preclude an applicant from considering or including other promising innovations not listed. Also, applicants are encouraged to combine several innovations into a comprehensive program of projects. In addition, innovations not well documented through UMTA programs may still have enough operational results through other transit sources that transit operators are familiar with them, *i.e.* timed transfer. These innovations may also be proposed for funding in the Section 4(i) program.

In consideration of the foregoing, it is proposed that a new Part 644 be added to Title 49 of the Code of Federal Regulations to read as follows:

PART 644—INNOVATIVE TECHNIQUES AND METHODS PROGRAM

Sec.

- 644.101 Purpose.
- 644.103 Definitions.
- 644.105 Eligible project expenditures.
- 644.107 Content of applications.
- 644.109 Responsibilities of applicant.
- 644.110 Local share.
- 644.111 Environmental requirements.
- 644.112 Labor protection requirements.
- 644.113 Public hearing requirement.
- 644.115 Civil Rights Act Title VI responsibilities.
- 644.116 Minority business enterprise obligation.
- 644.117 Compliance with handicapped regulations.
- 644.118 Charter and school bus operations.

Sec.

- 644.119 Project selection criteria.
- 644.121 Grant agreements.

Authority: 49 U.S.C. 1603(i); 49 CFR 1.51.

§ 644.101 Purpose.

(a) Section 4(i) of the Urban Mass Transportation Act of 1964, as amended (hereinafter referred to as the Act), authorizes the Urban Mass Transportation Administration (UMTA), through the delegation of authority by the Secretary of Transportation, to make grants to States and local public bodies "for projects for the deployment of innovative techniques and methods in the management and operation of public transportation services."

(b) This part prescribes UMTA policies and procedures for administering grant programs for projects using innovative techniques and methods in the management and operation of public transportation services.

§ 644.103 Definitions.

As used in this part:

(a) "Applicant" means a State, State agency, or local public body. An applicant may be a State, State agency City, County, Transportation Authority or District, Metropolitan Planning Organization, Indian Tribe, or other public body.

(b) "Program" means the Grant Program for projects using innovative techniques and methods in the management and operation of public transportation services.

(c) "Operating subsidies" are costs directly related to system operations and include expenses for driver salaries and for maintenance.

§ 644.105 Eligible project expenditures.

(a) Project costs eligible for Federal funds under this Part include, but are not limited to expenditures incurred after grant approval for—

(1) Final planning and design necessary for implementation of the project;

- (2) Capital facilities;
- (3) Operating subsidies;
- (4) Public information activities;
- (5) Police enforcement;
- (6) Project administration;
- (7) Data collection; and
- (8) Evaluation.

(b) Program funds are not intended to be used to provide subsidies for presently existing operations. Reasonable expenses for operating costs which are an integral part of new projects and reasonable expenses for project supervision, monitoring and evaluation costs are eligible for Federal funds under this part if properly distributed as project expenses. An overall evaluation effort for Section 4(i)

projects will be carried out by an independent contractor retained by U.S. DOT. Data will be supplied by the grantee as in all Service & Methods Demonstration.

(c) Private transportation companies may participate through contractual arrangements with the applicant.

(d) Each proposal and the associated funding request must present a fully developed project which does not depend upon future Section 4(i) program funds for continuation. It is anticipated that on-going financial assistance programs, for example Section 5 and Section 18, would provide the Federal share of continuation costs.

§ 644.107 Content of applications.

Each application must include:

(a) The following statements and attachments:

(1) An application (Federal Form 424).

(2) A resolution of the Board of Directors or Council or other body with legal responsibility, authorizing the application.

(3) An assurance of compliance with 49 CFR Part 27 (Nondiscrimination on the Basis of Handicap in Federally-Assisted Programs and Activities Receiving or Benefiting From Federal Financial Assistance).

(4) An opinion of counsel supporting the Applicant's authority to contract for and receive a Federal grant under this part and assuring that pertinent Federal, State and local laws present no legal impediment to approving a grant to the applicant.

(5) A review in accordance with Office of Management and Budget Circular No. A-95 as revised.

(6) Evidence that the project has been included in the area's Transportation Improvement Program (TIP). If an applicant's proposed project will be used to provide, by contract or otherwise, for the operation of mass transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing private mass transportation company, the application must contain sufficient information to permit the Administrator to find that the program, to the maximum extent feasible, proves for the participation of private mass transportation companies.

(b) A concise statement of the innovation(s) to be implemented. The project description should not exceed 20 single-spaced typewritten pages exclusive of statements of commitment or letters of endorsement by other involved organizations and graphic material such as maps, figures, photographs, tables, and charts. The project description must contain:

(1) A statement of objectives.

(2) A brief description of project area.

(3) A brief description of project population.

(4) A brief description of existing transit service in the project area.

(5) A description of proposed project with a statement of the benefits to be derived.

(6) A cost description of proposed operations.

(7) A description of estimated patronage or project impact on travel, if relevant.

(8) A description of estimated project revenue, if relevant.

(9) A description of capital costs, if relevant.

(10) A description of other costs.

(11) A description of other impacts including impact on energy consumption, if relevant.

(12) An identification of other participating organizations and their responsibilities, if relevant.

(13) A statement of commitment or letters of endorsement by other involved organizations, if any.

(14) A commitment of other Federal, State or local funds or programs to share in the cost of the project, if any.

(15) A description of how service provided will be monitored and evaluated in light of local objectives for the project.

(16) A project time schedule and funding plans for continuation past the period of service to be governed under this grant.

(17) A description of local funding.

(18) A cover summary sheet containing the following:

(i) The name, address and telephone number of the applicant agency;

(ii) The contact person responsible for the proposed project;

(iii) The total amount of Federal funds being requested under the program divided into appropriate categories, i.e. capital costs, operating costs, implementation planning/design costs and, monitoring and evaluation cost;

(iv) The amount of funding commitments or participation of other Federal, State or local programs and contributions; and

(v) The time period of service to be provided.

§ 644.109 Responsibilities of applicant.

Each applicant for section 4(i) funds must—

(a) Submit ten (10) copies of the proposal to the appropriate UMTA Regional Office;

(b) Administer projects approved under this Part; and

(c) Enter into an agreement with UMTA governing each project.

§ 644.110 Local share.

At least 20% of the cost of a project must be provided from a non-Federal source and/or from a Federal source only when appropriate Federal legislation specifically authorizes its use as local share.

§ 644.111 Environmental requirements.

For each project selected for funding by UMTA and prior to the obligation of any program funds, the applicant must comply with the environmental procedures described in Part 622 of this Title.

§ 644.112 Labor protection requirements.

(a) Each applicant shall make fair and equitable arrangements to protect the interests of employees affected by an UMTA grant, as required by Section 13(c) of the UMT Act.

(b) Section 13(c) of the UMT Act is administered by the Department of Labor in accordance with guidelines published in 29 CFR Part 215. Section 215.2 of the guidelines sets out the information that must be included in a grant application.

(c) Each application must contain information to assist the Secretary of Labor in certifying that fair and equitable arrangements have been made to protect affected employees. Such information must include the names and addresses of labor unions representing employees of the transit systems to be assisted and any other transportation systems to be affected.

(d) The grant agreement will specify the terms and conditions of the arrangements, as certified by the Secretary of Labor.

§ 644.113 Public hearing requirements.

(a) Each applicant whose project is selected for funding consideration by UMTA must provide the opportunity for a public hearing by publishing a notice that a hearing will be held if a written request for a hearing is received. It is not necessary to initiate this process before the selection for funding consideration is made by UMTA. The notice process and any subsequent hearing must be completed prior to the execution of the grant agreement.

(b) Each applicant must provide the public at least thirty days to request a public hearing.

(c) If a written request for a hearing is received by an applicant after publication of the notice required by paragraph (a), the applicant must hold a hearing.

(d) Each notice must be published in a newspaper of general circulation in the proposed service area of the proposal.

(e) Each notice required by paragraph (a) must describe the proposed project in detail sufficient to inform the public of the following:

- (1) The name of the applicant
- (2) The location of service area of the proposed project
- (3) A description of the proposed project
- (f) Each notice must indicate that—
 - (1) That views of interested parties may be submitted orally or in writing at the hearing;
 - (2) That a copy of the application and the transcript, if a hearing is held, are available for public inspection, and state the location where they are available;
 - (3) That any person interested in having a public hearing must request the hearing in writing;
 - (4) That if any written request is received, a hearing will be held;
 - (5) The name of the person and the address to which the written request must be sent;

(6) The deadline for submission of requests (at least thirty days after publication of the notice).

(g) If a request for a hearing is received, a notice containing the subject date, time, and location of the hearing must be published at least thirty days before the hearing.

(h) Each applicant must submit certified copies of the notice required by paragraph (a).

(i) If a public hearing is held, the applicant must ensure that—

- (1) A transcript of the hearing is made;
- (2) The transcript is kept on file; and
- (3) The transcript is available for public inspection.

(The transcript may be an electronic tape recording.)

(j) If UMTA determines that the notice of intent to hold a public hearing or the public hearing itself (if held) was inadequate to give interested parties an adequate opportunity to present their views with regard to the proposed subject, it may require the applicant to publish an additional notice or to conduct an additional hearing.

§ 644.115 Civil Rights Act title VI responsibilities.

The grant recipient must administer its Innovative Techniques and Methods program in such a manner as to ensure that no person in the United States will, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under the program. The requirements concerning Title VI responsibilities are in Part 21 of this Title.

§ 644.116 Minority business enterprise obligation.

That grant recipient must administer its Innovative Techniques and Methods program in such a manner as to ensure that minority business enterprises as defined in Part 23 of this Title have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds under this program. In this regard all grant recipients must take all necessary and reasonable steps in accordance with Part 23 of this Title to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Grant recipients and their contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of Department of Transportation assisted contracts.

§ 644.117 Compliance with handicapped regulations.

The grant recipient must administer its Innovative Techniques and Methods program in such a manner as to ensure that no otherwise qualified handicapped individual will, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under the program. The regulations governing nondiscrimination on the basis of handicap are in Part 27 of this Title.

§ 644.118 Charter and school bus operations.

Any grant recipient under the Innovative Techniques and Methods program who engages in charter or school bus operations is subject to the regulations governing charter bus operations in Part 604 of this Title or the regulations governing school bus operations in Part 604 of this Title.

§ 644.119 Project selection criteria.

UMTA will consider the following criteria in selecting projects to receive grants under this Part (Projects need not address all criteria to be considered worthy of funding.):

(a) The cost-effectiveness of the project with respect to improving the quality of public transportation service and/or the efficiency of management and operations;

(b) The innovative character of project;

(c) The likelihood of project continuation after the expiration of the subject grant (Section 5 and 18 of UMTA Act are probable sources of funding. Degree of commitment shown for these funds is highly important);

(d) The energy conservation effectiveness of the program;

(e) The extent to which the proposal is a direct result of the planning process and of the Transportation System Management Component, reflecting the commitment of the State or local area to a comprehensive and continuing TSM program (contains several reinforcing actions);

(f) The commitment of State, local and/or Federal program funding and other program resources;

(g) The degree of commitment and leadership of private and public organizations with operational, regulatory, pricing, etc. authority to carry out project;

(h) The readiness to implement; state of completion of project planning and design;

(i) The private sector (e.g. service providers, employers) participation in the project funding, development, and/or operation;

(j) The effect of the project upon existing public transportation services;

(k) The reasonableness of and justification for estimated costs and effects;

(l) The contribution of program to adopted community energy conservation and related environmental, urban revitalization and economic goals.

§ 644.121 Grant agreements.

The terms and conditions which control the administration of a project selected for funding will be contained in a grant agreement jointly executed by UMTA and the applicant.

(49 U.S.C. 1603(i); 49 CFR 1.51)

Dated: November 25, 1980.

Theodor C. Lutz,
Administrator.

[FR Doc. 80-37168 Filed 11-28-80; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80-062]

Coast Guard Consumer Program

AGENCY: U.S. Coast Guard, DOT.

ACTION: Adoption of the Coast Guard final consumer program

SUMMARY: This notice contains the Coast Guard final Consumer Program. The Consumer Program has been prepared in response to Executive Order 12160, entitled "Providing for Enhancement and Coordination of Federal Consumer Programs", published in the Federal Register on September 28, 1979 (44 FR 44787). The Executive Order requires that Government agencies establish improved procedures that will provide for—

(1) An identifiable and accessible consumer affairs officer that will represent the consumer perspective in the development of agency rules, legislation, policies, and programs;

(2) Early and meaningful consumer participation in the review and development of rules, policies, and programs;

(3) Development and distribution of information materials for consumers;

(4) Consumer affairs training for agency personnel and, to the extent appropriate, technical assistance and training for consumers; and

(5) Systematic procedures for consumer complaint handling.

EFFECTIVE DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Commander Neal Mahan, Office of Boating, Public, and Consumer Affairs (G-BA), Room 4224, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593. Telephone: (202) 426-1080. Office hours are from 6:30 a.m. to 5:00 p.m., Monday thru Thursday.

SUPPLEMENTARY INFORMATION: The Coast Guard draft Consumer Program was published in the Federal Register on June 9, 1980 (45 FR 39192). Interested persons were invited to comment. The comment period closed on August 9, 1980. A total of 17,700 copies of the draft Consumer Program were sent to various Coast Guard and Department of Transportation mailing lists. Some of the specific persons or groups on these lists who received copies of the draft consumer Program were: National, State, and local consumer organizations; boating writers and editors of magazines and newspapers; yacht clubs and boating associations; Coast Guard Auxiliary Flotillas; U.S. Power Squadrons; operators of marinas and

recreation areas; marine consultants and engineers; boat and recreational equipment dealers; and boat and associated equipment manufacturers.

A total of 117 written comments were received. This total breaks down as follows:

Individual consumers—29
Consumer organizations—19
Business or trade organizations—62
State governments—1
Coast Guard Districts—6

Forty-one commenters indicated that they thought the draft Consumer Program was an adequate or good program and offered no other comment. The remaining 76 commenters offered some criticism or suggestion to improve the program. In the following discussion, the various comments that express similar thoughts or substance are grouped and represented as one comment. After each comment is presented, the Coast Guard response is discussed. The comments are broken down into two broad categories: comments that are general in nature, and comments that address a specific section of the Consumer Program.

Note.—The draft Consumer Program was broken down into six sections: Oversight for Consumer Affairs; Consumer Perspective; Consumer Participation; Informational Materials; Education and Training; and Complaint Handling.

General Comments

1. Comment: The Consumer Program will only result in more bureaucracy; it will result in unnecessary and unwanted interference in the private sector; it will take manpower and resources away from other more important and vital tasks in the Coast Guard; the cost of the program will outweigh any benefit.

Coast Guard Response: The Consumer Program will not create more bureaucracy. The Coast Guard intends to implement the Consumer Program using essentially its present organization and personnel resources. In some instances, there have been changes of individual job titles or titles of organizational groups in the Coast Guard to reflect a greater emphasis on communicating with consumers.

Neither will the Consumer Program create bureaucratic methods to burden either the public or personnel within the Coast Guard. One of the principal objectives of the Consumer Program is to improve public participation in Coast Guard decisionmaking. Expressed in its simplest terms, this means making it easier for persons to become aware at an early stage of decisions-in-the-making that can affect them; making it easier for persons to understand the problems and issues involved in the

decisionmaking; and making it easier for persons to communicate their views to the Coast Guard and influence the decision. It is important to understand that many of the participation techniques and consumer education procedures outlined in the Coast Guard Consumer Program are in place now and, in some instances, have been in use for many years. The Coast Guard Consumer Program does, of course, envision some new procedures. For example, the Consumer Program provides for early notice to consumers of the opportunity to participate in the formulation of important policies that can affect them. To do this, the Consumer Program takes the type of public notice and comment procedure now used in rulemaking and extends it to the areas of policy formulation. The Consumer Program also promises more positive and concerted efforts to publicize participation opportunities through consumer media and direct mailings—more than just publishing a notice in the Federal Register. These are relatively modest but important changes that can be accomplished in the Coast Guard without large outlays of funds and increases in personnel.

2. Comment: The draft Consumer Program is written in typical Government "gobbledygook"; it's difficult to read and almost impossible to understand. One commenter stated that he believed the Consumer Program was really an "anti-consumer" tract designed to "bore the consumer to death".

Coast Guard Response: We have attempted to write the final Consumer Program in a style and format that will make it easier to understand.

3. Comment: The Consumer Program should not exclude non-consumers.

Coast Guard Response: It has long been recognized that the consumer, particularly the private individual, has had more difficulty participating in Government on an equal footing with other interest groups who are usually well organized and financed. For this reason, a basic purpose of Executive Order 12160 and the Coast Guard's Consumer Program is to take affirmative steps to make it easier for a consumer to be well informed and able to participate. However, the Consumer Program does not exclude anyone. All the participation techniques and information materials described in the Consumer Program are open and available to any interested person.

Specific—Oversight for Consumer Affairs

1. Comment: List the Coast Guard Consumer Affairs Officer's telephone

number in every telephone book that shows a listing for other local Coast Guard offices.

Coast Guard Response: To allow the consumer to reach the Consumer Affairs Officer's telephone number, located at Coast Guard Headquarters in Washington, D.C., would involve establishing a group of toll free telephone lines. It would also be reasonable to expect that to service the incoming calls, we would have to add a staff to handle or refer the complaints and inquiries. A more practical alternative for people who have a complaint or information inquiry that they want to make by telephone is to call the most appropriate Coast Guard office listed in the local telephone directory, or call the nearest Coast Guard District office. If they cannot handle the complaint or inquiry directly, they will in most instances be able to arrange for the appropriate Coast Guard person to contact the consumer. To help persons know where to go with a complaint or inquiry, the section on Consumer Perspective in the final Consumer Program has been revised to describe the Coast Guard organization (both at the Headquarters and field level) and the area of responsibility for each.

Specific—Consumer Perspective

1. *Comment:* The scope and effect of the Consumer Program would be clearer if specific classes or groups of consumers were identified. Also, the roles and responsibilities of the Coast Guard District (field) offices and personnel should be more fully described with respect to consumer affairs.

Coast Guard Response: The section on Consumer Participation in the final Consumer Program describes the functions of the various Headquarters' programs and their consumer constituency. We also describe the District organization and the responsibilities of the various units in the District as they relate to the consumer.

2. *Comment:* In terms the layman or consumer can understand, describe more clearly the duties of the Consumer Affairs Officer, how he participates in the proceedings of the Marine Safety Council; the duties of the Special Assistant Consumer Affairs Officer and his staff, and how they work with other Headquarters offices and field offices on consumer matters.

Coast Guard Response: The section on Consumer Perspective has been rewritten in the final Consumer Program to do this.

3. *Comment:* Having the duties of the Consumer Affairs Officer and the responsibility for regulating consumers combined in one billet (Chief of the Office of Boating, Public, and Consumer Affairs) involves a conflict of interest; it means one person must represent two potentially conflicting interests. The Coast Guard should have a separate billet and organization devoted to consumer affairs alone.

Coast Guard Response: A separate Consumer Affairs Officer billet and organization would be more costly (see comment #1 under GENERAL COMMENTS). We believe we can achieve the consumer participation and consumer education goals of Executive Order 12160 without establishing a totally separate "watchdog" organization within the Coast Guard. The basic premise in the Consumer Program is that the decisionmakers will give fair consideration to consumer participation and input if they are given the guidance and techniques to obtain that input. With regard to staffing, additional consumer affairs specialists and clerical support personnel may be added to the staff of the Consumer Affairs Officer only if the workload requires it as the consumer program develops.

Specific—Consumer Participation

1. *Comment:* The draft Consumer Program states that the Consumer Affairs Officer will recommend a comprehensive plan of participation techniques to obtain consumer input on proposed policies and regulations that can have significant consumer impact. The final Consumer Program should define what is significant.

Coast Guard Response: The final Consumer Program does establish general criteria for the type of proposed policies that ought to be considered significant enough to warrant a specific consumer plan for participation. These basic criteria are necessary because without them the Consumer Affairs Officer and Coast Guard personnel would have to consider and review the need for consumer participation on a multitude of routine and minor policy decisions that are made every day in the Coast Guard.

The final Consumer Program does not set criteria for the type of regulations that need to be reviewed because, as a matter of procedure, all proposed regulations are reviewed either in the District or at Headquarters to determine the type of consumer participation techniques that should be used. Generally, the scope and variety of participation methods used will be proportional to the scope and impact of

the proposed regulation. The procedure for planning consumer participation in both proposed policies and regulations is discussed in greater detail in our final Consumer Program in the section on Consumer Participation.

2. *Comment:* I would like to participate in Coast Guard proceedings on rulemaking and decisionmaking that can affect the consumer, but after reading the draft Consumer Program, I'm not sure how to do it.

Coast Guard Response: When the Coast Guard undertakes a particular consumer participation technique, it will as part of the process explain how an interested person can participate in the particular proceeding. To do this, it will also be necessary for the Coast Guard to devise ways to seek out consumers and make them aware of the opportunity to participate in a particular proceeding. One method the Coast Guard may use to alert consumers is by sending notices and news releases to the media sufficiently far in advance of the proceeding to give them time to publicize it. Another method the Coast Guard employs, particularly in the boating safety area, is the use of direct mail-outs to persons who have indicated a particular interest in one aspect or another of boating safety issues. If you received this copy of the final Consumer Program in the mail, you are already on one of these mailing lists. If you didn't receive it directly and you want to be put on the mailing list, or if you have an acquaintance who want to be put on the mailing list, use Appendix C.

3. *Comment:* The individual "grass roots" consumer—as distinguished from a representative of an organized consumer group—is not financially able to take time off from work and travel to open meetings or hearings. The Coast Guard Consumer Program should provide a modest program of financial assistance to facilitate consumer participation.

Coast Guard Response: In view of the concerns expressed by many commenters on the cost and need for a Consumer Program, we feel that establishing a financial assistance program to stimulate consumer participation would be premature at this point. In any event, open meetings and hearings are only one of several participation techniques that are used to obtain consumer input, although we realize that hearings are probably the best way to establish a dialogue. To make it easier for consumers to participate, Coast Guard hearings are held in the community concerned with the issues, whenever possible. Also, hearings concerned with consumer issues are held in the evenings, after

working hours, to make it easier for consumers and other interested individuals to attend.

4. *Comment:* Will an Advance Notice of Proposed Rulemaking (ANPRM) be used in every case of rulemaking?

Coast Guard Response: No. Use of an ANPRM may not be appropriate in every type of rulemaking action. The Consumer Participation section of the final Consumer Program has been revised to describe the situations in which an ANPRM would be most appropriate.

5. *Comment:* The draft Consumer Program describes consumer participation procedures for rulemaking at Coast Guard Headquarters. What are the consumer participation methods for rulemaking programs and other actions carried out at the District level?

Coast Guard Response: The consumer participation procedures described in the final Consumer Program are essentially the same for both Headquarters actions and District actions. They represent techniques and methods to involve the consumer that can be carried out at either level. In the area of rulemaking, Districts have been delegated authority to issue certain types of local regulations in their area. The kinds of regulations and the participation methods used for them are discussed further in the final Consumer program in the section on Consumer Participation.

6. *Comment:* Who are the public members of the National Boating Safety Advisory Council (NBSAC) and how are the public members of NBSAC selected?

Coast Guard Response: Membership in NBSAC is open to the public. Members are appointed by the Secretary of Transportation. Public members are chosen for their expertise in boating and their demonstrated ability to forcefully represent the views of boating enthusiasts in a forum such as NBSAC. Each member of NBSAC is appointed for a 3 year term. Appointments have been staggered so that from two to three vacancies for public members occur each year.

As of November 15, 1980, the current public members of NBSAC, and their State of residence, are:

(1) Dr. Cecil Mackey (Michigan), Chairman. Dr. Mackey is a knowledgeable boater with wide experience in dealing with transportation issues, both at the national and local level. He has served as Director of the Office of Transportation in the U.S. Department of Commerce, been a member of the Florida Governor's Advisory Committee on Transportation, and held the post of Assistant Secretary for Policy

Development in the U.S. Department of Transportation. He is president of Michigan State University and has been appointed as Chairman of NBSAC.

(2) Mrs. Bolling Douglas (Georgia). Mrs. Douglas is a professional marine surveyor. She is also an active boater who has served in almost every elected office in the U.S. Coast Guard Auxiliary. She is the first woman elected to the rank of Commodore in the Coast Guard Auxiliary and to membership in the National Association of Marine Surveyors, Inc.

(3) Mr. Newell Garden (Massachusetts). Mr. Garden is Director of Public Relations with Raytheon Co. He is an experienced boater who has written numerous articles for boating publications and for presentation before forums such as the National Safety Congress and National Boating Education Conference. He has received numerous public service awards for his contributions to boating safety and is a member of the New England Safe Boating Council, the International Association of Boating Writers, the Institute of Navigation, and the American Society of Naval Engineers.

(4) Mr. Richard Johnson (Minnesota). Mr. Johnson is a prominent attorney and civic leader in his community. He has served in the Coast Guard Auxiliary as Flotilla Commander, District Captain, and Department Chief, and has also held positions of responsibility in the U.S. Power Squadrons. In 1975, he was awarded the Busch Michelob Schooner, one of the highest and most prestigious public service awards in the recreational boating field.

(5) Mrs. Jean Lang (Florida). Mrs. Lang is Executive Editor of Pleasure Boating magazine and a free lance boating writer. She has held offices in the U.S. Power Squadrons and Coast Guard Auxiliary, and has wide personal experience in boating activities, including being perhaps the only woman to complete a solo cruise in a small boat from Florida to Lake Erie on the Intra-Coastal Waterway.

(6) Mr. Walter Miles (California). Mr. Miles is active in sailing, surfing, and river rafting. He is also a licensed scuba diver. Mr. Miles is a past chairman of a California State advisory committee on boating safety. He is president of a real estate investment firm.

(7) Mr. Richard Schwartz (Virginia). Mr. Schwartz is Executive Director of the Boat Owners Association of the United States (BOAT/U.S.). This organization represents the interests of approximately 65,000 members who are boat owners and boating enthusiasts. BOAT/U.S. provides a number of consumer oriented services to its

members and has frequently represented the views of its membership in Federal legislative and regulatory proceedings affecting recreational boating.

Specific—Informational Materials

1. *Comment:* Informational materials fail to reach the average person; in particular, boating safety materials should be sent to yacht clubs, marinas, and boat dealers for distribution to their members and clients. A marine surveyor stated that he had asked the Coast Guard on several occasions for bulk quantities of pamphlets to hand out to his clients and had received no response or been told that bulk quantities were not available.

Coast Guard Response: The Coast Guard distributes a variety of informational material through a variety of channels. We regularly send some types of information (mainly Boating Safety Circulars and reprints of boating safety regulations) to an extensive mailing list of boat dealers, yacht clubs, and marinas. Boating safety information in the form of pamphlets is distributed by other means. The Coast Guard presently has many different boating safety pamphlets and booklets that cover a variety of topics. These free pamphlets are distributed to the public by Coast Guard Auxiliaries and Coast Guard Boating Safety Detachments at boat shows and visits to marinas, dealers, and yacht clubs. The pamphlets are also made available for distribution to the 29 member organizations of the National Safe Boating Council. This Council represents over six million recreational boaters and water enthusiasts. Auxiliaries also distribute the pamphlets as part of the Courtesy Marine Examination.

The printing and distribution of all these pamphlets are planned in some detail. Thus the Coast Guard doesn't keep a large excess of pamphlets in storage. However, we should in most instances be able to make limited quantities of pamphlets available to persons who want them to distribute to recreational boaters. Persons who want pamphlets for this purpose should contact the Special Assistant Consumer Affairs Officer (see address in the Oversight section of the final Consumer Program) to discuss the specific type of pamphlet and quantity desired. If the Coast Guard has a suitable number of extra copies not already dedicated for distribution, we will make them available.

2. *Comment:* More effort should be devoted to keeping commercial fishermen informed of the opportunity to

comment on and participate in rulemaking that affects them.

Coast Guard Response: Most Coast Guard rulemaking does not apply to commercial fishing vessels because they are specifically exempted by many of the various laws that authorize the regulatory programs. However, when the Coast Guard does develop a policy or regulation that will affect commercial fishermen, the participation methods outlined in the final Consumer Program will be followed. For example, the Coast Guard will send appropriate notices to commercial fishing periodicals (such as the "National Fisherman" and "The Fish Boat") to make the commercial fisherman aware of the opportunities to participate. Further work will also be done to develop mailing lists of fishing vessel owners and operators and industry organizations so that notices may be sent by direct mail. Anyone interested in getting on a mailing list for these kinds of notices may use Appendix C to let us know.

3. *Comment:* The draft Consumer Program noted that consumer advisory news releases, describing boating hazards and preventative measures, were sometimes developed after analysis of Boating Accidents Reports. The commenter stated that the Boating Accident Reports should be given wide distribution.

Coast Guard Response: Boating Accident Reports are reports that the boat operator is required to file if he has an accident involving loss of life, property damage above \$200,00, or personal injury requiring medical treatment beyond first aid. The reports are sent to the jurisdiction in which the boat is numbered. Thousands of reports are filed each year. It would be impractical to distribute or reprint the reports for public information purposes (in some cases, the reports are protected and not releasable to the public). The Coast Guard does, however, prepare accident statistics and summaries based on analyses of these Boating Accident Reports. These accident statistics are published in an annual report entitled "Boating Statistics". Each year when the report is published, a news release is distributed to the boating press and boating interest groups. The news release summarizes the accident trends revealed in the report and explains how an interested person may obtain a copy of the report. Anyone wanting a copy of the latest "Boating Statistics" can write to the Special Assistant Consumer Affairs Officer (address is listed in the Oversight section in the final Consumer Program). A copy of the latest "Boating

Statistics" has been sent to the commenter.

4. *Comment:* The Coast Guard should publish information for buyers and users of boats that explain Coast Guard Safety requirements.

Coast Guard Response: The Coast Guard does publish such information. The section on Informational Materials in the final Consumer Program has been revised to explain that this type of boating safety information material is available and how it may be obtained. One of these in particular, a pamphlet entitled "Federal Requirements for Recreational Boats", discusses safety requirements and safe boating practices that a prospective boat operator should know. This particular pamphlet is available in both English and Spanish.

Specific—Education and Training

1. *Comment:* Train and indoctrinate Coast Guard personnel, civilian employees, and Auxiliaries to empathize with the consumer. Make consumer affairs a specific aspect of performance considered in promotion and retention evaluations of personnel in positions having relations with consumers.

Coast Guard Response: The Coast Guard does, in a general way, presently evaluate personnel on their ability to establish good working relations with the public. However, as we gain experience in implementing the Consumer Program, it may be possible to develop specific criteria and guidelines that can be added to the annual performance evaluations of personnel concerned with consumer affairs. This would emphasize the importance of consumer affairs abilities and ensure that the best suited people fill the billets with consumer impact. As for training, we expect that as all the Government agencies gain experience in implementing their Consumer Programs, training courses and methods of instruction will become widely available. Coast Guard personnel concerned with consumer affairs will take this training as it becomes available.

Finally, the Education and Training section of the final Consumer Program has been revised to explain how the Coast Guard will use a directive, called a Commandant's Instruction, to inform and educate its personnel concerning the policies embodied in the Consumer Program.

2. *Comment:* Clarify or explain what sort of technical assistance is available for consumers.

Coast Guard Response: The Education and Training section of the final Consumer Program has been revised to

explain the general type of technical assistance that is available.

Specific—Complaint Handling

1. *Comment:* After reading the draft Consumer Program, it is not clear who a consumer should contact with a complaint.

Coast Guard Response: The section on Complaint Handling has been revised in the final Consumer Affairs Plan to clarify who a consumer can contact with any particular complaint and how the Coast Guard generally handles and responds to complaints.

2. *Comment:* The Consumer Affairs Officer at Headquarters should have access to consumer complaints handled at the District (field) level. With this type of feedback, the Consumer Affairs Officer can act to correct recurring problems or complaints.

Coast Guard Response: As noted in the revised section on Complaint Handling in the final Consumer Program, a study will be done to develop an improved system of complaint handling in the Coast Guard and other DOT administrations. We expect that one result of the study will be a system of complaint handling in which periodic summaries are prepared of consumer complaints received in Headquarters offices and in the District (field) offices. These summaries will be reviewed by the Consumer Affairs Officer and Special Assistant Consumer Affairs Officer so that recurring patterns of complaints can be identified and effective solutions to the complaints devised.

3. *Comment:* The draft Consumer Program states that when the Coast Guard receives a consumer complaint concerning a particular Coast Guard policy or requirement, a project manager is appointed to evaluate the complaint and, if necessary, a project is started to relieve the problem. The commenter interprets this to mean that the Coast Guard will add more personnel to its roster and establish a separate staff for the purpose of evaluating complaints and taking corrective action.

Coast Guard Response: The Coast Guard is not adding a separate staff of additional personnel just to study and act on consumer complaints. What we intended to indicate in the draft Consumer Program is that when a consumer complaint is received, it is referred to the appropriate program official who oversees the particular policy or requirement. If the Coast Guard program official decides that the complaint warrants a change in the policy or requirement, he takes action to make the change. This is the general method of handling complaints that the

Coast Guard has used for many years. The Complaint Handling section of the final Consumer Program has been revised to more clearly explain the general method which the Coast Guard uses to handle and respond to consumer complaints.

4. *Comment:* The Coast Guard should send a monthly questionnaire, containing a standardized complaint form, to all boat repair and service facilities to solicit complaints and reports of faulty boat construction and equipment that they have observed.

Coast Guard Response: It is not practical or necessary to send monthly questionnaires to all boat repair and service facilities in the United States. The Coast Guard does act on reports concerning alleged safety defects in boats and certain types of associated equipment. The Complaint Handling section of the final Consumer Program has been revised to explain how complaints of alleged safety defects in boats should be submitted to the Coast Guard and what information should be included in the complaint.

5. *Comment:* The draft Consumer Program states that consumer complaints concerning alleged safety defects in boats are evaluated and, if necessary, investigations are conducted in the field. The commenter infers that this was included in the Consumer Program as a result of the President's Executive Order and that the Coast Guard will have to increase its budget and add more personnel to provide this service.

Coast Guard Response: The Coast Guard's responsibilities concerning the investigation of possible safety defects in boats, and the power to require manufacturers to conduct safety recalls, is established under the Federal Boat Safety Act of 1971. Thus, the Coast Guard has been providing this kind of consumer protection, as a statutory obligation, for more than nine years. No increases in budget or personnel are anticipated in this area as a result of the Executive Order or our Consumer Program.

In consideration of the foregoing comments, the Coast Guard Consumer Program has been revised. The text of the Coast Guard final Consumer Program follows:

U.S. Coast Guard

Consumer Program

Contents:

- I. Oversight for Consumer Affairs.
- II. Consumer Affairs Perspective.
- III. Consumer Participation.
- IV. Informational Materials.
- V. Education and Training.
- VI. Complaints Handling.

- Appendix A—Organizational Chart.
- Appendix B—Coast Guard District (field) Offices.
- Appendix C—How to Get More Information.

I. Oversight for Consumer Affairs

1. *Purpose.* This section identifies the persons in the Coast Guard who are responsible for implementing a consumer program that complies with Executive Order 12160.

2. *Consumer Affairs Officer.* The role of the Consumer Affairs Officer in the Coast Guard is carried out by the Chief of the Office of Boating, Public, and Consumer Affairs in Coast Guard Headquarters. He reports directly to the Commandant of the Coast Guard and has overall responsibility for providing a Coast Guard consumer program that meets Executive Order 12160. The different duties of the Chief of the Office of Boating, Public, and Consumer Affairs, and his relationship to other officials in the Coast Guard, are described in more detail in the section on Consumer Affairs Perspective.

3. *Special Assistant Consumer Affairs Officer.* The Special Assistant Consumer Affairs Officer is a full-time consumer affairs specialist who reports directly to the Chief of the Office of Boating, Public, and Consumer Affairs. His only duties are to supervise the Coast Guard's Consumer Program on a daily basis. Under the general direction of the Chief of the Office of Boating, Public, and Consumer Affairs, the Special Assistant Consumer Affairs Officer is responsible for formulating specific policies and procedures within the Coast Guard to ensure that the Consumer Program described in this notice is carried out. The Special Assistant Consumer Affairs Officer may be contacted by writing or calling: Office of Boating, Public, and Consumer Affairs, U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, D.C. 20593, (Telephone: 202-426-1080).

Coast Guard Headquarters offices currently operate on a four-day work week, 10 hours each day. The Special Assistant Consumer Affairs Officer can be reached between the hours of 8:30 a.m. and 5:00 p.m., Monday thru Thursday.

II. Consumer Affairs Perspective

1. *Purpose.* This section explains how the Coast Guard is organized and describes the programs that impact on consumers. This section also describes how the Consumer Affairs Officer and Special Assistant Consumer Affairs Officer participate in the development of Coast Guard rules, legislation, policies, and programs that affect the consumer.

2. *Coast Guard Consumers.* The Coast Guard considers its consumers to be users or purchasers of marine transportation and recreational goods and services as well as persons who are directly affected by a marine transportation activity or by water quality. This is a very broad definition. To give the reader some idea of whom or Consumer Program is directed toward, we have, in the following descriptions of Coast Guard programs, named some of the specific groups of persons we think are the principal consumers. Omission of a group of persons from the list, however, does not mean that they are excluded in any way from the Consumer Program.

3. *Coast Guard Consumer-Oriented Programs.* Coast Guard Headquarters in Washington, D.C. is made up of offices that make policies and regulations for various Coast Guard programs. Some of these offices oversee programs that are not consumer oriented but instead are concerned with internal management of Coast Guard affairs. An example is the Office of Personnel which is basically concerned with recruiting, training, and assigning Coast Guard personnel. Since these internally-oriented offices have little effect on consumers, they are not described here. There are, however, five offices at Coast Guard Headquarters that carry out programs which do have an effect on consumers.

The person in charge of each office is a Coast Guard officer with the rank of rear admiral. They report to the officer in charge of the Coast Guard, who is called the Commandant. Each Headquarters office formulates policies and regulations concerning their particular area of responsibility. These policies and regulations flow from laws in which the Congress and the President have given the Coast Guard the responsibility and authority to do certain things.

The policies and regulations formulated at Headquarters are enforced or carried out at a local level by Coast Guard personnel organized into Districts. There are 12 Coast Guard Districts. Each is responsible for enforcing Coast Guard policies, laws, and regulations in a specific geographic area. The officer in charge of a District is called a District Commander. They are rear admirals or vice admirals. There are branches or divisions in each District office which specialize in enforcing the different policies and regulations formulated in the Headquarters offices. The District Commanders have personnel, ships, and airplanes under their operational control that carry out or enforce the policies,

laws, and regulations on a face-to-face basis with the public.

Appendix A is an organization chart which shows the relationships between the five consumer programs at Headquarters and the District and operational levels. Appendix b lists the addresses and telephone numbers of each of the 12 Coast Guard Districts and shows their approximate geographic boundaries. The five consumer-oriented programs and described below.

(a) *The Office of Boating, Public, and Consumer Affairs.* This office directs a variety of activities aimed at making recreational boating safer and more enjoyable. It formulates safety regulations applicable to operators of boats and manufacturers of boats and associated equipment. The office administers a safety recall or a defect notification program under which boat manufacturers may be required to notify owners of safety defects discovered in their boats. The manufacturers also have to correct the safety defect. The office develops boating safety information materials for use by the public.

In the District Office, these safety and educational aspects of the program are carried out by a Boating Safety Division. Each Boating Safety Division has a number of Boating Safety Detachments (BOSDETS) under its control. These three-man detachments provide training to Coast Guard, State, and local law enforcement personnel, make informal visits to boat manufacturers and dealers, and promote boating safety by providing safety information at boat shows, meetings of boating organizations, and other public contracts. Each Boating Safety Division also has technical specialists who work with boat manufacturers in the District to insure compliance with Coast Guard boating safety regulations.

At the Headquarters level, the Office of Boating, Public, and Consumer Affairs also sets policies for the training, organization, and utilization of the Coast Guard Auxiliary, an organization of more than 40,000 volunteer boaters. The Auxiliary policies and procedures set at Headquarters are implemented in the District by an Auxiliary Affairs Branch in the Boating Safety Division. Using their own boats, Auxiliarists augment regular Coast Guard forces by conducting rescue, assistance, and safety patrol operations. Auxiliarists also conduct boating safety education courses open to the public and conduct Courtesy Marine Examinations in which, at the invitation of the owner, they will inspect a recreational boat to insure it meets recommended safety requirements. At the operational level,

Auxiliarists are organized into Flotillas. There are approximately 1400 Flotillas in operation across the country.

