12-23-80
Vol. 45 No. 248
Pages 84755-84952

federal register

Tuesday
December 23, 1980

Highlights

84910 **Nuclear Power Plants and Reactors** FEMA issues National Radiological Emergency Preparedness/ Response Master Plan for Commercial Accidents; comments by 2-6-81 (Part II of this issue)

84942 **Clean Water** EPA proposes methods and procedures for removal of oil and hazardous substances from inland waters and proposes civil penalties for violation of mandatory portions of removal regulations; comments by 2-23-81 (Part VI of this issue)

84757 **Petroleum Allocation** DOE extends East Coast and Michigan residual fuel oil entitlements provisions; effective 10-1-80

84762 **Mineral Resources** Interior/GS establishes assessment of charge for late and underpayments made in relation to onshore leases, permits, and contracts involving Federal and Indian lands; effective 1-1-81; comments by 2-23-81

84879 **Oil and Gas Reserves** Interior/BLM requests nominations and comments for areas in National Petroleum Reserve – Alaska for competitive leasing; nominations and comments by 2-6-81

84814 **Natural Gas** DOE/FERC requests comments by 1-30-81, on estimates and recommendations for compression allowances

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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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.

84920 **Propane** DOE/ERA proposes to amend pricing regulations; comments by 2-17-81 (Part III of this issue)

84928 **Coal** DOE establishes cash bonus bidding system to be used in Federal lease sales; effective 1-22-81 (Part IV of this issue)

84936 **Electric Utilities** DOE/ERA proposes voluntary guideline for master metering standard; comments by 2-23-81 (Part V of this issue)

84843 **Grant Programs—Migrant Workers** ED invites applications from State educational agencies to meet special needs of children of migratory agricultural workers or fishers; apply by 4-15-81

84898 **Grant Programs—Migrant Workers** Labor/ETA solicits applications to operate Youth Community Conservation and Improvement Projects and Youth Employment and Training Programs for youths from migrant and seasonally employed farmworker families; preapplications by 1-9-81

84839 **Food Stamps** USDA/FNS determines that child care deductions are not "payments" and cannot be considered reimbursements

84870 **Medicare and Medicaid** HHS/HCFA proposes limit on payment for services of independent rural health clinics; comments by 2-23-81

84768 **Grant Programs—Education** ED revises sample cases and benchmark figures used to approve need analysis systems under National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Programs for award year 1981-82

84832 **Labor Management Relations** FMC proposes to revoke exemption of collective bargaining agreements between labor unions and maritime multi-employer units from filing and approval requirements; comments by 1-22-81

84901 **Privacy Act Document** NRC

84907 **Sunshine Act Meetings**

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84920 **Part III, DOE/ERA**
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service; Amendment to Regulation Authorizing Establishment of a New Temporary Schedule C Authority

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This amendment clarifies the number of new temporary Schedule C positions (NTC's) any one agency may establish at the GS-15 grade level and below if that agency has been delegated authority by OPM to except positions under Schedule C. Such new temporary Schedule C positions may be established in order to facilitate the orderly transition of duties as a consequence of a change in Presidential Administration, changes in Department or agency heads or changes resulting from the creation of a new department or agency.

EFFECTIVE DATE: January 22, 1981.

FOR FURTHER INFORMATION CONTACT: William B. Bohling, 202-632-6000.

SUPPLEMENTARY INFORMATION: At 45 FR 26315 dated April 18, 1980, OPM published a new regulation which permits agencies to establish, without prior OPM approval, temporary Schedule C positions at the GS-15 grade level and below in order to facilitate the orderly transition of duties as a consequence of a change in Presidential Administration, changes in department or agency heads, or changes resulting from the creation of a new department or agency. Such positions may be either (1) identical to existing Schedule C positions (ITC's) if intent to vacate these positions has been put in writing by management or the present incumbent(s) or (2) new temporary Schedule C positions (NTC's) when it has been determined that the department or agency heads' needs cannot be met through the establishment of a position identical to an existing Schedule C position. This amendment permits agencies with delegated authority to except positions under Schedule C to establish new temporary Schedule C positions (NTC's) under this regulation so long as the number established does not exceed 25 percent of their delegated quota of permanent Schedule C positions as approved by OPM or 25 percent of their total number of permanent Schedule C positions as of March 31, 1980, whichever is greater. All other agencies may establish new temporary Schedule C positions so long as the number established does not exceed 25 percent of their total number of permanent Schedule C positions as of March 31, 1980.

This is a nonsignificant rather than a significant regulatory amendment in that it clarifies the original language and intent of the regulation as it deals with numerical limitation on NTC positions.

The Director of the Office of Personnel Management has determined that good cause exists for the suspension of the 60-day comment period required by Executive Order 12044 because of the staffing activity/needs currently underway in the agencies as a result of the recent Presidential election.

Office of Personnel Management.

Beverly M. Jones,
Issuance System Manager.

Accordingly, OPM revises 5 CFR 213.3302(a)(2) to read as follows:

§ 213.3302 Temporary Schedule C positions during a Presidential transition, as a result of changes in department or agency heads, or at the time of the creation of a new department or agency.

(a) * * *

(2) A new temporary Schedule C position, to be designated New Temporary Schedule C (NTC), when it is determined that the department or agency head's needs cannot be met through establishment of an Identical Schedule C position. The number of NTC positions established by any one agency may not exceed 25 percent of the total number of permanent Schedule C positions authorized for that agency as of March 31, 1980. In the case of the creation of a new department or agency, the number of NTC positions should be reasonable in light of the size and program responsibilities of that department or agency. For those agencies with delegated authority to except positions under Schedule C, the total number of NTC positions established may not exceed 25 percent of that agency's quota of permanent Schedule C positions as approved by the Office of Personnel Management or 25 percent of the total number of permanent Schedule C positions authorized for that agency as of March 31, 1980, whichever is greater.

* * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

[FR Doc. 80-39812 Filed 12-22-80; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

7 CFR Part 2851

Increase in Fees and Charges in Destination Markets

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The schedule of fees and charges for inspection of fresh fruits, vegetables and other products made at destination markets are changed to reflect increased costs associated with the program.

EFFECTIVE DATE: December 28, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Michael A. Castille, Fresh Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2093.

SUPPLEMENTARY INFORMATION:

Exemption From Executive Order 12044

This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been determined to be exempt from those requirements. Dr. Donald L. Houston, Administrator, Food Safety and Quality Service, made this determination because the Executive Order does not apply to matters relating to agency management.

Background

The schedule for fees and charges for services rendered at destination markets to the fresh fruit and vegetable industry is hereby amended effective December 28, 1980, to reflect increased costs associated with the program. The current schedule of fees and charges has been in effect since October 1977. Operating costs have increased significantly since that time including, but not limited to, increased salaries, benefits, and travel allowances. Such services are authorized under the Agricultural Marketing Act of 1946 which requires that fees be reasonable and, as nearly as possible, cover the costs of rendering the services.

Accordingly, § 2851.38 is revised as set forth below:

§ 2851.38 Basis for charges.[3]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans, or other nuts, shall be on the following basis.

(1) *Quality and condition inspections.* (i) $38 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $32 for each half-carlot equivalent or less of an individual product.

(iii) $76 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) *Condition inspection only.* (i) $32 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $30 for each half-carlot equivalent or less of an individual product.

(iii) $64 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided,* That such fractions shall be calculated in terms of fourths, or next higher fourths.

(b) The base fee for peanuts (shelled), pecans, or other nuts shall be $1.10 per ton: *Provided,* That the minimum fees shall be $15 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' Stock peanuts (unshelled) shall be $2.50 per ton.

(c) When inspections are made and the products inspected cannot be readily calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspections may be based on the time expended by the inspector in connection with such inspections computed at the rate of $19 per hour.

(d) Notwithstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspections are not normally required,[4] the following rates may be applied:

1 to 25 packages inclusive	$5.00
26 to 50 packages inclusive	7.00
51 to 150 packages inclusive	10.00
151 to ½ customary carlot equivalent	14.00

(e) Whenever inspections are performed at the request of the applicant during periods which are outside the inspector's regular scheduled workweek, a charge for overtime or holiday work shall be made at the rate of $9.50 per hour or portion thereof in addition to the regular commercial lot or hourly fees specified in this subpart. Holidays are those specified in Title 5 U.S.C., Section 6103(a).

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; (7 U.S.C. 1622, 1624))

It has been determined that in order to cover the increased costs of the services, the fees charged in connection with the performance of the services must be increased effective December 28, 1980. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Food Safety and Quality Service. Therefore, under 5 U.S.C. 553, it is found that notice and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making this amendment effective December 28, 1980.

Done at Washington, D.C., on December 17, 1980.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 80-39732 Filed 12-22-80; 8:45 am]
BILLING CODE 3410-DM-M

[3] Carlot equivalent shall be based on the customary quality of a product loaded in common carrier rail cars.

[4] For example, the inspection of small lots for export to Canada or delivery to Canada or delivery to private and public institutions.

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletin 103-2: Use and Approval of General Funds for Additions to Plant; Revision of Existing Bulletin

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to provide for revising REA Bulletin 103-2, Use and Approval of General Funds for Plant Additions. Due to higher construction and other costs of utility plant additions, borrower requests for approval to use funds for utility plant additions under the previously existing rules, as contained in Bulletin 103-2, dated June 18, 1971, have risen substantially. This action will reduce the workload of both REA borrowers and REA personnel in preparing, reviewing, processing and approving requests for general fund expenditures.

EFFECTIVE DATE: December 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Francis E. Saulnier, Loans Specialist, Room 3862, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number (202) 447-8466. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: REA regulations are issued pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.). This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, "Improving Government Regulations," and has been classified "not significant."

General Summary of Changes

The following changes have been made in Bulletin 103-2:

The use of general funds for plant additions as listed below requires REA approval. (Paragraph IV, REA Bulletin 103-2)

Prior REA Approval Required: The use of general funds for any of the following additions to plant requires prior REA approval whether or not reimbursement with loan funds is to be sought: A. All new generating facilities or additions or modifications to existing facilities that

1. Result in increased capacity; or

2. Involve an expenditure exceeding $500,000; except, power supply borrowers may expend an amount equal to the lesser of $2,000,000 or 3 percent of the total plant in service to acquire interest or the right to acquire interest in potential power plant sites.