Because the Office of Boating has traditionally had the closest contact with the public, the public affairs and consumer affairs functions are located in this Headquarters office as well. The public affairs program is concerned with keeping the public informed of Coast Guard activities, missions, and programs. To do this, it prepares and distributes public information materials such as pamphlets, booklets, magazine articles, and radio and T.V. materials. As described in the Oversight section, the Chief of the Office of Boating, Public, and Consumer Affairs, assisted by the Special Assistant Consumer Affairs Officer, also carries out the Coast Guard's Consumer Program to ensure that consumers are informed of all Coast Guard regulations, policies, and programs that can affect them, and that they have the opportunity to participate in their formulation in a meaningful way.

The principal consumers in the area of Boating Safety are persons interested in boating education, owners and operators of recreational boats, and persons who are guests or passengers on recreational boats.

(b) *The Office of Merchant Marine Safety.* This office formulates regulations and policies concerned with the safe design, construction, and manning of commercial vessels. Most large commercial vessels subject to the program are required to be inspected periodically by the Coast Guard to determine if they meet applicable safety requirements.

In addition to commercial vessels, the program includes safety regulation of fixed structures and artificial islands on the outer continental shelf, cargo transfer systems, and regulation of cargo containers, vessel documentation, investigation of marine casualties or accidents, and licensing and certification of merchant seamen and officers. The Office of Merchant Marine Safety also administers the Coast Guard Approval program for certain types of lifesaving and safety equipment such as lifeboats, personal flotation devices, distress signals, and fire extinguishing systems. Coast Guard Approval involves a testing and inspection process designed to insure that the equipment meets Coast Guard safety specifications.

The policies and regulations formulated by the Office of Merchant Marine Safety are implemented in each District office by a Marine Safety Division. The Division has under its control a number of Marine Inspection

Offices (MIO's) located throughout the District. Some of the MIO's are collocated with a captain of the Port Office (described later under the Office of Marine Environment and Systems). Such a combined office is called a Marine Safety Office (MSO). One of the principal functions of the MIO/MSO is to inspect commercial vessels in their jurisdiction for compliance with merchant marine safety regulations and issue certificates of inspection.

The principal consumers in the area of Merchant Marine Safety are persons who pay to ship cargo and persons who are paying passengers on commercial vessels; persons who apply for seaman and officer licenses; owners of vessels eligible for documentation; persons who work on offshore structures; and users of Coast Guard Approved equipment.

(c) *The Office of Navigation.* The main objective of the programs administered by this office is to facilitate safe and efficient navigation on U.S. navigable waters and the high seas. One of the main programs in this area is the placement and maintenance of navigation aids that help the mariner fix or determine his position accurately. Navigation aids administered by the office include short range aids (such as buoys and lights) that help the mariner navigate when he is close in to shore, and long range aids (principally electronic forms of navigation such as LORAN and OMEGA) that enable vessels and airplanes to fix their position when far from land. The office also issues regulations governing the maintenance and use of privately-owned navigation aids.

The various navigation aids that are provided through policies established by this office are maintained and administered in each District office by an Aids to Navigation Branch. At the operational level, the Aids to Navigation Branch ensures that the aids are maintained by special Coast Guard vessels called buoy tenders and by teams of Coast Guard personnel called Aids to Navigation Teams who operate from shore stations. As part of the Navigation program, each District publishes Local Notices to Mariners that report changes to or deficiencies in navigation aids in the District. These notices also contain other marine information, such as information on naval operations or marine regattas, that can affect navigation in waterways in the District, and they frequently contain information on rulemaking projects. Mariners can get on the mailing list for Local Notices to mariners by contacting the nearest District office.

Another major program in the Office of Navigation is bridge administration.

This program ensures that all bridges over navigable waters are constructed, maintained, and operated in a way that does not obstruct or unreasonably hinder waterborne traffic passing beneath the bridge. The Coast Guard must approve the location and plans for new bridges and any alterations to existing bridges. The Coast Guard also regulates the opening and closing periods of many drawbridges. This kind of regulation usually involves a compromise in order to provide for the needs of both land traffic passing over the drawbridge and water traffic passing beneath.

The administration of the bridge program is handled in each District by a Bridge Branch. The District is also responsible for formulating the drawbridge regulations. The actual operation of the drawbridge is the responsibility of the owner of the bridge.

The principal consumers in the Navigation programs are owners and operators of recreational, commercial, and military vessels that use navigation aids; passengers on these vessels; persons who ship cargo on these vessels; general, commercial, and military air traffic that use Coast Guard long range navigation aids; owners or operators of vessels that pass beneath bridges; and owners or operators of land vehicles that pass over the bridges.

(d) *The Office of Operations.* The programs administered by this office that have the greatest impact on consumers are in the area of law enforcement, ice operations, and search and rescue operations. Because the Office of Operations has a variety of Coast Guard cutters, patrol boats, aircraft, and helicopters under its control, this office enforces many of the Coast Guard laws and regulations on the water. This office also enforces Federal laws not specifically assigned to other offices in the Coast Guard. Two such enforcement programs deal with preventing drug and other forms of smuggling, and enforcing laws governing the U.S. Fishery Conservation Zone (FCZ) that extends 200 nautical miles off the U.S. coasts. Fishing law enforcement generally involves surveillance of fishing operations in the FCZ and boarding fishing vessels, both U.S. and foreign, to prevent overfishing certain fish stocks and use of illegal fishing methods.

The ice operations program is designed to ensure that ice-laden waterways and routes used for commerce remain passable. This includes not only icebreaking operations in U.S. domestic waters but also using Coast Guard icebreakers to keep sea lanes open to U.S. installations in polar

areas. Coast Guard aircraft are also used to perform ice surveillance patrols to evaluate ice conditions and recommend ship routes through ice areas.

Another important program administered by the Office of Operations is search and rescue (SAR). This mission is one of the Coast Guard's earliest and most important functions and continues to have a high priority in Coast Guard operations. The Coast Guard uses a variety of ships and aircraft to provide SAR services to persons in distress in the marine environment.

The programs of the Office of Operations are implemented in each District office by the Operations Division. In the case of the SAR program, each District controls its SAR forces through a Rescue Coordination Center (RCC). The RCC plans and directs the SAR activities of assigned Coast Guard Ships, stations, and aircraft in response to distress incidents that occur within its area of control.

The principal consumers in the Operations program area include people who fish in the Fisheries Conservation Zone or people who purchase fish caught there; people who ship cargo on or work on commercial vessels that operate in ice-laden water; people who ship cargo on or work on commercial vessels and aircraft, and people who travel on recreational boats, that operate in the marine environment and that would benefit from Coast Guard SAR services if in distress.

(e) *The Office of Marine Environment and Systems.* This office is concerned with preventative measures and programs to protect the marine environment. In this respect, the office is concerned primarily with prevention of oil pollution and other forms of water pollution, and with clean-up and containment of spills if accidents occur. To prevent pollution, the office administers a comprehensive set of regulations applicable to vessels and oil transfer facilities. To provide for coordinated response to serious pollution incidents, the office staffs and operates a National Response Center (NRC) at Headquarters. The NRC receives reports of pollution and coordinates containment and clean-up activities. To allow the public to quickly and easily report water pollution anywhere in the country, the NRC maintains a toll free telephone number: 800-424-8802. To combat major pollution incidents, the NRC can call upon a National Strike Force which is divided into three highly trained teams of Coast Guard personnel located on the Atlantic, Pacific, and Gulf coasts. Using

a variety of special equipment, the teams can contain and clean up serious spills. At the District level, the pollution prevention regulations and policies originated by Headquarters are implemented by a Marine Environment Protection Branch.

Another major program administered by the Office of Marine Environment and Systems is port safety and security. This program is concerned with regulation of the wide variety of marine activities that take place in the nations ports and adjacent waterways. Some of the things this program is concerned with are prevention of accidents in cargo handling, particularly oil and hazardous cargo; prevention of sabotage to port facilities, prevention of fires in port areas; reducing the probability of ship collisions in port areas; and providing for cargo security in the terminal complex.

In each District, the port safety and security program is administered by a Port Safety Branch. In more than 50 of the country's major ports, the function of port safety and security is supervised at an operational level by a Captain of the Port (COTP). As previously mentioned, some of the COTP's and Marine Inspections Offices are combined to form Marine Safety Offices (MSO's). Some of the main concerns of the COTP/MSO are monitoring and supervising oil and hazardous cargo transfer operations, cleaning up pollution, conducting harbor patrol, inspecting waterfront facilities, establishing safety and security zones and anchorage areas in the port area, and controlling vessel movements in the port area.

In some ports, where the volume of waterborne traffic, past vessel collisions, and the dangerous nature of cargos have indicated the need for a means of continuous surveillance and separation of vessel movements, the Coast Guard has established Vessel Traffic Systems (VTS). Using radio communication and surveillance methods, such as radar, information on vessel positions and movements is collected by a shore-based Vessel Traffic Center (VTC). The VTC can then provide comprehensive and accurate information to vessels in the VTS area on the movements of other vessels and other relevant navigation information. In this way, ships in the VTS are alerted to potential collision situations or conflict situations so that corrective action can be taken. There are VTS's now in operation in the ports of Puget Sound, San Francisco, Houston, New Orleans, Valdez (Alaska), and New York City.

The principal consumers in programs administered by the Office of Marine

Environment and Systems are persons who ship petroleum products and other chemical cargoes; persons who purchase petroleum products and other chemicals shipped as cargoes; persons who live or work in or near port terminal areas; and persons who ship or receive other types of goods on vessels trading at U.S. ports

4. Representing the Consumer Perspective. (a) *Rulemaking.* All regulations formulated in Coast Guard Headquarters are reviewed by a Marine Safety Council before being published in the Federal Register. The Marine Safety Council is composed of seven Headquarters office chiefs. They are the Chief Counsel (who acts as chairman of the Council), the Chief of the Office of Boating, Public, and Consumer Affairs, the Chief of the Office of Engineering, the Chief of the Office of Merchant Marine Safety, the Chief of the Office of Navigation, the Chief of the Office of Operations, and the Chief of the Office of Marine Environment and Systems. The basic purpose of the Marine Safety Council is to critically review all important aspects of a regulation being developed in the Coast Guard and to advise the Commandant on whether or not the Coast Guard should proceed with the project and publish the regulation. The Council does this primarily by means of reviewing a Regulatory Work Plan submitted by the office originating the regulation. Among other things, the Work Plan documents and describes the need for the regulation, the objectives of the regulation, alternatives to the regulation that have been considered and rejected, and an assessment of the impact that the regulation will have on the public (e.g. environmental, economic, and energy impacts). The Council reviews these aspects of the regulatory project and either approves the Work Plan as submitted, or requires specific changes in the approach or content of the regulation before it is published.

The Consumer Affairs Officer (Chief, Office of Boating, Public, and Consumers Affairs) is a voting member of the Marine Safety Council. Assisted by the Special Assistant Consumer Affairs Officer, he has the opportunity to thoroughly review and analyze each Work Plan prior to Council meetings and to present the consumer viewpoint or perspective on the Work Plans. Moreover, because a Work Plan is usually presented for Council approval before any substantial work is invested in drafting the regulation itself, the Consumer Affairs Officer has the opportunity to present the consumer perspective early in the rulemaking process. If necessary, he recommends

changes in the Work Plan or proposed content of the regulation to account for the needs and interests of consumers. At this time, he may also ensure that the originating office takes reasonable steps to obtain participation of affected consumers in the formulation of the regulation. This is done by means of a Participation Plan that is one of the required parts of a Work Plan. Use of the Participation Plan will be described in more detail in par. 2 of the section on Consumer Participation. Finally, if the Consumer Affairs Officer's comments or requested revisions cannot be resolved before the Marine Safety Council, he can, if necessary, bring his comments to the attention of the Commandant before the regulation is published.

(b) *Legislation.* The various Headquarters offices frequently draft proposed legislation to amend and improve the basic laws under which they operate. Sometimes, the offices also propose entirely new laws they feel are necessary to address problems developing in their programs. However, before the draft legislation is forwarded to Congress for their consideration, the originating office must first obtain the review and clearance of other offices in Headquarters. Generally, this is done by circulating an internal memo referred to as a Legislative Proposal. The format of the memo is similar in many respects to the Regulatory Work Plan. It discusses and documents the most important aspects of the legislation such as the need, objectives, impacts, etc. As a Headquarters office chief, the Consumer Affairs Officer, assisted by the Special Assistant Consumer Officer, has ample opportunity to analyze the draft legislation and present the consumer perspective as appropriate. If necessary, the Consumer Affairs Officer can present written comments on the draft legislation to ensure that consumer interests are taken into account. If problems or disputes arise, his comments concerning the consumer perspective can be brought to the attention of the Commandant before the draft legislation is ultimately approved and sent to Congress.

(c) *Policies and Programs.* Policies and programs are developed in Coast Guard Headquarters in a variety of ways. Unlike regulations and legislation, where there is a readily identifiable document involved, there is no formal and specific piece of paper that necessarily identifies an emerging policy or program that can affect consumers. Thus, formal review and comment on policies and programs are more difficult and subtle. However, all Headquarters office chiefs do regularly meet together

with the Commandant to discuss activities, problems, and plans in their programs. These staff conferences usually take place on a daily basis. In addition, the Commandant holds a Flag Officers Conference in Washington, D.C. each year which all the Headquarters office chiefs and District Commanders attend. One of the basic purposes of the conference is to gather together the top decisionmakers in the Coast Guard to discuss new program initiatives and directions. As an office chief, the Consumer Affairs Officer is made aware in these forums of policy and program developments throughout the Coast Guard. As an office chief, he has immediate access to the Commandant and operates as an equal with the other office chiefs. Thus, the Consumer Affairs Officer is able to represent the consumer perspective, as appropriate, in the development of policies and programs that affect Coast Guard consumers. If he determines that consumer involvement in an evolving policy or program is warranted, he can work with the appropriate office chief to provide meaningful and early means of participation. The specific procedure for providing for Consumer Participation in policymaking is described in more detail in par. 3 of the section on consumer participation.

III. Consumer Participation

1. Purpose. This section describes the procedures the Coast Guard will use for early and meaningful participation by consumers in the development and review of rules, policies, and programs.

2. Rulemaking. (a) *Participation Plan.* A Participation Plan will be prepared, as part of the Work Plan, by each office that originates a regulations project. The Participation Plan will—

(i) Identify the persons or interest groups directly affected by the regulation, including the consumers or consumer groups that could reasonably have an interest in participating in the rulemaking;

(ii) Explain what methods will be used to obtain the participation of these persons or groups;

(iii) Explain what methods will be used to notify these persons of the opportunity to participate; and

(iv) Explain the length of comment period to be used or the time at which the various participation methods will be closed.

Note.—The authority to issue regulations for security zones, safety zones, anchorage areas, and drawbridges, has been delegated by the Commandant to District Commanders. This was done because of the local and, in many instances, temporary nature of the regulations and because the District

Commander is in the best position to determine the need for the regulations. Because of the need to prepare them locally, and often the need to prepare them as quickly as possible, these regulations are not preceded by a Work Plan. Nor are they reviewed by the Marine Safety Council or the Consumer Affairs Officer. The District Commanders do, however, use many of the participation techniques covered in this section (mainly public hearings, notices in local media, and Local Notices to Mariners).

(b) *Participation Methods.* The following methods (in addition to a Notice of Proposed Rulemaking, where required) shall be considered and used as appropriate:

(i) *Early Solicitation of Comments.* This notice can be used at the earliest stages of a rulemaking project to obtain consumer and public participation. It would be used in instances where the final decision to actually undertake a rulemaking project has not been made. Thus, this notice might be used before the Work Plan is presented to the Marine Safety Council. The notice could be published in the "Notice" section of the Federal Register and also distributed to consumers by other notification methods. Examples of appropriate uses of this type of notice would be—

- Soliciting comment on whether problems are being encountered in the application of particular regulations.
- Soliciting suggestions or comments as to areas where regulations should be revoked or revised, or new regulations issued.
- Soliciting comment on a request from a member of the public for exemption from or waiver of particular regulations.

(ii) *Notice of Intent.* This notice would also be used at an early stage in the rulemaking process, but it would be used after a decision has been made to proceed with the rulemaking project. The purpose of the notice is to alert interested parties that a regulatory project is being undertaken. At a minimum, the notice would include a brief summary of the nature of the rulemaking project and the name, address, and telephone number of a person from whom information may be obtained concerning the project. This notice would be published in the "Notice" section of the Federal Register or distributed to consumers by other notification methods.

(iii) *Advance Notice of Proposed Rulemaking.* This is a notice published in the "Proposed Rules" section of the Federal Register. It would also be distributed to consumers and other interested parties by other notification methods. If it is used, it is issued prior to the Notice of Proposed Rulemaking. It is

often used as a method of obtaining public participation in the actual formulation of the proposed rules or some aspect of the proposed rules. It is particularly useful when the office in charge of the rulemaking project feels it needs some additional information in order to formulate or justify the proposed regulations. The format of the Advance Notice is flexible. It may contain a general description of the project and alternatives, or it may request comments on other specific questions or areas of concern. The Advance Notice is also helpful in obtaining data on possible economic or environmental effects of the prospective rules.

(iv) *Surveys.* Surveys are another method that can be used to obtain data and information on which to base a rule. They may take the form of questionnaires addressed to individuals, or surveys taken by telephone or door-to-door visit. Surveys are often the most reliable means of collecting statistical information that may be required for the rulemaking project. Their use is also appropriate in those cases where demographic data is required or where the information requirements are quite lengthy. Surveys require prior approval of the President's Office of Management and Budget. Thus, more planning and lead time is usually necessary for the use of surveys than with other participation methods.

(v) *Open Conferences or Meetings.* These are open meetings that may be held before a Notice of Proposed Rulemaking is issued if it would help narrow or clarify issues. For example, they can be held to clarify or explain technical issues involved in a rulemaking project. In this way, the consumer may be better able to participate in the rulemaking on an equal footing with more technically oriented interest groups. Advance notice of the meeting, through the Federal Register or other notification methods, will be necessary to alert interested persons. The notice will contain an agenda for the meeting and should explain how a consumer or other interested person may obtain background material or briefing notes prior to the meeting, if this material is available.

(vi) *Public Hearings.* Public hearings are also open meetings except that they are normally held after publication of a Notice of Proposed Rulemaking. The hearing is held to receive the views of interested persons on the proposed regulations. The meeting format permits discussion of issues and public comments, and permits clarification of

ambiguities or misunderstandings not possible with written comments alone. Advance notice of public hearings is usually provided in the Notice of Proposed Rulemaking. Other methods of notification will also be used.

(vii) *Advisory Committees.*

Establishing an advisory committee may be appropriate if the rulemaking project has broad impact and particularly if it involves a standing rulemaking program in which regulations may be issued over a relatively long period of time. Use of an advisory committee will permit the Coast Guard to obtain advice on a regular basis from representatives of the various interest groups involved. Because there are laws governing the establishment and use of advisory committees, and because the Secretary of Transportation must approve each advisory committee established in the Department of Transportation, use of this participation method requires considerable lead time and advance planning. The sponsoring office must be able to show that it needs the advice of the advisory committee and that it cannot obtain the quality of advice necessary in any other way.

(c) *Notification Methods.* Publication of rulemaking notices and documents in the Federal Register satisfies legal requirements for notice to the public. However, few consumers subscribe to the Federal Register. For this reason, the Participation Plan of every rulemaking project that affects consumers will describe positive efforts that will be used to notify consumers and other interested persons of the opportunity to participate in the rulemaking projects. The following notification methods will be considered and used as appropriate:

(i) *Mailing Lists.* This method can be used to distribute reprints of Federal Register documents, consumer news releases, and other informational materials directly to interested persons.

Note.—Appendix C is provided as a convenience for interested persons who want to be added to a Coast Guard mailing list for a particular type of information.

(ii) *News Releases.* This method can be used to make newspaper and magazine editors and writers aware of participation opportunities so that they, in turn, can inform their readers. Some of these publications, particularly monthly magazines, are cast for in advance. Thus, ample lead time must be allowed for the articles to actually get into the hands of consumers.

(iii) *Local Notices to Mariners.* Brief summaries of participation opportunities may be inserted in Local Notices to Mariners. These are published and distributed by each Coast Guard

District. This method is particularly appropriate when the rulemaking affects marine transportation activity in a particular locale.

(iv) *Press conferences; Radio and T.V. talk shows.* These methods might be used if the rulemaking has very wide consumer interest and media appeal.

(v) *Articles in Coast Guard Periodicals.* Brief notices or articles that summarize the rulemaking issues and opportunity to participate may be placed in Coast Guard periodicals distributed to the public (e.g., Safe Boating Newsletter, Boating Safety Circular). Because these periodicals are cast far in advance, ample lead time must be allowed for the articles to actually get into the hands of consumers.

3. Standard Procedure for Participation in Programs and Policies.

(a) *Applicability.* This procedure applies to proposed actions or decisions that would affect the consumer in a form other than a regulation or law.

(b) *Significant Policies.* Each Headquarters office chief and each District Commander is responsible for notifying the Consumer Affairs Officer of evolving policies or programs that could have a significant impact on consumers. In identifying policies or programs that could have a significant impact on the consumer, the following criteria will be considered:

- Policy matters that will require a major policy decision on the part of the Commandant.
- Policy that has the potential to require major new funding initiatives or that otherwise may have a major affect on program budget and resources.
- Policy matters that are controversial among consumers.
- Policy that has the potential for imposing significant costs or economic burdens on the consumer.
- Policy matters that have a significant impact on transportation safety.

(c) *Public Participation Plan.* The Headquarters office chief or District Commander responsible for the policy will designate a member of his staff to work with the Special Assistant Consumer Affairs Officer in preparing a Participation Plan that will provide a way to inform consumers of the proposed policy and give them an opportunity to present their views and comments before a final decision is made. The Participation Plan will address the same types of considerations covered by the Participation Plan used in rulemaking (par. 2(a) of this section).

(d) *Participation Methods.* The following participation methods will be considered and used as appropriate:

(i) *Advance Notices of Proposed Policy.* This notice would be published in the "Notices" section of the Federal Register and also distributed to consumers through other notification methods. The notice would explain what the proposed policy is and the reason why the Coast Guard is proposing the policy. The notice would solicit the views and comments of interested persons and describe any other methods of public participation to be used in the formulation of the final policy.

(ii) *Notice of Policy or Withdrawal of Proposed Policy.* This notice would also be published in the "Notice" section of the Federal Register and distributed by other notification methods. The notice would summarize consumer comments and other participation and explain the Coast Guard's intended action on the proposed policy.

(iii) *Other methods.* Consideration will be given to use of the other participation methods described under rulemaking (par. 2(b) of this section) as appropriate.

(e) *Notification Methods.* The notification methods described under rulemaking (par. 2(c) of this section) will be used, as appropriate, to inform consumers of the opportunity to participate in formulation of the policy.

4. *Consumer Forums.* In addition to the specific participation methods mentioned above, the Coast Guard periodically holds various other meetings or seminars that are open to the public and at which consumers can, with prior arrangement, meet with Coast Guard officials to discuss topics of interest to consumers. These forums are briefly described below.

(a) *Advisory Committees.* There are currently five Federal Advisory Committees used by the Coast Guard to obtain expert advice in some of our program areas that have consumer impact. In addition, a sixth committee, called the Towing Safety Advisory Committee, is being formed and should be established early in 1981. The committees meet at various times during the year. The meetings are open to the public. Unless seating capacity is a problem, there are normally no prior arrangements necessary for an interested person to attend and observe one of the meetings. However, if a person wishes to make a presentation or otherwise speak before the advisory committee, he should contact the Coast Guard sponsor of the committee in advance. The agendas for the meetings are normally quite full and often cast far in advance. Nevertheless, the committees can be used as open forums in which consumers can discuss matters of concern in areas covered by the

committee. A brief description of each committee is given below. If you want further information concerning one of the committees, contact the Special Assistant Consumer Affairs Officer (address in section on Oversight).

(i) *National Boating Safety Advisory Council.* The Council advises the Coast Guard on the formulation of boating safety regulations and other significant issues in boating safety. Members are drawn equally from three sectors of the public: Boating industry, State Boating Law Administrators, and general boating public.

(ii) *Chemical Transportation Advisory Committee.* This committee advises the Coast Guard on rulemaking and policy matters involved in the water transportation of hazardous materials such as petroleum products, chemicals, and liquid natural gas. Members of the committee represent industry, environmentalists, and public interest groups.

(iii) *New York Harbor Vessel Traffic Services Advisory Committee.* This committee provides the Coast Guard with advice on the development and operation of the Vessel Traffic Service in New York harbor. The committee is composed of Federal, State, and local government representatives, as well as representatives of the marine industry, port authorities, and environmental concerns.

(iv) *Rules of the Road Advisory Committee.* This committee advises the Coast Guard on navigation rules and maritime practices relating to the Rules of the Road. The committee is composed of members chosen for their expertise in navigation rules, maritime practices, and problems relating to the Rules of the Road.

(v) *Ship Structure Committee.* The purpose of this committee is to advise the Coast Guard on methods of improving the design, materials, and construction of commercial vessels. Members are drawn from government and industry professional organizations such as Maritime Administration, the American Bureau of Shipping, and the U.S. Navy.

(vi) *Towing Safety Advisory Committee.* The purpose of this committee is to advise the Coast Guard on matters relating to shallow-draft and inland and coastal waterway navigation and towing safety. Members are drawn from the barge and towing industry, the offshore supply vessel industry, port authorities and terminal operators, cargo shippers, and members of the general public.

(b) *National Boating Safety Education Seminar.* This is a two or three day seminar, usually held each year in

March, co-sponsored by the Coast Guard and the National Safe Boating Council, Inc. The purpose of the seminar is to provide a forum in which educators and others interested in boating education and boating safety can gather together to exchange information on new advances and techniques in boating education. The seminar features formal presentations, informal workshops, and space for displays and exhibits. Past attendees at the seminar have included representatives of the American and Canadian Red Cross, the Boy Scouts of America, the National Aquatics Council, the American Association of Health, Physical Education and Recreation, representatives of the marine industry, and representatives of Federal and State governments. Anyone interested in boating safety and boating education is encouraged to attend. For more information concerning the seminar, contact the Special Assistant Consumer Affairs Officer (address in section on Oversight).

(c) *Suggestions for Other Consumer Forums.* As the Coast Guard gains more experience in implementing the Consumer Program, we may hold other kinds of consumer forums. We would welcome any comments or suggestions you might have as to other types of meetings or forums that would be helpful. Interested persons should send these comments to the Special Assistant Consumer Affairs Officer (address in section on Oversight). The comments should include suggestions on format and objectives of the forum, location, time, and type of participants.

IV. Informational Materials

1. *Purpose.* The purpose of this section is to describe informational materials produced by the Coast Guard for consumers in the areas of agency responsibilities and services, procedures for consumer participation, and aspects of the marketplace (how to use a service or product).

2. *Information on Coast Guard Services.* We have in this Consumer Program given a relatively full description of Coast Guard responsibilities and services that affect the consumer (par. 3 in section on Consumer Affairs Perspective).

3. *Information on How to Participate.* When the Coast Guard uses any of the particular participation methods described in the section on Consumer Participation, we will explain how to participate in the proceeding and will use positive identification methods to make consumers aware of the opportunity to participate. One of the most direct methods we use to inform consumers of the opportunity to

participate is the mailing list. You can use Appendix C to let us know in what specific areas you would like to be kept informed of opportunities to participate.

4. *Marketplace Information.* (a) *Pamphlets.* The Coast Guard produces a variety of free pamphlets for consumers on marine safety and transportation topics. For the most part, they inform consumers on how to use a marine transportation product (e.g. various boating safety pamphlets) or service (e.g. pamphlet on services provided by the Coast Guard Auxiliary). These pamphlets are revised periodically. Rather than provide a list of pamphlets here that may become outdated, we will maintain a bibliography of current consumer information pamphlets. The bibliography will give the title of each pamphlet, a brief description of its contents or purposes, and explain how a copy can be obtained. Interested persons can get a copy of the pamphlet bibliography by contacting the Special Assistant Consumer Affairs Officer (address in Oversight section).

(b) *Audiovisuals.* The Coast Guard also produces audiovisual materials, such as films, and slide-tape productions, mostly on boating safety topics. Most of these are designed to be shown to the public by Coast Guard Boating Safety Detachments and Auxiliary personnel. Some of the materials, however, are loaned to schools and boat clubs. As with pamphlets, the inventory of consumer audiovisual materials changes. Thus, we will also maintain a current bibliography of audiovisual materials that can be made available to individuals or groups. A copy of the audiovisual bibliography can be obtained by contacting the Special Assistant Consumer Affairs Officer.

(c) *News Releases.* The Coast Guard regularly uses news releases to inform consumer-oriented media of rulemaking proceedings and other opportunities to participate, safety tips and safety precautions, and other information on Coast Guard programs and services. Interested persons may use Appendix C to get on the mailing list for these news releases.

(d) *Coast Guard Periodicals.* The Coast Guard produces several newsletters and circulars intended to inform the public and consumers concerning maritime safety topics. A brief description of each periodical is given below. Interested persons may use Appendix C to get on a mailing list for these periodicals.

(i) *Boating Safety Circular.* This circular explains boating safety regulations and developments in the boating safety program. Frequently, the

Circular also contains a listing of boats or associated equipment involved in safety defect (recall) campaigns. The Circular is sent to boat and associated equipment manufacturers, dealers, marinas, yacht clubs, and interested individuals. There is no set publication schedule. On an average, the Circular is published four to five times a year.

(ii) *Safe Boating Newsletter.* This newsletter covers practically all aspects of the regulatory and educational functions of the boating safety program. The newsletter is produced quarterly and sent to boating educators, boating media writers and editors, various boating safety organizations, and interested individuals.

(iii) *Proceedings of the Marine Safety Council.* This magazine is slanted toward covering Coast Guard programs concerned with commercial vessel safety and marine industry. It is published monthly and sent to interested individuals, industry, and professional marine interests.

5. *Information for Consumer Forums and Open Meetings.* Whenever the Coast Guard holds an open meeting or consumer forum to discuss rulemaking or policymaking of interest to consumers, the office sponsoring the meeting will publish a notice of the meeting in the Federal Register. They will also make use of one or more of the notification methods described in the section on Consumer Participation. The notice will include an agenda for the meeting and describe how interested persons can participate in the meeting. If background or briefing materials will be available, the notice should also explain how an interested person can obtain these materials prior to the meeting. Whenever specific consumer issues or problems will be discussed at the meeting, particularly if the proceeding involves technical issues in which the Coast Guard wants to get the consumer viewpoint, the sponsoring office should prepare a briefing paper for consumers that can be obtained prior to the meeting. The briefing paper will explain and provide background information on key issues to be discussed at the meeting. The briefing paper should be written in language that a layman can understand. The purpose of preparing the briefing paper is to allow consumers, or other interested persons, to come to the meeting prepared to participate and make the best use of the time available.

6. *Periodic Evaluation of Informational Materials.* As part of an annual evaluation conducted by the Office of Consumer Liaison in the Office of the Secretary of Transportation, the Coast Guard will review its consumer information materials to determine if

they are up to date, effective, and if new or revised publications are necessary. In addition, the Coast Guard would welcome any consumer comments on our informational materials. Comments and suggestions to improve existing materials, and ideas for new informational materials, should be sent to the Special Assistant Consumer Affairs Officer (address in Oversight section).

V Education and Training

1. *Purpose.* This section describes how Coast Guard personnel will be trained and educated to carry out the Consumer Program. This section also describes the types of technical assistance and training the Coast Guard will provide for consumers.

2. *Education and Training of Coast Guard Personnel.* Training and education of Coast Guard personnel in carrying out the provisions of this Consumer Program will be the responsibility of the Special Assistant Consumer Affairs Officer. This training will be accomplished primarily by means of a Commandant's Instruction. This is a comprehensive directive which sets policy and procedure concerning a particular subject that's applicable to all Coast Guard personnel, both at Headquarters and in the Districts. It will spell out specific practices and procedures necessary to implement this Consumer Program in the Coast Guard. If necessary, the Special Assistant Consumer Affairs Officer will augment the Commandant's Instruction with briefing or training sessions for Headquarters and District personnel who work in policy positions that affect consumers.

3. *Technical Assistance to Consumers.* The Coast Guard can provide assistance to consumers by answering technical or procedural questions about Coast Guard rules, policies, and programs. Consumers can send their questions to the Headquarters office or District office concerned, or if they are not sure who is best able to answer the question, consumers can send the question to the Special Assistant Consumer Affairs Officer who will either answer it directly or refer it to the appropriate subject matter specialist.

The Coast Guard also provides assistance in the boating safety area in the form of formal training courses and inspections provided by the Coast Guard Auxiliary. The Auxiliary currently conducts six different public education courses on boating safety subjects. The courses are conducted by specially trained instructors in many of the Auxiliary Flotillas.

In addition to these public education courses, many of the Auxiliary Flotillas can inspect a consumer's boat to determine if it has recommended safety equipment and meets Coast Guard safety regulations. The inspection is called a Courtesy Marine Examination. It is performed at the invitation of the boat owner. The inspections are primarily educational in nature and solely for the benefit of the boat owner. If the boat fails the inspection, no penalty action of any kind is taken.

If the boat passes the inspection, the owner is awarded a Courtesy Marine Examination decal that can be displayed on the boat. Persons interested in taking the Auxiliary training courses or in obtaining a Courtesy Marine Examination inspection should contact the Director of Auxiliary in the nearest Coast Guard District (see Appendix B).

VI. Complaint Handling

1. *Purpose.* This section explains how the Coast Guard currently handles consumer complaints. This section also gives guidance on how to submit a complaint.

2. *Coast Guard Handling of Complaints.* When a Coast Guard office receives a complaint, it is referred to a program specialist who works in the specific area related to the complaint. Based on his knowledge of the Coast Guard program, and any research or fact finding necessary, this Coast Guard person prepares a response to the complaint. The Coast Guard generally tries to answer correspondence within two weeks. If that is not possible, an interim response is sent to let the consumer know that we are working on his complaint. In acknowledging receipt of an incoming letter, or when referring the letter to another person in the Coast Guard, many Coast Guard offices use a post-card size form (form CG-4217 Acknowledgement/Referral) to provide an interim response. The form shows who the letter was referred to for action and an approximate target date for the Coast Guard final response.

Many times, the Coast Guard final response to a complaint is an explanation or justification of a Coast Guard position or policy. In some instances, however, the complaint may trigger a change. In this case, the response will indicate that the Coast Guard is undertaking some change as a result of the complaint. In either event, an attempt is made to be as responsive to the complaint as possible.

Coast Guard correspondence that responds to a complaint concerning Coast Guard programs or policies, particularly if the complaint is the first

of its kind, is frequently signed by the Headquarters office chief, or in the Districts, by the District Commander. Sometimes, however, the Coast Guard response may be signed at a lower level. In this case, copies of outgoing correspondence (collected into what is sometimes referred to as the "reader file") are periodically reviewed by the Headquarters office chief or District Commander, or his deputy. By either method, Coast Guard officials are aware of the nature and trend of consumer complaints in their area and the Coast Guard response.

3. *How to Submit A Complaint. (a) District or Headquarters?* As we indicated above, consumer complaints are referred to a subject matter specialist who works in the area related to the complaint. Thus, a consumer will usually get a faster response if he sends his letter to the office most directly concerned. This is one of the reasons we went to some lengths in the section on Consumer Perspective to describe who does what in the Coast Guard. Nevertheless, a person may have a complaint concerning a particular program and not be sure whether it should be sent to a Headquarters office or to the District office. The Headquarters office is concerned with formulating policies and regulations and they have the most significant say in changing the policy or regulation. The District on the other hand is concerned with carrying out the policy or regulation at the local level and is in the best position to correct mistakes or problems in this respect (for example, the placement or maintenance of a specific buoy in a particular waterway). In any event, if the consumer is not sure of whom to send the complaint to, he or she may send the complaint to the Special Assistant Consumer Affairs Officer (see address in Oversight section). He will either answer the complaint directly or ensure that the complaint is reviewed and responded to by the most appropriate person in the Coast Guard.

(b) *Possible Safety Defects in Boats.* Complaints regarding possible safety defects in boats require special handling. As we indicated in the section on Consumer Perspective, the Coast Guard has special responsibilities established in law concerning safety defects on boats. The law empowers the Coast Guard to ensure that manufacturers of boats and certain types of equipment notify the retail owner whenever a safety defect is discovered in the boat or equipment and that the manufacturers undertake to correct the defect at no cost to the

consumer. These notification and correction requirements apply only to manufacturers of boats, and manufacturers of inboard engines, outboard engines, and stern drive units sold for use in boats.

The defect notification program is coordinated at Headquarters in the Office of Boating, Public, and Consumer Affairs. Complaints concerning possible safety defects in boats should be sent to: Office of Boating, Public, and Consumer Affairs, Boating Technical Division (G-BBT), U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC 20593.

The complaint or alleged safety defect is reviewed and, if necessary, investigations or inspections are carried out by technical specialists in the Districts. It is important for consumers to understand that the law defines a safety defect as any defect that creates a substantial risk of personal injury to the public. Consumers sometimes complain of poor workmanship or cheap materials that, on careful evaluation by the Coast Guard, do not necessarily present a substantial risk of personal injury. In these cases, the Coast Guard cannot compel the manufacturer to recall the boat or correct the problem. In these cases, the consumer must seek a solution under some other remedy. In most cases, this involves seeking correction of the problem under the manufacturer's warranty, if it still applies.

Consumers reporting alleged safety defects should if possible provide the following information:

(i) Give the complete name or model designation of the boat (or outboard engine, inboard engine, or stern drive unit).

(ii) Provide a general description of the boat, including its type and hull material and any model year designation assigned by the manufacturer. This information can help the Coast Guard identify specific models since some manufacturers over a period of time apply the same name or model designation to different boats.

(iii) Give the twelve-digit hull identification number (HIN) affixed to the outside of the boat transom. If the boat has no HIN (only boats manufactured after November 1, 1972 are required to have HINs), then provide any other kind of serial number assigned by the manufacturer.

(iv) Provide a complete description of the alleged safety defect. Include photographs of the defect if possible, or drawings, or copies of boat plans if available, to help illustrate the defect.

(v) Give a summary of any correspondence with the dealer or

manufacturer concerning the alleged defects. Include copies of the correspondence, if available.

Providing this information will help the Coast Guard resolve the complaint as quickly and as accurately as possible.

4. *Improving Coast Guard Complaint Handling.* As part of the Department of Transportation final Consumer Program, the Office of the Secretary of Transportation has undertaken a department-wide study that should result in an improved system for complaint handling that can be used as a model by all the administrations in the Department, including the Coast Guard. The target date for completing the study and developing the model system is May 1, 1981. At that time, the new system of complaint handling will be explained in an updated version of the information pamphlet entitled "Finding Your Way in DOT". This pamphlet is produced in the DOT office of Consumer Liaison.