B. Transmission facilities or modifications in design of existing facilities that: 1. Provide for or connect to new power sources; or

2. Involve an expenditure per facility in excess of $500,000 for distribution borrowers and $1,000,000 for power supply borrowers.

C. Acquisition of existing electric plant in service.

D. Additions to serve large power loads when (1) the anticipated load will exceed 4,000 kilowatts, or (2) the investment exceeds $400,000 for a single consumer.

E. Additions which involve new service to persons at a location already receiving central station electric service from an existing supplier; or service to persons in areas included within the boundaries of any city, village, or borough having a population in excess of 1,500 inhabitants for which REA has given no general prior approval.

F. The purchase of an automatic data processing system (including software), where the cost will exceed $50,000 or $10 per consumer, whichever is greater, for distribution borrowers and $250,000 for power supply borrowers.

G. Headquarters facilities, or the remodeling of headquarters facilities, which involve an estimated expenditure exclusive of the cost of land, which will result in a total investment in headquarters facilities by a distribution borrower of more than 7 percent of its overall investment in distribution plant. Investment in headquarters by a power supply borrower of more than $1,000,000.

H. Construction or acquisition of housing or other nonutility facilities.

I. Communications and controls facilities including microwave, power line carrier, mobile radio, load control and energy management, and SCADA which involve an expenditure in excess of $300,000 for distribution borrowers and $1,000,000 for power supply borrowers.

The revised bulletin also provides that the requirements of REA Bulletin 20-21, Environmental Policies and Procedures, be satisfied as a condition to REA's prior approval.

Proposed changes in REA Bulletin 103-2 were published in the Federal Register, Volume 45, No. 135 on July 11, 1980. Public comments were accepted for a 60-day period ending September 11, 1980. Comments received by interested parties suggested higher limits to some of those originally proposed and the elimination of the requirements for environmental review. For the most part these higher limits have been incorporated into the final rule as set forth above. The requirements regarding the environment are set forth in REA Bulletin 20-21 and have been retained in Bulletin 103-2.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: December 17, 1980.

Susan T. Shepherd,

Acting Administrator.

[FR Doc. 80-39754 Filed 12-22-80; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-76-01D]

Mandatory Petroleum Allocation Regulations; Extension of East Coast Residual Fuel Oil Entitlements Provisions

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending the Mandatory Petroleum Allocation Regulations (10 CFR Part 211), effective October 1, 1980, to extend through September 30, 1981, the effects of the provisions of the domestic crude oil allocation program ("entitlements program") that have governed the entitlements' treatment of residual fuel oil used in the East Coast market and the State of Michigan since July 1, 1978. Those provisions provide that imports of residual fuel oil into the East Coast market and the State of Michigan receive 50 percent of the per barrel entitlements runs credit and that an entitlements penalty shall apply to domestically refined residual fuel oil that is transported by foreign flag tankers for sale or use in those markets.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W, Washington, D.C. 20461, (202) 653-4055

Josette L. Maxwell (Office of Regulatory Policy), David Welsh (Entitlements Program Office), Economic Regulatory Administration, Room 7202-D (Maxwell); Room 6212 (Welsh), 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3256 (Maxwell); 653-3873 (Welsh)

William Funk or Jack Kendall (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6736 (Funk); 252-6739 (Kendall)

SUPPLEMENTARY INFORMATION:

I. *Background*

II. *Response to Comments*

III. *Amendments Adopted*

IV. *Procedural Matters*

I. Background

Effective July 1, 1978, section 211.67 of the Mandatory Petroleum Allocation Regulations (10 CFR Part 211) was amended to provide that during the period July 1978 through June 1979 imports of residual fuel oil into the East Coast market or the State of Michigan would receive 50 percent of the per barrel entitlement runs credit and that an entitlements penalty applies to domestically refined residual fuel that is transported by foreign flag tankers for sale or use in those markets (43 FR 49682, October 24, 1978). These provisions were subsequently extended in June 1979 (44 FR 34468, June 15, 1979) through December 1979 and again in January 1980 (45 FR 6919, January 31, 1980) through September 1980.

On September 12, 1980, we issued a notice of proposed rulemaking (45 FR 62478, September 19, 1980) to extend through September 30, 1981 the provisions of the entitlements program relating to residual fuel oil imported or sold into the East Coast market and the State of Michigan. Our decision to issue the proposal was based on our tentative conclusion that, in view of the length of time that the provisions had been in effect, action to extend the program would provide an appropriate means of insuring an orderly adjustment to a decontrolled market in the East Coast and in the State of Michigan. Specifically, the proposal reflected our belief that, since the value of the entitlements issued each month generally will decline with each successive month between now and October 1981 as the phased deregulation of crude oil progresses, extension of the residual fuel oil entitlements provisions would permit the gradual removal of the benefits of the residual fuel oil entitlements provisions.

Twenty-five parties submitted thirty-one written comments on the proposal prior to the closing of the public comment period on November 18, 1980. In addition, five firms presented their views on the proposal at the public hearing held in Washington, D.C., on October 27, 1980.

Eight utilities and two state energy offices, all located in the eligible market area, supported the proposed extension of the east coast residual fuel oil entitlements provisions. However, several of these firms suggested that the residual fuel oil entitlement benefit should be increased to 100 percent of an entitlements runs credit. The primary argument presented in favor of

continuation of the program was that product import-dependent regions ought, as a matter of equity, to participate fully in the benefits of the entitlements program. They cited utility fuel-adjustment clauses that require that any savings to the utility in the form of reduced fuel oil prices be passed through to the consumers of electricity. Two commenters suggested that continuation of the program would provide for an orderly transition to price decontrol. Another commenter argued that abrupt termination of the program would result in competitive imbalances.

Support for continuation of the program also came from three of the major, integrated oil companies (all of which have foreign refineries located in the Caribbean that sell foreign residual fuel oil into the eligible market). The Independent Fuel Terminal Operators Association (IFTOA), representing terminal operators located in the eligible market area, stated that equity required continuation of the program. The three supporting majors and IFTOA requested modification of the program to penalize shipments of residual fuel oil into the eligible market on domestic non-Jones Act ships in the same manner shipments on foreign flag ships are penalized. One major refiner suggested gradual reduction in the percent of the residual fuel oil entitlements runs credit over the next several months. Another major would support a 100 percent entitlements runs credit for all refined petroleum products in all regions. A California utility supported extension of the program, provided the residual fuel oil entitlement benefits are extended to all regions.

Twelve refiners, the Midwest Fuel Oil Council, the Independent Refiners Association and the American Petroleum Refiners Association opposed extension of the program. They generally indicated that the ERA had failed to provide adequate findings justifying extension of the program and asserted that the program is neither needed nor does it provide any real benefits to consumers. They cited published DOE studies in support of this conclusion. They also believed that the ERA had placed too much emphasis on the length of time that the program had been in existence as a reason for proposing its extension. Finally, these commenters argued that the program has no price impact and, therefore, that termination of the program would not result in any significant impact.

The program was also critized on the grounds that it distorts the market for residual fuel oil in the east coast and has resulted in increased imports at the expense of domestic production. Those opposed to the program noted that the ERA had justified prior extensions by citing adverse market conditions, whereas the current proposal was issued during a period of adequate world market conditions. These commenters characterized the program as essentially a subsidy for foreign Caribbean refiners, since the difference between world market prices and domestic prices for residual fuel oil is not as great as the entitlements runs credit. In this regard, some commenters suggested that foreign refiners, when setting their prices for residual fuel oil to be sold into the East Coast, merely add the projected value of the entitlement benefit to the prevailing price for domestic residual fuel oil, thus permitting them higher prices than they would otherwise realize.

Several commenters also critized the program because, even though it alleviated the increasing large East Coast market share of Amerada Hess, which had occurred at the expense of other Caribbean refiners, the market shares of those other firms have failed to recover and Venezuelan firms appear to have captured most of the market share that Amerada Hess lost.

II. Response to Comments

Since the normal market for Caribbean and Venezuelan refiners is the East Coast, we agree with those commenters that stated that elimination of the program probably would not affect the supply of residual fuel oil from these sources. However, since domestic residual fuel oil refining capacity is insufficient to meet total demand, we believe that prices would tend to increase to the extent that import entitlements are reduced. Furthermore, while our regulatory analysis referred to an EIA study which indicated that perhaps only about 17 percent of entitlement benefits had been passed on to consumers in the form of reduced residual fuel oil prices, we cannot conclude from this data that prices would increase only by that amount if the program were eliminated. Since there is no short-term domestic capability to replace all residual fuel oil imports, we believe that importers might be able to increase their prices to recover most or all of any entitlement benefits that they might lose.

With respect to those comments suggesting that the residual fuel oil entitlements program has stifled the construction of refining facilities to serve the East Coast, we do not believe that absence of the program during the last year of price controls would provide an incentive for refinery expansions given the long construction lead-times involved.

While world petroleum supplies appeared adequate this past summer and it appeared that prices in the petroleum market might become more stable, the continuation of the Irani-Iraqi conflict that began in September makes it clear that we cannot presume a stable petroleum market, either in terms of price or supply, through September 1981. Moreover, there may be additional supply pressures this winter, since the weather during this heating season may be colder than last year's warmer than normal winter.

We agree with those commenters that suggested that the mere longevity of a regulatory program does not itself demonstrate its appropriateness. However, given future market uncertainties, we believe that consumers in the eligible market area would benefit from its continuation. In view of these considerations, we have concluded that it would be reasonable and prudent to leave the current residual fuel oil entitlements program in unchanged form, but to allow it to phase out gradually as domestic crude oil is decontrolled and the national domestic crude oil supply ratio declines.

III. Amendments Adopted

We are today adopting amendments under which imports of residual fuel oil into the East Coast market and Michigan (the "eligible market") will, as proposed, continue without interruption to receive through September 30, 1981, 50 percent of the per barrel entitlements runs credit. In addition, based on our decision that the most prudent course of action is to make no changes to the program but allow its gradual expiration, domestic refiners will continue to receive only 50 percent of an entitlements runs credit through the same time period for each barrel of residual fuel oil produced for sale or use in the eligible market if shipment is made in foreign flag tankers. This action will be affected by amending the time periods set forth in the definition of "eligible product" in 10 CFR section 211.62 and in paragraphs (a)(3) and (d)(4) of 10 CFR § 211.67.

IV. Procedural Matters

A. Section 404 of the DOE Act: Review by FERC

Section 404(a) of the Department of Energy Organization Act (DOE Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91, as amended) requires that the Federal Energy Regulatory Commission (FERC) be notified whenever the Secretary of Energy proposes to prescribe rules,

regulations, and statements of policy of general applicability in the exercise of functions transferred to him under section 301 or section 306 of the DOE Act. If the FERC determines, within such period as the Secretary may prescribe, that the proposed action may significantly affect any of its functions under sections 402(a)(1) or (b) of the DOE Act, the Secretary shall immediately refer the matter to the FERC.

Following an opportunity to review this rule, the FERC has declined to determine that it may significantly affect one of its functions under the sections noted above.

B. National Environmental Policy Act

It has been determined that these amendments do not constitute a "major Federal action significantly affecting the quality of human environment" within the meaning of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) and, therefore, an environmental assessment or an environmental impact statement is not required by NEPA or by the applicable DOE regulations for compliance with NEPA.

C. Executive Order 12044: Regulatory Analysis

A draft regulatory analysis of the potential impacts of today's amendments was prepared and made publicly available on October 2, 1980. We have reviewed our finding in view of the comments received. A summary of the final findings of our regulatory analysis in this proceeding follows.

Summary of Final Findings of Regulatory Analysis of Amendments to Extend East Coast Residual Fuel Oil Entitlements Provisions

On October 2, 1980, the DOE made available through the DOE Freedom of Information Office and ERA's Office of Public Information a draft regulatory analysis of the proposal to continue the residual fuel oil entitlements program. Public comments have neither caused us to modify the proposed program in this final rule nor have shed significant additional light on data and issues relevant to the regulatory analysis. We, therefore, will issue the preliminary version as our final regulatory analysis. However, the findings of our regulatory analysis are summarized below.

The FEA originally adopted regulations with respect to entitlements for residual fuel oil in order to alleviate competitive imbalances in the East Coast Market. Subsequently, these provisions were amended to conform the program to Congressionally mandated policy. Today's amendments will continue in effect to grant 50% of an entitlements runs credit to imported residual fuel oil and continue to penalize, through loss of 50% of a runs credit, all shipments of residual fuel oil on foreign flag tankers.

The competitive imbalances prompting the original adoption of the provisions favored the position held by Amerada Hess. Hess' market share in late 1974 and 1975 was approaching or exceeding 20% in many months. After the program was originally installed in April of 1976, Hess' pattern of monthly market shares was substantially reduced. The Virgin Islands' share recovered slightly in 1979, after the Congressionally-mandated program was implemented, but has not returned to pre-1976 levels. Thus, the objective of averting competitive imbalances appears to be attained.

Since the normal market for Caribbean and Venezuelan refiners is the East Coast, it would appear that elimination of the program would probably not affect the supply of residual fuel oil from these sources. Further, since domestic residual fuel oil refining capacity is insufficient to meet demand, it is also reasonable to assume that prices would tend to increase to the extent that import entitlements are reduced. Although the EIA study indicated that only 17% of entitlements benefits are currently being passed on to the consumer in the form of reduced residual fuel oil prices, we cannot conclude that prices would increase only by that amount if the program were eliminated. The entitlement benefits are given to residual fuel oil importers. Since there is no short-term domestic capability to replace all imports, importers might be able to recover most or all of the lost entitlements benefits. Such a result would have an economic effect on East Coast consumers and might not benefit consumers in other regions, given the current product market.

Since the marginal residual fuel oil barrel would continue to come from imports, whether or not the program is continued, and since more than adequate residual fuel oil refining capacity is available in historical exporting countries, neither continuation nor elimination of the program could be expected to have much effect on total supplies or on broad sources of supply. Thus, the general objective of ensuring supply continuity for domestic consumers would not appear to be strongly affected either by continuation or abandonment of the program. However, abandonment of a program which will be phasing out over the next twelve months could result in market disruption in the East Coast and the State of Michigan.

D. Section 553 of the Administrative Procedure Act: Waiver

Section 553(d) of the Administrative Procedure Act requires that a substantive rule not become effective less than thirty days after its publication unless the agency for good cause finds this requirement to be impracticable, unnecessary or contrary to the public interest, and publishes this finding together with the rule. We have determined that good cause exists to waive the section 553(d) requirement since it would be contrary to the public interest to discontinue, even for a period of thirty days, the entitlements program with respect to residual fuel oil. In view especially of our decision that our most prudent course of action is to allow the gradual removal of those benefits upon which the eligible market has been historically dependent, we believe that permitting the program to lapse for even one month could arbitrarily affect those firms and other parties that have necessarily been required to make economic decisions based on our proposal to either terminate or extend—without interruption—the east coast residual fuel oil entitlements provisions. Furthermore, today's amendments continue a program that is already in effect and with respect to which there has been ample opportunity for comment on its specific provisions during the present proceeding as well as several prior rulemaking proceedings.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 96-30; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91, Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620, and Pub. L. 95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective October 1, 1980.

Issued in Washington, D.C., December 16, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

1. The definition of "eligible product" in § 211.62 is revised to read as follows:

§ 211.62 Definitions.

For purposes of this subpart—

* * * * *

"Eligible product" means residual fuel oil imported into the eligible market in the period July 1, 1979 through September 30, 1981, except that an import of residual fuel oil into the United States customs territory which has been processed in the U.S. Virgin Islands shall not be considered an eligible product; *And provided,* that, Canadian residual fuel oil imported into the State of Michigan will qualify as an eligible product.

* * * * *

2. Paragraphs (a)(3) and (d)(4) of § 211.67 are revised to read as follows:

§ 211.67 Allocation of domestic crude oil.

(a) *Issuance of entitlements.*

* * * * *

(3) For each month in the period July 1, 1979 through September 30, 1981, each eligible firm that has imported an eligible product in that month shall be issued a number of entitlements equivalent to fifty percent (50%) of the number of entitlements that would be received by a refiner (without giving effect to the provisions of § 211.67(e)) in that month with respect to inclusion of a number of barrels of crude oil in that refiner's crude oil runs to stills equal to a number of barrels of that eligible product imported by that eligible firm. An eligible product is imported for purposes of this paragraph (a)(3) in the month, as specified on Customs Forms 7501 and 7505, as appropriate, in which importation takes place.

* * * * *

(d) *Adjustments to volume of crude oil runs to stills.*

* * * * *

(4) For the period July 1, 1979 through September 30, 1981, for purposes of the calculations in paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio (but not for purposes of paragraph (e) of this section), the volume of crude oil runs to stills of any domestic refiner attributable to production of residual fuel oil transported in foreign flag tankers for sale (whether directly for consumption or for resale) or use in the eligible market (as defined in § 211.62) shall be reduced by fifty percent (50%). Any export sales of residual fuel oil giving rise to a deduction under paragraph (d)(2) above shall not be considered as residual fuel oil production for purposes of this paragraph (d)(4).

* * * * *

[FR Doc. 80-39803 Filed 12-22-80; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 375

Increase in Value Exemption From $4,000 to $5,000 for Submission of International Import Certificates and Statement by Ultimate Consignee and Purchaser

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Applications for most validated export licenses and requests for certain reexport authorizations must be accompanied by supporting documentation concerning the disposition abroad of the commodities intended for export or reexport. Documentation is required in the form of an International Import Certificate, a Swiss Blue Import Certificate, a Yugoslav End-Use Certificate, or a Statement by Ultimate Consignee and Purchaser. However, there are several criteria under which a transaction may be exempt from supporting documentation requirements. This revision increases the small value exemption for International Import Certificates and Statements by Ultimate Consignee and Purchaser, from $4,000 to $5,000.

This revision does not affect the Yugoslav End-Use Certificate and the Swiss Blue Import Certificate.

EFFECTIVE DATE: December 23, 1980.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION: The documentation requirements of the Export Administration Regulations state that a Form ITA-629, Statement by Ultimate Consignee and Purchaser, or an International Import Certificate must be submitted with certain specified export license applications. There is an exemption, however, when the total value of all items on an application classified under a single entry on the Commodity Control List is less than $4,000. This exemption is now increased to $5,000. This change is issued in the interest of facilitating trade and in recognition of the worldwide increase in price levels resulting from inflation since the $4,000 exemption was instituted.

As in the past, if a multiple transactions International Import Certificate specifies the value of commodities, all export license applications citing this document, including those applications covering commodities valued at less than the $5,000 exemption, will be charged against the amount specified.

The requirements for the submission of Swiss Blue Import Certificates and Yugoslav End-Use Certificates do not include exemptions based on value and, therefore, are not affected by this revision.

Section 13(a) of the Export Administration Act of 1979 (" the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose controls on exports. It has been determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082, January 9, 1979) and International Trade Administration Administrative Instruction 1-6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations." Therefore, these regulations are issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Accordingly, Part 375 of the Export Administration Regulations is amended as follows:

1. The section heading, paragraphs (b)(2) and (e)(6) of § 375.2 are revised to read as follows:

§ 375.2 Form ITA-629, statement by ultimate consignee and purchaser.

* * * * *

(b) * * *

(2) The total value of commodities classified under a single entry on the Commodity Control List (as shown on the export order covering the application) is less than $5,000. However, this total value exemption does not apply to an application

supported by a Form ITA-629 covering multiple transactions.