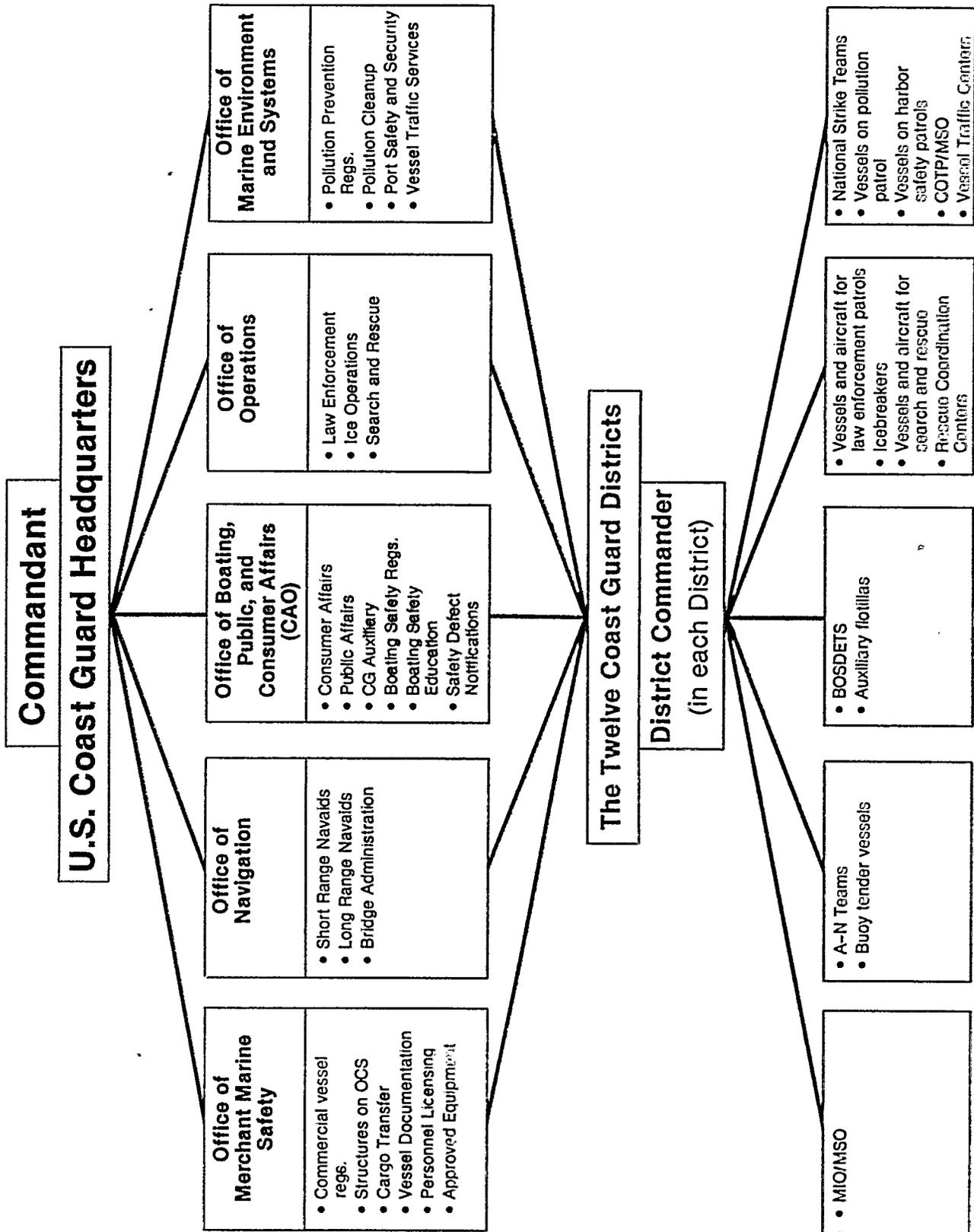
Anyone wishing to be put on the mailing list for the 1981 updated version should write to the Office of Consumer Liaison, Department of Transportation, Washington, DC 20590, or use Appendix C to indicate that you would like a copy when it becomes available.

Dated: November 25, 1980.

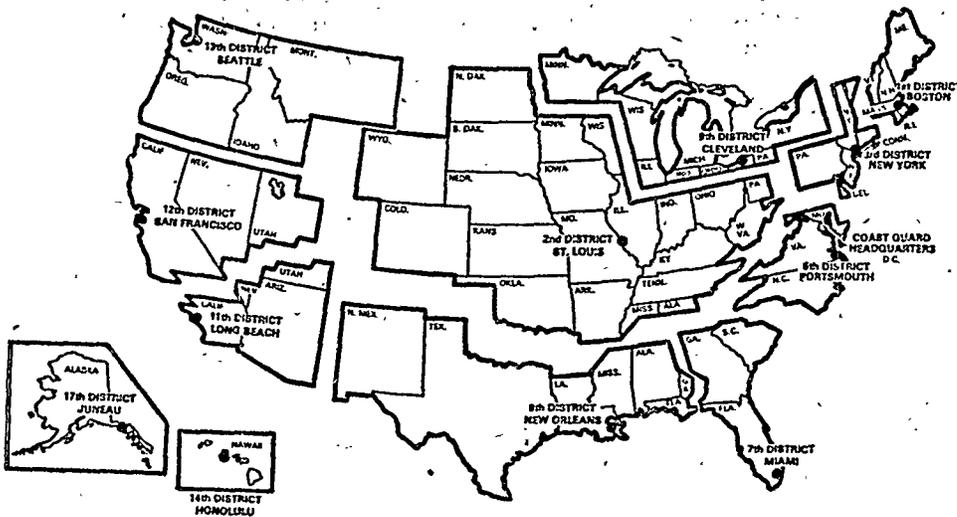
H. W. Parker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public and Consumer Affairs.

BILLING CODE 4910-14-M



U.S. Coast Guard Districts



ADDRESSES OF COAST GUARD DISTRICT COMMANDERS

Commander
 First Coast Guard District
 150 Causeway Street
 Boston, Massachusetts 02114
 (Tel: 617-223-3607)

Commander
 Second Coast Guard District
 1430 Olive St.
 St. Louis, Missouri 63103
 (Tel: 314-425-4627)

Commander
 Third Coast Guard District
 Governor's Island
 New York, New York 10004
 (Tel: 212-668-7974)

Commander
 Fifth Coast Guard District
 Federal Office Building
 431 Crawford Street
 Portsmouth, Virginia 23705
 (Tel: 804-398-6202)

Commander
 Seventh Coast Guard District
 1018 Federal Building
 51 SW 1st Avenue
 Miami, Florida 33130
 (Tel: 305-350-5758)

Commander
 Eighth Coast Guard District
 Hale Boggs Federal Bldg.
 500 Camp Street
 New Orleans, Louisiana 70130
 (Tel: 504-589-6198)

Commander
 Ninth Coast Guard District
 1240 East 9th Street
 Cleveland, Ohio 44199
 (Tel: 216-522-3912)

Commander
 Eleventh Coast Guard District
 Union Bank Building, Oceangate Blvd.
 Long Beach, California 90822
 (Tel: 213-590-2213)

Commander
 Twelfth Coast Guard District
 630 Sansome Street
 San Francisco, California 94216
 (Tel: 415-556-3228)

Commander
 Thirteenth Coast Guard District
 Federal Building
 915 2nd Avenue
 Seattle, Washington 98174
 (Tel: 206-442-5896)

Commander
 Fourteenth Coast Guard District
 PJKK Federal Bldg.,
 300 Ala Moana Blvd.
 Honolulu, Hawaii 96850
 (Tel: 808-546-2861)

Commander
 Seventeenth Coast Guard District
 P. O. Box 3-5000
 Juneau, Alaska 99801
 (Tel: 907-586-7290)

HOW TO GET MORE INFORMATION

I would like to be put on a mailing list to receive notices and other information on opportunities to participate in the development of Coast Guard regulations and policies in the following consumer areas:

- Boating Safety
- Commercial Vessel Safety
- Offshore Structures
- Cargo Transfer
- Personnel Licensing
- Approval Specifications
- Navigation Aids
- Bridges
- Fisheries Law Enforcement
- Other Law Enforcement
- Search and Rescue
- Water Pollution
- Port Safety & Security
- Vessel Traffic Systems
- Ice Operations
- Other (please specify) _____

I would like to receive the following publications:

- Finding Your Way in DOT (1981 edition)
- Bibliography of Consumer Pamphlets
- Bibliography of Consumer Audiovisusuals
- Boating Safety Circulars
- Boating Safety Newsletters
- Other (please specify) _____

I would classify myself as follows insofar as Coast Guard programs are concerned:

- individual consumer
- industry or business
- member of consumer organization
- other (please specify) _____

Name _____
 Organization _____
 Address _____

YOU MAY REPRODUCE THIS APPENDIX AND GIVE IT TO SOMEONE ELSE INTERESTED IN GETTING MORE INFORMATION ON PARTICIPATION IN COAST GUARD PROGRAMS.

SEND TO: Special Assistant Consumer Affairs Officer
 Office of Boating, Public, and Consumer Affairs (G-BA/42)
 U. S. Coast Guard Headquarters
 Washington, DC 20593

[FR Doc. 80-37279 Filed 11-26-80; 8:45 am]
 BILLING CODE 4910-14-C

Environmental Protection Agency

**Monday
December 1, 1980**

Part V

**Environmental
Protection Agency**

**Water Pollutants; Withdrawal of Proposal
To Add Ammonia to Toxic Pollutant List
and Denial of Petition To Add Ammonia
and Sulfide to Conventional Pollutant List**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 401

[WH-FRL1642-6]

Toxic Pollutant List; Notice of Withdrawal of Proposal To Add Ammonia

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposal withdrawal.

SUMMARY: Following receipt and evaluation of public comments, the Environmental Protection Agency withdraws its proposal to add ammonia to the toxic pollutants list at this time. While ammonia is acutely and chronically toxic to aquatic life, it is not persistent in the aquatic environment and poses no human health threat at levels typically found in ambient water as a result of point source discharges.

EFFECTIVE DATE: December 1, 1980.

FOR FURTHER INFORMATION CONTACT: Davie Sabock (202) 245-3042.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 1980 45 FR 803 EPA proposed the addition of ammonia to the toxic pollutants list. This proposal was based on evidence of acute and chronic toxicity to certain aquatic species of point source discharges of the pollutant.

Following analysis of public comments, EPA again evaluated the proposed listing of ammonia as a toxic pollutant. The Agency now withdraws that proposal because: 1. Ammonia in water poses no human health threat at levels typically found in ambient water as a result of point source discharges.

2. Ammonia is biodegradable and does not persist in the aquatic environment.

3. Ammonia is not normally present in ambient waters at concentrations toxic to warmwater fish species.

4. Water Quality Standards and technology-based effluent limitations provide for adequate protection of aquatic organisms from point source ammonia discharges.

5. Listing ammonia as a toxic pollutant would affect only industrial point source discharges, which account for only about 10 percent of the ammonia discharged to waters.

As a "non-toxic, non-conventional" pollutant ammonia remains subject to effluent limitations representing "best available technology economically achievable" ("BATEA"). The regulatory effect of designating ammonia as a toxic pollutant would have been to make

economic (301(c)) and water-quality based (301(g)) waivers from BATEA unavailable to industrial dischargers. However, since ammonia poses no human health threat, is not persistent and is highly toxic to only a limited group of sensitive aquatic species, the wholesale elimination of waivers is inappropriate. State water quality standards and environmental assessments under (301(g)) should ensure adequate protection of any biological areas of concern.

Furthermore, EPA has estimated that about 10 percent of ammonia discharged to U.S. waters comes from industrial sources, the remainder coming from POTW's, which would be unaffected by the proposed listing. Other major sources of ammonia in water are precipitation and agricultural runoff. Since industry contributes such a small fraction of the ammonia reaching U.S. waters, even complete elimination of industrial sources would not materially lower that burden. Therefore, even if listing ammonia as a toxic pollutant were justified by its properties, such listing would not lead to more effective treatment.

In making its decision to withdraw the proposal to list ammonia as a toxic pollutant, EPA carefully considered the 219 public comments received. These comments (217 against the proposal, 2 for it) are summarized below as information only. The comments presented below summarize the major views expressed by the public. Inclusion herein does not suggest that the Agency necessarily agrees with the conclusions expressed. Therefore, they are not to be considered as suggesting an Agency position.

1. Most of the ammonia reaching natural waters comes from uncontrollable non-point sources, such as agricultural runoff, decay of organic material and precipitation. Since less than 10 percent is of industrial origin, control of these sources would not result in measurable benefits.

2. EPA's listing of ammonia as a toxic pollutant would result in extremely stringent treatment requirements which would have to be met even in areas where increased ammonia removal would not materially improve the lot of aquatic organisms. Various industrial commenters estimated unnecessary treatment costs for their industries ranging from hundreds of millions to billions of dollars.

3. Section 307(a) was intended by the Congress for use only on chemicals posing a serious threat to human health, aquatic life, or both, which could not be otherwise controlled. Ammonia is a non-persistent substance which poses no

human health hazard and is essential to all life. Because of this it does not qualify for addition to the toxic pollutant list.

4. EPA has not presented an evaluation of how well current controls are working or an estimate of improvements to be expected from adding ammonia to the toxic pollutants list.

5. Total ammonia should not be listed as a toxic pollutant because in natural waters only a fraction of total ammonia is in the toxic un-ionized form. Since this fraction varies with water quality and temperature, the parameter of concern should be un-ionized ammonia.

6. Fish have survived in paper mill effluents which far exceed "Red Book" water quality criteria for ammonia. Fish farms with ammonia levels far in excess of criteria have supported growth and development of catfish, *gambusia*, shad, largemouth bass, bluegill and green sunfish for more than a year. This suggests that the criterion, based on laboratory tests with trout, is overprotective when applied to warmwater fishes.

7. Dischargers who have evaluated aquatic biota of receiving waters before and after installation of facilities discharging ammonia have found no differences in these ecosystems that would be attributed to ammonia.

8. Since the costs associated with complying with regulations resulting from listing ammonia as toxic pollutant would exceed \$100 million, EPA is required by Executive Order 12044 to perform a "Regulatory Analysis." Since EPA has not done this, the proposal to list ammonia is premature.

9. EPA has not complied with OMB directives requiring cost/benefit analyses. Therefore, the proposal to list ammonia is premature.

10. Data purporting to show synergism with dieldrin are irrelevant because of the strict controls already applied to that pesticide.

11. Ammonia is used in treatment of drinking water and should, therefore, not be listed as a toxic pollutant.

12. Listing ammonia as a toxic pollutant could require publicly owned treatment works (POTW's) to install treatment facilities, even though EPA construction grants for advanced waste treatment (AWT) are available only if the grantee can show that AWT would provide significant improvement in water quality and human health.

13. EPA has not attempted to estimate the number of fish kills which would be prevented by listing ammonia as a toxic pollutant, nor has it shown that fish kills mentioned in the Federal Register are

attributable to point source ammonia discharges.

14. Production data are unrelated to how much ammonia enters the waters of the United States and are, therefore, irrelevant.

15. Marine waters are so well suited for absorbing and using ammonia that ammonia poses no problem in such waters.

16. Inclusion of ammonia on the toxic pollutant list would hamper development of the synthetic fuels industry.

17. Some wastewater treatment systems require the addition of ammonia as a nutrient to support microorganisms which remove other pollutants.

18. It is unfair to require industries to remove ammonia to lower levels than other dischargers.

19. It is wasteful to remove ammonia to levels required to protect organisms not native to the area. For instance, warmwater areas will not support trout, but the criterion is established to protect trout. Warmwater fishes tolerate much higher ammonia levels. EPA failed to consider "the usual or potential presence of affected organisms," as required by the CWA.

20. Removing ammonia from wastewaters as a result of listing it as a toxic pollutant might cause increased ammonia pollution in other media.

21. Not all of the six factors required to be considered for placing a substance on the toxic pollutant list indicate that ammonia is hazardous.

22. EPA proposed adding ammonia to the toxic pollutants list for administrative convenience.

Dated: November 24, 1980.

Douglas M. Costle,
Administrator.

[FR Doc. 80-37217 Filed 11-29-80; 8:45 am]

BILLING CODE 6560-29-M

**ENVIRONMENTAL PROTECTION
AGENCY**

[WH-FRL 1642-6a]

**Conventional Pollutant List; Notice
Denying the Addition of Ammonia and
Sulfide**
AGENCY: Environmental Protection
Agency.

ACTION: Notice of petition denial.

SUMMARY: Following receipt and evaluation of public comments, the Environmental Protection Agency denies the proposal to add ammonia and sulfide to the conventional pollutants list as petitioned by the American Iron and Steel Institute. While ammonia and sulfide are oxygen demanding, naturally occurring, and biodegradable, they have not traditionally been the primary focus of wastewater control.

Background

Pursuant to section 304(a)(4) of the Clean Water Act (CWA), the Administrator shall, as appropriate and from time to time, publish information identifying conventional pollutants. In a previous action published at 43 FR 32857 (July 28, 1978), the Environmental Protection Agency described pollutant criteria employed to substantiate the listing of a substance as a conventional pollutant. Based on a review of the Clean Water Act and its legislative history, the Agency identified three classes of substances which may comprise conventional pollutants: oxygen demanding substances, solids and nutrients. One group of criteria represents characteristics common to all of these classes: pollutants which are naturally occurring, biodegradable, oxygen demanding materials, and solids which have similar characteristics to naturally occurring biodegradable substances. The second criterion is that the pollutants traditionally have been the primary focus of wastewater control.

The Agency received 39 comments on the petition, comments which both supported and opposed the petition. (A summary of the specific comments received is attached as an Appendix to this notice.) After consideration of the public comments and evaluation of ammonia and sulfide in light of the listing criteria, the Agency has determined to deny the petition.

Discussion:
*Evaluation of Ammonia and Sulfide
According to the Conventional
Pollutants Selection Criteria*

The Agency agrees with petitioners that ammonia and sulfide are oxygen-demanding substances, that they are naturally occurring, and that they are biodegradable. The Agency disagrees, however, that either ammonia or sulfide have been the primary focus of wastewater control. The bases for these conclusions are set out below: (a) Oxygen-Demanding Substance: this criterion applies to any substance which throughout the course of its decomposition, whether biological, chemical, or photochemically depletes the dissolved oxygen concentration in water. Ammonia and sulfide both exhibit this characteristic. The oxygen demand of ammonia can be easily realized by way of a stoichiometric relationship involving oxygen and ammonia nitrogen conversion to nitrate. This biological conversion demonstrates a theoretical ratio of about 4.6 molecules of oxygen to 1 molecule of ammonia. Sulfides can be biologically oxidized, the resulting products being sulfates or elemental sulfur. The demand for oxygen is about 2 to 1.

(b) Naturally Occurring: Ammonia and sulfide are both ubiquitous in the aquatic environment because of their involvement in the natural nitrogen and sulfur cycles respectively. Consequently, both moieties include elements essential for specific life functions.

(c) Biodegradable: The criterion refers to the rate at which a living organism will reduce an original chemical concentration or alter the original chemical into another substance with different characteristics. Because ammonia and sulfide are necessary for certain forms of life, they are assimilated as nutrients reducing their concentrations or changing their original chemical forms.

(d) A Traditional and Primary Focus of Wastewater Control: This criterion refers to those pollutants intended to be removed by conventional primary and secondary treatment. This conclusion is based on the definition of the BCT test (44 FR 50733, August 29, 1979), which indicates that conventional pollutants are those removed by primary and secondary treatment at Publicly Owned Treatment Works (POTW). Neither ammonia nor sulfide have traditionally been the primary focus of this conventional treatment technology. With respect to ammonia, nitrogen removal technologies exist, but are recognized by the Agency as wastewater treatment beyond

conventional (see Process Design Manual for Nitrogen Control U.S. EPA Technology Transfer Document, October 1975, p. 2-21). Ammonia therefore is outside the ambit of traditional wastewater control.

Sulfide likewise is not intentionally removed by conventional wastewater treatment. Sulfide removal technologies do exist for specific industries but are not a primary focus in the design of municipal wastewater treatment plants (i.e., POTW's) (see Development Document for Effluent Guidelines and New Source Performance Standards for the Petroleum Refining Point Source Category, April 1974, U.S. EPA, p. 143). Sulfide thus does not meet the criterion of being traditionally the primary focus of wastewater treatment.

It should be noted that conventional primary and secondary treatment can result in some *incidental* removal of either ammonia or sulfide. Incidental pollutant removal is not, however, equivalent to intended removal. Obviously, only intended removal can be the primary focus in treatment technology.

The Agency therefore determines that neither ammonia nor sulfide is a primary focus of traditional wastewater treatment, and consequently denies the listing petition. This action is factually consistent with our earlier actions in determining whether to list substances under section 304(a)(4). Thus, oil and grease, listed as conventional pollutants in 44 FR 44501 (July 30, 1979), are intentionally removed in conventional wastewater treatment facilities. Phosphorus, which the Agency decided against listing as a conventional pollutant in the same rulemaking, "is not commonly treated by POTW's employing secondary treatment * * * and as such has not traditionally been a primary focus of wastewater control (*id.*).

In the rulemaking for phosphorus, the Agency stated that whether a substance is commonly treated by secondary treatment is not relevant in designating conventional pollutants (44 FR at 44502). This was an erroneous statement. What was in fact intended was that for phosphorus, this criterion was not of primary concern. Instead, the Agency placed greater importance on phosphorus being an environmental problem only in limited geographical areas (*id.*). Non-conventional status therefore was desirable to retain regulatory flexibility (i.e., sections 301(c) and 301(g) waivers from BAT when justified), which flexibility would be unavailable if phosphorus were listed as a conventional pollutant.

Although not necessary to the disposition of this petition, in EPA's judgment the retention of ammonia and sulfide as non-conventional pollutants may be less impactful than listing them as conventional pollutants under section 304(a)(4). Conventional pollutants are subject without exception to Best Conventional Pollutant Control Technology (BCT). Non-conventional pollutants are subject to Best Available Technology Economically Achievable (BAT) but may be eligible for economic or water-quality based waivers under sections 301(c) and 301(g), respectively. Although relative costs have not yet been quantified, it may be that BAT waivers (if granted) would prove less costly than (mandatory) imposition of BCT.¹

Conclusion

Since ammonia and sulfide do not meet the criteria for listing as conventional pollutants, the petition is denied.

Date: November 24, 1980.

Douglas M. Costle,
Administrator.

Appendix

Summary of Public Comments

1. EPA water quality based effluent requirements will adequately protect aquatic life from potential ammonia toxicity.

2. Sulfide is not naturally occurring in the sense of normally being present at background levels in receiving streams. It is not biodegradable like the organic constituents of municipal and industrial wastewaters, and it can exert considerable chemical oxygen demand. Furthermore, it has not traditionally been within the primary focus of wastewater control.

3. Advanced treatment for ammonia removal is notorious for high costs and expenses, low reliability and seasonal variation. Also, because the cost and extent of removal vary so greatly depending on the treatment, no reasonably meaningful comparison of costs and levels of ammonia removal in POTW's and costs and removal efficiencies via BCT is possible.

4. Ammonia is naturally occurring, biodegradable, oxygen demanding material, and a pollutant that has traditionally been the primary focus of wastewater control. Support for these statements can be found in a number of EPA and scientific documents; i.e.,

ammonia effluent limits appear in many guidelines for industrial point source categories, and ammonia treatment technology is detailed in the EPA Technology Transfer document "Process Design Manual for Nitrogen Control."

5. EPA should analyze the economic consequences of adding sulfide to the conventional pollutants list on other industries not affiliated with the American Iron and Steel Institute.

6. By placing ammonia and sulfide on the conventional pollutants list, the Agency's authority to make modifications in effluent limits for either chemical would be eliminated. The availability of BATEA modifications is preferred to the loss of these modifications as a result of ammonia and sulfide being conventional pollutants.

7. EPA should add ionized ammonia to the conventional pollutants list.

8. Since ammonia is toxic only in the high concentrations which are usually associated with spills and runoff, control should be site-specific.

9. Since EPA failed to demonstrate an ammonia-induced toxicity problem resulting from industrial discharge in U.S. waters, ammonia should remain a non-conventional pollutant and be regulated on a case-by-case basis by way of BATEA waivers.

10. Since EPA decided not to add phosphorus to the conventional pollutants list because of its impact on a limited number of streams (see 44 FR 44501; July 30, 1979), ammonia should on the same basis, remain a non-conventional pollutant.

11. EPA should make available the information it will consider on a case-by-case determination of BCT for removal of ammonia in lieu of the tests under Section 304(b)(4)(B). No lesser standards for review of BCT are appropriate than those employed for POTW's (i.e., a showing of: significant water quality improvement, mitigation of public health problems, financial impact on owner/operator of treatment facility, and the inflationary costs for interim delays).

12. EPA should develop a similar notice for adding ammonia and sulfide to the conventional pollutants list as it did for adding ammonia to the toxic pollutants list. As presented in the notice for ammonia and sulfide, there is no technical information from which a thorough understanding of the problem can be established. Additionally, because of the lack of established BCT and BATEA effluent limits, no comment can be appropriately formulated.

¹ Additional discussion of this issue appears in the Agency's notice withdrawing its proposal to list ammonia as a toxic pollutant under section 307(a) (45 FR 803).

FEDERAL REGISTER

**Monday
December 1, 1980**

Part VI

**Department of the
Interior**

**Heritage Conservation and Recreation
Service**

National Registry of Natural Landmarks

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Registry of Natural Landmarks

AGENCY: Heritage Conservation and Recreation Service, Department of the Interior.

ACTION: Public notice.

SUMMARY: This notice lists all natural landmarks currently included on the National Registry of Natural Landmarks. The listing provides information on each landmark's location, natural values, designation date, ownership, and owner agreement status. Federal agencies should consider the existence and location of natural landmarks when assessing the impact of their actions on the environment under Section 102(2)(c) of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321).

FOR FURTHER INFORMATION CONTACT: Mr. Frank Ugolini, Division of State Heritage Programs, Heritage Conservation and Recreation Service, Washington, D.C. 20243 (202-343-4243).

SUPPLEMENTARY INFORMATION: The Secretary of the Interior established the National Natural Landmarks Program in 1962 to identify and encourage the preservation of the full range of ecological and geological features that are nationally significant examples of the Nation's natural heritage. Potential natural landmarks are identified through studies conducted by the Heritage Conservation and Recreation Service (HCRS) and other sources, evaluated by expert natural scientists, and, if judged nationally significant, designated as landmarks by the Secretary of the Interior. Once a landmark is designated, it is included on the National Registry of Natural Landmarks, which currently lists 537 natural landmarks.

The act of designating an area as a natural landmark is not a land withdrawal and in no way affects the ownership of the site. It does not dictate the type or intensity of activity that may be undertaken in a landmark. Landmark preservation is often made possible only through the long-term commitment of public and private owners to protect an area's outstanding natural values. The Department encourages owners and managers to protect the nationally significant values of their landmark, but this cooperation is voluntary and does not restrict the uses to which the land may be put. Owners who enter into a voluntary agreement with HCRS to protect their landmark are eligible to receive a certificate which recognizes

the special status of the area. A bronze plaque may also be presented for appropriate display on the site.

Federal agencies should consider the existence and location of natural landmarks when they assess the effects of their actions on the environment under Section 102(2)(c) of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321).

HCRS prepares an annual report for the Secretary of the Interior to transmit to the Congress which identifies all natural landmarks which exhibit known or anticipated damage or threats to the integrity of their resources (90 Stat. 1940; 16 U.S.C. 1a-5).

National Registry of Natural Landmarks

The National Registry of Natural Landmarks includes nationally significant ecological and geological features in 48 States, American Samoa, Guam, Puerto Rico, and the Virgin Islands. Of the 537 landmarks listed on the National Registry of Natural Landmarks, one-half are administered solely by public agencies, e.g., Federal, State, county, or municipal governments. Almost one-third are owned entirely by private parties. The remaining natural landmarks are owned or administered by a mixture of public and private owners.

The following list includes all natural landmarks included on the National Registry of Natural Landmarks as of December 1, 1980. The landmarks are arranged alphabetically by State and county. The number of landmarks in each State is enclosed in parentheses following each State's name. A description of each landmark's location, natural values, designation date, ownership, and owner agreement status is provided. Each landmark's *designation date* is enclosed in parentheses (), and more than one date indicates that the area's boundary was changed after its original designation. *Ownership* data is arranged in the following arbitrary order and does not reflect the relative amount of land owned by any party: Federal, State, County, Municipal, Private. An asterisk (*) indicates that the owner(s) of a landmark have entered into a *voluntary agreement* to protect the area's natural values.

Because many natural landmarks are privately owned and/or not managed for public access, landowner permission must be obtained before a visit is made to a natural landmark. The specific location for some landmarks is not provided because of an owner's request for minimum publicity and/or the fragility of the landmark's natural features.

Dated: November 25, 1980.

Chris Therral Delaporto,
Director, Heritage Conservation and Recreation Service.

ALABAMA (6)

Baldwin County

MOBILE-TENSAW RIVER

BOTTOMLANDS (extends into Mobile and Washington Counties)—Extends from Mobile Bay north for 35 miles. One of the most important wetlands in the Nation containing a variety of habitats, from mesic floodplains and freshwater swamps to brackish water marshes, supporting several rare and endangered species. (May 1974) Owner: State, Private

Franklin County

***DISMALS**—Four miles northeast of Hackleburg. A sandstone gorge supporting a virgin, disjunct, montane climax forest containing exceptionally diverse plant life. (May 1974) Owner: Private

Limestone County

***BEAVERDAM CREEK SWAMP**—Ten miles northeast of Decatur. A large protected tupelo gum swamp which occurs in the Interior Low Plateaus region, rather than its usual occurrence in the Gulf Coastal Plain region. (May 1974) Owner: Federal

Madison County

***SHELTA CAVE**—Within the city limits of Huntsville. A large cave with an underground lake, noted for its complex, especially aquatic, fauna. (October 1971) Owner: Private

Marshall County

***CATHEDRAL CAVERNS**—Four miles northeast of Grant. A series of large chambers containing impressive stalagmites, totem poles, dripstone slopes and walls, and flowing underground streams. (June 1972) Owner: Private

Morgan County

NEWSOME SINKS KARST AREA—Between Morgan City and Union Hall. Classic example of karst development, containing more than 40 caves. (November 1973) Owner: Private

ALASKA (17)

***ANIACHAK CRATER**—24 miles southeast of Port Heiden. One of the largest explosive craters in the world, the area contains Surprise Lake, the headwaters of the Aniakchak River. (November 1967) Owner: Federal

***ARRIGETCH PEAKS**—250 miles northwest of Fairbanks. Illustrates several phases of alpine glacier

- activities, carved by glacial ice and running water, revealing abrupt transitions from metaphoric to granitic rock, and containing illustrations of tundra and boreal forest ecology. (April 1968) Owner: Federal
- ***BOGOSLOF ISLAND**—25 miles north of Umnak Island in the Aleutian Archipelago. Remnant of three volcanic eruptions, habitat for over 5,000 Stellar's sea lions, and nesting ground for over 50,000 sea birds. (November 1967) Owner: Federal
- ***MCNEIL RIVER STATE GAME SANCTUARY**—200 miles southwest of Anchorage. Includes the mouth of the McNeil River with a series of low, shallow falls which afford good wading and visibility for brown bears fishing for salmon. (April 1968) Owner: State
- ***CLARENCE RHODE NATIONAL WILDLIFE RANGE**—On the Bering Sea Coast between Hooper Bay and Kipnuk. Excellent example of coastal and upland tundra habitat, and nesting grounds for over-one-half of the world's population of black brant, cackling geese and emperor geese. (October 1968) Owner: Federal
- ***ILIAMNA VOLCANO**—135 miles southwest of Anchorage. Example of a cone-shaped stratovolcano resembling in past history, composition, and appearance the volcanoes of the Pacific Northwest. (January 1976) Owner: Federal
- ***LAKE GEORGE**—44 miles northeast of Anchorage. Most impressive "self-dumping" lake in the country, it is dammed each winter and swells with water until summer, when the dam breaks and the water is dumped in a spectacular torrent into the Knik River. (April 1967) Owner: Federal
- ***MALASPINA GLACIER**—25 miles west of Yakutat. Largest piedmont glacier in North America and one of the largest outside the ice cap regions of the world. (October 1968) Owner: Federal
- MIDDLETON ISLAND**—155 miles southeast of Anchorage. Significant illustration of tectonic uplift as a result of earthquakes, containing important fossil evidence of the Pliocene and Pleistocene Epochs. (April 1968) Owner: Federal, Private
- ***MOUNT VENIAMNOF**—20 miles northeast of Port Moller. Unique active volcano of uncommon size, an important calving ground for caribou, and only known glacier on the continent with an active volcanic vent in its center. (November 1967) Owner: Federal
- ***REDOUBT VOLCANO**—110 miles southwest of Anchorage. An active stratovolcano, and the second highest of the 76 major volcanoes of the Alaska Peninsula and Aleutian Islands. Visible from Anchorage. (January 1976) Owner: Federal
- ***SHISHALDIN VOLCANO**—50 miles west of Cold Bay in the Aleutian Archipelago. Tallest of known volcanoes on Unimak Island, active today and completely unpredictable. (November 1967) Owner: Federal
- ***SIMEONOF NATIONAL WILDLIFE REFUGE**—In the Shumagin Island Group south of the Alaskan Peninsula. Ancestral hauling ground for sea otters. (October 1968) Owner: Federal
- ***UNGA ISLAND**—500 miles southwest of Anchorage in the Shumagin Island Group. Fossil forest resulting from volcanic activity in the Tertiary Period. It is unknown how these tree specimens came to be on the island. (April 1968) Owner: Federal
- ***WALKER LAKE**—250 miles northwest of Fairbanks. Striking example of the geological and biological relationships of a mountain lake at the northern limit of forest growth on the southern slope of the Brooks Range, supporting a full range of ecological communities. (April 1968) Owner: Federal, Private
- ***WALRUS ISLANDS**—375 miles southwest of Anchorage in Bristol Bay. Farthest southern primary haul out area for walruses and the only remaining area in the United States where they haul out in appreciable numbers. Over 4000 have been counted here during the summer. (April 1968) Owner: State
- ***WORTHINGTON GLACIER**—30 miles east of Valdez. Typical small valley glacier including fine examples of most glacial features from accumulation area to end moraine. Probably the most accessible glacier in Alaska. (October 1968) Owner: Federal, State
- AMERICAN SAMOA (7)**
- ***AUNUU ISLAND**—Off the northeastern coast of Tutuila Island. Site of recent episodes of volcanism backed by a geologically recent tuff cone. (November 1972) Owner: Communal lands
- CAPE TAPUTAPU**—On the western tip of Tutuila Island. Natural exhibit of shoreline, offshore volcanic rocks and blowholes sculptured by heavy sea wave action. (November 1972) Owner: Communal lands
- FOGAMAA CRATER**—On the southwestern coast of Tutuila Island. One of very few illustrations of the most recent episode of volcanism in American Samoa. (November 1972) Owner: Communal lands
- ***LEALA SHORELINE**—On the southwestern coast of Tutuila Island. Special young flow of basalt interbedded with layers of tuff, illustrating erosion by wave action and covered with dense tropical vegetation. (November 1972) Owner: Communal lands
- ***MATAFAO PEAK**—One and one-half miles south of the city of Pago Pago. Highest peak on Tutuila Island, one of five great masses of volcanic rocks extruded as molten magma during the major episodes of volcanism which created Tutuila Island. (November 1972) Owner: Communal lands
- ***RAINMAKER MOUNTAIN**—Just east of Pago Pago Harbor. One of the same extrusions as Matafao Peak, and an outstanding example of several gigantic plugs which created Tutuila Island. (November 1972) Owner: Communal lands
- VAIAVA STRAIT**—On the north-central coast of Tutuila Island. Classic illustration of steep cliffs and erosion-resistant outliers formed by wave action on a volcanic land mass. (November 1972) Owner: Communal lands
- ARIZONA (8)**
- Cochise County*
- ***RAMSEY CANYON**—Seven miles south of Sierra Vista. A vertical-sided gorge containing a well-defined microclimatic habitat, which consists of an extension of Mexican flora and fauna into the American side of the International Boundary, and contains plants which normally occur only at higher elevations. (March 1963) Owner: Private
- WILLCOX PLAYA**—Four miles south of Willcox. The dry remnant of Pluvial Lake Cochise whose natural deposits contain a rich record of climatic effects and fossil pollen during the pluvial periods of the Pleistocene. The largest "dry lake" in Arizona. (April 1966) Owner: Federal
- Coconino County*
- ***BARRINGER METEOR CRATER**—15 miles west of Winslow. The largest impact crater yet discovered in the United States. Impact believed to have occurred some 22,000 years ago. (November 1967) Owner: Private
- Mohave County*
- HUALAPAI VALLEY JOSHUA TREES**—45 miles north of Kingman. Best existing display of Joshua tree species and a superb sample of a Mohave Desert ecological unit. (April 1967) Owner: Federal, State, Private
- Navajo County*
- ***COMB RIDGE**—Only known location for tritylodont fossils in North

America, supporting the theory of continental drift. (January 1976)
Owner: Private (Navajo Indian Nation)

Santa Cruz County

***CANELO HILLS CIENEGA**—One and one-half miles northwest of Canelo. Last remaining extensive southwestern desert grasslands (ciénega) along the United States-Mexican border. The area supports the only known thriving populations of Colorado chub and Sonora sucker in the entire country. (December 1974)
Owner: Private

ONYX CAVE—Seven miles northwest of Sonoita. Considered to be the finest cave in Arizona. Integrity of resource threatened by vandalism. (May 1974)
Owner: Private

***PATAGONIA—SONOITA CREEK SANCTUARY**—One mile from Patagonia. Permanent stream-bottom habitat supporting rare aquatic biota, and the only habitat of the Gila Topminnow. Only known U.S. nesting spot for the rare rose-throated becard. (January 1970)
Owner: Private

ARKANSAS (5)

Desha County

***WHITE RIVER SUGARBERRY NATURAL AREA**—Four miles northwest of the village of Snow Lake. Partially virgin forest containing excellent examples of three bottomland hardwood forest types and a wildlife population typical of the forest types present. (December 1974)
Owner: Federal

Fulton County

MAMMOTH SPRING—Northeastern edge of Mammoth Spring. Third largest spring in the Ozark Mountains, and a classic example of a spring originating as a resurgent subterranean stream. (June 1972)
Owner: State

Mississippi County

***BIG LAKE NATURAL AREA**—Three miles east of Manila. Contains a significant amount of virgin timber, a mix of southern, Ozark and midwestern flora, and supports several threatened or endangered bird species. (December 1974)
Owner: Federal

Polk County

***ROARING BRANCH RESEARCH NATURAL AREA**—Four miles north of the village of Athens. Steep ravine containing a virgin mesophytic forest type representing a relict outlier of forests characteristic of Tennessee, Kentucky, and Indiana, and plant

species rare in the Ouachitas. (December 1976)
Owner: Federal

Saline County

***LAKE WINONA NATURAL AREA**—38 miles west of Little Rock. Large virgin shortleaf pine forest reminiscent of ones that once covered large areas of Arkansas. (December 1976)
Owner: Federal

CALIFORNIA (29)

Amador County

BLACK CHASM CAVE—One mile south-southeast of Volcano. A small three-level cave containing an outstanding variety of speleothems and some of the best helictite formations in the West. (January 1976)
Owner: Private

El Dorado County

***EMERALD BAY**—16 miles south of Tahoe City. A vividly colored oval embayment of Lake Tahoe formed by moraines left as parallel glaciers receded. An outstanding example of glacial geology. (October 1968)
Owner: State

Imperial County

***IMPERIAL SAND HILLS**—15 miles west of Yuma. One of the largest dune patches in the United States. An outstanding example of dune geology and ecology in an arid land. (October 1966)
Owner: Federal, Private

SAN FELIPE CREEK AREA—18 miles northwest of Westmoreland. Marsh area containing probably the last remaining natural desert stream in the Colorado Desert. (May 1974)
Owner: Federal, Private

Inyo County

***DEEP SPRINGS MARSH**—20 miles southeast of Bishop. Possibly the only habitat for the black toad and an example of increasingly rare desert marsh. (May 1975)
Owner: Private

***FISH SLOUGH** (extends into Mono County)—Eight miles north of Bishop. Large, essentially undisturbed desert wetland with rare or endangered desert wildlife which provides habitat for one native and several introduced endangered species. (May 1975)
Owner: Federal, State, Municipal, Private

Kern County

SHARKTOOTH HILL—One of the most abundant, diverse and well-preserved fossil marine vertebrate sites in the world. (May 1976)
Owner: Private

Los Angeles County

***RANCHO LA BREA**—Hancock Park, Wilshire Boulevard, Los Angeles.

World-famous natural asphalt tar pits in which Pleistocene animals became entrapped in their quest for fresh water. (March 1963)
Owner: Municipal

Marin County

***AUDUBON CANYON RANCH**—20 miles northeast of San Francisco. Largest known nesting area for great blue herons and American egrets on the West Coast. (October 1968)
Owner: Private

Mendocino County

***ELDER CREEK**—Four miles north of Branscomb. Largely undisturbed watershed containing large old stands of Douglas fir, broadleaf evergreens, and deciduous trees as well as a wide variety of wildlife. (March 1963)
Owner: Private

***PYGMY FOREST**—Five miles south of Fort Bragg. Unique forests of low, stunted trees and shrubs caused by a complex ecological condition associated with underlying wave terraces and their unusual soils. (June 1969, November 1973)
Owner: State