* * * * *

(e) * * *

(6) *Validity period.* The original of a Form ITA-629 prepared as a single transaction statement should be submitted to the Office of Export Administration with the first applicable license application. The statement must be submitted within 180 days after it is signed by the consignee or the purchaser, whichever date is later. There is no specific time limit for submitting an ITA-629 prepared as a multiple transactions statement to the Office of Export Administration, but such statements may not be used to support license applications filed after the termination date shown in Item 2 of the form. The form will expire on June 30 of the *second* year following the year in which it is signed, unless the consignee or the purchaser enters an earlier date in Item 2. For example, a Form ITA-629 signed any time between January 1, 1980 and December 31, 1980 can be used to support license applications filed on or before June 30, 1982 if no earlier date is entered in Item 2. If, in this example, a termination date earlier than June 30, 1982 is entered in Item 2 of the form, the Form ITA-629 can be used to support only applications filed before that date. During its validity period, a Form ITA-629 prepared as a multiple transactions statement will be deemed as supporting all exports of the specified commodities from the U.S. exporter to the same consignee and purchaser for which license applications are submitted to the Office of Export Administration (*including* those that are based on export orders of less than $5,000 and would therefore not be subject to this same requirement under the procedure for a single transaction statement).

* * * * *

2. Paragraph (d)(1) of § 375.3 is revised to read as follows:

§ 375.3 International import certificate and delivery verification certificate.

* * * * *

(d) * * *

Import Certificate requirements shall not apply to—(1) A license application to export commodities classified in a single entry on the Commodity Control List, the total value of which, as shown on the export order, is less than $5,000 except where a multiple transactions Import Certificate is filed in accordance with § 375.3(g)(2) below;

* * * * *

3. Paragraph (g)(2) of § 375.3 is amended by revising the first two sentences to read as follows:

§ 375.3 International import certificate and delivery verification certificate.

* * * * *

(g) * * *

(2) *Multiple transactions certificate.* A multiple transactions International Import Certificate is an officially authenticated original of an Import Certificate that covers more than one proposed transaction. If a multiple transactions Import Certificate specifies the amount of the commodities (in terms of either quantity or value), all export licenses, including those covering a commodity valued at less than $5,000 will be charged against the amount specified. * * *

* * * * *

(Sec. 5, 6, 13 and 15, Pub. L. 96-72, to be codified at 50 U.S.C. App. 2401 *et seq.;* Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41-1 (45 FR 11862, February 22, 1980) and 41-4 (effective August 26, 1980))

Dated: December 17, 1980.

Kent N. Knowles,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 80-39752 Filed 12-22-80; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 3

Revision of Registration Regulations; Final Rules; Designation of New Part

Correction

In the issue of Friday, December 5, 1980, the Federal Register Document Number was inadvertently omitted from the document beginning on page 80485; therefore, at the bottom of the middle column of page 80497, please insert:

"[FR Doc. 80-37859 Filed 12-4-80; 8:45 am]".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 76P-0026]

Quality Standard for Canned Pineapple; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) confirms the effective date for compliance with all provisions of the amended standard of quality for canned pineapple published in the Federal Register of June 27, 1980 (45 FR 43391).

DATES: Effective July 1, 1981, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun August 26, 1980.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: A final regulation was published in the Federal Register of June 27, 1980 (45 FR 43391) amending the U.S. standard of quality for canned pineapple based on the quality provisions of the Recommended International Standard for Canned Pineapple (Codex standard) developed by the Codex Alimentarius Commission of the Food and Agriculture Organization of the United Nations and of the World Health Organization (FAO/WHO). The final regulation provided that any person who would be adversely affected could at any time on or before July 28, 1980, file written objections to the final regulation and request a hearing on the specific provisions to which there were objections. No objections have been filed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that § 145.180(b) (21 CFR 145.180(b)), as amended in the Federal Register of June 27, 1980 (45 FR 43391), will become effective July 1, 1981. Voluntary compliance may have begun August 26, 1980.

Dated: December 16, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-39532 Filed 12-22-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Phenylbutazone Paste; Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Jensen-Salsbery Laboratories, Division of Burroughs Wellcome Co., providing for safe and effective oral use of phenylbutazone paste for relief of inflammatory conditions associated with the musculoskeletal system in horses.

EFFECTIVE DATE: December 23, 1980.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Jensen-Salsbery Laboratories, Division of Burroughs Wellcome Co., 520 West 21st St., Kansas City, MO 64108, filed an NADA (116-087) providing for safe and effective oral use of a 20 percent phenylbutazone paste for horses for relief of inflammatory conditions associated with the musculoskeletal system.

This NADA concerns a product that is similar to several other Jensen-Salsbery products containing phenylbutazone which were the subject of a National Academy of Sciences/National Research Council (NAS/NRC) report published in the Federal Register of August 12, 1970 (35 FR 12790). The NAS/NRC report concluded, and the agency concurred, that the drug is probably effective as a non-hormonal anti-inflammatory agent for use in dogs and horses. Following publication of the NAS/NRC report, Jensen-Salsbery submitted supplemental NADA's providing data or information to bring their phenylbutazone tablet, bolus, and injection products into compliance with the conclusions of the report, and to upgrade the rating of the products from probably effective to effective. Approval of these supplements is reflected in 21 CFR 520.1770a (see 37 FR 10662; 42 FR 44226). Section 520.1770a currently provides that submission of NADA's for similar products for similar conditions of use need not include certain data as required by 21 CFR 514.111 but may require submission of bioequivalency and safety information.

To support NADA 116-087, Jensen-Salsbery submitted the results of bioavailability comparison studies between the approved bolus and the new paste formulation. Safety data supporting the application were also submitted by the firm. Based on the data and information submitted, the application is approved and the regulations amended to reflect the approval.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1720c, to read as follows:

§ 520.1720c Phenylbutazone paste.

(a) *Specifications.* The paste contains 20 percent phenylbutazone.

(b) *Sponsor.* See 017220 in § 510.600(c) of this chapter.

(c) *NAS/NRC status.* The conditions of use are NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified in § 514.111 of this chapter, but may require bioequivalency and safety information.

(d) *Conditions of use in horses*—(1) *Amount.* 1 to 2 grams of phenylbutazone per 500 pounds of body weight, not to exceed 4 grams daily.

(2) *Indications for use.* For relief of inflammatory conditions associated with the musculoskeletal system.

(3) *Limitations.* Use a relatively high dose for the first 48 hours, then gradually reduce to a maintenance level of the lowest level capable of producing the desired clinical response. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This amendment is effective December 22, 1980.

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

Dated: December 15, 1980.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 80-39531 Filed 12-22-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

Correction

In FR Doc. 80-36416, in the issue of Friday, November 21, 1980, on page 76999, the last column, the last sentence, is corrected to read as follows: "Stat. 347, (21 U.S.C. 360b(i))) and under".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Parts 211, 221, 231, 250, and 270

Mineral Resources of Federal and Indian Lands; Assessment of Late Payment Charge for Payments Received After Due Date and for Most Underpayments

AGENCY: Department of the Interior, U.S. Geological Survey.

ACTION: Interim rules and request for public comment.

SUMMARY: The United States Geological Survey (USGS) is adopting interim regulations which establish the assessment of a late payment charge for all payments which are received after the due date and for most underpayments. Final rules will be adopted after considering the comments received on the interim rulemaking. This action conforms with the Government's overall cash management policy and the authority of the Secretary of the Interior to promulgate rules to administer and manage the mineral resources of Federal and Indian lands.

DATES: These interim rules shall become effective on February 1, 1981. Written comments on the interim rules should be submitted by February 23, 1981.

ADDRESS: Written comments are to be submitted to the Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, USGS, National Center, Mail Stop 650, Reston, Virginia 22092 (703/860-7515).

FOR FURTHER INFORMATION CONTACT: Mr. William H. Feldmiller, Conservation Division, USGS, P.O. Box 25046, Mail

Stop 609, Denver Federal Center, Denver, Colorado 80225 (303/234-5221).

SUPPLEMENTARY INFORMATION: These interim regulations implement the policy of imposing a charge for all payments which are received after the due date as established by the terms of leases, permits, and contracts that involve Federal and Indian lands and for most underpayments made in relation to such leases, permits, and contracts. Except in certain specific instances, this policy will apply to all payments for rentals; production, minimum, advance, and compensatory royalties; underground storage agreement fees; assessments for liquidated damages; administrative fees and payments by purchasers of royalty taken-in-kind; and, all other payments, fees, or assessments which a lessee/operator, permittee, or purchaser of royalty taken-in-kind is required to remit to the USGS by a specified date. Thus, all lessees/operators, permittees, and purchasers of royalty taken-in-kind involving onshore Federal and Indian lands are subject, as applicable, to the interim regulations which are set forth as separate new sections in the onshore operating regulations, i.e., 30 CFR 211.67, 221.80, 231.80, and 270.81.

These interim regulations will be applied prospectively from the effective date thereof to all late payments which become due and most underpayments which are received after the effective date of this interim rulemaking, including any failure to comply with notices of payment overdue. However, lessees/operators, permittees, and purchasers of royalty-in-kind who were placed on previous notice that interest will be charged on their past due payments or underpayments are still liable for those interest charges from the date originally due.

In those instances where the affected lease, permit, or contract expressly provides for a late payment charge at a rate different from that specified in these rules, the lease, permit, or contract provisions will prevail and will be effective in lieu of the rate prescribed herein. In addition, no late payment charge will be assessed for any underpayment in connection with advance royalty payments on gas production, provided that such payments are made timely and otherwise in accordance with the instructions issued by the appropriate official of the USGS.

As a general business rule, any overdue or underpayments received should be applied first to satisfying the late payment charge and then to the amount owed However, the additional administrative burden that would be generated by adjusting each affected account each month in deducting the late payment charge and crediting the remainder of the payment to amount owed is not cost-effective under the USGS accounting system. Therefore, all late payment charges assessed will be computed, billed, and accounted for as a separate charge.

The late payment charges prescribed in these interim regulations are not considered as an assessment for the failure to report timely, completely, and accurately. However, consideration is being given to the issuance of additional rules prescribing the assessment of liquidated damages to recoup the additional administrative costs incurred by the USGS in securing compliance in those instances where a respondent fails to report and/or pay timely or underpays the amount due.

These regulations are being promulgated in accordance with the Government's overall cash management policy, the recommendations of the General Accounting Office, and the directives of the Department of the Treasury. Department of the Treasury Circular No. 1084 establishes the present policy regarding cash management practices within the Federal Government and requires that Federal Agencies conduct their financial activities in a manner which will make available to the Treasury, on a continuing basis, the maximum amount of cash so that the Government may avoid unnecessary borrowing. The adoption of a late payment charge will compensate the Government for the cost of having to borrow replacement funds to offset the effect of underpayments and payments which are not made on time.

The requirements of Department of the Treasury Circular No. 1084 and the Treasury Fiscal Requirements Manual TFRM) are applicable to all Federal Agencies, including the USGS. In order to comply with the requirements to adopt appropriate cash management practices, the USGS could assess interest on all late payments and most underpayments on a case-by-case basis. However, for the purpose of notifying all lessees/operators, permittees, and purchasers and, to assure administrative uniformity, the USGS has determined that the adoption of these interim rules and the subsequent promulgation of final rules is the most efficient and effective method for complying with the requirements of the Department of the Treasury. The rate of assessment established in these interim regulations is the rate set by the Department of the Treasury in accordance with the provisions of Volume 1, Section 8020.20, of the Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies.

These interim regulations require that a late payment charge will be applied to all late and most underpayments for each 30-day period or portion thereof that the amount remains unpaid. The percentage assessment rate to be applied shall be that rate calculated by the Department of the Treasury as an average of the current value of funds to the Treasury for a recent 3-month period. This rate is prescribed in TFRM Bulletins which are published prior to the first day of each calendar quarter for application to late or underpayments during the succeeding calendar quarter. For example, the rate for charges on late payments established by TFRM, Bulletin 80-11, dated September 12, 1980, is 9.09 percent for the calendar quarter of October 1 through December 31, 1980.

In the final rulemaking, consideration also will be given to revising the methodology now required by 30 CFR 250.49 (Rental and Royalty Payments, Outer Continental Shelf Lands) with respect to late payment charges so that such methodology will be consistent with that which is established for onshore minerals by 30 CFR 211.67, 221.80, 231.80, and 270.81

This interim rulemaking, which establishes the requirement for the assessment of a late payment charge for all overdue and most underpayments, will remain in effect until superseded by the final rulemaking.

Author: Mr. Raymond A. Hicks, Conservation Division, USGS, P.O. Box 25046, Mail Stop 609, Denver, Colorado 80225 (303/234-5221).

Environmental Impact and Regulatory Analysis: The Department of the Interior has determined that the revision of the regulations in 30 CFR Parts 211, 221, 231, and 270, in accordance with this notice, is not a major Federal action requiring the preparation of an Environmental Impact Statement. The Department has also determined that this is not a significant rulemaking and does not require the preparation of a regulatory analysis under Executive Order 12044 and Title 43 CFR Part 14.

Dated: December 15, 1980.

Joan M. Davenport,

Assistant Secretary of the Interior.

Title 30 CFR, Chapter II, is amended in the following manner:

PART 211—COAL MINING OPERATING REGULATIONS

1. A new section is added to Part 211 as follows:

§ 211.67 Late payment or underpayment charges.

The failure to make timely or proper payment of any monies due pursuant to leases and contracts subject to these regulations will result in the collection of the amount due and in the assessment and collection of a late payment charge. The late payment charges assessed will be computed on the basis of the amount past due for each 30-day period or portion thereof that the payment or underpayment is late. In the absence of a specific lease or contract provision prescribing a different rate, the percentage assessment rate to be applied in these instances will be the rate calculated by the Department of the Treasury as the current value of funds to the Treasury based on a recent 3-month period. This rate will be prescribed in the Treasury Fiscal Requirements Manual Bulletins which are published prior to the first day of each calendar quarter for application to overdue or underpayments which occur during the succeeding calendar quarter. Underpayments and payments which are received after the due date will be applied to the appropriate current charges for rentals; production, minimum, and advance royalties; assessments for liquidated damages; or, to such other payments, fees, or assessments which a lessee/operator is required to submit by a specified date.

The failure to remit past due amounts, including late payment charges, will result in the initiation of other enforcement proceedings.

PART 221—OIL AND GAS OPERATING REGULATIONS

2. A new section is added to Part 221 as follows:

§ 221.80 Late payment or underpayment charges.

The failure to make timely or proper payment of any monies due pursuant to leases, permits, and contracts subject to these regulations will result in the collection of the amount due and, with the exception of underpayments for advance royalty on future gas production made timely and otherwise in accordance with the instructions provided the payee, in the assessment and collection of a late payment charge. The late payment charges assessed will be computed on the basis of the amount past due for each 30-day period or portion thereof that the payment or underpayment is late. In the absence of a specific lease, permit, or contract provision prescribing a different rate, the percentage assessment rate to be applied in these instances will be the rate calculated by the Department of the Treasury as the current value of funds to the Treasury based on a recent 3-month period. This rate will be prescribed in the Treasury Fiscal Requirements Manual Bulletins which are published prior to the first day of each calendar quarter for application to overdue or underpayments which occur during the succeeding calendar quarter.

Underpayments and payments which are received after the due date will be applied to the appropriate current charges for rentals; production and minimum royalties; assessments for liquidated damages; administrative fees and payments by purchasers of royalty taken-in-kind; or, to such other payments, fees, or assessments which a lessee/operator, permittee, or purchaser of royalty taken-in-kind is required to submit by a specified date.

The failure to remit past due amounts, including late payment charges, will result in the initiation of other enforcement proceedings.

PART 231—OPERATING REGULATIONS FOR EXPLORATION DEVELOPMENT AND PRODUCTION

3. A new section is added to Part 231 as follows:

§ 231.80 Late payment or underpayment charges.

The failure to make timely or proper payment of any monies due pursuant to leases, permits, and contracts subject to these regulations will result in the collection of the amount due and in the assessment and collection of a late payment charge. The late payment charges assessed will be computed on the basis of the amount past due for each 30-day period or portion thereof that the payment is late. In the absence of a specific lease, permit, or contract provision prescribing a different rate, the percentage assessment rate to be applied in these instances will be the rate calculated by the Department of the Treasury as the current value of funds to the Treasury based on a recent 3-month period. This rate will be prescribed in the Treasury Fiscal Requirements Manual Bulletins which are published prior to the first day of each calendar quarter for application to overdue or underpayments which occur during the succeeding calendar quarter. Underpayments and payments which are received after the due date will be applied to the appropriate current charges for rentals; production and minimum royalties; assessments for liquidated damages; administrative fees and payments by purchasers of royalty taken-in-kind; or, to such other payments, fees, or assessments which a lessee/operator, permittee, or purchaser of royalty taken-in-kind is required to submit by a specified date. The failure to remit past due amounts, including late payment charges, will result in the initiation of other enforcement proceedings.

PART 270—GEOTHERMAL RESOURCES OPERATIONS ON PUBLIC, ACQUIRED AND WITHDRAWN LANDS

4. A new section is added to Part 270 as follows:

§ 270.81 Late payment or underpayment charges.

The failure to make timely or proper payment of any monies due pursuant to leases and contracts subject to these regulations will result in the collection of the amount due and, with the exception of underpayments for advance royalty on future geothermal resources production made timely and otherwise in accordance with the instructions provided the payee, in the assessment and collection of a late payment charge. The late payment charges assessed will be computed on the basis of the amount past due for each 30-day period or portion thereof that the payment is late. In the absence of a specific lease or contract provision prescribing a different rate, the percentage assessment rate to be applied in these instances will be the rate calculated by the Department of the Treasury as the current value of funds to the Treasury based on a recent 3-month period. This rate will be prescribed in the Treasury Fiscal Requirements Manual Bulletins which are published prior to the first day of each calendar quarter for application to overdue or underpayments which occur during the succeed calendar quarter.

Underpayments and payments which are received after the due date will be applied to the appropriate current charges for rentals; production, minimum, and compensatory royalties; assessments for liquidated damages; administrative fees and payments by purchases of royalty taken-in-kind; or, to such other payments, fees, or assessments which a lessee/operator or purchaser of royalty taken-in-kind is required to submit by a specified date.

The failure to remit past due amounts, including late payment charges, will result in the initiation of other enforcement proceedings.

[FR Doc. 80-39761 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-31-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

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

AGENCY: Office of Surface Mining Reclamation and Enforcement, OSM, Department of the Interior.

ACTION: Revision and correction.

SUMMARY: This notice explains and corrects an ambiguity in the Secretary of the Interior's conditional approval of the Wyoming permanent program submission published in the Federal Register on November 26, 1980, 45 FR 78637–84.

EFFECTIVE DATE: This notice is effective December 23, 1980. As discussed below, the obligation of operators on Federal lands in Wyoming to file a complete permit application under the permanent program matured on the effective date of the Wyoming state program, November 26, 1980.

ADDRESSES: Copies of the Wyoming program submission and the administrative record on the Wyoming submission are available for public inspection and copying during business hours at the addresses listed in the November 26, 1980 notice at 45 FR 78637. Copies of the cooperative agreements discussed in this notice and the administrative record underlying the Wyoming cooperative agreement rulemaking are available for inspection and copying at the same addresses.

FOR FURTHER INFORMATION CONTACT:

Mr. Carl Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (202) 343–4225.

Mr. Donald Crane, Regional Director, Region V, Office of Surface Mining, Brooks Tower, 1020 15th Street, Denver, Colorado 80202; (303) 837–5421.

Mr. Walter Ackerman, Administrator, Land Quality Division, Wyoming Department of Environmental Quality, 401 W. 19th St., Cheyenne, Wyoming 82002, (307) 777–7756.

SUPPLEMENTARY INFORMATION: On November 26, 1980, OSM published notice of the Secretary of the Interior's conditional approval of the permanent program submission from the State of Wyoming. 45 FR 78637–84. That notice contained two paragraphs which have caused confusion on the status of the Federal lands program in Wyoming. These paragraphs are (1) At 45 FR 78638, first column, third full paragraph beginning with "It should also be noted that * * *" and ending with "which is subject to a separate rulemaking." (2) At 45 FR 78684, first column, third full paragraph beginning with "On Federal lands * * *" and ending with "in the subject of a separate rulemaking." These paragraphs are deleted and new language, found at the end of this notice, is inserted. The new language inserted by this notice explains the status of the permanent program on Federal lands and of Wyoming's permanent program cooperative agreement. No new obligations are created or regulations proposed. Accordingly, the corrective language is effective December 23, 1980.