Monterey County

***POINT LOBOS**—Ten miles south of Monterey. An outstanding example of terrestrial and marine environments in close association, the only known habitat of Monterey cypress and variegated Brodiaea, and one of only two or three areas containing the Gowan's Cypress and sea otter. It is a sanctuary for thousands of sea and shore birds. (April 1967)
Owner: State

Sacramento County

AMERICAN RIVER BLUFFS AND PHOENIX PARK VERNAL POOLS—Near Fair Oaks. Contains outstanding examples of rare plant community types—the blue oak woodlands and vernal pools. (January 1976)
Owner: Federal, County, Private

COSUMNES RIVER RIPARIAN WOODLANDS—Southeast of Sacramento. Small remnant of a rapidly disappearing riparian woodland community type that once formed a major part of the California Central Valley. (January 1976)
Owner: Private

San Benito County

***SAN ANDRÉAS FAULT**—Illustrated at a site eight miles south of Hollister. One of the best locations illustrating earth displacement caused by small crustal movements is at the Cienega Winery where one half of a building has moved eight inches in nine years. (April 1965)
Owner: Private

San Bernardino County

AMBOY CRATER—Just west of the town of Amboy. Excellent example of

a recent volcanic cinder cone with an unusually flat crater floor. (May 1973) Owner: Federal, Private

CINDER CONE NATURAL AREA—24 miles east of Baker. A complex of over 20 large cinder cones of recent origin with extensive and continuous lava flows. (May 1973) Owner: Federal, State

***MITCHELL CAVERN AND WINDING STAIR CAVE**—23 miles northwest of Essex. Most important solution caverns known in the Mohave Desert region developed in the Bird Spring Formation of Permian age. Other caves are located within the landmark boundary. (May 1975) Owner: State

***RAINBOW BASIN**—Eight miles north of Barstow. Contains significant fossil evidence of insects, larger Miocene mammals and mammal tracks, as well as deep erosion canyons with rugged rims. An outstanding example of geologic processes. (April 1966) Owner: Federal

***TRONA PINNACLES**—Seven miles south of Argus. Relict form from ancient Ice Age lakes containing unique formations of calcium carbonate known as "Tufa". (November 1967) Owner: Federal

TURTLE MOUNTAINS NATURAL AREA—30 miles south-southwest of Needles. Two mountain sections entirely different in composition which illustrate past volcanic phenomena with superimposed sculpturing of mountain landforms by weathering and uplift. (May 1973) Owner: Federal, State

San Diego County

ANZA-BORREGO DESERT STATE PARK (extends into Imperial and Riverside Counties)—The vast majority of this site is located in eastern San Diego County. Largest desert State park in the Nation containing some of the best examples of the various desert biotic communities in the Colorado Desert and excellent examples of desert geological phenomena. (May 1974) Owner: State, Municipal, Private

***MIRAMAR MOUNDS**—12 miles north of central San Diego. This area includes features called "mima mounds," which are found in only three or four locations in the country. Contains rare vernal pools found only in California. (June 1972) Owner: Federal

TIJUANA RIVER ESTUARY—Between the city of Imperial Beach and the U.S.-Mexican International Boundary. One of the finest remaining salt water marshes on the California coastline, containing three species of endangered birds and an important habitat for

other wildlife, especially waterfowl. (May 1973) Owner: Federal, State, Municipal, Private

TORREY PINES STATE RESERVE—Along the northwestern edge of San Diego city limits. Unique and undisturbed biological community supporting endangered bird species. Torrey pine forests occur naturally only here and on Santa Rosa Island, 175 miles to the northwest. High bluffs and sea cliffs are examples of geological processes. (May 1977) Owner: State

San Luis Obispo County

NIPOMO DUNES-POINT SAL COASTAL AREA (extends into Santa Barbara County)—Extends from Pismo Beach south for 17 miles. Contains the largest, relatively undisturbed coastal dune tract in California, supporting both rare and endangered plants and animals and great species diversity. Also contains one of the last remaining tracts of pristine rocky coastline in the South Coast Ranges. (May 1974) Owner: Federal, State, County, Private

San Mateo County

ANO NUEVO POINT AND ISLAND—20 miles north of Santa Cruz. The only near-shore breeding ground for the northern elephant seal in the U.S., and habitat for Steller sea lions, California sea lions, and harbor seals. The processes of wave cutting, geologic uplift, and sea level fluctuation are well represented along Ano Nuevo Point. (August 1980) Owner: State

Siskiyou County

***MOUNT SHASTA**—60 miles north of Redding. One of the world's largest and most impressive stratovolcanoes containing five glaciers and consisting of four distinct but overlapping cones. Second highest of the 15 main volcanoes in the Cascade Range; only Mt. Rainier is higher. (December 1976) Owner: Federal

Tulare County

***PIXLEY VERNAL POOLS**—Six miles northeast of Pixley. One group of few remaining natural vernal pools containing certain endemic plant species. Over 26 families and 100 species are represented here. (November 1973) Owner: Private

COLORADO (11)

Clear Creek County

***SUMMIT LAKE**—13 miles southwest of Idaho Springs. Habitat for a variety of rare alpine-arctic plants, some of which occur only here and at the Arctic Circle. (April 1965) Owner: County, Municipal

Douglas County

***ROXBOROUGH STATE PARK**—20 miles southwest of Denver. Excellent example of the tilted and faulted sedimentary strata of the Colorado Front Range environment; contains fine exposures of hogbacks, unusual erosional patterns in Fountain Sandstone, and atypical occurrences of at least two front range plant communities. (April 1989) Owner: State

El Paso County

***GARDEN OF THE GODS**—Ten miles northeast of Pikes Peak. Outstanding illustration of the results of uplifting forces that produced the Front Range of the Rocky Mountains to the west, containing uncommon honey ants, and one of the best Colorado habitats for white-throated swifts, swallows, and canyon wrens. (October 1971) Owner: Municipal

Fremont County

GARDEN PARK FOSSIL AREA—One of the oldest and richest sites containing dinosaur, fish, crocodile, turtle, and mammal fossils in the United States. (November 1973) Owner: Federal

***INDIAN SPRINGS TRACE FOSSIL SITE**—Northeast of Canon City. Best trace fossil locality in North America for illustrating the markings and movements of ancient animal life. (March 1979) Owner: Private

Hinsdale County

SLUMGULLION EARTHFLOW—Two miles south of Lake City. Seven-hundred-year-old, 1,000-acre landflow composed of volcanic rock which formed a dam that created Lake San Cristobal. A younger land flow, currently active, is moving as much as twenty feet per year along the path of the earlier flow. (October 1965) Owner: Federal, Private

Huerfano County

SPANISH PEAKS (extends into Las Animas County)—25 miles southwest of Walsenburg. One of the best exposed examples of igneous dikes known; dikes are formed when molten igneous material is forced into a fracture or fault before becoming solidified. There may be over 500 such dikes in the area. (January 1976) Owner: Federal, Private

Jefferson County

MORRISON FOSSIL AREA—Just north of Morrison. First major site for the discovery of giant dinosaur fossil bones in North America. The fossils represent nine species, seven of which were newly discovered. (November 1973) Owner: Municipal, Private

Las Animas County

RATON MESA—Ten miles south of Trinidad. Illustration of a mesa preserved by a thick lava cap which has resisted destruction from weathering and erosion. Only significant reference available illustrating the magnitude of erosion involved in developing the land surface of the Great Plains adjacent to the lower foothills of the Rocky Mountains. (April 1967) Owner: Private

Park County

***LOST CREEK SCENIC AREA**—40 miles southwest of Denver. Illustrates structure of land through weathering along joint planes, containing spires, pinnacles, narrow ridges and steep narrow gorges. Lost Creek disappears and reappears at the surface at least nine times. (October 1966) Owner: Federal

Saguache County

RUSSELL LAKES—Ten miles south of Saguache. The most extensive bullrush marsh area in Colorado, this area contains a number of shallow, largely alkaline lakes and supports large numbers of flora and fauna. The area is also an outstanding resting and breeding habitat for waterfowl. (May 1975) Owner: Private

CONNECTICUT (7)*Hartford County*

***DINOSAUR TRACKWAY**—Five miles south of Hartford. One of the largest known exposures of dinosaur tracks on a single bedding plane. From the over one thousand fossilized tracks, over three types of reptiles have been identified. (April 1968) Owner: State
McLEAN GAME REFUGE NATURAL AREAS—Four miles north-northwest of Simsbury. Two separate land tracks representing an excellent forest in southern New England, containing evidence of glacial activity and considerable species diversity. (November 1973) Owner: Private

Litchfield County

***BARTHOLOMEW'S COBBLE** (extends into Berkshire County, Massachusetts)—One mile west of Ashley Falls, Massachusetts. Greatest natural concentration of ferns in the United States, containing 43 fern species and a remarkable assemblage of carefully documented plants and animals. (October 1971) Owner: Private

***BECKLEY BOG**—Two and one-half miles southeast of Norfolk. The most southerly sphagnum-heath-black

spruce bog in New England where peat moss underlies the bog up to a maximum depth of 51 feet. (May 1977) Owner: Private

BINGHAM POND BOG—One mile east of the New York State boundary. Extremely rare in Connecticut, an undisturbed cold northern spruce bog which is atypical due to the lack of sphagnum moss as a component of the floating mat on the bog. (May 1973) Owner: Private

Middlesex County

CHESTER CEDAR SWAMP—Two miles west-southwest of Chester. Finest remaining Atlantic white cedar swamp in Connecticut and an outstanding second-growth wooded swampland containing a small elongate pond with is adjacent bogland and some upland forest. (May 1973) Owner: State, Private

New London County

PACHAUG-GREAT MEADOW SWAMP—One and one-half miles northeast of Voluntown. Most extensive and one of the two best Atlantic white cedar swamps in Connecticut, the area includes the Pachaug River and the Great Meadow Brook. (May 1973) Owner: State, Private

FLORIDA (17)*Alachua County*

***DEVIL'S MILLHOPPER**—Six miles northwest of Gainesville. An excellent example of karst topography in the Southeast and an important cultural and historic site in the Alachua area. The generally dry sink is an example of several ecosystems with many microhabitats and major plant associations which demonstrate vertical zonation. (December 1974) Owner: State

PAYNES PRAIRIE—Southern edge of Gainesville. Largest and most diverse freshwater marsh in northern Florida and a major wintering ground for many species of waterfowl, as well as habitat for other wildlife, including two endangered species. A superlative example of prairie formation in a karst area, containing the Alachua Sink, one of Florida's largest and most famous sinks. (December 1974) Owner: State, Private

SAN FELASCO HAMMOCK—The center of the site is nine miles northwest of Gainesville. Largest remaining example of northern Florida's climax forest ecosystem, the upland mesic hammock, containing an extraordinary diversity of botanical resources supporting high quality

woodland wildlife habitat. (December 1974) Owner: State, Private

Baker County

***OSCEOLA RESEARCH NATURAL AREA**—20 miles northeast of Lake City. Includes an undisturbed mixed hardwood swamp with associated pine flatwoods and cypress swamp. The flatwoods are excellent wildlife habitat, and the presence of virgin cypress is a rare feature. (December 1974) Owner: Federal

Collier County

***BIG CYPRESS BEND**—One mile west of State Route 29 on Tamiami Trail (U.S. 41). Includes about 215 acres of undisturbed virgin cypress, sawgrass prairie, and palmetto hammocks. (October 1966) Owner: State

***CORKSCREW SWAMP SANCTUARY**—25 miles southeast of Fort Myers. Largest remaining stand of virgin bald cypress in North America, containing a wide variety of flora, including pond cypress, wet prairie and pineland, and sanctuary for a considerable wildlife population. (March 1963) Owner: Private

Columbia County

***ICHETUCKNEE SPRINGS** (extends into Suwanee County)—Ichetucknee Springs State Park, 22 miles southwest of Lake City. Illustration of a large artesian spring group and the geologic history of the Floridian aquifer from which Florida's great springs emanate, containing abandoned relict channels ancestral to the present underground solution channels. (October 1971) Owner: State

Jackson County

FLORIDA CAVERNS NATURAL AREA—Two miles north of Marianna. Unique disjunct relict community from a former temperate hardwood forest which has remained intact and isolated since the end of the Wisconsin glacial period and probably longer. The cave harbors three species of bats, including the Indiana bat, an endangered species, which used the cave for winter hibernation. (December 1976) Owner: State

Lake County

EMERALDA MARSH (extends into Marion County)—Ten miles northeast of Leesburg. Virtually undisturbed inland freshwater riverine sawgrass marsh supporting several species of waterfowl, and including endangered and threatened species. Also provides an important fishery. (December 1974) Owner: Private

Levy County

- ***MANATEE SPRINGS**—Manatee Springs State Park, 50 miles west-southwest of Gainesville. Ranks about sixth in size among the great artesian springs of Florida in close proximity to karst sinkholes, with proven underground connections with the headspring, and connecting with the Suwannee River. (October 1971) Owner: State
- WACCASASSA BAY STATE PRESERVE**—40 miles west of Ocala. Example of northern Florida coastal ecosystem, including transition from mangrove to saltmarsh to brackish marsh to freshwater marsh along the Waccasassa River to hardwood hammock forest, serving as habitat for at least three endangered species. (December 1976) Owner: State

Liberty County

- TORREYA STATE PARK**—12 miles north of Bristol along the Apalachicola River. Very significant relict habitat for ancient flora, including stinkingcedar, Florida yew and *Croomia*, which are descendants of the Arcto-Tertiary Geoflora which existed some 63 million years ago. (December 1976) Owner: State

Marion County

- ***RAINBOW SPRINGS**—Four miles north-northeast of Dunnellon. Second of Florida's great artesian springs on the basis of its rate of discharge, and first as a single outlet spring, with glass-bottom cruise boats for observing spring cavities and aquatic life. (October 1971) Owner: Private
- ***SILVER SPRINGS**—Five miles northeast of Ocala. Largest spring group in the United States, with glass-bottom boat rides. (October 1971) Owner: Private

Martin County

- ***REED WILDERNESS SEASHORE SANCTUARY**—Eight miles south of Stuart. Unaltered east coast of Florida seashore, including semitropical plant associations of mangrove swamps, coastal strand and shell mound types, encompassing northern portion of Jupiter Island, and providing increasingly rare nesting site for Atlantic loggerhead turtles. (November 1967) Owner: Federal

Monroe County

- ***LIGNUMVITAE KEY**—One-half mile north of the U.S. 1 causeway near the northern end of Matecumbe Key. One of the highest keys in the Florida Key chain providing a wide range of habitat, from wave-washed exposures of Key Largo limestone to mangrove

swamp. Most vegetation is tropical hammock forest, the largest and best example of the type known in the United States. (October 1968) Owner: State

Wakulla Count

- ***WAKULLA SPRINGS**—15 miles south of Tallahassee. An independent freshwater ecosystem and one of the largest and deepest springs in Florida, rich in aquatic vegetation, fish, turtles, alligators, and birds, lined with huge cypress trees and a well-developed hardwood hammock, containing significant fossil evidence from earlier eras. (October 1966) Owner: Private

GEORGIA (12)*Bartow County*

- ***SAG PONDS NATURAL AREA**—Five miles southeast of Adairsville. Unique for their combination of dissimilar vegetation, containing relict flora persisting from the Pleistocene and significant fossils, evidence of the development of life. The six ponds illustrate the various stages of ecological succession. (May 1974) Owner: Private

Charlton County

- ***OKEFENOKEE SWAMP** (extends into Clinch and Ware Counties)—Okefenokee National Wildlife Refuge, the center of the site is 28 miles south of Waycross. Largest and most primitive swamp in the country containing a diversity of ecosystems, and a refuge for native flora and fauna including many uncommon, threatened and endangered species. (December 1974) Owner: Federal

Chatham County

- ***WASSAW ISLAND**—14 miles south of Savannah, in the Atlantic Ocean. Only island of Golden Isles with an undisturbed forest cover and one of the few remaining examples of the sea island ecosystem with a high degree of integrity, illustrating the building of the island from the sands of the Coastal Plain, and supporting a wide array of unusual animals. (April 1967) Owner: Federal, Private

Columbia County

- HEGGIE'S ROCK**—17 miles northwest of Augusta. An undisturbed example of the characteristic plant species, community zonation, and successional stages occurring on well-exposed granitic outcrops. (August 1980) Owner: Private.

Effingham County

- EBENEZER CREEK SWAMP**—The center of the site is 22 miles north-

northwest of Savannah. Best remaining cypress-gum swamp forest in the Savannah River Basin illustrating the relationship and interactions between river and creek, and providing spawning grounds for the anadromous striped bass and habitat for the American alligator. (May 1976) Owner: Private

Emanuel County

- ***CAMP E.F. BOYD NATURAL AREA**—Eight miles southwest of Swainsboro. Representative of rapidly disappearing floodplain—upland sand ridge ecosystem of the Coastal Plain and habitat for several rare plants and endangered species (May 1974) Owner: Private

Floyd County

- ***MARSHALL FOREST**—Near Rome. Loblolly pine-shortleaf pine forest believed to have originated following an intense fire at about the time the Cherokee Indians were forcibly removed to Oklahoma, including a ten-acre stand of virgin yellow poplar. (April 1966) Owner: Private

Harris County

- ***CASON J. CALLAWAY MEMORIAL FOREST**—One mile west of Hamilton. Outstanding example of transitional conditions between eastern deciduous and southern coniferous forest types, containing the entire Barnes Creek watershed, an unpolluted stream system. (June 1972) Owner: Private

McIntosh County

- ***LEWIS ISLAND TRACT**—Eight miles west-northwest of Darien. One of the most extensive bottomland hardwood swamps in Georgia, containing stands of virgin bald cypress and associated swamp hardwood species, and supporting uncommon wildlife species. (May 1974) Owner: State

Rockdale County

- PANOLA MOUNTAIN**—15 miles southeast of Atlanta. The most natural and undisturbed monadnock of exposed granitic rock in the Piedmont region. The area supports a variety of plant communities. (August 1980) Owner: State

Seminole County

- SPOONER SPRINGS**—14 miles west of Bainbridge. One of the largest and least disturbed sinkhole wetlands in Georgia, supporting an abundance of the American alligator. (May 1974) Owner: Private

Tattnall County

- ***BIG HAMMOCK NATURAL AREA**—Ten miles southwest of Glennville.

Contains relatively undisturbed broadleaf evergreen hammock forest and includes rare and endangered species. (May 1976) Owner: State

GUAM (4)

- ***FACPI POINT**—On the southwestern coast of Guam. An illustration of the major episode of volcanism which created Guam Island. (November 1972) Owner: Government of Guam
- ***FOUHA POINT**—On the southwestern coast of Guam, one mile northwest of the village of Umatac. Contains exposures of volcanic rock with a nearby intertidal platform of two levels of coralline limestone. (November 1972) Owner: Government of Guam
- ***MOUNT LAMLAM**—Three miles north-northeast of Umatac. Third key site on Guam disclosing the major volcanism which created the island. (November 1972) Owner: Government of Guam
- ***PUNTAN DOS AMANTES**—Two miles north of Tumon. Illustrates the limestone deposition and subsequent subterranean erosion phases of Guam's geologic history. The area contains a 370-foot high cliff exposure of massive limestone. (November 1972) Owner: Government of Guam

HAWAII (7)*Island of Hawaii*

- MAKALAWENA MARSH**—Near Kawikahale Point. One of two remaining ponds in Hawaii that support a resident population of the endangered, nonmigratory Hawaiian stilt, nesting site for the Hawaiian coot, and the only known breeding site of the black-crowned night heron on the Island of Hawaii. (June 1972) Owner: Private
- MAUNA KEA**—25 miles west-northwest of the city of Hilo. Exposed portion of the highest insular mountain in the United States, containing the highest lake in the country and evidence of glaciation above the 11,000-foot level. Most majestic expression of shield volcanism in the Hawaiian Archipelago, if not the world. (November 1972) Owner: State

Island of Maui

- IAO VALLEY**—West of the city of Wailuku. Valley and volcanic rocks on its enclosing slopes illustrate the major episode of volcanism which created the western portion of the island. Amphitheatral in shape due to erosion on the volcanic rocks of a great caldera. (November 1972) Owner: State; Private
- ***KANAHA POND**—One mile west of Kahului Airport. Most important

water bird habitat in Hawaii, and one of the few remaining brackish-water ecosystems providing refuge for both resident and migratory bird populations. (June 1971) Owner: State

Island of Molokai

NORTH SHORE CLIFFS—Between the villages of Halawa and Kalaupapa. Finest exposures of ancient volcanic rocks resulting from the major episode of volcanism creating Molokai, among the most ancient in the Hawaiian Island chain. (November 1972) owner: State, Private

Island of Oahu

- ***DIAMOND HEAD**—In the city of Honolulu. One of the best exposed and preserved examples of a typical volcanic cone of altered basaltic glass. Shows the bedding structure of the cone and the character of the rock. (February 1968) Owner: Federal, State
- KOOLAU RANGE PALI**—Three miles south of Kaneohe. The Pali is to the Island of Oahu what the Great Western Divide is to Sequoia National Park. Faulting and stream erosion are among the principal processes which gave the cliffs their configuration. (November 1972) Owner: Private

IDAHO (11)*Adams County*

- ***SHEEP ROCK**—Payette National Forest, 35 miles northwest of Council and two miles east of the Snake River. Provides the best view of the horizontally layered lavas that represent successive flows on the Columbia River Basalt Plateau, and an unobstructed view of two contrasting series of volcanic rocks separated by a major unconformity—an important geologic phenomenon. (December 1976) Owner: Federal

Bainham County

HELL'S HALF ACRE LAVA FIELD (extends into Bonneville county)—The center of the site is 20 miles west of Idaho Falls. A complete, young, unweathered, fully exposed pahoehoe lava flow and an outstanding example of pioneer vegetation establishing itself on a lava flow. (January 1976) Owner: Federal, State

Blaine County

GREAT RIFT SYSTEM (extends into Minidoka and Power Counties)—43 miles northwest of Pocatello. As a tensional fracture in the Earth's crust that may extend to the crust-mantle interface, The Great Rift System is unique in North America and has few counterparts in the world. It also illustrates primary vegetation

succession on very young lava flows. (April 1968, August 1980) Owner: Federal

Butte County

***BIG SOUTHERN BUTTE**—37 miles northwest of Blackfoot. The view from this butte illustrates the scope and dimensions of Quaternary volcanism in the western United States and the largest area of volcanic rocks of young age in the United States. (January 1976) Owner: Federal

Cassia County

CASSIA SILENT CITY OF ROCKS—16 miles southeast of Oakley. Contains monolithic landforms created by exfoliation processes on exposed massive granite plutons, and the best example of bornhardts in the country. (May 1974) Owner: Federal, State, Private

Elmore County

CRATER RINGS—Two adjacent and symmetrical pit craters that are among the few examples of this type of crater in the continental United States. The pit craters, which are volcanic conduits in which the lava column rises and falls, were formed by explosions followed by collapse. (April 1980) Owner: Federal

Fremont County

BIG SPRINGS—54 miles northeast of Rexburg. The only first magnitude spring in the country which issues forth from rhyolitic lava flows. It is the source of the South Fork of the Henrys Fork River. (August 1980) Owner: Federal

Gooding County

NIAGARA SPRINGS—20 miles west of Twin Falls. The least developed of the large springs discharging into the Snake River from the Snake River Plain aquifer system. It is outstandingly illustrative of the enormous volume of water transmitted through this aquifer. (April 1980) Owner: Private

Jefferson County

MENAN BUTTES (extends into Madison County)—Ten miles west of Rexburg. Contains outstanding examples of glass tuff cones, which are found in only a few places in the world. Their large size and unusual composition make them particularly instructive of an unusual aspect of basaltic volcanism. (April 1980) Owner: Federal, Private.

Shoshone County

HOBBO CEDAR GROVE BOTANICAL AREA—12 miles northeast of Clarkia.

An outstanding example of pristine western red cedar forest. Two communities are represented: cedar/Oregon boxwood on the uplands and cedar/fern on the lowlands. (April 1980) Owner: Federal

Twin Falls County

HAGERMAN FAUNA SITES—

Southwest of Hagerman. Contains the world's richest known deposits of Upper Pliocene age terrestrial fossils, therefore considered to be of international significance. (May 1975) Owner: Federal, State

ILLINOIS (16)

Alexander County

*HORSESHOE LAKE NATURE

PRESERVE—11 miles northwest of Cairo. Contains diverse aquatic and terrestrial flora and fauna and mature stands of bald cypress. The site is on the migration corridor of many waterfowl, as well as being an overwintering site for thousands of Canada geese. (November 1972) Owner: State

Carroll County

*MISSISSIPPI PALISADES—North of Savanna. Topography containing deep V-shaped valleys, caves and sinks, massive cliffs along the Mississippi River, and supporting numerous species of plant and animal life. (November 1972) Owner: State

Cook County

*BUSSE FOREST NATURE

PRESERVE—23 miles northwest of Chicago. Situated on the floodplain and morainal uplands along Salt Creek. One of the best remaining examples of mesic and dry-mesic upland forest in the Eastern Central Lowlands. The area has been protected for so long that there is no evidence of past logging throughout most of the site. (February 1980) Owner: County

Jackson County

LITTLE GRAND CANYON AREA—Ten miles west of Carbondale. Exceptional examples of a large box canyon with vertical overhanging walls. Contains a great diversity of ecosystems, including sandstone outcrops and overhangs, ravine slope forest, dry site oak-hickory forest, and hill prairies. The ravine is nationally known as a seasonal haven for a great variety of snakes that hibernate there. (February 1980) Owner: Federal

Johnson County

BUTTONLAND SWAMP (extends into Pulaski County)—32 miles south-

southeast of Carbondale. Outstanding remnant of the swampy flood plain forest and open swamp that once covered an extensive area at the junction of the Mississippi and Ohio River valleys. Has many large trees including three trees larger than any on record for the species in the nation. (February 1980) Owner: Private

*HERON POND-LITTLE BLACK SLOUGH NATURAL AREA—25 miles south of Marion. This is the largest remaining cypress-tupelo swamp in Illinois. The site contains a heron rookery. The valley is an outstanding example of alluvial, colluvial, and lacustrine sedimentation within an entrenched meandering valley system. (November 1972, February 1980) Owner: State, Private

Lake County

ILLINOIS BEACH NATURE

PRESERVE—Illinois Beach State Park, three miles north-northeast of Waukegan. An area of beach ridges that supports a great diversity of natural communities, including savanna, sand prairie, wetland, and beach communities. Area supports over 60 species of animals and plants that are threatened or endangered in Illinois. (February 1980) Owner: State

*VOLO BOG NATURE PRESERVE—

One and one-half miles north-northwest of Volo. A rare site in Illinois, containing many unusual or rare plants, which is characteristic of the classic northern quaking bog. (November 1972) Owner: State

*WAUCONDA BOG NATURE

PRESERVE—On the southern edge of the village of Wauconda. Mature bog that contains the furthest southern extension of bog vegetation in Illinois, representing an unusual biotic community in that region. (November 1972) Owner: State

McLean County

*FUNKS GROVE—11 miles southwest of Bloomington. Rare example of virgin forests once isolated on the prairies of the Midwest, illustrating a transition between oak-hickory association of the region and the western mesophytic association to the east. (May 1974) Owner: University of Illinois, Private

Piatt County

*ALLERTON NATURAL AREA—28 miles southwest of Champaign. Example of rapidly disappearing Illinois stream valley ecosystem containing relatively undisturbed examples of bottomland and upland forests. (January 1970) Owner: University of Illinois

Pope County

BELL SMITH SPRINGS—Shawnee National Forest. Fragile area containing some of the best examples of ecosystems typical of sharply-dissected sandstone substrates. Also contains fine examples of landforms created by stream erosion and mass wasting. (February 1980) Owner: Federal

LUSK CREEK CANYON—15 miles south of Harrisburg. Excellent example of a gorge-like valley formed by mass wasting and stream erosion in lower Pennsylvania sandstones. Also contains good examples of two major forest ecosystems; ten endangered or threatened Illinois plant species occur here. (February 1980) Owner: Federal, State

Union County

GIANT CITY—Giant City State Park, 15 miles south of Harrisburg. Exceptional example of gravity sliding consisting of massive joint-bounded sandstone blocks of Pennsylvanian Age. Rich flora includes xeric oak woods, oak-hickory and mesic forests dominated by sugar maple. (February 1980) Owner: State

*LaRUE-PINE HILLS ECOLOGICAL AREA—Shawnee National Forest; the center of the site is four miles north of Wolf Lake. Contains one of the finest assemblages of diverse vegetation in the Midwest representing species of northern, southern, eastern, and western affinities, including 40 species rare in Illinois. (May 1974) Owner: Federal, Southern Illinois University

Wabash County

*FOREST OF THE WABASH—Beall Woods Conservation Area, three miles south of Mount Carmel. Essentially undisturbed upland and bottomland forests lying along the Wabash River. The upland forest consists of probably the finest remaining example of oak-hickory forest in this part of the country. (October 1965) Owner: State

INDIANA (28)

Crawford County

*WYANDOTTE CAVE—Harrison—Crawford State Forest, 30 miles west of New Albany. 23 miles of explored passageways, vertical relief encompassing several levels, containing huge rooms, gigantic domepits, rubble breakdown and stalagmites. One of the great cave systems within the karst region of the east-central United States. (June 1972) Owner: State

Fayette County

*SHRADER-WEAVER WOODS—Seven miles northwest of Connersville. Outstanding presettlement beech-maple forest containing unusually large trees, such as a 56" d.b.h. burr oak and a 34" d.b.h. black maple. (May 1974) Owner: State

Floyd County

OHIO CORAL REEF (FALLS OF THE OHIO) (extends into Jefferson County, Kentucky)—In the Ohio River between Jeffersonville, Indiana, and Louisville, Kentucky. Classic example of a Silurian and Devonian coral community from which nearly 900 nominal species have been founded on specimens collected here. The lower part of Jeffersonville limestone is composed of corals, matrix, and leilittle else. (October 1966) Owner: State

Fountain County

*PORTLAND ARCH NATURE PRESERVE—Seven miles northeast of Covington. Contains massive crossbedded sandstone cliffs and a seven and one-half foot high natural bridge, as well as many plant species unknown elsewhere in the State, some being relicts occurring here due to the unusual climate created by the canyon. (May 1973) Owner: State

Gibson County

HEMMER WOODS—Two miles northeast of Buckskin. Illustrates the transition from lowland to upland forest, containing one of the best mixed lowland stands remaining in Indiana, the largest known specimens of tulip tree in the State, and a great abundance of wildflowers. (November 1973) Owner: State, Private

Harrison County

HARRISON SPRING—Fragile area that has been vandalized in the past and is now closed to the public. Largest spring in Indiana and one of the best examples of alluviated cave springs in the U.S. due to its location in an abandoned meander loop, and the natural levee around its periphery. (February 1980) Owner: Private

Jefferson County

OFFICERS' WOODS—Seven miles northwest of Madison. One of the finest remnants of beech-maple forest south of the Wisconsin-age glacial boundary in Indiana. Two stands with slightly different composition, one of which contains an exceptionally high density of valuable black gum. (December 1974) Owner: Private

Lagrange County

*TAMARACK BOG NATURE PRESERVE—Pigeon River State Game Preserve, one mile southeast of the town of Mongo. Contains the largest, well-developed tamarack swamp-bog forest in Indiana supporting six distinct vegetation types and more than 34 mammal species. Also supports water birds, amphibians and fishes. (November 1973) Owner: State

Lake County

HOOSIER PRAIRIE—Two miles southwest of Griffith. Last large tract of prairie near the eastern margin of the "Prairie Peninsula", containing a great diversity of community types. Almost 300 vascular plant species have been identified here. (May 1974) Owner: State

La Porte County

*PINHOOK BOG—Indiana Dunes National Lakeshore, four miles south of Waterford. A living demonstration of the textbook description of ecological succession from pond to woodland, lying within a bowl-shaped depression likely to be a glacial kettle, and surrounded by wooded hills. (October 1965) Owner: Federal

Lawrence County

*DONALDSON CAVE SYSTEM AND WOODS—Spring Mill State Park, five miles east of Mitchell. A tract containing 80 acres of prime virgin forest and a cave system associated with the Indiana karst region, including three separate units which are interconnected by underground passageways. (June 1972, November 1973) Owner: State

Montgomery County

*BECKVILLE WOODS—Three miles south of Shannondale. One of the finest near-virgin remnant forests in the Tipton Till Plain of central Indiana, containing a great diversity of tree species due to a pronounced moisture gradient producing different habitats, and a great blue heron rookery. (December 1974) Owner: Private

*PINE HILLS NATURAL AREA—15 miles west-southwest of Crawfordsville. The tract is sharply dissected by deep, stream-carved canyons which have left narrow rock ridges or backbones, probably the most remarkable examples of incised meanders in the eastern United States. Contains a variety of habitats and a number of plant species—considered to be Pleistocene relicts. (April 1968) Owner: State

Orange County

*PIONEER MOTHERS' MEMORIAL FOREST—Wayne—Hoosier National Forest, one mile southeast of Paoli. One of the best examples of an original, undisturbed presettlement forest in Indiana containing the finest examples of forest-grown walnut trees in America. (May 1974) Owner: Federal

*RISE AT ORANGEVILLE—South of West Road in Orangeville. The State's second largest spring and the clearest illustration of subterranean stream resurgence in the famed Lost River Karst area. (June 1972) Owner: Private

*TOLLIVER SWALLOWHOLE—Four miles north-northwest of Paoli. Extraordinary example of the disappearing stream aspect of karst topography. An elongated channel with a small opening at the bottom of the west end of the channel that opens into a segment of underground Lost River. (June 1972) Owner: Private

*WESLEY CHAPEL GULF—Two miles southeast of Orangeville. The most significant and spectacular feature of the Lost River Basin, one of the world's great karst areas. Probably the largest sinkhole in Indiana and a classic illustration of a uvala (feature formed by the coalescence of a series of sinkholes). (June 1972) Owner: Private

Owen County

HOOT WOODS—Three miles northwest of Freedom. Relatively undisturbed, isolated beech-maple forest where near climax conditions prevail. (November 1973) Owner: Private

Parke County

*ROCKY HOLLOW-FALLS CANYON NATURE PRESERVE—Turkey Run State Park, nine miles north of Rockville. Forest area containing virgin beech-maple stands, several steep sandstone gorges that harbor virgin boreal relict populations of eastern hemlock and Canada yew and some of the largest black walnut in the Midwest. (December 1974) Owner: State

Porter County

*COWLES BOG—Indiana Dunes National Lakeshore, ten miles west of Michigan City. Illustrates marsh and bog, as well as transition to swamp and includes flora common to these habitats. (October 1965) Owner: Federal

*DUNES NATURE PRESERVE—Indiana Dunes State Park, along the southeastern shore of Lake Michigan between Dune Acres and Beverly

Shores. The best remaining example of undeveloped and relatively unspoiled dune landscape along the southern shore of Lake Michigan, a portion of which is known as the "Birthplace of American Ecology". Also contains Ancient Pines Nature Area, a prehistoric forest now exposed by dune blowouts. (December 1974) Owner: State

Putnam County

BIG WALNUT CREEK—35 miles west of Indianapolis. A branch of the Eel River formed as a result of glacial melt and postglacial water erosion, and one of the few stands in the State where beech, sugar maple and tulip poplar grow on alluvial Genesee soil. Includes relict species of a postglacial forest which occupied the area 5,000 to 6,000 years ago. (April 1968) Owner: Private

***FERN CLIFF**—Seven miles southwest of Greencastle. Contains exceptional occurrences of mosses and liverworts including a noteworthy number of rare species. One of the best sites for bryophytes in the Central states. (February 1980) Owner: Private

Randolph County

CABIN CREEK RAISED BOG—14 miles east-southeast of Muncie. A fen (alkaline bog) elevated some ten feet above the general flood plain level of Cabin Creek, supporting very rich flora, including many species at or near their range limits. (December 1974) Owner: Private

DAVIS-PURDUE AGRICULTURAL CENTER FOREST—13 miles northeast of Muncie. Best old growth oak-hickory forest on the Tipton Till Plain and possibly one of the finest such forests in the eastern United States, containing exceptionally large individuals of several tree species. (December 1974) Owner: Purdue University

Shelby County

***MELTZER WOODS**—Two miles southwest of Blue Ridge. A presettlement forest now in dynamic equilibrium containing a juxtaposition of two contrasting forest types (beech-maple and lowland mixed forests) and exceptionally large individuals of several tree species. (November 1973) Owner: Private

Spencer County

***KRAMER WOODS**—One and one-half miles southwest of Patronville. This area is the only example of Shumard's red oak-pin oak-hickory dominated stand of lowland mixed forest of any size in Indiana. (November 1973) Owner: Private

Vanderburgh County

***WESSELMAN PARK WOODS**—Within the city limits of Evansville. Presettlement lowland mixed forest with the highest basal area per acre of any known stand in Indiana, dominated by sweet gum-tulip tree. (November 1973) Owner: Municipal

IOWA (5)

Clay County

***DEWEY PASTURE AND SMITH'S SLOUGH** (extends into Palo Alto County)—Four miles north-northwest of Ruthven. Section of pothole lakes created during the last glacial epoch, containing considerable habitat diversity including wetlands, tallgrass prairie, and woodland supporting significant waterfowl population. (May 1975) Owner: State

Dickinson County

CAYLER PRAIRIE—Five miles west of West Okoboji. An example of increasingly rare virgin prairie grassland; a unique outdoor laboratory. (October 1965) Owner: State

Dubuque County

***WHITE PINE HOLLOW PRESERVE**—20 miles northwest of Dubuque. Only known remaining white pine tract in Iowa (November 1967) Owner: State

Hamilton County

ANDERSON GOOSE LAKE—One mile east of Jewell. One of few essentially natural glacial pothole lakes remaining in the State, and important waterfowl habitat. (May 1975) Owner: Private

Howard County

HAYDEN PRAIRIE—12 miles northwest of Cresco. A true prairie remnant where Iowa State University conducted research showing that true prairie declines when the quantity of litter exceeds annual herbage yield. Occasional burning or mowing corrects this, and gives minor plants an opportunity for establishment. (October 1965) Owner: State

KANSAS (5)

Clark County

BIG BASIN PRESERVE—13 miles west-northwest of Ashland. Excellent example of collapse feature formed by groundwater geological processes, and bluestem-grama prairie which is intensively grazed elsewhere in the central Great Plains. (March 1979) Owner: State

Douglas County

***BAKER UNIVERSITY WETLANDS**—Three miles south of Lawrence. Undisturbed examples of wetland prairie, and breeding ground for pintails, mallards and Canada geese. (June 1969) Owner: Private

BALWIN WOODS—11 miles south of Lawrence. A unique remnant oak-hickory stand approaching climax condition, located at the western edge of the eastern deciduous forest. (November 1980) Owner: Private

Gove County

***MONUMENT ROCKS NATURAL AREA**—23 miles south of Oakley. This area includes pinnacles, small buttes, and spires of chalk of the Niobrara formation, erosional remnants of sediments deposited in the ancient Kansas sea of Cretaceous time, and is a rich source of fossils of Cretaceous marine animals. (October 1968) Owner: Private

Ottawa County

***ROCK CITY**—Two and one-half miles southwest of Minneapolis. A unique cluster of about 200 great spherical sandstone concretions occurring in the midst of rolling farmland. (January 1976) Owner: Private

KENTUCKY (4)

Henderson County

HENDERSON SLOUGHS (extends into Union County)—Four miles northeast of Uniontown. One of the largest wetlands remaining in the State and an important habitat for waterfowl and other wildlife. Also the "home" of John James Audubon. (May 1974) Owner: Federal, State

Jefferson County

OHIO CORAL REEF (FALLS OF THE OHIO)—[see INDIANA]

Laurel County

***ROCK CREEK RESEARCH NATURAL AREA**—Daniel Boone National Forest, two miles west of Baldrock. One of the few virgin hemlock-hardwood forests remaining in the State. (May 1975) Owner: Federal

Letcher County

LILLY CORNETT WOODS—25 miles southeast of Hazard. Probably the only surviving virgin tract of any size in the Cumberland Mountains section of the Mixed Mesophytic Forest, which is characterized by a great variety of tree species. (June 1971) Owner: State

Menifee County

RED RIVER GORGE (extends into Powell and Wolfe counties)—Daniel

Boone National Forest, 50 miles east-southeast of Lexington. Contains examples of geological formations, including 41 natural bridges, and supports an extremely diverse flora, including endemic, rare and relict species. (January 1976) Owner: Federal, Private

MAINE (13)

Aroostook County

CRYSTAL BOG—Four miles southeast of Patten. One of the largest and most outstanding untouched sphagnum bogs in the State, containing stands of tamarack, black spruce and hemlock. (May 1973) Owner: Private

Cumberland County

***NEW GLOUCESTER BLACK GUM STAND**—Two miles southwest of Upper Gloucester. Rare and outstanding small remnant of essentially virgin black gum-dominated swamp forest, near the northernmost limit for this species. (May 1975) Owner: Private

Franklin County

BIGELOW MOUNTAIN (extends into Somerset County)—The center of the site is six miles east of Stratton. One of the best and most representative alpine vegetation zones among lower elevation New England mountains. (May 1975) Owner: State

Kennebec County

***COLBY-MARSTON PRESERVE**—Two miles north of Belgrade. Classic example of a northern sphagnum bog with distinct and well-defined vegetation zonation. A kettle hole bog surrounded by hemlock—white pine and northern hardwood forests. (May 1973) Owner: Private

PENNEY POND—JOE POND COMPLEX—Two and one-half miles south of Belgrade. Relatively untouched wetland area in a glacial outwash plain, containing a number of vegetative communities. (May 1973) Owner: Private

Lincoln County

MONHEGAN ISLAND—Ten miles south of Port Clyde, in the Atlantic Ocean. The northern half of the island is covered with dense, almost pure, red spruce forest. The island is located on the Atlantic flyway and supports a variety of bird species. (April 1966) Owner: Private

Penobscot County

***ORONO BOG**—Six miles southwest of Old Town. An outstanding example of a northern sphagnum bog; and one of the best natural orchid areas in Maine. (May 1973) Owner: Private

***PASSADUMKEAG MARSH AND BOGLANDS**—Two miles east of Passadumkeag. Passadumkeag Esker, or Enfield Horseback, a classic illustration of an esker, and one of the largest and finest unspoiled wetlands in the State. (May 1973) Owner: Municipal, Private

Piscataquis County

***GULF HAGAS**—14 miles east of Greenville. Significant illustration of the geological formation of a steep-walled, youthful gorge cut by a wild river through folded and tilted slates and siltstones, containing an excellent spruce-fir forest on the walls of the gorge. (April 1968) Owner: Private

***MOUNT KATAHDIN**—Baxter State Park, 30 miles north of Millinocket. Outstanding example of glacial-geological features, such as kames, eskers, drumlins, kettleholes and moraines, containing virgin forests and alpine-tundra ecosystems surrounding unaltered lakes and streams. (November 1967) Owner: State

***THE HERMITAGE**—Six miles northwest of Katahdin Iron Works. One of the very few undisturbed old growth white pine stands left in all of New England, also containing hemlock and northern hardwood stands. (May 1977) Owner: Private

Washington County

CARRYING PLACE COVE BOG—One and one-half miles south of South Lubec. One of the finest examples of coastal raised plateau bogs, of which there are only six undisturbed, fully featured examples in the nation. Also a fine example of a tombollo (tied island) eroded by the sea and encroached upon by a tidal beach. (April 1980) Owner: State

MEDDYBEMPS HEATH—Three miles west of Meddybemps. Outstanding example of a large, undisturbed northern bog, interspersed with small wooded islands, containing two major streams surrounded by vast, high heath shrub vegetation, and ringed with stands of black spruce and larch. (May 1973) Owner: Private

MARYLAND (6)

Baltimore County

***LONG GREEN CREEK AND SWEATHOUSE BRANCH**—Gunpowder Falls State Park, two miles north of Perry Hall. Mature beech-tulip poplar-white oak forest representative of the climax mesic forest type in the region, containing an outstandingly rich herbaceous flora. (May 1977) Owner: State

Calvert County

***BATTLE CREEK CYPRESS SWAMP**—On State Route 506, between Bowens and Port Republic. One of the most northerly cypress swamps in the country, containing a wide range of plant and animal life. (April 1965) Owner: Private

Cecil County

GILPIN'S FALLS—Seven miles northwest of Elkton. The area exposes a spectacular sequence of early Paleozoic rocks and probably the best outcrop of undeformed early paleozoic metavolcanic pillow basalts in the Middle Atlantic States. It is also a prime example of a Fall Zone stream. (August 1980) Owner: Private

Frederick County

SUGAR LOAF MOUNTAIN—16 miles south of Frederick. Solutions to problems about age and structural relationships of rocks of the Piedmont Province are found here. Appears to be either an outlier to the east of the main mass of Catoctin Mountain or a root remnant of the ancient Appalachia land mass. (June 1969) Owner: Private

Garrett County

***CRANESVILLE SWAMP NATURE SANCTUARY** (extends into Preston County, West Virginia)—Nine miles north of Terra Alta, West Virginia. Occupies a natural bowl where cool, moist conditions are conducive to plant and animal communities of more common northern locations. (October 1964) Owner: Private

Prince Georges County

BELT WOODS—15 miles east of Washington, D.C. One of few remaining old-growth upland forests in the Atlantic Coastal Plain physiographic province. An example of upland hardwood forest dominated by tulip poplar and white oak, supporting a dense and diverse bird population. (December 1974) Owner: Private

MASSACHUSETTS (9)

Berkshire County

***BARTHOLOMEW'S COBBLE**—(see CONNECTICUT)
COLD RIVER VIRGIN FOREST—Mohawk Trail State Forest, nine miles southeast of North Adams. Probably the only virgin hemlock-northern hardwood forest in New England with the hemlocks and sugar maples exceeding 400 years in age. (April 1980) Owner: State

Bristol County

*ACHUSHNET CEDAR SWAMP—Northwestern edge of New Bedford. One of the State's largest, wildest and most impenetrable swamps, and an outstanding example of the diversity of conditions and species in the glaciated section of the oak-chestnut forest type. (June 1972) Owner: State

Dukes County

*GAY HEAD CLIFFS—On the western tip of Martha's Vineyard. An unusual cross section of Raritan and Magothysediments of Cretaceous age and fossil-bearing sands of Miocene and either Pliocene or Pleistocene ages that rise as much as 150 feet above sea level, resting on the continental shelf and detached from the mainland. (October 1965) Owner: Municipal

Essex County

LYNNFIELD MARSH (extends into Middlesex County)—Between Wakefield and South Lynnfield. The area preserves the habitat requirements of many bird species and serves as breeding ground for the King Rail and Least-Bittern, rare species in the region. (June 1972) owner: Municipal, Private

Franklin County

*HAWLEY BOG—One mile northwest of Hawley. Unspoiled cold northern boreal sphagnum-heath bog occupying an old shallow glacial lake basin which demonstrates bog succession from the central open water pond to the surrounding spruce-fir forest. (May 1974) Owner: State

Hampden County

*FANNIE STEBBINS REFUGE—Five miles south of Springfield. The area contains the only sizeable example of Connecticut River floodplain under preservation, exhibiting many successional stages including upland and floodplain forest, swamp, marsh, ponds, and meadows. (June 1972) Owner: Municipal, Private

Nantucket County

MUSKEGET ISLAND—Five miles northwest of Nantucket Island. The only known locality where the Muskeget vole is found, and southernmost station where the grey seal breeds. The area supports an enormous nesting population of herring and black-backed gulls. (April 1980) Owner: Municipal, Private

Plymouth County

NORTH AND SOUTH RIVERS—Centered about 20 miles southeast of Boston. Classic examples of drowned

river mouth estuaries, supporting at least 45 species of fish and several species of birds. The site contains saltmarsh, brackish marsh and freshwater marsh areas. (May 1977) Owner: State, Municipal, Private

Worcester County

POUTWATER POND—North of Holden. An undisturbed sphagnum-heath bog in southern New England, illustrating ecological succession from open water in a glacial depression to upland forest. (June 1972) Owner: Private

MICHIGAN (11)

Bay County

*TOBICO MARSH—Tobico Marsh State Game Area, seven miles north of Bay City. Relatively undisturbed area with three distinct habitats: a wide expanse of open water, marshland, and a mixed hardwood forest used by large numbers of migrating waterfowl. (January 1976) Owner: State

Berrien County

GRAND MERE LAKES AREA—Two miles southwest of Stevensville. The site contains four low areas created during the evolution of postglacial ancestors of Lake Michigan, providing a unique ecological area documenting the evolution of aquatic to terrestrial communities, surrounded by a buffer zone of dunes, and containing many rare relict species. (April 1968) Owner: State, Private

WARREN WOODS NATURAL AREA—Three miles north of Three Oaks. Last known stand of virgin beech-maple forest in southern Michigan containing outstanding individual specimens of sycamore, beech, maple and other northern hardwoods. (November 1967) Owner: Private leased to State

Cass County

*NEWTON WOODS—28 miles southwest of Kalamazoo. One of the last remaining old-growth oak-mixed hardwood stands on Michigan's lower peninsula. (January 1976) Owner: Michigan State University

Ingham County

*TOUMEY WOODLOT—On the Michigan State University campus in East Lansing. An extremely rare example of a virgin stand of beech-maple forest serving as an important source for ecological research. (January 1976) Owner: Michigan State University

Jackson County

*BLACK SPRUCE BOG NATURAL AREA—Ten miles northeast of Jackson. Boreal bog forest illustrating

the last stage of succession in the sphagnum bog ecosystem, containing an excellent stand of black spruce. (December 1976) Owner: State

Marquette County

*DUKES RESEARCH NATURAL AREA—Upper Peninsula Experimental Forest, 17 miles southeast of Marquette. Undisturbed white cedar and mixed conifer swamp containing old-growth hardwood stands. (May 1974) Owner: Federal

Missaukee County

*DEAD STREAM SWAMP (extends into Roscommon County)—Houghton Lake State Forest, 30 miles northeast of Cadillac. A large example of a northern white cedar swamp considered to be the climax in bog forest development. (January 1976) Owner: State

Oakland County

*HAVEN HILL STATE NATURAL AREA—Highland State Recreation Area, 14 miles west of Pontiac. This area contains all of southern Michigan's principal forest types in one small tract, supporting 17 mammal and over 100 bird species. (January 1976) Owner: State

Roscommon County

ROSCOMMON VIRGIN PINE STAND—Ten miles east of Roscommon. A State natural area containing one of the best old growth red pine stands in the Superior Upland natural region, with evidence of fires in 1798, 1888, and 1928 present. (November 1980) Owner: State

Schoolcraft County

*STRANGMOOR BOG—Seney National Wildlife Refuge, southwest of Seney. One of the most southern, undisturbed, patterned or stringed bogs in the country, resulting from the underlying arrangement of sand knolls or extinct dunes on a sloping sand plain. (November 1973) Owner: Federal

MINNESOTA (8)

Anoka County

*CEDAR CREEK CREEK NATURAL HISTORY AREA—ALLISON SAYANNA (extends into Isanti County)—30 miles north of Minneapolis. Relatively undisturbed ecological area where three biomes meet (tall grass prairie, eastern deciduous forest and boreal coniferous forest), supporting 61 species of mammals and 183 species of birds. A nationally and internationally famous research center. (May 1975, February 1980) Owner: State, Private

Beltrami County

*UPPER RED LAKE PEATLAND—The center of the site is 15 miles northwest of Waskish. One of the largest peatlands remaining in the conterminous United States illustrating a variety of geological features and plant associations, especially the dominant and rare string bog, and an outstanding habitat for wildlife including endangered species. (May 1975) Owner: Federal, State, Red Lake Indian Tribe

Big Stone County

*ANCIENT RIVER WARREN CHANNEL (extends into Traverse County, Minnesota and Roberts County, South Dakota) near Browns Valley. A channel cut by the Ancient River Warren during the Ice Age, containing the Hudson Bay-Gulf of Mexico divide and two lakes on either side as evidence of the irregularities in Ice age sedimentation. (April 1966) Owner: State, Private

Cass County

PINE POINT RESEARCH NATURAL AREA—Chippewa National Forest, 26 miles southeast of Bemidji. Contains undisturbed stands of red pine and mixed pine that have been protected for over 70 years; as well as bald eagle and osprey nests. (February 1980) Owner: Federal

Clearwater County

*ITASCA NATURAL AREA—Itasca State Park, 30 miles southwest of Bemidji. The area contains some of the finest remaining stands of virgin red pine, spruce-balsam, and maple-basswood-aspen forest, supporting 141 bird and 53 mammal species, including bald eagles. (October 1965) Owner: State

Koochiching County

*LAKE AGASSIZ PEATLANDS—30 miles south of International Falls. An example of the extensive peatlands occupying the bed of ancient glacial Lake Agassiz, illustrating the process of peat accumulation over about 11,000 years. The area contains Myrtle Lake Bog, which developed contrary to the usual successional process of lake filling, and is an excellent example of both raised and string bogs. (October 1965) Owner: State

Lake County

KEELEY CREEK NATURAL AREA—Superior National Forest, 12 miles southeast of Ely. The area contains large tract of undisturbed mixed pine and black spruce forests with rare mature jackpine stands; and

significant upland bogs. (February 1980) Owner: Federal

St. Louis County

LAC LA CROIX RESEARCH NATURAL AREA—Boundary Waters Canoe Area, 24 miles northwest of Ely. This area consists of old-growth virgin pine forests, and contains most of the physiographic and ecological features characteristic of the Boundary Waters region. (February 1980) Owner: Federal

MISSISSIPPI (5)*Calhoun County*

*CHESTNUT OAK DISJUNCT—16 miles north of Bruce. An isolated chestnut oak stand well removed from its normal range, surrounded by loblolly pine forest. (October 1966) Owner: Private

Madison County

*MISSISSIPPI PETRIFIED FOREST—17 miles north of Jackson. A relatively undisturbed accumulation of ancient fir and maple driftwood which was buried in Tertiary sands and subsequently covered with loess. Surface water has eroded gullies and exposed the logs. (October 1965) Owner: Private

Scott County

*BIENVILLE PINES SCENIC AREA—Bienville National Forest, south of the town of Forest. One of the largest, protected old-growth loblolly pine stands in the region. (May 1976) Owner: Federal

*HARRELL PRAIRIE HILL—Bienville National Forest, two miles southeast of the town of Forest. Tall grass prairie that is one of the last and most representative remnants of the Jackson Prairie, a disjunct of the Black Belt region in Mississippi and Alabama. (May 1976) Owner: Federal

Sharkey County

*GREEN ASH-OVERCUP OAK-SWEETGUM RESEARCH NATURAL AREAS—Delta National Forest, three noncontiguous tracts that are 18 miles west-northwest of Yazoo City. Contains three very rare remnants of virgin bottomland hardwood forest remaining in the Mississippi River delta region. Some of the oldest sweetgum stands are 250 to 300 years old. (May 1976) Owner: Federal

MISSOURI (14)*Barton County*

*GOLDEN PRARIE—16 miles northeast of Carthage. Example of an essentially virgin tall grass prairie ecosystem

providing habitat for many species of flora and fauna, including a large population of greater prairie chicken. (May 1975) Owner: Private

Callaway County

*TUCKER PRAIRIE—Seven miles north-northwest of Fulton. Virgin tall grass prairie occurring within the transition zone between the oak-hickory forest and typical tall grass prairie. (May 1975) Owner: Private

Camden County

CARROLL CAVE—Dendritic system of subsurface karst streams and tributaries. A dangerous cave which must not be visited without owner permission. (May 1977) Owner: Private

Clay County

*MAPLE WOODS NATURAL AREA—A nearly virgin sugar maple and mockernut hickory forest; the combination of these two forest species is rare in the region. (April 1980) Owner: State

Crawford County

*ONONDAGA CAVE—Five miles southeast of Leasburg. The cave contains an unusually large and varied number of speleothems, and a ponded stream with a mean flow of about one million gallons per day. (April 1980) Owner: Private

Marion County

*MARK TWAIN AND CAMERON CAVES—Two miles southeast of Hannibal. Two caves on either side of a small valley, Cave Hollow, which are exceptionally good examples of the maze type of cavern development. (June 1972) Owner: Private

Oregon County

GREER SPRING—52 miles west of Poplar Bluff. The second largest spring in the Ozarks which discharges into a high quality, cascading stream. A very diverse forest surrounds the spring and river. (April 1980) Owner: Private

Phelps County

*MARAMEC SPRING—Maramec Spring Park, eight miles southeast of St. James. One of the large springs in the Missouri Ozarks, and a source of water power from 1826 to 1877 for an ironworks, the ruins of which are still visible. (October 1971) Owner: Private

Ripley County

*CUPOLA POND—Mark Twain National Forest, 12 miles south-southeast of Fremont. One of the most ancient sinkhole ponds in the Ozark

Plateaus, containing a nearly pure stand of disjunct water tupelo and very rare yellow fringed-orchids. (December 1974) Owner: Federal

St. Clair County

*TABERVILLE PRAIRIE—Two and one-half miles north of Taberville. One of the largest remaining virgin tall grass prairies containing typical prairie flora and fauna. (May 1975) Owner: State

Ste. Genevieve County

PICKLE SPRINGS—Seven miles east of Farmington. A deep, forested gorge containing one of the finest Pleistocene relict habitats in Missouri, supporting numerous relict herbaceous plant species including one rare moss of tropical affinity and several plant species characteristic of the Appalachian Mountains. (May 1975) Owner: Private

Stone County

*MARVEL CAVE—50 miles south of Springfield. Dome-shaped sinkhole entrance and giant domepits below, including one of the great dripstone units of all Ozark caves. (June 1972) Owner: Private

Taney

*TUMBLING CREEK CAVE—A large, varied cave that contains the most diverse fauna known for any cave west of the Mississippi River, including a large colony of the endangered grey bat. This is a fragile cave that can be critically damaged by unsupervised visitation. (April 1980) Owner: Private

Warren County

WEGENER WOODS—One-quarter mile north of Holstein. Rare, essentially virgin oak-hickory-dominated forest in a condition of gradual change to a sugar maple-dominated forest, offering an opportunity to study the composition and dynamics of the presettlement condition of the eastern deciduous forest. (May 1975) Owner: Private

MONTANA (10)

Beaverhead County

*RED ROCK LAKES NATIONAL WILDLIFE REFUGE—Two miles north of Lakeview. Relatively undisturbed, high-altitude ecosystem types representative of presettlement conditions, including wetlands supporting waterfowl and several uncommon species. (May 1976) Owner: Federal

Big Horn County

CLOVERLY FORMATION SITE—The area contains early Cretaceous

vertebrate fossils. (November 1973) Owner: Crow Indian Reservation, Private

Carbon County

BRIDGER FOSSIL AREA—This site contains fossils of *Deinonychus antirrhopus*, a new genus and species of carnivorous dinosaur which was only about three feet tall and eight feet in length. (November 1973) Owner: Federal

Carter County

*CAPITOL ROCK—30 miles southeast of Ekalaka. Remnant of the once continuous blanket of Tertiary deposits that covered much of the Great Plains. Late Cretaceous, Paleocene, Oligocene, and Miocene strata are well displayed. (December 1976) Owner: Federal

Choteau County

SQUARE BUTTE—49 miles east of Great Falls. An igneous rock intrusion between sedimentary beds (laccolith) which provides one of the best examples of banded magmatic rock in the U.S., with a clear distinction between dark and light colored fractions. The butte's flat crest supports relatively natural grassland communities. (August 1980) Owner: Federal, Private

Gallatin County

MIDDLE FORK CANYON—30 miles north of Bozeman. The area illustrates rocks deformed by crustal movements that created the Rocky Mountains, and includes an outstanding example of a canyon cut across the grain of the geologic structure by a superposed stream. (May 1977) Owner: Federal, Private

Garfield County

*HELL CREEK FOSSIL AREA—near Jordan. Fossils representative of large dinosaurs, including *Tyrannosaurus rex*, *Ankylosaurus magniventris*, *Brachychampsia fontana* (oldest known true alligator), and *Triceratops prorsus* (a horned dinosaur). (October 1966) Owner: Federal, Private

McCone County

*BUG CREEK FOSSIL AREA—east-northeast of Hell Creek Fossil Area. The site contains small mammal fossils. Taken together with the Hell Creek Fossil Area, the two sites span the decline of dinosaurs and beginning of mammalian dominance. (April 1966) Owner: Federal

Sanders County

*GLACIAL LAKE MISSOULA—12 miles north of Perma. This was the largest

of several lakes impounded by the Cordilleran Ice Sheet during the Quaternary Period containing flood ripples 15 to 50 feet high, 100 to 250 feet broad, and from 100 yards to one-half mile long. (April 1966) Owner: Private

Sheridan County

MEDICINE LAKE SITE—20 miles north of Culbertson. An exceptional example of the processes of continental glaciation, including till, outwash, eskers, kames, and terrace deposits. A variety of grassland plant and animal species are found here. (August 1980) Owner: Federal

NEBRASKA (2)

Cherry County

*VALENTINE NATIONAL WILDLIFE REFUGE—25 miles south of Valentine. One of the few remaining examples of the Sandhill tall grass prairie ecosystem unique to the central Great Plains. It provides habitat for many rare species. (January 1976) Owner: Federal

Sarpy County

*FONTENELLE FOREST—One mile south of Omaha. The largest remaining stand of virgin forest in the State, also containing high bluffs, river floodplain of the Missouri River and 20 acres of true prairie. (March 1963) Owner: Private

NEVADA (6)

Clark County

*VALLEY OF FIRE—35 miles northeast of Las Vegas. An outstanding example of overthrusting, a great fold has been exposed through erosion processes creating huge rock formations, deep canyons, and a great variety of colors. The area supports Gila Monsters in the northern extreme of their range. (April 1968) Owner: State

Elko County

RUBY MARSH (extends into White Pine County)—Ruby Lake National Wildlife Refuge, 50 miles south-southeast of Elko. One of the largest and finest natural wetlands in the State, and a stopover and nesting area for many migratory birds, including the greater sandhill crane and trumpeter swan. (November 1972) Owner: Federal

Nye County

*HOT CREEK SPRINGS AND MARSH—35 miles south of Lund. The White River springfish, a relict species, is found in large numbers here. The area is outstanding both as

- spring and wetland area. (November 1972) Owner: State
- ***ICHTHYOSAUR SITE**—within Berlin-Ichthyosaur State Park, 20 miles east of Gabbs. The only known site containing fossil remains of 37 of the largest form of ichthyosaur, some up to 45 feet in length. (May 1973) Owner: Federal
- LUNAR CRATER**—70 miles east-northeast of Tonopah. A 400-acre depression that is thought to have been formed by a past volcanic explosion, and one of two maars in the volcanic field of Pancake Range. (May 1973) Owner: Federal
- TIMBER MOUNTAIN CALDERA**—Nellis Air Force Gunnery Range and Nevada Test Site. A restricted area containing a remnant of an elliptical caldera developed in the late Miocene and early Pliocene, about eight to ten miles in extent, surrounded by a moat-like depression extending to the rim of an older caldera. (May 1973) Owner: Federal
- NEW HAMPSHIRE (8)**
- Carroll County*
- ***HEATH POND BOG**—Two miles northeast of Center Ossipee. A prime, unspoiled example of bog succession from open water to sphagnum-heath-black spruce bog. (June 1972) Owner: State
- ***MADISON BOULDER**—Three miles north of Madison. A rectangular granite boulder 83 feet long, 37 feet wide and 23 feet high. The largest known glacial erratic in North America. (January 1970) Owner: State
- WHITE LAKE PITCH PINE**—Seven miles northeast of Center Ossipee. A mature, undisturbed pitch pine and bear oak forest which is becoming rare in the Northeast. (April 1980) Owner: State
- Coos County*
- EAST INLET NATURAL AREA**—Northeast of the Second Connecticut Lake, 50 miles north of Berlin. Virgin spruce-fir forest and spruce-tamarack bog in one unit. Excellent for study of edaphic influences on environment. (June 1972) Owner: Private
- ***FLOATING ISLAND**—Two and one-half miles east-northeast of Erroll. Superb ecological community illustrating characteristics of a bog, pond, and river complex. Last potential habitat in New Hampshire for two endangered species—osprey and bald eagle. (June 1972) Owner: Private
- ***PONDICHERY WILDLIFE REFUGE**—Two miles northeast of Whitefield Airport in Jefferson. A relatively

stable bog-forest supporting an unusual variety of birdlife. (June 1972) Owner: State, Private

Grafton County

***FRANCONIA NOTCH**—16 miles south of Littleton. A deep gorge formed by glacial movement, including landslide scars, talus slopes and stream-cut gorges. (June 1971) Owner: State

Stafford County

SPRUCE HOLE BOG—Two miles west-southwest of Durham. A complete ecological community occupying a true kettle hole, the last of six similar sites that have been destroyed. (June 1972) Owner: Private

NEW JERSEY (10)

Cape May County

***STONE HARBOR BIRD SANCTUARY**—In the southern end of Stone Harbor. The site is used exclusively as a sanctuary for birds and is probably the greatest single influence increasing the heron populations in New Jersey. (October 1965) Owner: Private

Essex County

RIKER HILL FOSSIL SITE—In Roseland. One of the only two known localities of major size along the Northeastern coast where large numbers of various kinds of dinosaurian footprints can be preserved in situ. (June 1971) Owner: County

Middlesex County

PIGEON SWAMP—The centered site is eight miles southwest of New Brunswick. This 1,250-acre landmark contains a complex of habitats from open ponds to upland hardwood forest, significant because it contains a sizeable example of mature inner coastal plain lowland hardwood forest. (December 1976) Owner: State, Private

Morris County

GREAT SWAMP—Great Swamp National Wildlife Refuge, seven miles south of Morristown. Great swamp is a unique blend of unspoiled forest, swamp, and marshland with many kinds of wildlife. (April 1966) Owner: Federal

***TROY MEADOWS**—One-half mile from Troy Hills. The area contains the last unpolluted freshwater marsh of any size in this region. It is an important habitat for a variety of birds and animals. (November 1967) Owner: State, Private

Ocean County

MANAHAWKIN BOTTOMLAND HARDWOOD FOREST—Manahawkin Fish and Wildlife

Management Area, two miles southeast of Manahawkin. This site contains a mature bottomland hardwood forest dominated by sweetgum, red maple and black gum. It is one of the finest remaining examples of bottomland hardwood forests in the northern Atlantic Coastal Plain region. (January 1976) Owner: State

Passaic County

***GREAT FALLS OF PATERSON**—Paterson. The site is a unique illustration of a series of geological events and processes which influenced the present day landforms over a large area of north-central New Jersey. (April 1967) Owner: Municipal

Somerset County

***WILLIAM L. HUTCHESON MEMORIAL FOREST**—Six miles west of New Brunswick. The site contains a virgin mixed oak upland forest dominated by white, red, and black oaks. It is probably the best example of an old growth mixed forest in New Jersey. (December 1976) Owner: State

***MOGGY HOLLOW NATURAL AREA**—Two miles east of Far Hills. A 90-foot gorge which formerly was the outlet for ancient glacial Lake Passaic. The area is a superlative illustration of a phase of ice age glaciation. (January 1970) Owner: Private

Warren County

***SUNFISH POND**—Three miles northeast of the Delaware Water Gap. A spring-fed mountain lake surrounded by a hardwood forest. It is an outstanding illustration of glacial sculpture. (January 1970) Owner: State

NEW MEXICO (10)

Chaves County

BITTER LAKE GROUP—Nine miles northeast of Roswell. Contains sinkhole depressions formed by solution of gypsum-bearing rocks and supports shrub-grassland vegetation representative of the northern Chihuahuan Desert. (August 1980) Owner: Federal

Dona Ana County

KILBOURNE HOLE—26 miles southwest of Las Cruces. An uncommon volcanic feature known as a maar, which is a depression caused by volcanic explosion that emits little volcanic material except gas. (May 1975) Owner: Federal, Private

Harding County

BUEYEROS SHORTGRASS PLAINS—17 miles east of Bueyerors. An example

of the blue grama-buffalograss prairie of the Great Plains considered to be typical of the pre-cattle grazing era. Two of the three dominant natural grazing animals (antelope and prairie dogs) are still in the area. (February 1980) Owner: Private

Lincoln County

BORDER HILLS STRUCTURAL ZONE—

24 miles west of Roswell. One of the several buckles on the Pecos slope located in otherwise gently dipping Permian strata. (February 1980) Owner: Federal, Private

*FORT STANTON CAVE—Seven miles west of Lincoln. The cave is characterized by very long and large open passages containing distinctive examples of selenite needles, starbursts, and velvet flowstone. (May 1974) Owner: Federal

*TORGAC CAVE—20 miles southeast of Corona. Significant because of its abundant and intricate gypsum speleothems. It is the type site for Torgac-type helictities. (May 1974) Owner: Federal

Rio Arriba County

*GHOST RANCH—South of Canjilon. The tract is predominantly shale and sandstone, and has yielded fossils, including many well-preserved skeletons of *Coelophysis*, the oldest and most primitive carnivorous dinosaur. (January 1976) Owner: Private

VALLES CALDERA (extends into Sandoval County)—30 miles northwest of Santa Fe. A large subcircular depression, 12 to 15 miles in diameter, with scalloped walls rising from a few hundred to more than 2,000 feet above the present floor. It is one of the largest calderas in the world. (May 1975) Owner: Private

San Juan County

*SHIP ROCK—35 miles west of Farmington. Shiprock is an outstanding example of an exposed volcanic neck accompanied radiating dikes; it towers 1400 feet above the surrounding plain. (May 1975) Owner: Indian Reservation

Valencia County

*GRANTS LAVA FLOW (extends 25 miles south from Grants)—A classic example of recent extrusive volcanism. It contains lava flows that appear very fresh and unweathered. Its gigantic pressure ridges, collapse depressions and lava tubes are outstanding. (July 1969) Owner: Federal, State, Private

NEW YORK (26)

Albany County

*BEAR SWAMP—Three miles south of Westerlo. A low swampy woodland consisting of red maple, yellow birch, black ash, white elm, white pine, and hemlock. Its most outstanding feature is the great laurel covering 60 acres of the swamp. (May 1973) Owner: Private

Allegheny County

*MOSS LAKE BOG—Two miles southwest of Houghton. The site is a classic example of a postglacial sphagnum bog invading and filling a small kettle lake, with the various stages of bog succession well illustrated. (May 1973) Owner: Private

Cattaraugus County

*DEER LICK NATURE SANCTUARY—Four miles southeast of Gowanda. The area includes a gorge that clearly illustrates exposed stratifications of the Onondaga Escarpment, and supports a mature northern hardwood forest. (November 1967) Owner: Private

Dutchess County

*THOMPSON POND—20 miles east of Kingston. The 75-acre, glacially created pond is not more than four feet deep, fringed by cattail marshes, with reeds and water lillies in deeper water. Well-developed ecosystems from the open pond to the mountain cliffs illustrate great ecological diversity. (May 1973) Owner: Private

Genesee County

*BERGEN-BYRON SWAMP—between Bergen and Byron, 25 miles west of Rochester. This landmark consists of an area of some 2,000 acres that is unusually rich in plant and animal life. (November 1963) Owner: Private

*FOSSIL CORAL REEF—Four miles northwest of Le Roy. An exposed fossil site in an abandoned limestone quarry surrounded by woodland. It is extremely rich in fossil coral specimens. (November 1967) Owner: Private

*OAK ORCHARD CREEK MARSH (extends into Orleans County) Iroquois National Wildlife Refuge, seven miles southeast of Medina. The area is a relatively undisturbed marsh that is rare for this part of New York State. (May 1973) Owner: Federal

Hedrick County

MOSS ISLAND—Within the city limits of Little Falls. The island is part of an uplifted fault block of ancient crystalline rock. It contains the best

exposure of glacial potholes eroded by meltwater floods in the eastern United States. (May 1976) Owner: State

Jefferson County

*DEXTER MARSH—Two miles southwest of Dexter. The site is a relatively undisturbed, extensive example of a large bay-head marsh complex at the eastern end of Lake Ontario. (May 1973) Owner: State

*IRONSIDES ISLAND (extends into St. Lawrence County)—In the St. Lawrence River, eight miles northeast of Alexandria Bay. A glacier-scoured granite knoll, the most significant feature is the breeding colony of great blue herons. (April 1967) Owner: Private

LAKEVIEW MARSH AND BARRIER BEACH—20 miles southwest of Watertown. One of the best and most extensive marshlands that lies in protected bays and behind barrier beaches along the shores of eastern Lake Ontario. The marsh-swamp-pond complex demonstrates great wetlands diversity. (May 1973) Owner: State

Livingston County

*FALL BROOK GORGE—One and one-half miles south of Geneseo. One of America's finest exposures of Upper and Middle Devonian age strata. Significant fossil remains are found at this site. (January 1970) Owner: Private

Monroe County

HART'S WOOD—Ten miles southeast of Rochester. A rare remnant of the original beech-maple forest that once occupied a large glaciated area extending from southeastern Wisconsin to north-central New York. (June 1972) Owner: Municipal

*MENDON PONDS PARK—11 miles south of Rochester. A unique complex of glacial features including kames, eskers, esker fans, kettleholes, erratics, bogs, and ponds. (November 1967) Owner: County

Onondaga County

ROUND LAKE—Green Lakes State Park, two miles northeast of Fayetteville. The site contains one of eleven meromictic lakes reported in the United States, and about 20 acres of outstanding virgin mesophytic forest that adjoin the lake. (May 1973) Owner: State

Rockland County

HOOK MOUNTAIN AND NYACK BEACH STATE PARK—One mile north of Nyack. The area contains a portion of the Palisade Sill. The

geological features are deposits characteristics of the filling of basins that developed during rifting and opening of the North Atlantic Basin 180-200 million years ago. (April 1980) Owner: State

***IONA ISLAND MARSH**—Two miles south of Fort Montgomery. A brackish estuarine marsh in a near natural state that fringes the Hudson River. Many rare plants are found here. (May 1974) Owner: State

Saratoga County

***PETRIFIED GARDENS**—Four miles west of Saratoga Springs. The area includes the best exposure of fossil reefs made up of calcareous algae, known as cryptozoon, which constitute a milestone in the evolution of plant life. (April 1967) Owner: Private

Seneca County

***MONTEZUMA MARSHES**—Montezuma National Wildlife Refuge, four miles northeast of Seneca Falls. A marsh dominated by broadleaved cattail. A small 100-acre area within the site is one of the best examples of undisturbed swamp woodlands in New York or New England. (May 1973) Owner: Federal

Suffolk County

BIG REED POND—Three miles west of Montauk Point. The fresh water pond supports a herd of whitetail deer and other wildlife, and has no extensive man-made development along its shoreline. (May 1973) Owner: County

GARDINER'S ISLAND—100 miles east of New York City, in Block Island Sound off Long Island. The island is a breeding ground for osprey and is an important habitat of other fauna, particularly waterfowl and shore birds. (April 1967) Owner: Private

LONG BEACH, ORIENT STATE PARK—One mile south of Orient. One of the finest remaining examples in New York of a sandgravel spit illustrating succession from salt marsh to maritime forest. The area contains a breeding colony of common and roseate terns, species which are becoming scarce in other North Atlantic breeding grounds. (April 1980) Owner: State

Tompkins County

***MCLEAN BOGS**—One and one-half miles east-southeast of McLean. The bogs contain rare plant species and one of the best examples of a northern deciduous forest in New York. (May 1973) Owner: Private

Ulster County

ELLENVILLE FAULT-ICE CAVES—Five miles southeast of Ellenville. The

largest known exposed fault system in the United States, along with a series of ice caves formed from fault debris. (November 1967) Owner: Municipal

Wayne County

***ZURICH BOG**—Nine miles north of Newark. A good example of northern bog and bog forest vegetation that is uncommon in north-central New York State. (May 1973) Owner: Private

Westerchester County

***MIANUS RIVER GORGE**—Two miles south of Bedford. An exceptional illustration of piedmont physiography and geomorphology. It contains an excellent climax hemlock forest. (November 1963) Owner: Private

NORTH CAROLINA (11)

Alleghany County County

***STONE MOUNTAIN** (extends into Wilkes County)—Stone Mountain State Park, nine miles southeast of Sparta. The best example of a monadnock in massive granite in North Carolina. Unique, endemic plants persist on the granite outcrops. (May 1974) Owner: State

Ashe County

LONG HOPE CREEK SPRUCE BOG (extends into Watauga County)—Ten miles north-northeast of Boone. One of the rarest plant communities of North Carolina and the Southeast, including American yew and buckbean. (May 1974) Owner: Private

MOUNT JEFFERSON STATE PARK—One mile east of West Jefferson. The mountain's uppermost forest is virtually undisturbed northern red oak and represents one of the finest remaining examples of oak-chestnut forest in the Southeast. (May 1974) Owner: State

Beaufort County

GOOSE CREEK STATE PARK NATURAL AREA—Ten miles east of Washington. An excellent example of a gently sloping mainland undergoing rapid ocean transgression. Contains the following diverse ecological units: brackish creeks and marshes, marsh transition areas, river swamp forest, and low pine forests. (April 1980) Owner: State

Brunswick County

GREEN SWAMP—Nine miles north of Supply. The largest and most unique mosaic of wetland communities in the Carolinas. The site is also a refuge for rare animal species. (May 1974) Owner: Private

Dare County

NAGS HEAD WOODS AND JOCKEY RIDGE—One and one-half miles northwest of Nags Head on Bodie Island. The site illustrates the entire series of dune development and plant succession from shifting open dunes to forested stabilized dunes. (May 1974) Owner: State, County, Municipal, Private

Davie County

ORBICULAR DIORITE—An unusual plutonic igneous rock consisting of hornblende, pyroxene, and feldspars. (August 1980) Owner: Private

Onslow County

BEAR ISLAND—Hammocks Beach State Park, four miles south-southeast of Swansboro. The area contains one of the largest and best examples of coastal aeolian landforms in the Atlantic Coastal Plain. Dune movement has created a dynamic landscape of outstanding scenic beauty. (April 1980) Owner: State

Surry County

***PILOT MOUNTAIN**—Pilot Mountain State Park, three miles south of Pilot Mountain. A classic monadnock that harbors disjunct Blue Ridge Mountain vegetation. (May 1974) Owner: State

Wake County

***PIEDMONT BEECH NATURAL AREA**—William B. Umstead State Park, seven miles northwest of Raleigh. Perhaps the finest example of mixed mesophytic forest in the eastern Piedmont of North Carolina, with unusually fine climax stands of beech in portions of the site. (May 1974) Owner: State

Yancey County

***MOUNT MITCHELL STATE PARK**—20 miles northeast of Asheville. Mount Mitchell (6,684 feet above sea level) is the highest mountain in the eastern half of the United States. The park has the most extensive stand of Fraser's fir remaining in America. (May 1974) Owner: State

NORTH DAKOTA (4)

Billings County

***TWO-TOP MESA AND BIG TOP MESA**—14 miles northwest of Fairfield. Both mesas, one mile apart, are located in a badlands terrain of sandstones, siltstones and clay. The mesas are characterized by an unbroken cover of grass on flat relief. (October 1965) Owner: Federal

Cavalier County

RUSH LAKE—Five miles south of Hannah. A large, shallow, essentially

undisturbed prairie pothole lake that is an important staging area for waterfowl. (May 1975) Owner: Private

Kidder County

SIBLEY LAKE—Five miles north of Dawson. A large, permanent alkaline lake, it provides a breeding and resting area for one of the largest and most diverse waterbird populations found in pothole lakes in the State. (May 1975) Owner: State, Private

Stutsman County

FISCHER LAKES—25 miles northwest of Jamestown. Highly representative of the glacial moraine and pitted outwash plain surface of North Dakota. The area contains relatively undisturbed grasslands and lush prairie woodlands. (April 1980) Owner: State, Private

OHIO (23)

Adams County

***BUZZARDROOST ROCK-LYNX PRAIRIE-THE WILDERNESS**—25 miles west of Portsmouth. The site contains a number of different plant associations, including many rare or uncommon species. Has an almost 50-year history of scientific observations. (April 1967, December 1974, February 1980) Owner: Municipal, Private

SERPENT MOUND

CRYPTOEXPLOSIVE STRUCTURE (extends into Highland and Pike Counties)—31 miles southwest of Chillicothe. A structure of undetermined origin exposed by differential erosion. It is the smaller of two such outstanding cryptoexplosive structures in the Interior Low Plateaus and is the classic American example. (February 1980) Owner: Private