OSM is currently engaged in rulemaking to amend the existing cooperative agreement between the Department of the Interior and the State of Wyoming for the regulation of surface coal mining and reclamation operations on Federal lands in Wyoming. The existing cooperative agreement appears in 30 CFR 211.77(a). The existing cooperative agreement was promulgated pursuant to the second sentence of Section 523(c) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1273(c), and relates to State regulation of Federal lands under the Act's interim regulatory program. The existing agreement provides for termination by operation of law as follows:

This agreement may be terminated as follows:

> If the Secretary determines that this Cooperative Agreement is not adequate for the purpose of implementing the permanent regulatory program requirements after approval of a State Program pursuant to § 503 of the Act. Notice of this determination shall be given in writing to the State Regulatory Authority and shall specify the inadequacies of this Agreement. This Cooperative Agreement shall terminate within 120 days of said notice unless amended by mutual agreement of the State Regulatory Authority and the Secretary to remedy the inadequacies identified by the Secretary in his notice. 30 CFR 211.77(a), Article IX, paragraph (C)(3).

The existing cooperative agreement has not terminated under this provision of the agreement because the Secretary of the Interior has not given the required written notice.

Previous public notices have commenced the rulemaking process of review and comment on the Wyoming permanent program cooperative agreement. See Notice of Proposed rule, 45 FR 45927–31, July 8, 1980; Notice of Proposed Rulemaking, Public Hearing and extension of Public Comment, 45 FR 64971–78, October 1, 1980. A public hearing was held on October 30, 1980 and the public comment period ended on November 7, 1980. Notwithstanding the unfinished status of Wyoming's permanent program cooperative agreement, the Federal lands program in Wyoming became applicable on November 26, 1980, the effective date for approval of the Wyoming State program. See 30 CFR 701.11(b) and 741.11 (a) and (c), 44 FR 77446, December 31, 1979. Under Section 523(a) of the Act, the Federal lands program in Wyoming must, at a minimum, include the requirements of the approved Wyoming State program. All of the requirements of the Wyoming program now apply on Federal lands. For answers to particular questions on compliance procedures, please contact the persons listed above under "For Further Information Contact."

Based on the above discussion, the following paragraph is inserted at 45 FR 78638, November 26, 1980, first column, after the second full paragraph in place of the paragraph which now appears there:

> The Federal lands program (which, at a minimum, must include the requirements of the approved Wyoming State program) becomes effective today, November 26, 1980. See 30 CFR 701.11 and 741.11, 44 FR 77446, December 31, 1979. Wyoming's interim program cooperative agreement (30 CFR 211.77(a)) remains effective. Pursuant to the second sentence of Section 523(c) of the Act, Wyoming has submitted a proposed permanent program cooperative agreement, which was published in the Federal Register on July 8, 1980 (45 FR 45927–45931).
>
> On October 1, 1980 OSM published a Notice of Proposed Rulemaking (45 FR 64971–64978). A public hearing was held in Cheyenne, Wyoming on October 30, 1980, and the public comment period expired on November 7, 1980. A final rule concerning the Wyoming cooperative agreement is forthcoming.

The following paragraph is inserted at 45 FR 78684, November 26, 1980, first column, after the second full paragraph in place of the paragraph which now appears there:

> The permanent regulatory program on Federal lands (30 CFR Chapter VII, Subchapter D) is effective as of this date. As discussed above under "Introduction," Wyoming's interim program cooperative agreement remains in effect, and Wyoming's permanent program cooperative agreement is the subject of a separate rulemaking.

Statements of Significance and Environmental Impact

This notice merely corrects a previously published Federal Register

notice and fully explains the status of Wyoming's cooperative agreements. It is not a significant rule under Executive Order 12044 or 43 CFR Part 14, and it is not an action having significant environmental impact under the National Environmental Policy Act. Accordingly, no regulatory analyses or environmental impact statement is being prepared.

Dated: December 16, 1980.

Walter N. Heine,

Director, Office of Surface Mining.

[FR Doc. 80-39777 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 46

[DoD Directive 1000.4][1]

Federal Voting Assistance Program

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule assigns responsibility and delegates authority to the Deputy Assistant Secretary of Defense for Administration for carrying out the absentee voting program on behalf of the Secretary of Defense, designated as the Federal Coordinator, in compliance with Executive Order 10646. This voting program shall ensure that voters are provided all necessary voting information and procedures.

EFFECTIVE DATE: November 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. H. Valentino, Federal Voting Assistance Program, Washington Headquarters Services, The Pentagon, Washington, D.C. 20301, Telephone 202-695-9300.

SUPPLEMENTARY INFORMATION: In FR Doc. 63-10931, appearing in the Federal Register (28 FR 11062) on October 15, 1963, the Office of the Secretary of Defense published Part 46, effective September 25, 1963, which established Department of Defense policy and assigned responsibility for administering the absentee voting program. This rule updates the previously published Part 46.

Accordingly, 32 CFR Chapter I is amended by revising Part 46, reading as follows:

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA. 19120. Attention: Code 301.

PART 46—FEDERAL VOTING ASSISTANCE PROGRAM

Sec.
46.1 Reissuance and purpose.
46.2 Applicability and scope.
46.3 Definitions.
46.4 Policy.
46.5 Organization.
46.6 Responsibilities.

Authority: Pub. L. 296, 84th Congress and 10 U.S.C. Section 133.

§ 46.1 Reissuance and purpose.

This rule reissues this part dated September 25, 1963, and implements the Provisions of Executive Order 10646, November 23, 1955, wherein the Secretary of Defense was designated the Federal Coordinator for assigning responsibility and prescribing procedures to implement the absentee voting program authorized by the Federal Voting Assistance Act of 1955 (FVAA) and the Overseas Citizens Voting Rights Act of 1975 (OCVRA). This Part assigns responsibility and delegates authority to the Deputy Assistant Secretary of Defense (Administration) to carry out this program on behalf of the Secretary of Defense.

§46.2 Applicability and Scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, and the Defense Agencies (hereafter referred to as the "DoD Components").

(b) Other executive departments and agencies shall provide assistance to this program, upon request, as provided by sections 1973cc-11 and 1973cc-13 of FVAA and 1973dd-2b of OCVRA. (Participating departments and agencies shall adopt regulations and procedures that conform to this Part to the extent practicable, consistent with their organization missions.)

§ 46.3 Definitions.

For the purpose of administering the Federal Voting Assistance Program, the following definitions apply:

(a) *Federal Election.* Any general, special, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, Presidential Elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Resident Commissioner from the Commonwealth of Puerto Rico, Delegate from Guam, or Delegate from the Virgin Islands.

(b) *State Election.* Any general, special, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for any state office, such as, governor, lieutenant governor, or attorney general.

(c) *Local Election.* An election which is less than a state election, such as a municipal, county, or township election.

(d) *Military Services.* Refers to the Army, Navy, Air Force, Marine Corps, and the Coast Guard.

(e) *Uniformed Services.* Refers to the Army, Navy, Air Force, Marine Corps, Coast Guard, the Commissioned Corps of the U.S. Public Health Service, and the Commissioned Corps of the National Oceanic and Atmospheric Administration.

(f) *Voter.* A person in any of the following categories who is authorized by law and who is registered to vote in any primary, special, or general election.

(1) Members of the Uniformed Services or Merchant Marine in active service and their spouses and dependents, wherever stationed.

(2) U.S. citizens temporarily residing outside the United States.

(3) Other U.S. citizens residing outside the United States not covered by any other category mentioned above and whose intent to return to their state of last residence may be uncertain.

(g) *Voting Residence.* The legal residence or domicile in which the voter is registered to vote.

§ 46.4 Policy.

(a) To implement and administer the FVAA and OCVRA, as amended/DoD Components and other participating federal departments and agencies concerned with the voting program shall encourage their eligible voters to participate in the voting process of the federal, state, and local governments.

(b) The voting program shall be administered in such a manner as to ensure that voters are provided all necessary voting information, including voting age requirements, election dates, officers to be elected, constitutional amendments, other ballot proposals, and absentee registration and voting procedures.

(c) When practicable and compatible with operational conditions, every voter shall be afforded an opportunity to register and vote in any election for which the state of his or her voting residence has established enabling laws and procedures.

(d) Voting in person or by absentee process shall be offered when local conditions allow voters to prepare, send, and receive personal material. However, a determination by those administering the voting program that voting assistance cannot be rendered because it is impractical and incompatible with

military or federal operations shall be conclusive, if this determination is made in good faith. (See section 1973cc-24, FVAA.)

(e) Absentee voting procedures shall be prescribed in such a manner as to safeguard the integrity and secrecy of the ballot. In addition, all necessary steps shall be taken to prevent fraud and to protect voters against coercion of any sort.

(1) No member of the Uniformed Services shall attempt to influence any other member to vote or not to vote for any particular candidate, or to require any member to march to any polling place or place of voting. (See section 1973cc-25 of FVAA.)

(2) However, nothing in § 46.4(e), above, shall be considered to prohibit free discussion regarding political issues or candidates for public office. (See enclosure 2 of DoD Directive 1344.10 [2], Political Activities by Members of the Armed Forces, September 23, 1969.)

(3) No person in the Uniformed Services of the United States shall poll any other member to attempt to influence his or her vote before or after he or she votes. (See enclosure 2 of DoD Directive 1344.10.)

(4) The provision in paragraph c., above, shall not preclude making surveys for statistical compilations to measure the extent of voting participation of persons covered by the FVAA and OCVRA, as amended.

§ 46.5 Organization.

In accordance with E.O. 10646, authority and responsibility are hereby delegated to the Deputy Assistant Secretary of Defense (Administration) to carry out this program on behalf of the presidential designee, the Secretary of Defense. The Deputy Assistant Secretary of Defense (Administration) is authorized to act for the presidential designee and to coordinate and facilitate such actions as may be required to discharge federal responsibilities assigned in E.O. 10646, FVAA, and OCVRA.

§ 46.6 Responsibilities.

(a) The *Deputy Assistant Secretary of Defense (Administration)* shall: (1) Manage, coordinate, or perform the tasks assigned to the presidential designee in E.O. 10646, the FVAA, and OCVRA.

(2) Establish and maintain liaison with officials of the state legislatures, and with state and local election law officials.