Ashland County

***CLEAR FORK GORGE**—Mohican State Park, four miles south of Loudenville. A geologically significant area of the Mohican River Valley that clearly shows evidence of stream reversal due to the Wisconsin glacier. (November 1967) Owner: State

CRALL WOODS—Five miles southwest of New London. A near-virgin remnant maple-basswood-beech hardwood forest representing the original vegetation found in Ohio's glaciated till plain. (December 1974) Owner: Private

Belmont County

***DYSART WOODS**—11 miles southwest of St. Clairsville. The area contains one of the finest remaining samples of the once superb white oak forests of eastern Ohio. (April 1967) Owner: Ohio University

Butler County

***HUESTON WOODS** (extends into Preble County)—Hueston Woods State Park, four miles north of Oxford. A noteworthy example of a beech-maple climax forest that has never been cut. (April 1967) Owner: State

Champaign County

***CEDAR BOG**—Cedar Bog State Memorial, seven miles north of Springfield. An excellent example of a marl swamp, containing a white cedar stand preserved in virgin condition. (April 1967) Owner: State

Cuyahoga County

***ARTHUR B. WILLIAMS MEMORIAL WOODS**—Within Mayfield. The site contains a remarkably pristine remnant beech-maple forest, among the finest timber stands remaining in the state of Ohio. (December 1974) Owner: Municipal

***TINKERS CREEK GORGE**—12 miles southeast of Cleveland. Oak-hickory and beech-maple-hemlock predominate in this virgin forest. (November 1967) Owner: Municipal

Delaware County

HIGHBANKS NATURAL AREA (extends into Franklin County)—13 miles north of Columbia. A forested bluff overlooking the Olentangy River and containing a diverse and healthy herbaceous layer as well as outstanding examples of oak-hickory, beech-maple, and floodplain hardwood forests. The bluffs are crested with a disjunct acid metric community of lichens and mosses. (February 1980) Owner: County

Eric County

***GLACIAL GROOVES STATE MEMORIAL**—On Kelley's Island, five miles offshore from Marblehead. This area is made up of very large limestone glacial grooves that measure several feet in depth. (November 1967) Owner: State

Fairfield County

***BLACKLICK WOODS**—One mile south of Renoldsburg. The tract is an outstanding example of relatively undisturbed, old-growth beech-maple and swamp forest communities of the type that once covered that flat till plain of central Ohio. (December 1974) Owner: County

Fulton County

***GOLL WOODS**—Goll Woods State Forest, three miles northwest of Archbold. One of the best remaining examples of an oak-hickory-dominated forest in the State. (December 1974) Owner: State

Geauga County

***HOLDEN NATURAL AREAS** (extends into Lake County)—30 miles east of Cleveland. A complex of three natural areas: Steblins Gulch, possessing geological formations of Chardon, Brea sandstone, Bedford and Cleveland types; Bole Forest, a northern hardwood virgin forest; and Hanging Rock Farm, a stand of natural northern hardwoods. The three areas serve as a unique control to arboretum lands abutting this landmark. (November 1967) Owner: Private

WHITE PINE BOG FOREST—Three miles south-southwest of Burton. The only remaining near virgin remnant white pine boreal bog in Ohio. (January 1976) Owner: Municipal, Private

Greene County

***CLIFTON GORGE**—Ten miles south of Springfield. The gorge is exemplary of interglacial and postglacial canyon cutting into the dolomites of the Niagara Escarpment. (April 1967) Owner: State

***GLEN HELEN NATURAL AREA**—In Yellow Springs. Yellow Springs has built a travertine bowl around its pool. Downstream, Yellow Spring Creek is deeply incised into the dolomitic base rock. Old growth hardwoods dominate the surround valley. (October 1965) Owner: Antioch College

Hamilton County

HAZELWOOD BOTANICAL

PRESERVE—One-half mile east of Hazelwood. The highly detailed study of its plant ecology by John G. Segelken, published in 1929, makes this area an ecological benchmark. (December 1974) Owner: University of Cincinnati

Highland County

FORT HILL STATE PARK

MEMORIAL—Three mile north-northwest of Sinking Spring. Possesses excellent outcrops of Silurian, Devonian, and Mississippian sedimentary bedrock, a natural bridge, and an example of glacial stream reversal. (December 1947) Owner: State

Lake County

***MENTOR MARSH**—Near Painesville. The site consists of marsh vegetation, aquatic plants, swamp and bottomland forest, and upland forest. A migration stopover and year-round habitat for birds and mammals, the site is a rarity in heavily populated northern Ohio. (October 1964) Owner: State, Municipal

Licking County

CRANBERRY BOG—20 miles east of Columbus. The dominant vegetation of this cranberry sphagnum bog is a relict of post-glacial time. It is a "floating island" in Buckeye Lake and is the only known bog of its type in existence. (October 1968) Owner: State

Portage County

MANTUA SWAMP—At the southeastern edge of Mantua. The area contains many different wetland communities including a floodplain swamp forest, cattail marshes, a beaver pond, and a relict boreal bog. (January 1976) Owner: State, Private

Wayne County

***BROWN'S LAKE BOG**—11 miles southwest of Wooster. This site is well known to Ohio biologists and ecologists as one of the few, well-preserved, virgin boreal acid bogs remaining in a region where wetland has been drained for agricultural use. (April 1967) Owner: Private

OKLAHOMA (2)*Canadian County*

DEVIL'S CANYON—22 miles west-southwest of El Reno. The disjunct flora containing many mesic plant species, and the close proximity of two distinctly different vegetation types, oak woodland-tall grass prairie ecotone and eastern deciduous forest vegetation, together form a unique ecological community. (December 1974) Owner: Private

McCurtain County

***McCURTAIN COUNTY WILDERNESS AREA**—The center of the site is 12 miles south of Smithville. The area's overall size and high degree of integrity make it a classic example of a xeric upland oak-pine forest. (December 1974) Owner: Federal, State

OREGON (4)*Deschutes County*

***HORSE RIDGE NATURAL AREA**—16 miles southeast of Bend. The area is distinguished by a high quality example of western juniper woodland in vigorous condition. (April 1967) Owner: Federal

***NEWBERRY CRATER**—Deschutes National Forest, 24 miles south-southeast of Bend. The crater is a basin at the top of a dormant, though young volcano which is the largest Pleistocene volcano east of the Cascade Range. (January 1976) Owner: Federal

Lake County

***FORT ROCK STATE MONUMENT**—49 miles south-southeast of Bend. A striking example of a circular, fortlike volcanic outcrop. (January 1976) Owner: State

Multnomah County

***CROWN POINT**—24 miles east of Portland. A promontory rising nearly vertically about 725 feet above the Columbia River. It provides a strategic vantage point for observing a classic illustration of riverine processes. (April 1971) Owner: State

PENNSYLVANIA (25)*Berks County*

***HAWK MOUNTAIN SANCTUARY**—30 miles north of Reading. It is a sanctuary for hawks migrating along its ridge and a fine example of the geology and ecology of the forested ridges of the eastern Appalachians. (October 1965) Owner: Private

Bucks County

MONROE BORDER FAULT—Two miles south of Riegelsville. The fault illustrates an episode of orogenic compression in which Precambrian rocks were thrust northward over lower Paleozoic deposits. (August, 1980) Owner: State

Carbon County

***HICKORY RUN BOULDER FIELD**—Hickory Run State Park, five miles southeast of White Haven. A geologically significant field of unsorted, loosely packed boulders that resulted from periglacial conditions and that is unique in the country by reason of its large size and low (one percent) gradient. (November 1967) Owner: State

Centre County

***BEAR MEADOWS NATURAL AREA**—Six miles southeast of State College. The area includes a shallow peat bog, and a surrounding buffer zone of typical Appalachian forest. The vast accumulation of pollen in the peat has helped understanding of vegetational and climatic changes in this region. (October 1965) Owner: State

Clarion County

***COOK FOREST**—Cook Forest State Park, one mile north of Cooksburg. It is a significant relict of the forest type that once covered northern Pennsylvania. Eastern white pine predominates with some hemlock and mixed hardwood. (November 1967) Owner: State

Cumberland County

***FLORENCE JONES REINEMAN WILDLIFE SANCTUARY** (extends into Perry County)—Eight miles northwest of Carlisle. The area is a large, protected ecological community that lies on the migration route of various hawks. (November 1972) Owner: Private

Erie County

***PRESQUE ISLE**—Near Erie. The isle is actually a peninsula or "flying spit" formed by sands carried by the currents of Lake Erie. It is an impressive illustration of this type of formation. (November 1967) Owner: State

TITUS AND WATTSBURG BOGS—Two different bogs in excellent condition that are representative of their ecosystem types and noted for rare and unusual species among their rich but divergent floras. (May 1977) Owner: Private

Fayette County

***FERNCLIFF PENINSULA NATURAL AREA**—Ohiopyle State Park, 20 miles southeast of Connellsville. This area is one of the best and most typical late successional forests in the Allegheny Mountains. (November 1972) Owner: State

Lancaster County

***FERNCLIFF WILDFLOWER AND WILDLIFE PRESERVE**—Three miles west of Wakefield. The vegetation in the preserve, which is thought to be virgin, is an excellent example of a mixed mesophytic forest. (November 1972) Owner: Private

Lawrence County

***McCONNELL'S MILL STATE PARK**—40 miles north of Pittsburgh. An outstanding geological example of land and watershed formation indirectly resulting from glacial diversion of a stream. (November 1972) Owner: State

Luzerne County

***THE GLENS NATURAL AREA** (extends into Sullivan County)—In Ricketts Glen State Park, 25 miles east of Williamsport. A relict eastern deciduous forest containing examples of stream erosion, and spectacular waterfalls. (April 1968) Owner: State

McKean County

TIONESTA SCENIC AND RESEARCH NATURAL AREAS (extends into Warren County)—Allegheny National Forest, seven miles south of Ludlow. The area is the largest virgin forest in the hemlock-white pine/northern

hardwood forest regions of North America. (May 1973) Owner: Federal

Monroe County

TANNERVILLE CRANBERRY BOG—Five miles northwest of Stroudsburg. One of best developed boreal bogs in Pennsylvania and perhaps the most southern black spruce-tamarack bog along the eastern seaboard. (December 1974) Owner: Private

Perry County

***BOX HUCKLEBERRY SITE**—Two miles south of New Bloomfield. One of the few localities where the box huckleberry plant is found. (April 1967) Owner: State

***HEMLOCKS NATURAL AREA**—Tuscarora State Forest, 12 miles south of Blain. A virgin forest that has more resemblance to the hemlock-northern hardwood forests than to the oak-chestnut forests in which it is located. (November 1972) Owner: State

***SUSQUEHANNA WATER GAPS**—18 miles north of Harrisburg. An excellent, typical example of a geological process that produces water gaps. (April 1968) Owner: State

Philadelphia County

***TINICUM WILDLIFE PRESERVE**—Philadelphia. The area contains representative tidal marsh flora and fauna and an excellent wildlife population. (October 1965) Owner: Federal

***WISSAHICKON VALLEY**—Fairmount Park, Philadelphia. A virtually untouched valley, ecologically varied and complete, that exists within the bounds of one of America's great metropolitan complexes. (November 1963) Owner: Municipal

Snyder County

***SNYDER-MIDDLESWARTH NATURAL AREA**—Five miles west of Troxelville. An outstanding example of a relict forest composed predominantly of hemlock, birch, and pine, with scattered oaks. (November 1967) Owner: State

Tioga County

***PINE CREEK GORGE**—A 12-mile roadless stretch along Pine Creek between Ansonia and Blackwell. It contains superlative scenery, geologic and ecologic value, and is one of the finest examples of a deep gorge in the eastern U.S. (April 1968) Owner: State

REYNOLDS SPRING AND ALGERINE SWAMP BOGS—Tioga State Forest, three miles south of Leetonia. Reynolds Spring Bog is one of the finest and most representative high mountain bogs in the Allegheny

Mountains section of Pennsylvania (December 1974) Owner: State

Warren County

***HEARTS CONTENT SCENIC AREA**—Allegheny National Forest, 14 miles southwest of Warrent. A virgin forest site consisting of white pine over 400 years old and hemlocks about 30 years younger. (May 1973) Owner: Federal

TAMARACK SWAMP—Four miles northeast of Columbus. A large headwater swamp occurring in a glacially blocked stream valley. The two bogs are the finest example of kettle hole bogs in this region. (May 1977) Owner: State

Wayne County

***LAKE LACAWAC**—25 miles east of Scranton. One of the southern-most lakes of glacial origin in the northeastern United States (April 1968) Owner: Private

PUERTO RICO (5)

BANO DE ORO NATURAL AREA—Caribbean National Forest, six miles southwest of Luquillo. Contains virgin forest and is the only area in Puerto Rico with subtropical wet and rain forest and lower montane wet and rain forest, dwarf forest, and *Pterocarpus* in a contiguous area. Also contains many endemic plant and animal species. (April 1980) Owner: Federal

CABO ROJO—At the extreme southwestern tip of Puerto Rico. This scenic site includes an excellent example of a tombolo (tidal island) with double spit, mangroves, beaches, reddish cliffs, xeric vegetation, and seabird nesting habitat. (April 1960) Owner: Federal, Commonwealth of Puerto Rico

MONA AND MONITA ISLANDS—Two separate islands in the Caribbean, west of the main island of Puerto Rico. The sea caves on these islands are probably the largest, most extensive and most unusual in the world. The islands harbor a significant endemic biota and provide important seabird rookery areas. (May 1975) Owner: Federal, Commonwealth of Puerto Rico

PUERTO MOSQUITO—One mile east of Esperanza. A deep inlet in the cliffed southern coast of Vieques Island which is considered the best example of a bioluminescent bay in the United States. (August 1980) Owner: Federal, Commonwealth of Puerto Rico

RIO ABAJO FOREST—Nine miles south of Arecibo. An excellent example of karst topography with numerous sinkholes and well-developed tower

karst. It is the only place in Puerto Rico where the great Eocene-Oligocene unconformity can be clearly seen. (February 1980) Owner: Commonwealth of Puerto Rico

RHODE ISLAND (1)

Washington County

ELL POND—Two miles southwest of Rockville. A kettlehole lake bounded by a red maple-Atlantic white cedar swamp and by steep granitic monadnocks. The combination of a hydric plant community and a xeric plant community within such a small area provides an excellent opportunity for ecological research and education. (May 1974) Owner: State, Private

SOUTH CAROLINA (4)

Berkeley County

***FRANCIS BEIDLER FOREST** (extends into Dorchester county)—35 miles northwest of Charleston. One of the last large virgin stands of bald cypress-tupelo gum swamp in the United States with five major community types providing habitat for a rich diversity of species. (March 1979) Owner: Private

McCormick County

***JOHN DE LA HOWE FOREST**—23 miles southwest of Greenwood. An old-growth stand of oak-pine forest protected against fire and timbering since 1797, and one of the best remaining examples of this type forest in the Piedmont. (January 1976) Owner: State

***STEVENS CREEK NATURAL AREA**—A Pleistocene relict ecosystem harboring flora considered unusual for its combination of plants in this southern location due to unique microenvironmental conditions. (March 1979) Owner: State

Richland County

CONGAREE RIVER SWAMP—20 miles southeast of Columbia. The most extensive, mature cypress-gum swamp and bottom-land hardwood forest complex in the State and a sanctuary for wildlife. (May 1974) Owner: Federal, Private

SOUTH DAKOTA (12)

Brule County

***RED LAKE**—Eight miles southeast of Chamberlain. One of the largest remaining natural and unmanipulated prairie pothole lakes, and a valuable waterfowl breeding and resting area. (May 1975) Owner: State

Charles Mix County

BIJOU HILLS—23 miles northwest of Platte. An excellent example of an erosional remnant of soft clays and shales capped by a channel sandstone and quartzite. (January 1976) Owner: Private

Custer County

***CATHEDRAL SPIRES AND LIMBER PINE NATURAL AREA**—Custer State Park, 23 miles southwest of Rapid City. An excellent, rare example of joint-controlled weathering of granite, as well as a disjunct relict stand of limber pine. (May 1976) Owner: State

Fall River County

MAMMOTH SITE OF HOT SPRINGS—Within the city limits of Hot Springs. One of the largest concentrations of mammoth remains in the U.S., this two-acre tract includes a variety of other vertebrate remains, including peccary, bear, coyote, camel, and rodents. (August 1980) Owner: Private

Gregory County

***FORT RANDALL EAGLE ROOST**—Directly below the Fort Randall Dam, on the Missouri River. Two endangered species, the bald and golden eagles, use this site as a prime winter roosting area. (November 1967) Owner: Federal

Harding County

***THE CASTLES**—20 miles east-southeast of Buffalo. Steep-walled, flat-topped buttes standing 200 to 400 feet above the surrounding prairie containing exposed rock of upper Cretaceous, Paleocene, Oligocene, and Miocene age. Cretaceous and Tertiary beds contain a variety of flora and fauna fossils. (December 1976) Owner: Federal

Kingsbury County

***LAKE THOMPSON**—Eight miles southeast of De Smet. Largest natural lake bed in South Dakota, containing a large undisturbed and unmanipulated marsh. Also an outstanding waterfowl breeding and resting area. (May 1975) Owner: State

Lake County

BUFFALO SLOUGH—20 miles north of Sioux Falls. An excellent example of a prairie pothole (a product of glacial activity), the surrounding native emergent vegetation, and native bluestem prairie. The area is used extensively by many species of waterfowl and small mammals. (August 1980) Owner: State

Marshall County

***SICA HOLLOW** (extends into Roberts County)—Ten miles northwest of Sisseton. The area displays many facets of natural history, including the glacial story of the River Warren, pothole lakes on the upland of Coteau, grasslands and prairie, and ravines where eastern-type deciduous forests grow. Includes the eastern face of the escarpment of the Coteau des Prairies. (November 1967) Owner: State

Meade County

***BEAR BUTTE**—Five miles north of Fort Meade. A cone-shaped mass of igneous rock standing alone, 1,300 feet above the surrounding plains, which illustrates the geological processes of igneous intrusion, folding and faulting, and exposure by differential erosion. (April 1965) Owner: State

Robert County

***ANCIENT RIVER WARREN CHANNEL** (see MINNESOTA) **COTTONWOOD SLOUGH-DRY RUN**—Extends for 11 miles south of Victor. A glaciated finger outlet of the world's largest Pleistocene glacial lake, and a completely undisturbed wetland complex which includes potholes, streams, shallow open water, lakes, and marsh. (May 1975) Owner: State, Private

Washabaugh County

***SNAKE BUTTE**—Pine Ridge Reservation. One of two sand calcite deposits in the world. Collecting of specimens is damaging the site's integrity. (November 1967) Owner: Indian Reservation

TENNESSEE (13)*Coffee County*

***ARNOLD ENGINEERING DEVELOPMENT CENTER NATURAL AREAS**—Two non-contiguous tracts, respectively located four miles south-southeast and seven miles southeast of Manchester. Extremely rare virgin swamp forest and pristine example of an open marsh; both tracts contain disjunct plant species whose distribution is normally confined to the Coastal Plain province. (December 1974) Owner: Federal

***MAY PRAIRIE**—Three and one-half miles southeast of Manchester. The largest and best relict prairie remaining in the State. (May 1974) Owner: State

Cumberland County

GRASSY COVE KARST AREA—Nine miles southeast of Crossville. One of the Nation's best illustrations of karst

development and underground drainage, containing several smaller caves within the area. (November 1973) Owner: Private

Franklin County

DICK COVE—Two and one-half miles northwest of Sewanee. A near virgin forest important for study of Mixed Mesophytic Region and Western Mesophytic Region forest relationships. (May 1973) Owner: Private

Grundy County

CONLEY HOLE—Two miles southeast of Viola. One of the most spectacular and outstanding examples of a pit cave in the United States. Due to its dangerous nature, entrance is limited to adequately equipped, experienced speleologists. (November 1973) Owner: Private

***SAVAGE GULF**—25 miles southeast of McMinnville. The best and largest virgin forest left in the Mixed Mesophytic Region of the Eastern Deciduous Forest. (June 1971) Owner: State

Hardeman County

***McANULTY'S WOODS**—Within the city limits of Bolivar. Only known example in western Tennessee of the upland forests of the Mississippi Embayment section of the Western Mesophytic Forest Region. (May 1973) Owner: Private

Lake County

***REELFOOT LAKE** (extends into Obion County)—18 miles west-southwest of Union City—An area of cypress swamps, saw-grass jungles, water lily glades and scattered bodies of open water formed in the winter of 1811-12 as a result of shocks known as the New Madrid earthquake, the most severe of any recorded in the country. The site contains domes, sunken lands, fissures, sinks, sand blows and large landslides. (April 1966) Owner: State

Monroe County

***LOST SEA (CRAIGHEAD CAVERNS)**—Five miles southeast of Sweetwater. Cavern system including the largest known underground lake in the country, an abundance of crystal clusters called anthodites, stalactites and stalagmites, and a waterfall. The area once yielded bones and footprints of a giant Pleistocene jaguar. (November 1973) Owner: Private

Rhea County

***PINEY FALLS**—Two miles north of Spring City. The area contains a rare

virgin mixed mesophytic forest stand representative of the primeval eastern deciduous forest biome. (May 1974)
Owner: State

Van Buren County

*BIG BONE CAVE—Five miles west-northwest of Spencer. Site of discoveries of the bones of *Megalonyx jeffersoni* and other extinct animals. (November 1973) Owner: State

Warren County

*CUMBERLAND CAVERNS (HIGGINBOTHAM AND HENSHAW CAVES)—Five miles east of McMinnville. One of the largest cave systems in the country. Two interconnecting caves known to be at least 16 miles in extent containing stalagmites and stalactites, helictites, flowstone, cave pearls, botryoidal coral, gypsum flowers, needles, and pure white gypsum snow, as well as a wide variety of cave life. (November 1973) Owner: Private

Wilson County

*CEDAR CLADES NATURAL AREA—Cedars of Lebanon State Forest, ten miles south of Lebanon. Unique cedar glade community, a rare and endangered ecosystem. (November 1973) Owner: State

TEXAS (17)

Armstrong County

*PALO DURO CANYON STATE PARK (extends into Randall County)—22 miles south-southwest of Amarillo. Canyon formed by the headward erosion of a fork of the Red River containing cross-sectional views of sedimentary rocks representing four geological periods and some Triassic and Pliocene vertebrate fossils. (May 1976) Owner: State

Bailey County

MULESHOE NATIONAL WILDLIFE REFUGE—59 miles northwest of Lubbock. The area contains playa lakes (shallow, flat-bottomed depressions) and shortgrass grama grasslands characteristic of the High Plains. The lakes attract enormous seasonal concentrations of waterfowl. (August 1980) Owner: Federal

Bandera County

*LOST MAPLES STATE NATURAL AREA (extends into Real County)—61 miles northwest of San Antonio. An excellent illustration of Edwards Plateau flora and fauna, and a relict population of bigtooth maple. It contains the largest known nesting population of the rare golden-cheeked warbler. (February 1980) Owner: State

Burnet County

*LONGHORN CAVERN—Longhorn Cavern State Park, 11 miles southwest of Burnet. A cavern formed in limestone of Ordovician age at least 450 million years old, unsurpassed as a natural exhibit of features such as crystals of calcite, potholes, solution domes, channels and pits of unusual geologic interest. (October 1971) Owner: State

Cameron County

BAYSIDE RESACA AREA—28 miles north of Brownsville. The area contains an excellent example of a resaca, or meandering channel, which supports a variety of vegetation including several types of coastal salt marsh communities, and a number of rare and unusual bird species which enter the U.S. only at the southern tip of Texas. (August 1980) Owner: Federal

Colorado County

*ATTWATER PRAIRIE CHICKEN PRESERVE—55 miles west of Houston. The only significant segment of gulf coastal prairie that has rejuvenated and restored itself through protection and proper range management. The area now provides habitat for the Attwater prairie chicken, an endangered species. (April 1968) Owner: Federal

Comal County

*NATURAL BRIDGE CAVERNS—16 miles west of New Braunfels. A multilevel cavern system replete with beautiful and unusual "fried egg" speleothems and intricate helictites. (October 1971) Owner: Private

Ector County

*ODESSA METEOR CRATER—Ten miles southwest of Odessa. One of only two known meteor sites in the country, the largest of two meteor impact craters at the site being 550 feet in diameter. Meteorites of nickel-iron composition have been found within the craters and two square miles north and northwest of them. (April 1965) Owner: County

Edwards County

*DEVIL'S SINKHOLE—Nine miles northeast of Rocksprings. A deep, bell-shaped, collapsed limestone sink, the pit of which flares into an extensive system of passageways and caverns. It houses a colony of bats estimated to number in the tens of millions. (October 1971) Owner: Private

Gillespie County

*ENCHANTED ROCK (extends into Llano County)—12 miles southwest of Oxford. A classic illustration of a batholith and of the exfoliation process exposed on its dome-shaped surface, composed of coarse-grained pink granite uniform in composition and texture throughout, and unique in the Llano Uplift area. (October 1971) Owner: State

Hays County

*EZELL'S CAVE—Within the city limits of San Marcos. Biologically significant because it houses at least 36 species of cave fauna, including six endemic aquatic species and one major order of small crustaceans formerly thought to have been restricted to the Mediterranean area. (October 1971) Owner: Private

Hidalgo County

*SANTA ANA NATIONAL WILDLIFE REFUGE—Seven miles south of Alamo. A living museum of the lowland forested area of the Lower Rio Grande Valley, containing jungle-like vegetation and providing habitat for over 300 species of birds and some rare mammals. (October 1966) Owner: Federal

Montague County

GREENWOOD CANYON—Along a tributary of the Braden Branch. A rich source of Cretaceous fossils. (May 1975) Owner: Private

Randall County

HIGH PLAINS NATURAL AREA—26 miles southwest of Amarillo. A grama-buffalo shortgrass association representative of the High Plains region. (August 1980) Owner: Federal

Somervell County

*DINOSAUR VALLEY—Dinosaur Valley State Park, four miles west of Glen Rose. Fossil footprint trackways exposed in the bed of the Paluxey River and tributary creeks that give important information on the habits and locomotion methods of large dinosaurs. (October 1968) Owner: State

Sutton County

*CAVERNS OF SONORA—16 miles southwest of Sonora. The cave displays unusual formations, such as bladed helictites and coralloid growths. (October 1965) Owner: Private

Tarrant County

FORT WORTH NATURE CENTER AND REFUGE—Within the city limits of

Fort Worth. A portion of the larger refuge containing remnants of the Fort Worth Prairie, a unique oak-hickory forest association called cross timbers, riparian forest, and limestone ledges and marshes. (November 1980) Owner: Municipal

UTAH (4)

Emery County

*CLEVELAND-LLOYD DINOSAUR QUARRY—Seven miles east of Cleveland. The quarry has provided more than 10,000 fossil bones from at least seven different genera of the Jurassic Period and representing more than 60 individual animals. Restricted access. (October 1965) Owner: Federal

Garfield County

LITTLE ROCKIES—43 miles south-southeast of Hanksville. The area exhibits a particular type of igneous structure of fundamental significance in understanding geological processes, and represents the classic site of such formations to geologists around the world. (May 1975) Owner: Federal, State

Salt Lake County

*NEFFS CANYON CAVE—Wasatch National Forest. An extremely dangerous cave with no significant horizontal passages. Most passages dip steeply at a 45-60 degree gradient. The cave was formed by the capture of a surface stream. (May 1977) Owner: Federal

Washington County

*JOSHUA TREE NATURAL AREA—Ten miles southwest of St. George. The only Joshua tree forest in Utah and one of the northernmost stands of tree yuccas in the country. Contains vegetation and animals predominantly of Mohave Desert affinity. (October 1966) Owner: Federal

VERMONT (11)

Addison County

BATTELL BIOLOGICAL PRESERVE—Four miles east of Middlebury. A rare, undisturbed, virgin hemlock northern hardwoods climax forest. (May 1976) Owner: Private

CORNWALL SWAMP—Two miles southeast of Cornwall. The largest, unbroken red maple swamp in the State. (November 1973) Owner: State, Private

LITTLE OTTER CREEK MARSH—Two miles north-northwest of Ferrisburg. An outstanding, unspoiled example of a shallow water marsh maintaining itself under prevailing natural conditions. (May 1973) Owner: State, Private

Bennington County

*FISHER-SCOTT MEMORIAL PINES—Two miles north of Arlington. A unique stand of old-growth white pine representing the culmination of the white pine subclimax forest in New England, containing the largest pines in Vermont. (May 1976) Owner: State

Chittenden County

*CAMEL'S HUMP (extends into Washington County)—Midway between Montpelier and Burlington. An exceptional illustration of the complex anticlinal deformation which formed the Green Mountains, and the altitude-related zonation of its biota, containing the second largest extent of alpine-tundra vegetation in Vermont. (April 1968) Owner: State

MOUNT MANSFIELD NATURAL AREA (extends into Lamoille County)—Three miles east of Underhill Center. An isolated, little-disturbed site with virgin spruce-fir forest on its upper slopes and an exceptional alpine tundra area on the summit ridge. (April 1980) Owner: State, Private

Franklin County

FRANKLIN BOG—One mile east-northeast of Franklin. A magnificent example of an unspoiled, large cold northern sphagnum-heath bog. (May 1973) Owner: Private

Lamoille County

MOLLY BOG—Three and one-half miles northeast of Stowe. A beautiful, classic example of a small, early successional, absolutely unspoiled cold northern bog. (May 1973) Owner: State, Private

Orleans County

*BARTON RIVER MARSH—Three miles south of Newport. One of the best large, shallow, fresh water marshes in New England. (May 1973) Owner: State

*LAKE WILLOUGHBY NATURAL AREA—Town of Westmore. The deepest lake in Vermont, and an exceptionally fine example of a trough cut by glacial scouring, containing multiple examples of the work of glaciers. (November 1967) Owner: State

Rutland County

GIFFORD WOODS—Nine miles northeast of Rutland. A prime example of an undisturbed, old growth northern hardwood climax forest. (April 1980) Owner: State

VERGINIA (9)

Accomack County

VERGINIA COAST RESERVE (extends into Northampton County)—Ten miles

south of Assateague Island. An extensive, relatively undisturbed barrier island-lagoon complex serving as a valuable refuge for migratory shorebirds and waterfowl and for colonial nesting birds. (March 1979) Owner: Private

Augusta County

GRAND CAVERNS—On the southern edge of Grottoes. The Caverns contain unique shield formations as well as draperies, flowstone, stalactites and stalagmites. (November 1973) Owner: Regional Park Authority, Private

Bath County

BUTLER CAVE—BREATHING CAVE—One half mile north of Burnsville. A tract containing two major cave systems, a 40-foot waterfall, a natural bridge, unusually fine "floating" crystalline formations, and an underground lake. (November 1973) Owner: Private

King George County

*CALEDON STATE PART—Five miles north-northeast of King George. One of the best examples of an old, undisturbed, oak-tulip poplar-dominated virgin upland forest in the country. (December 1974) Owner: State

Nansemond County

GREAT DISMAL SWAMP—20 miles southwest of Norfolk. A remnant of the original Great Dismal Swamp containing geological and ecological elements unique in the Nation, if not the world. The variety of flora and fauna make it a superb outdoor laboratory for the study of ecological processes. (June 1972) Owner: Federal

Page County

LURAY CAVERNS—One and one-half miles west of Luray. A cave which is ornately decorated with cascades, columns, stalactites, stalagmites and pools. Discovered in 878. (November 1973) Owner: Private

Rockbridge County

RICH HOLE—George Washington National Forest, 13 miles northwest of Lexington. An outstanding example of a "cove" hardwood forest, a well-protected watershed containing a virgin forest with remarkably large trees of several species. (December 1974) Owner: Federal, Private

Sussex County

*CHARLES C. STEIRLY NATURAL AREA—Two miles west of Dendron. An essentially virgin stand of climax bald cypress-water tupelo swamp forest. (December 1974) Owner: State

*Virginia Beach****SEASHORE NATURAL AREA—**

Virginia Beach. Parallel dunes densely wooded with two distinct forest types of semitropical character, and a sanctuary for abundant wildlife. (April 1965) Owner: State

VIRGIN ISLANDS (7)*St. Croix*

GREEN CAY—Two-and-one-half miles east of Christiansted, one-quarter mile off St. Croix's norther shore. The cay is the nesting ground for the American oyster catcher, brown pelican and other shore birds. It is also one of only two islands where the St. Croix ground lizard, now extinct on St. Croix and listed as an endangered species, still exists. (August 1980) Owner: Federal

SAND POINT—One mile south of Federiksted. The only place in the U.S. which is regularly used for nesting by the endangered leatherneck sea turtle. In addition, unique sand spits enclose a salt pond at this site. (August 1980) Owner: Virgin Islands Government, Private

SALT RIVER BAY—Three and one-half miles northwest of Christiansted. The best remaining stands of mangrove in the Virgin Islands are found here, illustrating the zonation of red, black, and white mangrove. (February 1980) Owner: Virgin Islands Government, Private

VAGTHUS POINT—The best-known fossil locality for Upper Cretaceous rocks in the Virgin Islands. (February 1980) Owner: Private

St. John

LAGOON POINT—On the southeastern shore of St. John, between Johnson Bay and Friis Bay. An excellent example of a Caribbean fringing reef. The site also includes a mangrove area and a salt pond. (February 1980) Owner: Virgin Island Government, Private

St. Thomas

COKI POINT CLIFFS—Three and one-half miles east of Charlotter Amalie. These sea cliffs are one of the rare localities on St. Thomas Island where fossils are found. (February 1980) Owner: Virgin Island Government, Private

WEST END CAYS—A group of cays off the western coast of St. Thomas Island. A high quality nesting area for many sea birds with different nesters on each cay. (February 1980) Owner: Virgin Island Government

WASHINGTON (10)*Asotin County*

GRANDE RONDE FEEDER DIKES—25 miles south of Clarkston. The best example of basalt dikes, the congealed feeder sources of the Columbia River basalt plateau. The site illustrates how these flows originated by eruption along multiple fissures. (August 1980) Owner: Private

GRANDE RONDE GOOSENECKS—20 miles south of Asotin. A 1,500 foot deep canyon which follows a tortuous path along meanders, illustrating regional uplift and forced entrenchment of a stream. (April 1980) Owner: Federal, State, Private

Benton County (extends into Walla Walla County)

WALLULA GAP—16 miles south of Pasco. The largest, most spectacular, and most significant of the several large water gaps through basalt anticlines in the Columbia River basin. (July 1980) Owner: Federal, Public Hospital, Private

Clallam County

***POINT OF ARCHES**—Ten miles south of Cape Flattery. Relatively isolated pristine spectrum of environmental conditions from rocky tidelands to climax upland vegetation, and an outstanding exhibit of sea action in sculpturing a rocky shoreline. (June 1971) Owner: Federal, State

Grant County

***GRAND COULEE**—between Grand Coulee and Soap Lake. An illustration of a series of geological events including outpourings of lava, advance and recession of glacial ice, formation and retreat of waterfalls, and the cutting of the Columbia River channel. (April 1965) Owner: Federal, State, Private

Kittitas County

***GINKGO PETRIFIED FOREST**—29 miles east of Ellensburg. Thousands of logs petrified in lava flows containing an unusually large number of tree species. Logs of the gink go tree, rarely found as fossil wood, are located here. (October 1965) Owner: State

UMTANUM RIDGE WATER GAP—14 miles north of Yakima. One of the anticlinal ridges in the Yakima Folded Ridges subsection of the Columbia Basin, illustrating the geological processes of tectonic folding and antecedent stream cutting. (November 1980) Owner: Federal, State, Private

Pierce County

NISQUALLY DELTA (extends into Thurston County)—15 miles east of

Olympia. An unusually fine example of an estuarine ecosystem, and the only natural resting area for migratory waterfowl in the southern Puget Sound region. (June 1971) Owner: Federal, State, Private

Thurston County

***MIMA MOUNDS**—One and one-half miles west of Little Rock. Prairie containing unusual soil pimples of black silt-gravel ranging in height from barely perceptible to a maximum of seven feet. (April 1966) Owner: State

Whitman County

STEPTOE AND KAMIAK BUTTES—50 miles south of Spokane. Isolated mountain peaks of older rock surrounded by basalt, rising above the surrounding lava plateau, part of outliers of Couer d'Alene Mountains of Idaho. (October 1965, April 1980) Owner: State, County, Private

WEST VIRGINIA (14)*Greenbrier County*

GREENBRIER CAVERNS—Three miles southeast of Ronceverte, extending north and south of Organ Cave. The largest cave system in the State, containing seven caves, one of which, Organ Cave, is noted for its saltpeter troughs and vats. (November 1973) Owner: Private

***LOST WORLD CAVERNS**—Two miles north of Lewisburg. Similar to Carlsbad Caverns in New Mexico, these caverns feature terraced pedestal-like stalagmites, flowstone, curtains, rimstone, domepits, and waterfalls. (November 1973) Owner: Private

Monroe County

GREENVILLE SALTPETER CAVE—One-quarter mile north of Greenville. The largest of the saltpeter caves in West Virginia, containing rimstone pools and saltpeter deposits. (November 1973) Owner: Private

Pendleton County

GERMANY VALLEY KARST AREA—Between Riverton and Mouth of Seneca. One of the largest cove or intermountain karst areas in the country, unique because all the ground water recharge and solution activities are linked with precipitation within the cove. (May 1973) Owner: Federal, Private

SENNETT-THORN MOUNTAIN CAVE SYSTEM—One-half mile northwest of Moyers. The cave includes rooms at various levels connected by crawlways and vertical shafts, waterfalls, and deep pits. (November 1973) Owner: Private

Pocahontas County

- *CRANBERRY GLADES BOTANICAL AREA—Monongahela National Forest, five miles northwest of Hillsboro. The largest and best example of "cranberry glades" in West Virginia where natural cold air drainage and moist substrate has provided an ideal setting for a northern sphagnum bog, containing three major vegetation types: bog forest, shrub thickets, and open glade. (December 1974) Owner: Federal
- *GAUDINEER SCENIC AREA (extends into Randolph County)—Monongahela National Forest, five miles north of Durbin. The best of the remaining virgin red spruce forest in the State. (December 1974) Owner: Federal
- SWAGO KARST AREA—Three miles west of Marlinton. A classic illustration of features associated with karst topography and terrain, including caverns and other passages. (November 1973) Owner: Federal, Private

Preston County

- *CATHEDRAL PARK—Four miles west of U.S. 219 on U.S. 50. Contains a remnant virgin hemlock forest and dense thickets of great rhododendron. A cool, poorly drained site. (October 1965) Owner: State
- *CRANESVILLE SWAMP NATURE SANCTUARY—(see MARYLAND)

Randolph County

- BLISTER RUN SWAMP—Monongahela National Forest, four miles northwest of Durbin. A good, high altitude balsam fir swamp, probably the southern-most extension of this type forest, providing habitat for several uncommon and rare plants. (December 1974) Owner: Federal
- *SHAVERS MOUNTAIN SPRUCE-HEMLOCK STAND—Monongahela National Forest, seven miles northwest of Harman. An old-growth red spruce-hemlock stand called a "spruce flat", a disjunct component of the more northern Hemlock-White Pine-Northern Hardwood forest region. (December 1974) Owner: Federal

Tucker County

- *BIG RUN BOG—Seven miles east of Parsons. The area contains a relict Pleistocene high altitude northern sphagnum-red spruce bog far south of its normal range, with large numbers of rare plants and animals. (December 1974) Owner: Federal
- CANAAN VALLEY—Five miles east of Davis. A splendid "museum" of Pleistocene habitats. The area contains an aggregation of these

habitats seldom found in the eastern United States, and is unique as a northern boreal relict community at this latitude by virtue of its size, elevation and diversity. (December 1974) Owner: Private

- *FISHER SPRING RUN BOG—Monongahela National Forest, 11 miles southeast of Davis. An excellent example of a sphagnum-red spruce bog illustrating vegetation zonation. (December 1974) Owner: Federal

WISCONSIN (17)*Ashland County*

- KAKAGON SLOUGHS—Two miles north of Odanah. An excellent representative of a true freshwater delta by virtue of its large size, complex mixture of marsh, bog and dune vegetation types and undisturbed condition. Perhaps the finest marsh complex on the upper Great Lakes. (November 1973) Owner: Indian Reservation

Bayfield County

- MOQUAHA BARRENS RESEARCH NATURAL AREA—16 miles west of Ashland. Representative of the jack pine-scrub oak barrens (savannas) of the glacial outwash area of northwestern Wisconsin. (February 1980) Owner: Federal