(3) Be the sole DoD representative for obtaining from each state current voting information and disseminating it to other executive departments, agencies, and DoD Components. In this regard, DoD Components and participating departments and agencies may not contact state voting officials about voting matters.

(4) Encourage and assist states and other U.S. jurisdictions to adopt the mandatory and recommendatory provisions of the FVAA and OCVRA, and advise them on the applicability of federal laws and regulations to their individual electoral systems.

(5) Establish a DoD Voting Assistance Program to cover all eligible voters of the Department of Defense (military and civilian) and their eligible spouses and dependents, to assist these personnel to vote either in person or by absentee process.

(6) Publicize the right of citizens to register and vote absentee under the FVAA and OCVRA.

(7) Review and coordinate the informational and educational effort directed toward all persons covered by the FVAA and OCVRA.

(8) Provide an ombudsman-type service for all persons covered by the FVAA and OCVRA and for state and local election officials.

(9) Designate a week or day in September of each even-numbered year for the purpose of encouraging military personnel and their dependents to exercise their right to vote.

(10) Conduct a survey of U.S. citizens (military and civilian) covered by the FVAA and OCVRA to gather necessary statistical information to prepare the biennial report to the President and Congress required by FVAA.

(b) *Heads of DoD Components* shall: (1) Facilitate the dissemination of voting information and provide assistance to their own personnel, including the services of an official authorized to administer oaths.

(i) In overseas areas, arrangements shall be made to provide absentee voting information and assistance to voters described in § 46.5(f)(1) and (2).

(ii) To the extent practical, information and assistance shall also be made available to voters described in § 46.5(f)(3).

(2) Ensure command support at all levels for the Voting Assistance Program.

(3) Designate a senior officer of general or flag rank in each Military Service as the Senior Military Voting Representative to manage Military Service voting programs.

(4) Designate voting officers or counselors at every level of command who are trained to carry out their assigned responsibilities. Voting officers or counselors should be readily available and equipped to give personal assistance to voters for Federal, State and local elections. In addition, any person who appears to need assistance in reading or understanding any English language material relating to voting or voter registration should receive immediate assistance in the appropriate language.

(5) Ensure that voting information and related materials, such as the *Voting Assistance Guide*, and the Federal Post Card Application form (FPCA—SF 76 Current Edition), are obtained and disseminated in a timely manner. FPCAs are to be purchased in sufficient quantities to furnish registration and ballot request support for all primary and general elections.

(6) Ensure the in-hand delivery of FPCAs by August 15 to Uniformed Services personnel, their spouses and eligible dependents, and civilian employees of the Uniformed Services, their spouses and eligible dependents, who are serving outside the territorial limits of the United States.

(7) Ensure in-hand-delivery of FPCAs by September 15 to Uniformed Services personnel and their spouses and eligible dependents within the United States, in accordance with FVAA.

(8) Require Inspectors General to include the Federal Voting Program as an item for specific review at every level of command to ensure that persons are informed and provided an opportunity to exercise their right to vote, and that the command has adequately provided for voting officers or counselers.

(9) Provide for continuing evaluation of command voting programs.

(10) Establish and publicize the availability of a special telephone service, the "Voting Action Line," to link unit voting officers or counselors with their respective Uniformed Service Senior Military Voting Representative or Voting Action Officer at the departmental level. Emphasis shall be placed on providing rapid, accurate responses and solutions to voting-oriented problems.

(11) During federal election years, ensure that all Armed Forces personnel receive at least one briefing, training period, or information period of instruction devoted to absentee registration and voting. Emphasis should be placed on the availability of voting information, supporting materials, personal assistance, and the importance of why every vote counts.

(12) Ensure that telephone operators at every military installation are provided with the names and office telephone numbers of unit or installation voting officers or counselors.

[1] See footnote page 84766.

(13) File an After-Action Report in the form specified by the Director, Federal Voting Assistance Program.

(14) Conduct a Ballot Transmission Survey in the manner specified by the Director, Federal Voting Assistance Program.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 17, 1980.

[FR Doc. 80-39765 Filed 12-22-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

National Direct Student Loan

College Work-Study; Supplemental Educational Opportunity Grant

34 CFR Parts 674, 675, and 676

Annual Revision of Sample Cases and Benchmark Figures

AGENCY: Department of Education.

ACTION: Notice of publication of annual revision of sample cases and benchmark figures.

SUMMARY: The Secretary of Education announces the annual revision of sample cases and benchmark figures that are used by the Secretary to approve need analysis systems for dependent and independent students for award year 1981–82. These systems may be used to determine financial need under the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs.

ADDRESSES: Send descriptions of systems, the family contribution figures, and requests for information to John A. McGonigal, Campus-Based Branch, Division of Program Development, Office of Student Financial Assistance, Department of Education, (Room 4018, ROB-3), 400 Maryland Avenue, S.W., Washington, D.C. 20202, (202) 245-9720.

FOR FURTHER INFORMATION CONTACT: John A. McGonigal (202) 245-9720.

SUPPLEMENTARY INFORMATION:

General

The Secretary of Education is revising the sample cases and benchmark figures that the Secretary uses to approve need analysis systems for the National Direct Student Loan (NDSL), College Work-Study (CWS) and Supplemental Educational Opportunity Grant (SEOG) programs, for award year 1981–82. See Section 13 of each of those program's regulations, 34 CFR 674.13 for NDSL, 34 CFR 675.13 for CWS and 34 CFR 676.13 for SEOG. These sections set forth procedures for annual review and approval by the Secretary of need analysis systems for dependent students for use in those programs. As a part of this review the Secretary publishes a set of 80 sample cases and benchmark figures. To be approved, a system must generate expected parental contributions in at least 75 percent of the sample cases that are within $50 of the benchmark figures published by the Secretary for those cases.

Under paragraph (c)(5) of each of those sections the Secretary revises the set of sample cases annually for inflation, in such a way as to maintain, over time, a constant expected parent contribution for families with equal income and asset positions, measured in constant dollars. The original set of sample cases and benchmark figures was published in the Federal Register on May 21, 1975 as Appendix A at page 22139, and was used to approve need analysis systems for dependent students for award year 1975–76. The set of benchmark figures now being published is for award year 1981–82.

The revision for 1981–82 has been computed by: (1) assuming the rate of inflation for 1980 to be 14 percent, (2) including an asset protection allowance determined to be $28,600 and (3) increasing the size of the net available income categories to $1,600 from $1,350 for determining the expected contribution.

Under the regulations for these three programs published in the Federal Register of August 13, 1979, 44 FR 47444–47506, individuals or organizations that wish to have their system of need analysis approved for dependent students must also submit their system of need analysis for independent students (34 CFR 674.13(e), 675.13(e) and 676.13(e)). The Secretary will approve the need analysis system for independent students of those individuals or organizations if the Secretary approves the individual's or organization's system for dependent students. (34 CFR 674.13(d)(2), 675.13(d)(2) and 676.13(d)(2)).

The table, as set forth below, shall be effective immediately with respect to approval of need analysis systems for dependent students. Such systems shall be used for making awards to students for academic year 1980–82.

Dated: December 16, 1980.

Albert H. Bowker,

Assistant Secretary for Postsecondary Education.

(Catalog of Federal Domestic Assistance No. 84.007, Supplemental Educational Opportunity Grant Program; 84.033, College Work-Study Program; and 84.038, National Direct Student Loan Program)

Benchmark Cases, Award Year 1981-82

Net assets	$30,000				$40,000				$50,000				$60,000			
Family size	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6
Income before taxes:																
$12,000	170	0	0	0	440	20	0	0	700	290	0	0	960	550	160	0
$16,000	760	350	0	0	1,030	620	230	0	1,290	880	490	60	1,560	1,150	760	320
$20,000	1,330	930	540	110	1,620	1,190	810	380	1,940	1,460	1,070	640	2,300	1,760	1,330	900
$24,000	1,950	1,480	1,090	670	2,310	1,760	1,360	930	2,720	2,130	1,650	1,200	3,190	2,520	1,980	1,460
$28,000	2,730	2,140	1,680	1,230	3,200	2,540	2,010	1,500	3,720	2,970	2,380	1,810	4,280	3,450	2,760	2,160

NOTES.—The figures above are expected parental contributions which assume: 1. Two parents, one with income. 2. One dependent in undergraduate postsecondary education. 3. No business and/or farm assets. 4. Age of older wage earner is 45; asset protection allowance equals $28,600. 5. 1980 U.S. income tax schedule; joint return, standard deduction. 6. No social security benefits for education. 7. No unusual medical or dental expenses or casualty or theft losses. 8. No other unusual circumstances.

[FR Doc. 80-40031 Filed 12-22-80; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[A-1-FRL 1709-6]

Approval and Promulgation of Implementation Plans; Connecticut Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The purpose of this Notice is to approve, in part, the State Implementation Plan (SIP) revisions for Connecticut which were received by the Environmental Protection Agency (EPA) on June 27 and December 28, 1979 and on February 1, May 1, September 8, and November 12, 1980. In addition, EPA is approving conditionally some elements of the Connecticut SIP revisions. These plan revisions were prepared by the state to meet the requirements of Part D (Plan Requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act (the Act), as amended in 1977. On July 2, 1980 (45 FR 45080), EPA published a Notice of Proposed Rulemaking (NPR) which described the revisions, discussed certain provisions which in EPA's judgment did not comply with the requirements of the Act, and requested public comment. Seventy-eight persons submitted comment to EPA prior to and during the public comment period on the NPR, and comments are responded to in this Notice, or in Region I's Supplemental Response Document.

EFFECTIVE DATE: December 23, 1980.

ADDRESSES: Copies of the SIP revisions and comments received are available for public inspection during normal business hours at the Air Branch, Room 1983, US EPA, Region I, J.F. Kenney Federal Building, Boston, MA 02203; Public Information Reference Unit, US EPA, 401 M St., SW, Washington, D.C. 20460; The Office of the Federal Register, Room 8401, 1100 L St., NW, Washington, D.C. and Air Compliance Unit, Department of Environmental Protection. State Office Building, Hartford, CT. 06115.

FOR FURTHER INFORMATION CONTACT: Harley Laing, Chief, Air Branch, Environmental Protection Agency, Region 1; JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223-6883.