Buffalo County

- CHIPPEWA RIVER BOTTOMS—One-half mile north of Wabasha, Minnesota. The largest single stand of bottomland hardwood forest along the once widespread post glacial forest, including a large great blue heron rookery. (November 1973) Owner: Federal, State

Door County

- *RIDGES SANCTUARY-TOFT'S POINT—MUD LAKE AREA—Two and one-half miles northeast of Baileys Harbor. A series of sand ridges and swales with associated boreal forest and bog vegetation, and unusually high species diversity, as well as the best mixed stand of large red and white pine, hemlock, and northern hardwoods on the western shore of Lake Michigan. (November 1967, May 1974) Owner: State, Private

Fond du Lac County

- SPRUCE LAKE BOG—Kettle Moraine State Forest, two miles northwest of Dundee. A superb, unspoiled example of a northern bog possessing a relict flora and fauna from early post-glacial times. (November 1973) Owner: State, Private

Forest County

- BOSE LAKE HEMLOCK HARDWOODS—13 miles east of Eagle River. A mature northern hardwood-hemlock stand containing the best virgin stand of hemlock in Wisconsin. (February 1980) Owner: Federal

Grant County

- *WYALUSING HARDWOOD FOREST—Wyalusing State Park, six miles north of Bagley. The area exhibits high biological diversity illustrating nine major vegetation types, and contains several rare plant species and abundant wildlife, including some endangered species. (November 1973) Owner: State

Green County

- ABRAHAM'S WOODS—Two miles southwest of Albany. A remnant of regional climax maple-basswood forest, rare in southern Wisconsin. (November 1973) Owner: University of Wisconsin

Iowa County

- AVOCA RIVER-BOTTOM PRAIRIE—47 miles west of Madison. The largest intact prairie in Wisconsin, containing a nearly full complement of species. (February 1980) Owner: State

Kenosha County

- CHIWAUKEE PRAIRIE—Five miles south of Kenosha. The best remaining wet prairie in the State, a remnant of once widespread vegetation along the southern shores of Lake Michigan, including several rare plant species. (November 1973) Owner: State, Private

Manitowac County

- POINT BEACH RIDGES—Eight miles northeast of Manitowoc. Alternating ridges and swales formed by previous water levels of lake Michigan exhibit a range of successional vegetation stages. (February 1980) Owner: State

Marquette County

- *SUMMERTON BOG—Three miles southeast of Oxford. A relatively large, undisturbed, and floristically diverse area illustrating the slow, natural invasion of post-glacial plant communities into a predominantly relict glacial community, and providing habitat for many rare plant and animal species. (November 1973) Owner: Private

Oneida County

- FINNERFUD FOREST SCIENTIFIC AREA—Two miles southwest of Minocqua. An excellent

representative of the northern coniferous forest complex. One of the few sizable areas in the Lake States containing red pine forest over 100 years of age. (November 1973) Owner: University of Wisconsin

Ozaukee County

CEDARBURG BOG—Four miles west of Saukville. The largest and most outstanding bog in southeastern Wisconsin, serving as a refugium for many northern species of plants and birds and providing habitat for a great variety of wildlife. (November 1973) Owner: State, University of Wisconsin

Sauk County

BARABOO RANGE—30 miles northwest of Madison. An example of an exhumed mountain range illustrating changing landscape through geologic time. The climate, soils, fauna and vegetation exhibit great local diversity. (February 1980) Owner: State, Private

Sawyer County

***FLAMBEAU RIVER HEMLOCK-HARDWOOD FOREST**—Flambeau River State Forest, 20 miles southwest of Park Falls. The best and largest remnant of the old growth conifer-hardwood forest in Wisconsin, severely damaged by a windstorm in 1977, is in progress of regeneration. (November 1973) Owner: State

Vernon County

KICKAPOO RIVER NATURAL AREA—Between Ontario and La Farge. The area contains the largest undisturbed concentration of exposed seeping sandstone in the State, and is a good example of a river in the Driftless Area with many entrenched meanders. A combination of geologic factors create a multitude of microhabitats resulting in a highly diverse ecological situation supporting many flora species, some of which are endangered. (May 1975) Owner: Federal, State

Wyoming (7)

Albany County

BIG HOLLOW—Seven miles west of Laramie. A 40-square mile wind deflation basin scoured out by high winds during a prehistoric dry period, considered the largest demonstrable example of its type in the 48 contiguous States. (November 1980) Owner: Federal, State, Private

***BONE CABIN FOSSIL AREA**—One of the most significant sites for Jurassic terrestrial vertebrate fossils, including Jurassic mammals. (November 1973) Owner: Private

COMO BLUFF (extends into Carbon County)—Five miles east of Medicine Bow. Source of the first and best examples of Jurassic mammals and the discovery of 80 new vertebrate species. (April 1966, November 1973) Owner: Federal, State, Private

Big Horn County

***CROOKED CREEK NATURAL AREA**—15 miles northeast of Lovell. A rich source of fossils of Early Cretaceous land vertebrates. (April 1966) Owner: Federal

Fremont County

RED CANYON—15 miles south of Lander. A classic example of a dissected cuesta, consisting of gently sloping plains bounded on one edge by an escarpment. (November 1980) Owner: Federal, State, Private

Nebraska County

LANCE CREEK FOSSIL AREA—25 miles north of Lusk. Represents one of the most fossiliferous continental deposits of Mesozoic age anywhere in the world. (April 1966, November 1973) Owner: Federal, State, Private

Teton County

TWO OCEAN PASS—On the Continental Divide in Teton National Forest, 50 miles northeast of Jackson. Waters from the meadow at this pass divide to flow in opposite directions, toward the Gulf of Mexico and toward the Pacific Ocean. This is the point at which the Pacific Drainage cutthroat trout crossed the divide into the Mississippi Drainage. (October 1967) Owner: Federal

(FEDERAL BUREAU OF INVESTIGATION)

BILLING CODE 4310-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 707

[OPTS 130000; (TSH-FRL 1506-1)]

Chemical Imports and Exports; Proposed Policy Statement for Chemical Substances; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed policy statement

SUMMARY: EPA solicits public comment on a proposed policy on imports of chemicals subjects to the Toxic Substances Control Act (TSCA or the Act). The policy concerns the rule proposed today by the U.S. Customs Service (Customs), Treasury Department, by authority of section 13 of TSCA; 19 U.S.C. 2612.

DATE: Comments must be postmarked by March 2, 1981. For information on public meetings, see below.

ADDRESS: Comments must bear the document control number OPTS-130000 and must be submitted to: Document Control Officer (TS-793), U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances, 401 M Street, SW., Washington, D.C. 20460.

All comments received, as well as public records in this proceeding, will be available for public inspection from 8:00 a.m. to 4:00 p.m. at: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances Reading Room, Room 447 East Tower, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Industry Assistance Office (TS-799), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; 800-424-9065 toll free; in Washington, D.C. 554-1404.

SUPPLEMENTARY INFORMATION: This notice solicits comment on a statement of policy concerning EPA's responsibilities under section 13 of TSCA (15 U.S.C. 2612). This section requires the U.S. Treasury Department to refuse entry into the U.S. customs territory of chemical substances, mixtures, and articles containing chemical substances or mixtures that do not comply with rules under TSCA, or that are offered for entry in violation of TSCA or rules or orders in effect under TSCA. Further, section 13 requires the Treasury Department to consult with EPA and to issue rules to control

imports subject to TSCA. The U.S. Customs Service has published the proposed section 13 rule elsewhere in today's Federal Register.

This proposed policy statement concerns EPA's responsibilities under the proposed rule. This statement is not subject to the notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553). However, EPA has chosen to publish its policy in proposal form in order to solicit public comment on the subject of ensuring that imported chemical substances meet the requirements of TSCA. In developing this policy, informal meetings on the practical aspects of fulfilling the requirements for imports proposed in the section 13 rule published today, were held with importing industry representatives, foreign government representatives, and other interested persons. The discussion during those meetings, as well as the concerns of the agencies involved, have been considered in developing this proposed statement.

TSCA's Treatment of Imports

The policy of Congress toward regulations of imports under TSCA is expressed in the legislature history of the Act: "[I]mported chemical substances and mixtures will be subject to regulation in the same manner as domestically produced chemical substances and mixtures are. In addition, importers of chemical substances and mixtures will have the same responsibilities and obligations as domestic manufacturers." H.R. Rep. No. 94-1341, 94th Cong. 2d Session 12-13 (1976).

The Act recognizes the critical position of importers in protecting health and the environment from exposure to hazardous chemicals by defining "manufacture" to include importation in addition to domestic production and manufacture (Section 3(7); 15 U.S.C. 2602). Consequently, whenever the Act places responsibilities on domestic manufacturers, the responsibilities also extend to importers.

The TSCA regulations that apply to importers, because they are defined as manufacturers, include, among other things, section 5 rules for chemicals not on the TSCA Inventory and for chemicals subject to notification for significant new uses, and controls and labeling requirements under section 6. Such rules under section 5 and section 6 must be complied with before chemicals may be imported. Importers are also subject to export notification requirements under section 12 when entry is denied for an intended import,

and the importer chooses to export noncomplying shipments.

In addition, because TSCA defines importers as manufacturers, importers are subject to rules such as testing requirements under section 4 and reporting requirements under section 8. However, because such rules do not apply to individual chemical shipments, and because compliance with such rules may be a lengthy procedure, importation would not depend on the importers' satisfaction of section 4 and section 8 requirements.

Likewise, importers are subject as manufacturers to sanctions for violations of the Act. Section 16 of TSCA describes civil penalties and criminal penalties to be invoked in proper cases. Moreover, section 17 provides for specific enforcement of the Act by the district courts of the United States, and for seizure and condemnation of noncomplying chemical substances, mixtures, and articles by process of libel. If an imported shipment does not comply with the Act, EPA will seek appropriate remedies under TSCA against persons responsible for the violations. These sanctions are in addition to those which may independently be prescribed for violation of the Customs rule.

The Proposed Customs Section 13 Rule

The proposed rule would require the importer of a chemical substance in bulk or mixture to certify at the port of entry that the shipment and its entry comply with TSCA and all applicable rules developed under TSCA. In some cases, the importer would also be required to submit a Special Chemical Import Report Form. The proposed rule also describes entry and detention procedures that would be used to ensure compliance.

Customs would have the responsibility for detaining all shipments that fail to comply with TSCA and all applicable rules and orders under TSCA. EPA's responsibilities under the proposed rule would be to determine whether detained shipments or their entries comply; to notify Customs which shipments should be detained; and to identify steps necessary to bring detained shipments into compliance, or to be taken when shipments are not brought into compliance. Because of its relevant knowledge and expertise, EPA would also be responsible for storage and disposal of abandoned noncomplying shipments.

Meaning of Certification

Certification that a chemical import complies with TSCA, and that an

importer has discharged all his TSCA obligations related to the import, is proposed to be accomplished by a brief statement to be typed on an entry document or invoice and to be signed by the importer. The statement would read: "I certify that all chemical substances in this shipment comply with all rules under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any rule or order under TSCA."

It should be noted that certification means to comply with rules in effect under TSCA, and that no more detailed information than is needed to comply with other TSCA rules would be needed to comply with the section 13 certification requirement. The section 13 rule requires importers to certify that other TSCA requirements are satisfied; section 13 by itself does not impose additional substantive requirements.

The exact TSCA requirements concerning chemical imports will continually change as new chemical substances are added to the Inventory after premanufacture review under section 5 of the Act, and as new rules are developed under other sections of TSCA. Consequently, it will be important for importers to remain informed of TSCA rules.

Inventory and Premanufacture Notice Requirements

Section 5(a)(1) of TSCA imposes an important duty on persons who intend to import new chemical substances into the United States. Persons who import chemical substances not on the TSCA Inventory must submit section 5 notices 90 days prior to import. If a chemical substance is not on the Inventory, its importation would comply with TSCA requirements only if (a) the chemical substance had completed EPA review under section 5, or (b) it were exempt from section 5 requirements.

A chemical substance is considered to be on the Inventory if it is on the EPA Master Inventory File. This includes the most recently published chemical substances Inventory (including any supplements or revisions) and substances accepted for inclusion on the Inventory but not yet published. At the time of this proposal, the most recently published Inventory is the Revised Inventory. This consists of the Initial Inventory published on June 1, 1979, together with the Cumulative Supplement published on July 30, 1980.

It should be noted that the TSCA section 5 requirements apply to chemical substances manufactured or processed for commercial purposes. Thus, regarding compliance with Section 5, the importer certification would apply

only to chemical substances intentionally present in the import. Byproducts, coproducts, and impurities are not generally subject to section 5 requirements. Moreover, there are specific exemptions from section 5 requirements. One exemption applies to chemical substances imported solely for research and development. The importer would himself determine whether an import were intended solely for research and development. Another exemption applies to chemical substances imported for test marketing purposes. However, persons importing chemical substances for test marketing purposes must apply for an exemption from section 5 requirements. For additional information on section 5 requirements, see: Proposed Premanufacture Notification Requirements and Review Procedures, published in the Federal Register of January 10, 1979 (44 FR 2242); Premanufacturing Notification Requirements and Review Procedures, Statement of Interim Policy, published in the Federal Register of May 15, 1979 (44 FR 28564); Reproposal of Premanufacture Notice Form and Provisions of Rules, published in the Federal Register of October 16, 1979 (44 FR 59764).

Other Requirements

Certification of compliance with TSCA also means that imported chemical substances and their importation comply with any applicable chemical control or reporting requirements in effect under TSCA. These requirements include, among others, significant new use notification requirements under section 5(a)(2); prohibitions or limitations on production, processing, or distribution under sections 5(e), 5(f), or 6; labeling rules under section 6; and orders under section 7. Importers will need to be aware of rules that apply to intended imports of chemical substances in bulk or mixtures in order to ensure that applicable rules have been observed.

Where labeling is required before shipments can enter, certification of compliance with the labeling requirements will be part of this general certification. An opportunity to comment on the basis for this certification and EPA enforcement policy will be provided when such a labeling rule is proposed.

It should be noted that importers' responsibilities under sections 4 and 8 are excluded from these certification requirements.

Basis for Certification; Enforcement

Under the proposed section 13 rule, the importer is required to place the

certification of compliance on the appropriate entry document. The importer who certifies may, in a particular case, be the person primarily liable for payment of duties or one of his agents. In some cases, a domestic purchaser may cause the importation and handle the entire entry process himself, without employing agents. In other cases, brokers or other agents may be used. In any case, the person certifying compliance must ensure that the imported chemicals are in compliance with the law.

Whenever the documents accompanying the imported shipment identify the chemical exactly, the person who is certifying compliance can check the identity against requirements under TSCA. When the chemical substance or mixture is imported under a name that does not identify it exactly, and the person certifying does not otherwise know the identity, he should attempt to discover the chemical constituents of the shipment by contacting another party to the transaction (e.g., his principal or the foreign manufacturer). This person may be able to identify the components of the substance or mixture, or at least state that the substance or mixture complies with TSCA. The greater the effort an importer makes to learn the identities of the imported substances, the smaller his chance of committing a violation by importing a noncomplying shipment. If a shipment were ultimately determined to have violated TSCA, the good faith effort of the importer to verify compliance, as evidenced by documents contained in his files, would obviate or mitigate the assessment of a civil penalty under section 16 of TSCA.

Chemicals Subject to Rule

Under the proposed rule, certification of compliance with TSCA would be required for chemical substances imported in bulk or mixtures. The certification requirement would become effective 30 days after the promulgation of the section 13 rule.

The proposed rule would not require certification for chemical substances imported as part of articles. The primary reason for not requiring certification of articles at this time is the impossibility of identifying their component chemical substances and mixtures for purposes of determining whether they are on the Inventory. If it becomes necessary to obtain information about individually regulated chemicals imported as part of articles, EPA could develop Special Chemical Import Report Forms as part of rulemakings on specific chemicals. Importer certification of TSCA compliance for all articles would, as a

practical matter, be an unenforceable requirement.

Special Chemical Import Report Forms

The proposed section 13 rule contains a provision for future development of Special Chemical Import Report Forms. These forms could be required for entry in cases when EPA needs information beyond the importer's certification. For example, a chemical specific control rule might require importers to report quantities imported. If EPA found it necessary to have this information reported at the time of entry, a Special Chemical Import Report Form could be developed. However, forms are *not* proposed at this time. Instead, when the need for such a form arises, it will be developed as part of the appropriate chemical-specific control rule under TSCA, with review and comment opportunity at that time.

Relevant Definitions

Because importers' compliance with the proposed section 13 rule would hinge on whether shipments and their importation are in compliance with other rules developed under TSCA, an effort has been made toward consistency among section 13 definitions and those developed under other sections of TSCA. For example, the meaning for "article" in the section 13 rule parallels the definition used in the TSCA Inventory rule (40 CFR 710.2(f); 710.4(d)(5)), and in the proposed Premanufacture Notification rule (44 FR 2264, at 40 CFR 720.2; 44 FR 2267, at 40 CFR 720.13(e)(5)), and encompasses the definition used in the proposed PBB-TRIS information reporting rule (44 FR 59109, at 40 CFR 713.11(a)). The phrase, "chemical substance in bulk form" used in the section 13 rule has not been specifically defined in rules previously developed under TSCA. However, this definition parallels a TSCA Inventory "note" regarding reporting chemical substances imported in bulk form (40 CFR 710.3(a)(2)(ii)), and also the definition of "import in bulk form" in the proposed Premanufacture Notification rule (44 FR 2265, at 40 CFR 720.2), in the proposed PBB-TRIS information reporting rule (44 FR 59109, at 40 CFR 713.11(e)), and in the proposed General Recordkeeping and Reporting Rules (45 FR 13655, at 40 CFR 712.12(e)). It is also important that the section 13 definition for the term "importer" be compatible with Customs practice. In this policy, "importer" is defined by reference to the Customs proposed section 13 rule. This adopts the general Customs definition at 19 CFR 101.1(k).

The definitions of these terms are repeated here for convenience:

"Article" means a manufactured item which (i) is formed to a specific shape or design during manufacture, (ii) has end use function(s) dependent in whole or in part upon its shape or design during end use and (iii) has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article and that may occur as described below; except that fluids and particles are not considered articles regardless of shape or design. The allowable changes of composition, referred to above, are those which result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles such as adhesives, paints, miscellaneous cleaners or other household products, fuels and fuel additives, water softening and treatment agents, photographic films, batteries, matches, and safety flares in which the chemical substance manufactured upon end use of the article is not itself manufactured for distribution in commerce or for use as an intermediate.

"Chemical substance in bulk form" means a chemical substance (other than as part of a mixture or article) in containers used for purposes of transportation or containment, provided that the chemical substance is intended to be removed from the container and has an end use or commercial purpose separate from the container.

"Importer" means the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The importer may be: (1) the consignee, or (2) the importer of record, or (3) the actual owner of the merchandise if an actual owner's declaration and superseding bond has been filed in accordance with Section 141.20 of this chapter, or (4) The transferee of the merchandise, if the right to withdraw merchandise in a bonded warehouse has been transferred in accordance with subpart C of Part 144 of this chapter.

Note.—"Chapter" refers to Chapter I of 19 CFR, U.S. Customs Service, Department of the Treasury.

International Cooperation

In proposing these requirements, EPA recognizes its obligations under Title IV of the Trade Agreements Act of 1979 (Public Law 96-39). That recently enacted law provides the legal framework for implementing trade agreements entered into by the United States; Title IV (Standards Code) sets forth principles and procedures for Federal agencies, including EPA, to follow in their rulemakings, to prevent

the creation of unnecessary technical barriers to foreign trade.

The Standards Code is not intended to prevent Federal agencies from making rules or setting standards affecting international trade, for example, in chemical products, if such measures have a demonstrable purpose to achieve a legitimate domestic objective, such as protecting health, safety, and the environment within the United States, and do not serve to exclude imported products that fully meet the objectives of such measures. The Standards Code states, however, that agencies involved in such rulemakings shall consider the adoption of existing international standards, if they are appropriate, and ensure that imported products are treated no less favorably than like domestic or other imported products. Although there are no existing international standards for control of imported chemicals, at such time as international agreement is reached, EPA would be prepared to modify this policy as needed. However, EPA considers that the TSCA section 13 policy complies with the principles of the international Standards Code. In addition, the certification required by this policy is designed to acknowledge compliance with TSCA requirements that are also in effect for domestically manufactured chemicals.

EPA Assistance

EPA is considering how to most efficiently publicize the TSCA requirements for chemical imports. The Office of Pesticides and Toxic Substances, Industry Assistance Office (IAO) will answer specific questions to help determine whether a chemical is on the Inventory. In addition, if comments indicate that it would be helpful, periodic TSCA fact sheets could be made available to U.S.-based foreign embassies, U.S. embassies abroad, and U.S. Customs offices both here and abroad. Fact sheets could also be made available to U.S. and foreign importing organizations and individuals. However, to ensure that TSCA fact sheet information would be useful, EPA requests comments on the information that importers would find most helpful in such fact sheets.

Public Meetings

On February 24, 1981 (12-4 p.m.) and February 25, 1981 (12-4 p.m.), EPA personnel responsible for developing this proposal will be available to meet with interested persons from companies, trade associations, organized labor, and citizen organizations who request time to present oral comments on the proposal. The meetings will be held at

the Hospitality House—Motor Inn, 2000 Jefferson Davis Highway (across from Crystal City Plaza), Arlington, Virginia 22202 (703-920-8600). The Agency will make transcripts or summaries to include in the official public record.

Persons should call EPA's Industry Assistance Office at the number listed above under "For Further Information Contact" to request time to present oral comment at these meetings.

In line with EPA's desire to facilitate input from smaller companies and local organizations, the Agency would hold a meeting outside of Washington in a locale central to a group requesting such a meeting where there is demonstrated interest in and need for it.

While the meetings will be open to the public, participation will be limited to those requesting an opportunity to comment and EPA personnel designated for the session.

Official Record

EPA has established an official record for this policy (docket number OPTS 130000). This record is available for public inspection in the Office of Pesticides and Toxic Substances, Room 447 East Tower, from 8 a.m. to 4 p.m. on working days. This record includes (1) the rule proposed by Customs (45 FR —), (2) this proposed policy statement, (3) written and substantive oral comments, (4) minutes or transcripts of public meetings held on the policy, (5) the economic impact statement prepared on alternative section 13 requirements, and (6) any other material the Administrator identifies on or before the promulgation date of the policy statement.

Two informal public meetings were held with industry and foreign government representatives on December 11 and December 13, 1979, respectively. Minutes of these meetings are included in the record, along with copies of the materials distributed to meeting participants before and during the meeting: a summary of the draft rule, and a list of discussion topics on which EPA particularly solicited information.

Also included in the record is the Economic Impact Assessment of the Section 13 Importer Regulations of the Toxic Substances Control Act, prepared by Fred C. Hart Associates, Inc., final report dated November 6, 1979.

EPA will designate the complete record on or before the date that the policy is final. The final policy statement will permit persons to point out any errors or omissions in the record.

EPA has determined that this document does not contain a major proposal requiring preparation of a

Regulatory Analysis under Executive Order No. 12044.

Therefore it is proposed to add to Part 707 a new Subpart B consisting of § 707.20 to read as follows:

PART 707—IMPORTS AND EXPORTS

Subpart A—[Reserved]

Subpart B—General Import Requirements and Restrictions

§ 707.20 Chemical substances import policy.

(a) *Scope.* (1) This statement addresses the policy of the Environmental Protection Agency (EPA) on importation of chemical substances, mixtures, and articles under section 13 of the Toxic Substances Control Act (TSCA; 15 U.S.C. 2601 et seq.). In particular, it addresses aspects of the regulation proposed by the United States Customs Service (Customs), Department of the Treasury (published in today's Federal Register), to implement section 13 of TSCA, 15 U.S.C. 2612. Section 13 requires the Secretary of the Treasury to refuse entry into the Customs territory of the United States of a chemical substance, mixture, or article if it does not comply with rules in effect under TSCA, or if it is offered for entry in violation of TSCA or rules or orders under TSCA.

(2) In addition to this statement of policy, EPA will continue, as necessary, to address problems associated with imports in rulemakings under individual sections of TSCA, e.g. sections 5, 6, and 7. Interested persons should refer to the records of these individual rulemaking actions for specific information and guidance.

(b) *Basic objectives of section 13.* (1) TSCA is intended to be comprehensive, and assure protection of health and the environment from unreasonable risks associated with chemicals whether the chemicals are imported or produced domestically. This intent is manifested by the inclusion of importation in the Act's definition of the term "manufacturer," which says in pertinent part: "[M]anufacturer means to import . . . , produce, or manufacture" (15 U.S.C. 2602 § 3(7)). Thus, importers are responsible for ensuring that chemical importation complies with TSCA just as domestic manufacturers are responsible for ensuring that chemical manufacture complies with TSCA.

(2) The section 13 rule requires importers to sign the following statement for each import of chemical substances in bulk or mixture: "I certify that all chemical substances in this

shipment comply with all rules under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any rule or order under TSCA." The certification will document that, in accordance with TSCA, the importer has taken the necessary steps to ensure compliance.

(3) The U.S. is involved in a major effort toward international harmonization in the control of chemicals. At such time as international agreement is reached on this issue, EPA would be prepared to modify its policy if needed. EPA believes that its international harmonization efforts in the control of chemicals will protect human health and the environment while fulfilling its obligations under the Trade Agreements Act of 1979.

(c) *The section 13 rule.*—(1) *General Certification.* (A) The rule promulgated under section 13 of TSCA by the Customs Service, in consultation with EPA, implements the requirement of section 13 that chemical substances, mixtures, or articles not in compliance with TSCA, or whose importation is not in compliance with TSCA, shall be denied entry into the Customs territory of the United States. The rule requires that importers certify by a statement, on the entry document or invoice, that any import shipment of a chemical substance in bulk or as part of a mixture complies with TSCA, and that it is not offered for entry in violation of TSCA or any rule or order under TSCA.

(B) EPA expects that this certification will be based upon actual knowledge of the importer in most cases. However, EPA realizes that sometimes importers may not have actual knowledge of the chemical composition of imported mixtures. In these cases, the importer should attempt to discover the chemical constituents of the shipment by contacting another party to the transaction (e.g., his principal or the foreign manufacturer). This person may be able to identify the components of the substance or mixture, or at least state that the substances or mixture complies with TSCA. The greater the effort an importer makes to learn the identities of the imported substances and their compliance with TSCA, the smaller his chance of committing a violation by importing a noncomplying shipment. If a shipment were ultimately determined to have violated TSCA, the good faith effort of the importer to verify compliance, as evidenced by documents contained in his files, would obviate or mitigate the assessment of a civil penalty under section 16 of TSCA.

(2) *Special Chemical Import Report Form.* The section 13 rule provides for use of a special form to be required by

EPA in connection with rules made under other sections of TSCA. The contents, procedures, and compliance policy for this form will be prescribed during rulemaking for these other rules. The EPA's intent is to reserve use of this form to cases in which individual regulatory actions have been taken on specified chemicals.

(3) *EPA enforcement.* (A) EPA and the Customs Service will monitor chemical imports to determine if shipments and their import comply with the certification requirements and the substantive mandates of TSCA. Customs will refuse entry to any shipment until such time as the certification is properly submitted. Customs will also detain a shipment if there are reasonable grounds to believe that such shipment or its import violates TSCA or regulations or orders thereunder. A violative shipment must either be brought into compliance, exported, or voluntarily abandoned within the time periods prescribed in § 12.124 of the section 13 rule.

(B) When EPA determines that a shipment should be detained, EPA will identify the reasons for the detention and the necessary actions for the importer to bring the shipment into compliance with TSCA. If EPA has given this information to Customs before the district director issues the detention notice, the information will become part of the detention notice. If this information is not included in the detention notice, the importer should contact one of EPA's regional offices for guidance as to the proper procedures for correcting any deficiencies in the shipment. As part of the final policy, an individual in each of the ten regions will be designated as a TSCA import contact, and a list of appropriate telephone numbers will be published.

(C) If Customs detains or refuses entry of a shipment (other than for failure to make the general certification) and the importer takes measures necessary to bring the shipment into conformity with the requirements of TSCA, and EPA official will reassess the shipment to determine its current compliance status. Assuming a shipment is no longer in violation, EPA will notify the district director who will then release the shipment. This notice will also serve as a determination to permit entry under § 12.123(c) if a shipment is brought into compliance before the § 12.123(c) decision-making process has been completed. If compliance is achieved after a § 12.123(c) determination (adverse to the importer) has been made, the EPA notice to the district director will serve as a reversal of the decision to refuse entry.

(4) *EPA assistance.* Assistance in determining whether a chemical shipment is in compliance with TSCA can be obtained from the Industry Assistance Office (TS-799), U.S. Environmental Protection Agency 401 M Street, SW, Washington, D.C. 20460; 800-424-9065, toll free; in Washington, D.C., 554-1404.
(Sec. 13 (90 Stat. 2034; 15 U.S.C. 2612))

Dated: November 21, 1980.

Douglas M. Costle,
Administrator.

[FR Doc 80-37244 Filed 11-28-80; 8:45 am]
BILLING CODE 6560-31

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 12 and 127

Special Classes of Merchandise

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

ACTION: Proposed rule.

SUMMARY: This document proposes to inform the importing public about the Toxic Substances Control Act ("TSCA") and to amend the Customs Regulations to regulate the entry of any chemical substance, imported in bulk or as part of a mixture, or article containing a chemical substance or mixture into the customs territory of the United States. The proposed amendments, which have been developed after consultation with the Environmental Protection Agency ("EPA"), are designed to implement TSCA by requiring the importer of a chemical shipment to certify at the port of entry that the shipment is in compliance with TSCA and all rules and orders under TSCA.

DATE: Comments must be received on or before March 2, 1981.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention, Regulations and Research Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Harrison C. Feese, Entry Examination and Liquidation Branch, Duty Assessment Division, Office of Trade Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-8651; or Industry Assistance Office (TS-799), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 800-424-9065 (Toll Free), calls within the District of Columbia—554-1404.

SUPPLEMENTARY INFORMATION:

Background

The Toxic Substances Control Act ("TSCA"), Pub. L. 94-469, approved October 11, 1976, was enacted by the Congress to regulate commerce and protect human health and the environment by requiring, testing and necessary use restrictions on certain chemical substances, and for other purposes. Section 13, TSCA, directs the Secretary of the Treasury, after consultation with the Administrator, Environmental Protection Agency ("EPA"), to refuse entry into the customs territory of the United States (the "customs territory") of any chemical substance, mixture, or article containing a chemical substance or mixture that:

1. Fails to comply with any rule in effect under TSCA, or
2. Is offered for entry in violation of section 5 or 6, TSCA, a rule or order issued under section 5 or 6, or an order issued in a civil action brought under section 5 or 7, TSCA.

Section 13 further provides that if a chemical substance, mixture, or article is refused entry, the Secretary shall notify the consignee of the entry refusal, not release the shipment to the consignee, except under bond, and cause its disposal or storage under such rules as the Secretary may prescribe if the shipment has not been exported by the consignee within 90 days from the date of receipt of the notice of entry refusal.

To implement the provisions of section 13, Customs and EPA have developed proposed amendments to Parts 12 and 127, Customs Regulations (19 CFR Parts 12, 127), to regulate the entry of any chemical substance, imported in bulk or as part of a mixture, or an article containing a chemical substance or mixture into the customs territory.

Reporting Requirements

Importer Certification

Proposed § 12.121, Customs Regulations, would require each importer of a chemical substance, mixture, or article containing a chemical substance or mixture subject to a specific regulation under TSCA, to certify to the district director of Customs at the port of entry that the shipment is in full compliance with TSCA and all rules and orders under TSCA. The certification would appear as a signed, typed statement (1) on the entry summary document, or, for those entries which do not have entry summaries, on the appropriate entry document, or (2) in the event of release under a special permit for an immediate delivery, as provided for in § 142.21, Customs Regulations, or entry, as provided for in § 142.3, Customs Regulations, either on the importer's invoice or an attachment to the invoice, or (3) on the Special Chemical Import Report Form, if the importer is required to submit this form, as explained below.

By signing the certification statement, the importer certifies the following:

1. The shipment is in compliance with the premanufacture notification requirements of section 5, TSCA, which provide that, unless exempted by the Administrator, EPA, a person must notify the Administrator at least 90 days before manufacture, importing, or processing, if the person intends to:

(a) Manufacture or import for a commercial purpose a new chemical substance [one not included on the Inventory compiled pursuant to section 8(b), TSCA], or

(b) Manufacture, import, or process any chemical substance for a use which the Administrator has determined, by rule, is a significant new use. (No significant new use rules have been promulgated to date).

EPA's initial Toxic Substances Control Act Chemical Substances Inventory was issued on June 1, 1979, and the premanufacture notification requirements for chemical substances imported in bulk became effective on July 1, 1979. For chemical substances as part of mixtures, premanufacture notification requirements will begin 30

days after publication of the EPA's Revised Inventory. Until 30 days after publication of the Revised Inventory, importers can report chemicals which are not included on EPA's Initial Inventory and that they import as part of a mixture or article for the first time after December 31, 1979. These chemicals will be included on EPA's Revised Inventory.

2. The shipment does not violate any rule in effect under TSCA or any rule or order issued under sections 5, 6, or 7 TSCA. These rules or orders may pertain to limitations under section 5(e) or (f) on importing new chemical substances or chemical substances to be imported for a significant new use, chemical control regulations under section 6, or judicial orders under section 7.

3. All required information submittals are complete and accurate.

Special Chemical Import Report Form

To enforce TSCA, in certain cases EPA may require information beyond the importer's certification. Proposed section 12.121(b) provides that if required by the Administrator by rule under TSCA for a chemical substance, the importer shall submit an EPA Special Chemical Import Report Form to the district director at the port of entry. This form would certify that the shipment is in compliance with TSCA and all rules developed under TSCA, and would also require certain information such as amount imported, intended use, distribution, disposal, exposure, or other information, as required by a rule under TSCA.

To date, EPA has not issued any rules which would require the submission of a Special Chemical Import Report Form. EPA plans to develop the form as the need to control imports of specific chemicals arises. When developed, the form will be subject to clearance and approval of the Office of Management and Budget and EPA will provide notice and an opportunity for public comment.

Alternatives to Importer Certification Considered

EPA and Customs considered other alternatives to requiring importer certification of compliance with TSCA, recognizing that some importers may not have complete information about their chemical shipments. In some cases, the foreign exporter is not the chemical manufacturer. In other cases, the foreign manufacturer may be reluctant to divulge specific information regarding the shipment.

The most direct way to secure this information would be to require the exporter to submit the necessary data.

However, neither TSCA nor any other law authorizes EPA or Customs to place such requirements directly upon the foreign exporter. The responsibility of reporting must be on the importer.

EPA also considered requiring the importer to submit detailed reports, including the chemical identity and tradenames of the merchandise. These reports could provide a more thorough information base on which to make decisions regarding chemical importations. EPA is not proposing this option, however, for several reasons. The initial problem that importers would face in securing general information about chemical shipments would most likely escalate if importers asked for specific chemical information such as processing specifications or the proportions of a chemical substance in a mixture.

Even if importers could provide specific chemical information, much of it would not be useful because most Customs officials are not trained to interpret chemical reports and would not have time to check long tradenames against lists cross-referenced with regulated chemicals. It also would be nearly impossible for EPA to develop a useful tradename list because of the number of countries producing chemicals, the number of individual foreign manufacturers and processors, and the constant need to update the list.

EPA and Customs view the proposed regulations as the most reasonable and least burdensome approach to monitoring imported chemical shipment. An economic impact report, "Economic Impact Assessment of the Section 13 Importer Regulations of the Toxic Substances Control Act" (see below), analyzes the private sector costs of various means of providing importer certification. The proposed regulations appear to be the most feasible approach. Also, by asking the foreign exporter and/or manufacturer about compliance with TSCA, the importer would be educating the foreign chemical market about United States requirements for chemical importation. This education process should facilitate overall achievement of TSCA objectives. Eventually, the proposed reporting system could be amended to reflect change or development in international import agreements.

Detention of Shipments

Under TSCA, EPA is authorized to control chemical substances found to pose an unreasonable risk to human health or the environment. Sections 5 and 6, TSCA, permit the Administrator to issue a rule or order to prohibit or limit the manufacture, processing,

distribution in commerce, use, or disposal of a chemical substance. Under section 7, TSCA, the Administrator may commence a civil action in a U.S. district court for seizure of an imminently hazardous chemical substance or mixture or any article containing such a substance or mixture. To minimize any risk to health or the environment, proposed § 12.122(a) provides that the district director at the port of arrival shall detain, at the importer's risk and expense, shipments of chemical substances, mixtures, or articles: (1) which have been banned from the customs territory by a rule or order issued under sections 5 or 6, TSCA, or (2) which have been ordered seized because of imminent hazard pursuant to section 7, TSCA, or (3) as otherwise directed by the Administrator.

Proposed § 12.122(b) provides for detention of a chemical shipment at the port of entry, at the importer's risk and expense, whenever: (1) the importer fails to certify compliance with TSCA, or (2) the Administrator, after giving notice with reasons to the importer, notifies the district director to detain the shipment, or (3) the district director has reasonable grounds to believe that the shipment is not in compliance with TSCA or any regulations and orders issued under TSCA. In the event of detention, the district director will promptly notify the importer and the Administrator and explain the reasons for detention.

Procedure After Detention

Submission of Written Documentation

Proposed § 12.123 provides that the importer may submit written documentation to the Administrator, with a copy to the district director at the port of entry, within 20 days from the date of the notice of detention to show cause why the shipment should not be refused entry. The importer may also obtain custody of the detained shipment by furnishing a Customs bond for the return of the shipment to Customs custody.

Determination by the Administrator

The Administrator, after consideration of the available evidence and within 30 days from the notice of detention, will determine whether the detained shipment complies with TSCA. If the Administrator finds that the shipment is in compliance, the district director shall release the shipment to the importer. If the Administrator finds that the shipment is not in compliance, the district director shall either refuse to deliver the shipment to the importer and explain the reasons for this refusal, or, if

the shipment has been released on bond, demand the redelivery of the shipment under the terms of the bond and explain the reasons for this demand.

Time Limitations

Proposed § 12.124 provides that the importer of a detained shipment shall bring the shipment into compliance with TSCA or remove it from the customs territory within 90 days after notice of detention or 30 days after demand for redelivery, whichever comes first. The district director, upon notification by the Administrator, may grant a 30-day extension if the importer is unable to bring the merchandise into compliance with TSCA or remove it from the customs territory within the required time period due to delays caused by EPA or Customs.

Notice of Intent To Abandon or Export a Detained Shipment

If a shipment does not comply with TSCA, the importer may abandon or export it. Under proposed section 12.126, if the importer decides to abandon the shipment, written notice of intent to abandon must be presented to the district director and the Administrator. By submission of this certification, the importer waives any right to export the shipment and the importer remains liable for any expenses incurred in the storage and/or disposal of the merchandise. Under proposed section 12.125, if the importer decides to export the shipment, written notice of exportation must be presented to the district director and the Administrator.

Storage or disposal of Shipments

Under proposed § 12.127, a detained shipment shall be considered to be unclaimed and abandoned and shall be stored or disposed of by the Administrator if the importer has not brought the shipment into compliance within the required time period and any extension specified in proposed § 12.124, and (1) has not exported the shipment within the required time period and any extension specified in proposed § 12.124, or (2) has certified intent to abandon the shipment.

Authority

This amendment is proposed under the authority of section 13, 90 Stat. 2034 (15 U.S.C. 2612), R.S. 251, as amended (19 U.S.C. 66), and sections 624, 46 Stat. 759 (19 U.S.C. 1624).

Comments

Before adopting this proposal, consideration will be given by EPA and Customs to any written comments, preferably in quadruplicate, submitted

timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Research Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229. Comments will also be available for public inspection from 8:00 a.m. to 4:00 p.m. at the Environmental Protection Agency, Office of Pesticides and Toxic Substances Reading Room, 447 East Tower, 401 M Street, SW., Washington, D.C. 20460, as part of E.P.A. docket number OPTS 3000.

Economic Impact Analysis Statement

Estimated costs for industry compliance with this regulation are contained in a report entitled, "Economic Impact Assessment of the Section 13 Importer Regulations of the Toxic Substances Control Act", dated November, 1979. This report indicates that total cost to industry will be approximately \$2.3 million.

The economic impact study is available for review at the Environmental Protection Agency, Office of Pesticides and Toxic Substances, Reading Room, Room 447 East Tower, 401 M Street, SW., Washington, D.C. 20460.

Inapplicability of Executive 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.

EPA has determined that this document does not contain a major proposal requiring preparation of a Regulatory Analysis under Executive Order 12044.

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 and EPA offices participated in its development.

Proposed Amendments

PART 12—SPECIAL CLASSES OF MERCHANDISE

It is proposed to amend Part 12, Customs Regulations (19 CFR Part 12), by adding new §§ 12.118 through 12.127 to read as follows:

Chemical Substances in Bulk and as Part of Mixtures and Articles

§ 12.118 Toxic Substances Control Act.

The importation into the customs territory of the United States of a chemical substance in bulk or as part of a mixture or article is governed by the Toxic Substances Control Act ("TSCA") (15 U.S.C. 2601 *et seq.*), and by regulations issued under the authority of section 13(b), TSCA (15 U.S.C. 2612(b)) by the Secretary of the Treasury in consultation with the Administrator, Environmental Protection Agency, ("EPA").

§ 12.119 Scope.

Sections 12.120 through 12.127 apply to the importation into the customs territory of the United States of chemical substances in bulk and as part of mixtures under TSCA.

Sections 12.120 through 12.127 may also apply to articles containing a chemical substance or mixture if so required by the Administrator by specific rule under TSCA.

§ 12.120 Definitions.

Except as otherwise provided below, the terms used in §§ 12.121 through 12.127 have the meanings set forth for those terms in TSCA.

(a) "Article"

(1) "Article" means a manufactured item which:

- (i) Is formed to a specific shape or design during manufacture,
- (ii) Has end use function(s) dependent in whole or in part upon its shape or design during end use, and
- (iii) Has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article and that may occur as described in § 12.120(a)(2) below; except that fluids and particles are not considered articles regardless of shape or design.

(2) The allowable changes of composition, referred to in § 12.120(a)(1), are those which result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles such as adhesives, paints, miscellaneous cleaners or other household products, fuels and fuel additives, water softening and treatment agents, photographic films, batteries, matches, and safety flares in which the chemical substance manufactured upon end use of the article is not itself manufactured for distribution in commerce or for use as an intermediate.

(b) "Chemical substance in bulk form" means a chemical substance (other than as part of a mixture or article) in

containers used for purposes of transportation or containment, provided that the chemical substance is intended to be removed from the container and has an end use or commercial purpose separate from the container.

§ 12.121 Reporting requirements.

(a) *All chemical substances in bulk or mixtures.* The importer of a chemical substance, imported in bulk or as part of a mixture, shall certify to the district director at the port of entry that the chemical shipment is in compliance with TSCA and all rules and orders under TSCA. The importer shall make this certification by signing the following statement:

I certify that all chemical substances in this shipment comply with all rules under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any rule or order under TSCA.

This certification shall appear as a typed statement.

(1) On the entry summary document, or, for those entries which do not have entry summaries, on the appropriate entry document, or

(2) In the event of release under a special permit for an immediate delivery, as provided for in section 142.21 of this chapter, or entry, as provided for in section 142.3 of this chapter, either on the importer's invoice or an attachment to the invoice, or

(3) On the Special Chemical Import Report Form, if the importer is required to submit this form as provided for in paragraph (b) of this section.

(b) *Certain regulated chemical substances.* If specifically required by the Administrator by rule under TSCA, each importer of a chemical substance, imported in bulk or as part of a mixture, shall submit an EPA Special Chemical Import Report Form to the district director at the port of entry.

(c) *Chemical substance or mixture as part of articles.* Each importer of a chemical substance or mixture as part of an article shall meet the reporting requirements set forth in paragraphs (a) and (b) of this section only if required by a rule or order under TSCA.

§ 12.122 Detention of certain shipments.

(a) The district director at the port of arrival shall detain, at the importer's risk and expense, shipments of chemical substances, mixtures, or articles:

(1) Which have been banned from the customs territory of the United States by a rule or order issued under sections 5 or 6 of TSCA (15 U.S.C. 2604 or 2605) or

(2) Which have been ordered seized because of imminent hazard as specified under section 7 of TSCA (15 U.S.C. 2606) or

(3) As otherwise directed by the Administrator.

(b) The district director at the port of entry shall detain shipments of chemical substances, mixtures, or articles at the importer's risk and expense, in the following situations:

(1) Whenever the Administrator has reasonable grounds to believe that the shipment is not in compliance with TSCA, gives detention notice with reasons to the importer, and notifies the district director to detain the shipment; or

(2) Whenever the district director has reasonable grounds to believe that the shipment is not in compliance with TSCA; or

(3) Whenever the importer fails to certify compliance with TSCA as required by § 12.121.

Upon detention of a shipment, the district director shall give prompt notice to the Administrator and the importer. The notice shall include the reasons for detention.

§ 12.123 Procedure after detention.

(a) *Submission of written documentation.* If a shipment is detained by a district director under section 12.122, the importer may submit written documentation to the Administrator with a copy to the district director within 20 days from the date of notice of detention to show cause why the shipment should not be refused entry.

(b) *Release on Bond.* The district director may release to the importer a shipment detained for any of the reasons given in § 12.122 when the district director has reasonable grounds to believe that the shipment may be brought into compliance, or when the district director deems it appropriate under § 141.66 of this chapter. Any such release shall be conditioned upon furnishing a bond on Customs Form 7551, 7553, or 7595 for the return of the shipment to Customs custody. The bond shall be for the full amount required in § 113.14 of this chapter. If a shipment of a chemical substance, mixture, or article is released to the importer under bond, the shipment shall be held intact and shall not be used or otherwise disposed of until the Administrator makes a final determination on entry as provided for in paragraph (c) of this section.

(c) *Determination by the Administrator.* After consideration of the available evidence and within 30 days from the notice of detention, the Administrator shall notify the district director of his decision either to permit or refuse entry of the shipment. If the Administrator finds that the shipment is in compliance with TSCA, the district director shall release the shipment to the

importer. If the Administrator finds that the shipment is not in compliance, the district director shall:

(1) Refuse delivery to the importer, with reasons for such refusal, or

(2) If the shipment has been released on bond, demand its redelivery under the terms of the bond, giving reasons for such demand. If the merchandise is not redelivered within 30 days from the date of the redelivery notice, the district director shall assess liquidated damages in the full amount of the bond.

§ 12.124 Time limitations and extensions.

(a) *Time Limitations.* The importer of a shipment of chemical substances, mixtures, or articles which has been detained under § 12.122 shall bring the shipment into compliance with TSCA or export the shipment from the customs territory of the United States within 90 days after notice of detention or 30 days of demand for redelivery, whichever comes first.

(b) *Time Extensions.* The district director, upon notification by the Administrator, may grant an extension of not more than 30 days if, due to delays caused by the Environmental Protection Agency or the Customs Service:

(1) The importer is unable, for good cause shown, to bring a shipment into compliance with the Act within the required time period; or

(2) The importer is unable to export the shipment from the customs territory of the United States within the required time period.

§ 12.125 Notice of exportation.

Whenever the Administrator directs the district director to refuse entry under § 12.123 and the importer exports the non-complying shipment within the 90 day period of notice of refusal of entry or within 30 days of demand for redelivery, the importer shall give written notice of the fact of exportation to the Administrator and the district director.

The importer shall include the following information in the notice of exportation:

(a) The name and address of the exporter or his agent;

(b) A description of the chemical substances, mixtures, or articles exported;

(c) The destination (country);

(d) The port of arrival at the destination;

(e) The carrier;

(f) The date of exportation; and

(g) The bill of lading or the air waybill number.

§ 12.126 Notice of abandonment.

If the importer intends to abandon the shipment after receiving notice of refusal of entry, the importer shall present a written notice of intent to abandon to the district director and the Administrator. Notification under this section is a waiver of any right to export the merchandise. The importer shall remain liable for any expenses incurred in the storage and/or disposal of abandoned merchandise.

§ 12.127 Decision to store or dispose.

A shipment detained under section 12.122 shall be considered to be unclaimed or abandoned and shall be turned over to the Administrator for storage or disposition as provided for in § 127.28(i) of this chapter if the importer has not brought the shipment into compliance with TSCA within time limitations or extensions specified according to § 12.124 and:

- (a) Has not exported the shipment within time limitations or extensions specified according to § 12.124; or
- (b) Has certified intent to abandon the shipment in accordance with § 12.126.

**PART 127—GENERAL ORDER,
UNCLAIMED, AND ABANDONED
MERCHANDISE**

It is proposed to amend Part 127, Customs Regulations (19 CFR Part 127), by adding a new subsection (i) to section 127.28, to read as follows:

§ 127.28 [Amended]

* * * * *

(i) *Chemical substances, mixtures, and articles containing chemical substances or mixtures.* Chemical substances, mixtures, and articles containing chemical substances or mixtures, as these items are defined in section 3, Toxic Substances Control Act ("TSCA") and section 12.120 of this chapter, shall be inspected by a representative of the Environmental Protection Agency to ascertain whether they comply with TSCA and the regulations and orders issued thereunder. If found not to comply with these requirements they shall be exported or otherwise disposed of immediately in accordance with the provisions of § 12.125 through 12.127 of this chapter.

Approved: November 14, 1980.

William T. Archey,

Commissioner of Customs.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 80-37245 Filed 11-28-80; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Fees for Original Grain Inspection and Official Weighing Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is increasing the fees assessed for original grain inspection and official weighing services performed by FGIS in the United States. This rule expands the application of the minimum fee for the performance of FGIS original inspection, reinspection, appeal inspection, and official weighing in the United States to apply when the service is performed in 2 hours or less when the hourly rate applies. This rule will provide for a 30-consecutive-minute grace period before standby fees are assessed for other than online original grain inspection services performed on grain in trucks, boxcars, hopper cars, and barges in the United States. This rule increases the amount an official agency may be reimbursed by FGIS for locating and forwarding appeal file samples requested by FGIS. This rule implements several minor changes in wording for the purpose of uniformity between the fee schedules for services performed by FGIS in the United States and Canada. These changes in the fees are being made to equate the fees as nearly as possible with the cost of the service and to maintain a reasonable operating reserve.

EFFECTIVE DATE: January 4, 1981.

FOR FURTHER INFORMATION CONTACT: John W. Marshall, Director, Inspection Division, telephone (202) 447-8497, or George T. Lipscomb, Director, Weighing Division, telephone (202) 447-4851, USDA, FGIS, 1400 Independence Avenue, SW., Washington, D.C. 20250.

The Final Impact Statements (Inspection and Weighing) describing the options considered in developing this final rule and the impact of implementing each option are available on request from the Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 447-3910.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant."

Leland E. Bartelt, Administrator, FGIS, has determined that a situation exists which warrants publication of this final action to effectuate at the earliest possible date the collection of fees which are reasonable and as nearly as practicable cover the costs of providing inspection and weighing services, excluding administrative and supervisory costs, as prescribed by sections 7(j) and 7A(1) of the United States Grain Standards Act, as amended (7 U.S.C. 79(j), 79a(1)) (Act). The need for the increase in the fees for the services and the amount of the increase are based on facts within the knowledge of FGIS. The level of the fees remains unchanged for reinspection and appeal inspection services performed by FGIS in the United States and for original inspection, reinspection, appeal inspection, and weighing services performed by FGIS in Canada.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that publication of a notice of proposed rulemaking and other public procedures on the provisions of §§ 800.71, 800.72, and 800.73 of the regulations under the Act, as set forth in this document, are impractical and unnecessary, and good cause is found for making these changes effective January 4, 1981.

Original Inspection Service Fees

In December 1979, FGIS changed the fees for online original inspection services from a unit-of-grain method to an hourly method of assessment. In adopting the hourly method, FGIS concluded that this method would establish fees as nearly as practicable to cover costs incident to the performance of the service and more adequately meet the general needs of the users of the service. However, during fiscal year 1980, sufficient revenue was not generated to cover program costs. During the past fiscal year, increases in salaries and general program costs have resulted in a sharp decrease in the operating reserve. The operating reserve is maintained for contingencies when fees may not cover costs of providing the service. As a result, it has been determined that fee increases of 16 percent for contract hourly services, 20 percent for services performed on a unit basis, and 25 percent for noncontract hourly services are necessary to minimize operating reserve losses. This increase will reduce the rate of loss for the original inspection program. However, the FGIS fee schedule for original inspection services will be closely monitored throughout the year to determine if the level of the fees is

adequate to maintain a reasonable operating reserve.

Assessment of Standby Fees for Original Inspection Services

As currently reflected in § 800.72(b) of the regulations under the Act, standby fees for original inspection services shall be assessed in all cases, except no fee shall be assessed for standby time under a service contract. FGIS has determined that a grace period of 30 consecutive minutes shall be provided before fees for standby time are assessed in conjunction with the performance of other than online original inspection of grain in trucks, boxcars, hopper cars, and barges. Other than online original inspection service is defined as an inspection service which is based on official samples not obtained from a flowing stream of grain during the loading or unloading of grain. This change will more closely reflect the utilization of this inspection service and reduce the economic impact on the grain industry.

Reimbursement for Locating and Forwarding Appeal File Samples

FGIS currently reimburses official agencies, upon request, \$1.50 for locating and forwarding each file sample FGIS requests for appeal inspection purposes. FGIS has determined that due to increases in salary costs of official agency personnel and postage costs, this reimbursable amount will be increased to \$2.50 per file sample requested for appeal inspections. This change will reduce the economic impact on the official agencies performing original inspection services.

Official Weighing Service Fees

On December 3, 1978, FGIS reduced the hourly fees for official weighing services performed in the United States by approximately 20 percent in order to maintain a reasonable operating reserve. Increases in salaries and general program costs during fiscal year 1980 have resulted in a sharp decrease in the operating reserve. As a result, it has been determined that fee increases of 16 percent for contract hourly services and 25 percent for noncontract hourly services are necessary to minimize operating reserve losses. This increase will reduce the rate of loss for the official weighing program.

Further, these changes in the fees for official weighing services do not reflect the recent amendment to the Act, which affects the scope of the inbound weighing program (Pub. L. 96-437, 94 Stat. 1870). When the impact of this amendment is known, FGIS will again evaluate the fees for official weighing

services to determine if the level of the fees reflects the cost of the service, in addition to determining if the fees are adequate to maintain a reasonable operating reserve.

Minimum Fee

The minimum fee per service request, as currently reflected in section 800.71 of the regulations under the Act, is applicable when the request for service is cancelled after the service representative(s) arrives at the point of service. FGIS has determined that the application of the minimum fee will be expanded to include when the original inspection, reinspection, appeal inspection, and official weighing service is performed in 2 hours or less when the hourly rates applies. This change will equate the fees more closely to the cost to FGIS of providing the service.

Miscellaneous Changes

In § 800.71(a) of the regulations under the Act, as published in the Federal

Register (45 FR 15822-15824) several variations have been noted in the footnotes which apply to schedules A and B. To provide uniformity between the footnotes in schedules A and B, several minor changes in wording have been made. In addition, new footnotes have been added which will clarify the schedules as well as assure uniformity in application of the fee schedules.

Accordingly, 7 CFR 800.71(a), 800.72(b), 800.73 (a) and (b) (this information may be found in 45 FR 15822-15824 because 7 CFR Part 800 has not yet been published in the Code of Federal Regulations) are hereby amended to read as follows:

§ 800.71 Fees assessed by the service.

(a) *Official inspection and weighing services.* The fees shown in schedules A and B apply to official grain inspection and weighing services performed by the Service in the United States and Canada.

Table 1.—Schedule A—Fees for Official Inspection and Weighing Services Performed by the Service in the United States¹

Inspection services (bulk or sacked grain)	Original inspection service	Reinspection and appeal inspection service
(1) Official sample-lot inspection service (white certificate)		
(i) For official grade and official factor determinations		
(A) Online inspection services (per man-hour per service representative)		
(1) Contract service:		
(a) Regular workday	\$12.00	(1)
(b) Nonregular workday	16.00	(1)
(2) Noncontract service:		
(a) Regular workday	16.00	(1)
(b) Nonregular workday	20.00	(1)
(B) Other than online inspection services		
(1) Truck or trailer (per truck or trailer or part truck or part trailer)	7.80	\$16.00
(2) Boxcar (per car or part car)	12.00	19.60
(3) Hopper car (per car or part car)	16.25	22.80
(4) Barge (per 1,000 bushels or fraction thereof)	3.00	3.50
(5) Ship, bin, and all other lots of grain (per 1,000 bushels or fraction thereof) (but see 2 below)	(1)	2.50
(C) Based on official file sample (any lot or part lot)	(1)	10.25
(ii) For official factor or official criteria determinations:		
(A) Based on a sample used for official grade and official factor determinations not obtained during loading or unloading:		
(1) Factor determination (per factor)	5.00	5.45
(2) Protein test (per sample)	4.00	4.25
(B) Based on new sample (any lot or part lot)	(1)	(1)
(2) Special inspection services (sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions, furnishing standard illustrations, and related services) (per man-hour per service representative) ²		
(i) Regular workday	16.00	21.60
(ii) Nonregular workday	20.00	21.60
(3) Warehouseman's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate):		
(i) For official grade and official factor determinations (per sample)	6.00	12.50
(ii) For official factor or official criteria determinations		
(A) Factor determinations (per factor)	5.00	5.45
(B) Protein test (per sample)	4.00	4.25
(4) Minimum fee per service request (applicable when the request for service is cancelled after the service representative(s) arrives at the point of service or when the service is performed in 2 hours or less when hourly rates apply—fee does not include standby):		
(i) Grain in trucks, trailers, boxcars, or hopper cars	(1)	(1)
(ii) All other lots of grain and special services (per man-hour per service representative) (2 below, minimum)		
(A) Regular workday	16.00	21.60
(B) Nonregular workday	20.00	21.60
(5) Standby (per man-hour per service representative) ³		
(i) Regular workday	16.00	21.60
(ii) Nonregular workday	20.00	21.80
(6) Extra copies of certificates (per copy) ^{4,5}	2.50	2.50

NOTE.—The footnotes for table 1 are shown at the end of table 2

Table 2

Weighing services (bulk or sacked grain)	Official weighing services					
	Specified inspection point			Noninspection point		
	Contract service		Noncontract service	Contract service		Noncontract service
	Regular workday	Non-regular workday	Regular workday	Non-regular workday	Regular workday	Non-regular workday
(1) Official weighing or supervision of weighing services (per man-hour per Service representative).....	\$13.00	\$16.60	\$16.00	\$20.00	\$13.00	\$16.60
(2) Special weighing services, (stowage examination, testing of weighing equipment, checkweighing sacked grain, check-loading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per Service representative) ⁶	13.00	16.60	16.00	20.00	13.00	16.60
(3) Minimum fee per service request is 2 hours per Service representative (applicable when the request for service is cancelled after the Service representative(s) arrives at the point of service or when the service is performed in 2 hours or less when hourly rates apply—fee does not include standby) (per man-hour per Service representative).....	(⁷)	(⁷)	16.00	20.00	(⁷)	(⁷)
(4) Standby (per man-hour per Service representative) ⁹	(⁷)	(⁷)	16.00	20.00	(⁷)	(⁷)
(5) Extra copies of certificates and reports (per copy) ¹¹	2.50	2.50	2.50	2.50	2.50	2.50

¹The fees include the cost of performing official inspection and official class X or class Y weighing functions by service representatives. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see § 800.72, paragraphs (a) and (b).

²If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection, or a board appeal inspection is taken, the specified reinspection, appeal inspection, or board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error, see § 800.73(h).

³Board appeal inspections are based on file samples. The fee for Board appeal inspection service shall be \$34.00 per sample during a regular workday and \$40.00 per sample during a nonregular workday except for protein which shall be \$15.00 per sample.

⁴Online inspection services include all inspection services which are based on official samples obtained from a flowing stream of grain during the loading or unloading of grain.

⁵Not applicable.

⁶The unit fee.

⁷Same fees as in (1)(i)(B), plus applicable sampling charge—see (2).

⁸Only one inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

⁹For application of fee for standby, see § 800.72(b).

¹⁰If at the request of the service a file sample is located and forwarded by an agency for official appeal, the agency may, upon request, be reimbursed at the rate of \$2.50 per sample by the Service for the cost of locating and forwarding the sample(s).

¹¹For application of fee for extra copies of certificates, see § 800.160(c)(3).

Table 1.—Schedule B—Fees for Official Inspection and Weighing Services Performed by the Service in Canada¹

Services (bulk or sacked grain)	Regular workday	Nonregular workday
(1) Original inspection, or official weighing, or special services: ²		
(i) Contract service (per man-hour per service representative).....	\$20.00	\$24.00
(ii) Noncontract service (per man-hour per service representative).....	30.00	36.00
(2) Reinspection and appeal inspection (per man-hour per service representative) ^{3,4}	32.00	38.00
(3) Board appeal inspection (per sample) ^{3,4}	34.00	40.00
(4) Minimum fee per service request:		
(i) Noncontract, original inspection, or original weighing, or special services (per service representative) ⁵	90.00	108.00
(ii) Reinspection, or appeal inspection (per service representative) ^{5,6}	96.00	114.00
(5) Standby (per man-hour per service representative) ⁷	30.00	36.00
(6) Extra copies of certificates (per copy) ⁸	2.50	2.50

¹The fees include the cost of performing official inspection and official class X or class Y weighing functions by service representatives. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see § 800.72, paragraphs (a) and (b).

²Special services include, but are not limited to the following: sampling, stowage examination, testing of inspection or weighing equipment, demonstrating official inspection or weighing functions, furnishing standard illustrations, checkweighing of sacked grain, checkloading of sacked grain, and related services.

³If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection, or a board appeal inspection is taken, the specified reinspection, appeal inspection, or board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error see § 800.73(h).

⁴Appeal inspections are based on file samples. Board appeal inspections for protein shall be \$15.00 per sample.

⁵Applicable when the requested service is performed in 3 hours or less, or the request for service is cancelled after the service representative(s) arrives at the point of service.

⁶Not applicable if the reinspection or appeal inspection is performed concurrently with an original inspection.

⁷For application of fee for standby, see § 800.72(b).

⁸For application of fee for extra copies of certificates, see § 800.160(c)(3).

§ 800.72 Explanation of service fees and additional fees.

* * * * *

(b) *Fees in addition to unit and hourly fees.* Fees for standby time shall be assessed in all cases except no fee shall be assessed for: (1) 30 consecutive minutes of standby time in conjunction with other than online original inspection of grain in trucks, boxcars, hopper cars, and barges in the United States; and (2) standby time under a service contract for (i) official inspection and Class X or Class Y weighing services in the United States, and (ii) for official inspection and Class X weighing services in Canada.

§ 800.73 Computation and payment of service fees; general fee information.

(a) *Computing hourly rates.* Hourly rates shall begin when the Service representative arrives at the point of service and is available to perform service and shall end when the representative departs from the point of service, computed to the nearest quarter hour (less mealtime, if any). For application of minimum fee per service request, see § 800.71, schedules A and B.

(b) *Computing Standby.* Subject to the provisions of § 800.72(b), standby time shall be computed whenever a Service representative: (1) Has been requested by an applicant to perform a service at a specified time and location; (2) is on duty and is ready to perform the service requested; (3) is unable to perform the service requested because of a delay by the applicant for any reason; and (4) is not released by the applicant for the performance of other duties. Standby time shall be computed to the nearest quarter hour (less mealtime, if any) for each Service representative.

* * * * *

(Secs. 8 and 9, Pub. L. 94-582, 90 Stat. 2873, 2677 (7 U.S.C. 79(j), 79a(1)))

Done in Washington, D.C., on November 25, 1980.

L. E. Bartelt,
Administrator

[FR Doc. 80-37341 Filed 11-28-80 6:45 a.m.]

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Vol. 45, No. 232

Monday, December 1, 1980

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FEDERAL REGISTER PAGES AND DATES, DECEMBER

79407-79740..... 1

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—DECEMBER 1980

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production. In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the

next Federal business day is used. (See 1 CFR 18.17) A new table will be published in the first issue of each month. All January, February, and March dates are in 1981.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
December 1	December 16	December 31	January 15	January 30	March 2
December 2	December 17	January 2	January 16	February 2	March 2
December 3	December 18	January 2	January 19	February 2	March 3
December 4	December 19	January 5	January 19	February 2	March 4
December 5	December 22	January 5	January 19	February 3	March 5
December 8	December 23	January 7	January 22	February 6	March 9
December 9	December 24	January 8	January 23	February 9	March 9
December 10	December 26	January 9	January 26	February 9	March 10
December 11	December 26	January 12	January 26	February 9	March 11
December 12	December 29	January 12	January 26	February 10	March 12
December 15	December 30	January 14	January 29	February 13	March 16
December 16	December 31	January 15	January 30	February 17	March 16
December 17	January 2	January 16	February 2	February 17	March 17
December 18	January 2	January 19	February 2	February 17	March 18
December 19	January 5	January 19	February 2	February 17	March 19
December 22	January 6	January 21	February 5	February 20	March 23
December 23	January 7	January 22	February 6	February 23	March 23
December 24	January 8	January 23	February 9	February 23	March 24
December 26	January 12	January 26	February 9	February 24	March 26
December 29	January 13	January 28	February 12	February 27	March 30
December 30	January 14	January 29	February 13	March 2	March 30
December 31	January 15	January 30	February 17	March 2	March 31

CFR CHECKLIST; 1979/1980 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1979/1980. New units issued during the month are announced on the back cover of the daily Federal Register as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is \$450 domestic, \$115 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1980):	Price	CFR Unit (Rev. as of Apr. 1, 1980):	Price
Title	Price	Title	Price
1.....	\$4.50	17 Parts:	
2 [Reserved]		0-239.....	7 50
3.....	7.50	240-end.....	7 50
4.....	6.50	18 Parts:	
5.....	8.00	1-149.....	7 50
6.....	3.75	150-end.....	8 50
7 Parts:		19.....	9 00
0-52.....	8.50	20 Parts:	
53-209.....	7.00	01-399.....	5 50
210-299.....	7.00	400-499.....	7 50
300-399.....	5.50	500-end.....	7 50
400-699.....	6.50	21 Parts:	
700-899.....	7.00	01-99.....	6 00
900-944.....	7.00	100-169.....	7 00
945-980.....	5.50	170-199.....	6 00
981-999.....	5.50	200-299.....	4 50
1000-1059.....	7.00	300-499.....	8 00
1060-1119.....	7.00	500-599.....	7 50
1120-1199.....	6.00	600-799.....	5 00
1200-1499.....	7.00	800-1299.....	5 50
1500-1899.....	6.50	1300-end.....	4 50
1900-2799.....	8.50	22.....	8 00
2852.....	8.50	23.....	7 00
2853-end.....	6.00	24 Parts:	
8.....	5.50	0-499.....	11 00
9 Parts:		500-1699.....	9 00
1-199.....	7.00	1700-end.....	6 00
200-end.....	6.50	25.....	8 00
10 Parts:		26 Parts:	
0-199.....	7.50	1 (§§ 1.0-1.169).....	8 50
200-499.....	8.50	1 (§§ 1.170-1.300).....	6 50
500-end.....	7.50	1 (§§ 1.301-1.400).....	6 00
11 (Rev. 4/1/80).....	4.75	1 (§§ 1.401-1.500).....	7 00
12 Parts:		1 (§§ 1.501-1.640).....	6 50
1-199.....	6.00	1 (§§ 1.641-1.850).....	7 50
200-299.....	9 00	1 (§§ 1.851-1.1200).....	8 00
300-end.....	11 00	1 (§§ 1.1201-end).....	9 00
13.....	7 00	2-29.....	7 50
14 Parts:		30-39.....	6 50
1-59.....	8 50	40-299.....	7 50
60-199.....	8 50	300-499.....	6 00
200-1199.....	8 00	500-599.....	6 50
1200-end.....	6 00	600-end.....	5 00
15.....	9 00	27 Parts:	
16 Parts:		1-199.....	6 50
0-149.....	7 00	200-end.....	7 50
150-999.....	6 00	CFR Unit (Rev. as of July 1, 1980):	
1000-end.....	6 50	29 Parts:	
		0-499.....	9 00
		1900-1910.....	9 00

1911-1919.....	5 50	1300-end.....	6 00
30 Parts:		50.....	8 00
0-199.....	7 50		
31 Parts:			
0-199.....	6 00		
200-end.....	7 50		
32 Parts:			
1-39 (Supplement).....	6 00		
33 Parts:			
200-end.....	8 50		
34.....	6 00		
37.....	6 00		
40 Parts:			
0-51.....	7 50		
52.....	9 00		
53-80.....	7 50		
81-99.....	8 50		
100-399.....	13 00		
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8.....	4 50		
9 (Supplement).....	3 00		
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1-399.....	8 00		
400-end.....	8 00		
43 Parts:			
1-999.....	5 50		
1000-end.....	9 00		
44.....	5 50		
45 Parts:			
1-99.....	6 50		
100-149.....	7 00		
150-199.....	7 00		
200-499.....	5 00		
500-1199.....	7 00		
1200-end.....	6 50		
46 Parts:			
1-29.....	4 25		
30-40.....	4 50		
41-69.....	6 50		
70-89.....	4 75		
90-109.....	4 75		
110-139.....	4 25		
140-155.....	5 50		
156-165.....	5 50		
166-199.....	5 25		
200-end.....	8 50		
47 Parts:			
0-19.....	6 50		
20-69.....	8 00		
70-79.....	7 00		
80-end.....	8 00		
48 [Reserved]			
49 Parts:			
1-99.....	4 75		
100-177.....	7 00		
178-199.....	7 00		
200-399.....	7 00		
400-999.....	7 00		
1000-1199.....	7 00		
1200-1299.....	9 00		

AGENCY ABBREVIATIONS

Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
 APHIS Animal and Plant Health Inspection Service
 ASCS Agricultural Stabilization and Conservation Service
 CCC Commodity Credit Corporation
 CEA Commodity Exchange Authority
 EMS Export Marketing Service
 EOA Energy Office, Agriculture Department
 EQOA Environmental Quality Office, Agriculture Department
 ESCS Economics, Statistics, and Cooperatives Service
 FmHA Farmers Home Administration
 FAS Foreign Agricultural Service
 FCIC Federal Crop Insurance Corporation
 FGIS Federal Grain Inspection Service
 FNS Food and Nutrition Service
 FS Forest Service
 FSQS Food Safety and Quality Service
 IGO Inspector General Office
 RDS Rural Development Service
 REA Rural Electrification Administration
 RTB Rural Telephone Bank
 SCS Soil Conservation Service
 SEA Science and Education Administration
 TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
 Census Census Bureau
 EDA Economic Development Administration
 FSPSO Federal Statistical Policy and Standards Office
 FTZB Foreign-Trade Zones Board
 ITA International Trade Administration
 MA Maritime Administration
 MBDA Minority Business Development Agency
 NBS National Bureau of Standards
 NOAA National Oceanic and Atmospheric Administration
 NSA National Shipping Authority
 NTIA National Telecommunications and Information Administration
 NTIS National Technical Information Service
 PTO Patent and Trademark Office
 USTS United States Travel Service

DOD Defense Department

AF Air Force Department
 Army Army Department
 DCAA Defense Contract Audit Agency
 DIA Defense Intelligence Agency
 DIS Defense Investigative Service
 DLA Defense Logistics Agency
 DMA Defense Mapping Agency
 DNA Defense Nuclear Agency
 EC Engineers Corps
 Navy Navy Department

ED Education Department

CROED Civil Rights Office, Education Department
 MSI Museum Services Institute
 NIE National Institute of Education

DOE Energy Department

APA Alaska Power Administration
 BPA Bonneville Power Administration
 EIA Energy Information Administration

ERA Economic Regulatory Administration
 ERO Energy Research Office
 ETO Energy Technology Office
 FERC Federal Energy Regulatory Commission
 OHA Hearings and Appeals Office, Energy Department
 SEPA Southeastern Power Administration
 SOLAR Conservation and Solar Energy Office
 SWPA Southwestern Power Administration
 WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
 CDC Centers for Disease Control
 ESNC Educational Statistics National Center
 FDA Food and Drug Administration
 HCFA Health Care Financing Administration
 HDSO Human Development Services Office
 HRA Health Resources Administration
 HSA Health Services Administration
 NIH National Institutes of Health
 NIOSH National Institute for Occupational Safety and Health
 PHS Public Health Service
 RRO Refugee Resettlement Office
 RSA Rehabilitation Services Administration
 SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
 CPD Community Planning and Development, Office of Assistant Secretary
 EQO Environmental Quality Office, Housing and Urban Development Department
 FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
 FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
 GNMA Government National Mortgage Association
 ILSRO Interstate Land Sales Registration Office
 NCA New Communities Administration
 NCDC New Community Development Corporation
 NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR Interior Department

BIA Bureau of Indian Affairs
 BLM Bureau of Land Management
 FWS Fish and Wildlife Service
 GS Geological Survey
 HCRS Heritage Conservation and Recreation Service
 Mines Mines Bureau
 NPS National Park Service
 OHA Office of Hearings and Appeals, Interior Department
 SMREO Surface Mining Reclamation and Enforcement Office
 WPRS Water and Power Resource Service

JUSTICE Justice Department

DEA Drug Enforcement Administration
 BJS Bureau of Justice Statistics
 INS Immigration and Naturalization Service
 LEAA Law Enforcement Assistance Administration
 NIC National Institute of Corrections
 NIJ National Institute of Justice
 OJARS Justice Assistance, Research and Statistics Office
 PARCOM Parole Commission

LABOR Labor Department

BLS Bureau of Labor Statistics
 BRB Benefits Review Board
 ESA Employment Standards Administration

ETA Employment and Training Administration
 FCCPO Federal Contract Compliance Programs Office
 LMSEO Labor Management Standards Enforcement Office
 MSHA Mine Safety and Health Administration
 OSHA Occupational Safety and Health Administration
 P&WBP Pension and Welfare Benefit Programs
 W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
 FAA Federal Aviation Administration
 FHWA Federal Highway Administration
 FRA Federal Railroad Administration
 MTB Materials Transportation Bureau
 NHTSA National Highway Traffic Safety Administration
 OHMR Office of Hazardous Materials Regulations
 OPRR Office of Pipeline Safety Regulations
 RSPA Research and Special Programs Administration
 SLSDC Saint Lawrence Seaway Development Corporation
 UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
 Customs Customs Service
 Comptroller Comptroller of the Currency
 ESO Economic Stabilization Office (temporary)
 FS Fiscal Service
 IRS Internal Revenue Service
 Mint Mint Bureau
 PDB Public Debt Bureau
 RSO Revenue Sharing Office
 SS Secret Service

Independent Agencies

AC Aging, Federal Council
 ANGTS Alaska Natural Gas Transportation System, Office of
 Federal Inspector
 ATBCB Architectural and Transportation Barriers Compliance
 Board
 CAB Civil Aeronautics Board
 CASB Cost Accounting Standards Board
 CEQ Council on Environmental Quality
 CFTC Commodity Futures Trading Commission
 CITA Textile Agreements Implementation Committee
 CPSC Consumer Product Safety Commission
 CRC Civil Rights Commission
 CSA Community Services Administration
 CWPS Wage and Price Stability Council
 EEOC Equal Employment Opportunity Commission
 EPA Environmental Protection Agency
 ESC Endangered Species Committee
 ESSA Endangered Species Scientific Authority
 EXIMBANK Export-Import Bank of the U.S.
 FCA Farm Credit Administration
 FCC Federal Communications Commission
 FCSC Foreign Claims Settlement Commission
 FDIC Federal Deposit Insurance Corporation
 FEC Federal Election Commission
 FEMA Federal Emergency Management Agency
 FEMA/USFA United States Fire Administration
 FFIEC Federal Financial Institutions Examination Council
 FHLBB Federal Home Loan Bank Board
 FHLMC Federal Home Loan Mortgage Corporation
 FLRA Federal Labor Relations Authority
 FMC Federal Maritime Commission
 FRS Federal Reserve System
 FTC Federal Trade Commission
 GAO General Accounting Office

GPO Government Printing Office
 GSA General Services Administration
 GSA/ADTS Automated Data and Telecommunications Service
 GSA/FPRS Federal Property Resources Service
 GSA/FSS Federal Supply Service
 GSA/NARS National Archives and Records Services
 GSA/OFR Office of the Federal Register
 GSA/PBS Public Buildings Service
 GSA/TPUS Transportation and Public Utilities Service
 ICA International Communication Agency
 ICC Interstate Commerce Commission
 ICP Interim Compliance Panel (Coal Mine Health and Safety)
 IDCA International Development Cooperation Agency
 IDCA/AID Agency for International Development
 ITC International Trade Commission
 IRLG Interagency Regulatory Liaison Group
 LSC Legal Services Corporation
 MB Metric Board
 MSPB Merit System Protection Board
 MWSC Minimum Wage Study Commission
 NACEO National Advisory Council on Economic Opportunity
 NASA National Aeronautics and Space Administration
 NCCB National Consumer Cooperative Bank
 NCH National Council for the Handicapped
 NCUA National Credit Union Administration
 NFAH National Foundation for the Arts and the Humanities
 NLRB National Labor Relations Board
 NRC Nuclear Regulatory Commission
 NSF National Science Foundation
 NTSB National Transportation Safety Board
 OMB Office of Management and Budget
 OMB/FPPO Federal Procurement Policy Office
 OPIC Overseas Private Investment Corporation
 OPM Office of Personnel Management
 OPM/FPFAC Federal Prevailing Rate Advisory Committee
 OSTP Office of Science and Technology Policy
 PADC Pennsylvania Avenue Development Corporation
 PBGC Pension Benefit Guaranty Corporation
 PRC Postal Rate Commission
 PS Postal Service
 ROAP Reorganization Office of Assistant to President
 RRB Railroad Retirement Board
 SBA Small Business Administration
 SEC Securities and Exchange Commission
 SFC Synthetic Fuels Corporation
 Trade Trade Representative, Office of United States
 TVA Tennessee Valley Authority
 VA Veterans Administration
 WRC Water Resources Council

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR. 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

- AGRICULTURE DEPARTMENT**
Food Safety and Quality Service—
- 72089 10-31-80 / U.S. standards for grades of Florida grapefruit, tangerines, oranges and tangelos
- ENERGY DEPARTMENT**
Economic Regulatory Administration—
- 74432 11-7-80 / Crude oil reseller regulations
- ENVIRONMENTAL PROTECTION AGENCY**
- 72147 10-31-80 / Approval and disapproval of revisions to North Coast Air Basin portion of California State Implementation Plan
- 72151 10-31-80 / Approval of revision to Alabama State Implementation Plan
- 72158 10-31-80 / Approval of revision to Pennsylvania State Implementation Plan
- HEALTH AND HUMAN SERVICES DEPARTMENT**
Food and Drug Administration—
- 68822 11-30-80 / Diagnostic X-ray systems and their major components; amendments to performance standard Office of the Secretary—
- 64911 10-1-80 / Price negotiation policies and techniques Social Security Administration—
- 71791 10-30-80 / Federal old-age, survivors, and disability insurance benefits; Payment for medical evidence of record

JUSTICE DEPARTMENT

- Drug Enforcement Administration—
- 64572 9-30-80 / Exempt chemical preparation containing controlled substances
- 64570 9-30-80 / Pipradrol and SPA in Schedule IV; schedules of controlled substances
- 64571 9-30-80 / Placement of Sufentanil and Tilidine in Schedule 1; schedules of controlled substances
- PENSION BENEFIT GUARANTY CORPORATION**
- 75209 11-14-80 / Valuation of plan benefits; Amendment adopting additional PBGC rates
- 75210 11-14-80 / Valuation of plan benefits; Mortality rates
- TRANSPORTATION DEPARTMENT**
Federal Aviation Administration—
- 71960 10-30-80 / Fuel venting and exhaust emission requirements for turbine engine powered airplanes; Compliance with EPA smoke emissions standard for JT 3D engines
- TREASURY DEPARTMENT**
Internal Revenue Service—
- 72653 11-3-80 / Manufacturers and retailers excise taxes; tax free articles exported and returned unused to U.S., guidance to importers

Listing of Public Laws

Last Listing November 28, 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).
S.J. Res. 156 / Pub. L. 96-485 To authorize the President to issue a proclamation designating the week of November 23 through 29, 1980, as "National Family Week". (Nov. 26, 1980; 94 Stat. 2368) Price \$1