SUPPLEMENTARY INFORMATION: EPA's July 2, 1980 NPR (45 FR 45080) outlined the requirements of the Clean Air Act that Connecticut has addressed in its submittals. These will not be restated here. The NPR also contained detailed descriptions of the SIP revisions which will not be repeated here except as necessary to respond to comments. The NPR raised several issues which in EPA's judgment required changes either in the SIP narrative or in the regulations. In response to the NPR, the Connecticut Department of Environmental Protection (DEP) submitted the following corrections and amendments to its revisions:

1. A revised Reasonably Available Control Measures strategy development schedule;
2. An updated implementation schedule, a commitment that at least a 25% reduction in carbon monoxide and hydrocarbons will be achieved by 1987, and other commitments and documentation for the Inspection/Maintenance Program;
3. An explanation how the state will assure that from now through 1987 a growth margin for new sources of hydrocarbons will be maintained;
4. A list of air quality improving transportation projects;
5. Documentation, through a modeling analysis, that total suspended particulate reductions from the Cos Cob power station in Greenwich will be sufficient to attain the primary particulate standard by 1982;
6. A schedule for development of non-traditional control measures.
7. A commitment concerning new resource recovery facilities and some additional minor changes.

The Connecticut SIP revisions were developed in response to the requirements of Part D of the Act. In general, the SIP is required to provide for attainment and maintenance of the national ambient air quality standards (NAAQS) for all areas which have been designated non-attainment pursuant to Section 107 of the Act. Specific requirements are discussed in detail in a General Preamble in the Federal Register of April 4 (44 FR 20372), July 2 (44 FR 38583), August 28 (44 FR 50271), September 17 (44 FR 53761) and November 23, 1979 (44 FR 67182) (hereafter the General Preamble).

Seventy-eight commentators have participated in this rulemaking. As a result of consideration of these comments and the requirements of the Act, EPA Is taking the following actions:

Approving

1. The extension for attainment of the ozone and carbon monoxide standards until December 31, 1987.
2. The transportation plan, program and project conformity procedures and criteria.
3. The reasonably available control measures analysis and schedule.
4. The carbon monoxide attainment plan.
5. The commitment to public transportation.
6. The Inspection/Maintenance Program.
7. The mobile source non-methane hydrocarbon inventory.
8. The reasonable further progress demonstration for carbon monoxide attainment.
9. The procedures for advancing transportation projects through the planning process.
10. The four statewide transportation projects.
11. The transportation projects for urban areas listed in Appendix A.
12. The total suspended particulate (TSP) attainment plan for Greenwich.
13. The reasonable further progress demonstration for TSP attainment.
14. The 18-month extension for submittal of the secondary TSP attainment plan.
15. The resource commitments to implement the revisions.
16. The plan showing evidence of public, local and state involvement.
17. The Hearing and Notice provisions.
18. The changes to Regulations 19-508-4 (source monitoring requirements) and 19-508-5 (stack emission testing).
19. The Intergovernmental Consultation and Public Notification provisions.
20. The changes to the boundaries of Air Quality Control Regions 43 and 44.
21. The withdrawal of the proposed federal rulemaking for Stage I Vapor Recovery and Inspection/Maintenance.
22. The withdrawal of Regulation 18-508-23, Odor Regulation, from the federally approved SIP.
23. The withdrawal of the Indirect Source Regulation from the federally approved SIP.

Conditionally Approving

1. The ozone attainment plan for stationary sources of volatile organic compounds.
2. The stationary source volatile organic compound inventory.
3. The reasonable further progress demonstration for ozone attainment.
4. The TSP attainment plan for Waterbury.
5. The program to review new and modified major stationary sources in nonattainment areas.

Taking No Action On

1. The amendments to subsection (a)(9) of Regulation 19-508-19,

requirements for certain coal-burning sources.

2. The New Source Ambient Impact Analysis Guideline.

3. The program to review new and modified major stationary sources in attainment areas (prevention of significant deterioration).

4. Permit fee requirements.

5. Stack height requirements.

6. Interstate pollution notification.

7. Monitoring requirements.

8. Conflict of interest provisions.

I. General Discussion of Comments Received

EPA's response to comments received on or prior to the publication of the July 2, 1980 NPR are discussed in today's Notice according to the issue raised as well as in a document entitled, "Supplemental Response Document: Response to Comments on the 1979 Connecticut SIP Revisions", prepared by EPA, Region I, which is part of this rulemaking and which is available for public inspection during normal business hours at the addresses listed above. EPA has considered all comments it received in making its final determination on the approvability of the state's SIP revisions.

A. Public Participation

Several comments were made on the inadequacy of the public's participation in this SIP revision process including complaints concerning the scheduling of a public meeting, on July 30, 1980, during the summer when many people take vacations.

Required public comment procedures have been observed, and in addition, forty-one individuals testified at the July special public meeting. The comment period was further extended after this meeting and additional comments were received. We recognize that the SIP revisions are complex documents, but the multiple opportunities for comment have provided adequate time for people to review and comment on them. In fact, the number and scope of the comments received in itself seems to indicate that the opportunity for comment has been adequate.

One commenter questioned the ability of the public to comment on changes to the revisions which the state was to submit after the comment period closed. EPA is not taking final action on any part of the revisions the substance of which has not been subject to public scrutiny either directly through the state or by way of our own description and forewarning in the NPR.

B. Clean Air Act

One commenter claimed that the costs of complying with the Clean Air Act are enormous and unnecessary, that there is no substantial evidence to support the NAAQS, and that economic impacts have not been considered in establishing the NAAQS.

There is ample scientific evidence which supports the present NAAQS, and EPA conducts periodic reviews of the standards, which include public participation. EPA's scientific evidence is available for public review. The NAAQS are not being reviewed in this proceeding. The Clean Air Act does not permit consideration of economic impact in establishing the standards but economics are considered in establishing controls. There is no doubt that ambient air pollution levels in Connecticut are well in excess of the ozone, carbon monoxide and TSP standards and that additional controls are necessary.

One commenter submitted his opinion that EPA has no statutory or other authority for conditional approval of parts of the Connecticut SIP. It is the agency's view that a conditional approval conforms to both the language of the Clean Air Act and the intent of Congress. The Aministrator believes that he has inherent authority under the Clean Air Act to condition approval of a SIP upon a State's agreement to correct minor deficiencies expeditiously and that conditional approval is a reasonable approach to the complicated process of plan development which is consistent with the intent of Congress, the language of the Act, and with the Administrator's obligations thereunder.

C. Effects of Air Pollution

Two commenters charged that there was no conclusive evidence of a connection between air pollution and adverse health effects. Four other commenters stated that serious health effects exist and that the costs of pollution will continue to rise unless comprehensive abatement plans are adopted. One of these commenters submitted the results of a study he conducted indicating that 5 excess deaths per year from cancer could be proven in a population of 100,000 for each 1,000 registered vehicles in that population. Another commenter urged EPA to refocus its research efforts on youngsters, who he feels are equally vulnerable to ozone-related pollution as are those with established breathing problems.

EPA agrees with the majority of the comments that the effects of air pollution on health and welfare are substantial. EPA is working with the states to assure that the NAAQS are attained as rapidly as possible. Specific health effects information should be presented during EPA's periodic standards review. The Region I office has forwarded the studies submitted by these two commenters to EPA headquarters.

D. Pollutants Not Addressed in the NPR

Several commenters expressed concern that the Connecticut SIP revisions and EPA's NPR did not discuss control of the pollutants lead, sulfur dioxide and formaldehyde. Two commenters suggested that lead generally, and specifically in connection with the burning of recycled crankcase oil, should be addressed in the Connecticut plan. Others were concerned that the SIP did not include controls for sulfur dioxide, particularly in connection with the creation of acid rain. Two more commenters encouraged EPA to regulate formaldehyde.

Federal regulations require states to submit attainment plans for lead by July 5, 1979 and to attain the lead standard no later than October 31, 1982. The revisions to Connecticut's SIP for which EPA has published proposed rulemaking were not required to include the state's lead attainment plan. However, more than a year has elapsed since the plan was due and EPA is presently considering what measures are appropriate under these circumstances.

The Connecticut revisions did not include a discussion of sulfur dioxide controls because air quality monitoring data show that every area of the state is attainment for the sulfur dioxide standard. Although acid rain results, in part, from sulfur emissions, at present no additional controls are required in Connecticut as long as the state does not violate the sulfur dioxide standard. EPA and other federal, state and local agencies are conducting research and hope to make recommendations in the near future on measures to reduce acid rain.

EPA intends to list formaldehyde as a hazardous pollutant under Section 112 of the Act during fiscal year 1981. Intensive research and multi-media studies are on-going. However, it will require four to five years before federal regulations are in effect. In the meantime, EPA suggests that states consider developing their own regulations for stationary sources of formaldehyde.

E. National Uniformity

Several commenters, including the DEP, complained that EPA is being more stringent in reviewing the Connecticut SIP than it is with other states.

This is not true. In fact, all SIPs and revisions are reviewed by EPA's headquarters office as well as by the regional offices. A major purpose of the review is to insure national uniformity. EPA proposed regulations to insure national consistency on March 9, 1979 at 44 FR 27558. Since states have substantial latitude to select control programs, differences do exist, but all parts of the country are required to attain the same standards, as a minimum.

F. Transport of Pollutants

The issue of pollutants being transported from the site of their emission to distances as far as thousands of miles away is a phenomenon documented in recent years. Many commenters have objected that EPA is requiring Connecticut to clean up pollution generated in other states at the expense of Connecticut citizens.

As stated in the NPR, in 1979, EPA and the northeast states initiated the Northeast Corridor Regional Modelling Project (NECRMP), to determine where transported ozone was originating and how much hydrocarbon control a state would need to meet the ozone standard.

In addition, the DEP has conducted several particulate studies to characterize the transported contribution to the primary total suspended particulate violations in Waterbury and to the ambient levels statewide and contends that there are substantial statewide impacts. Although EPA has not confirmed the state's findings, they have not been invalidated. The present EPA policy regarding transporting particulate matter does not allow emissions credit for pollution generated upwind. In Waterbury, it is likely that even without transported particulates there would still be a non-attainment problem.

G. Previously Addressed Comments

One commenter submitted extensive comments and requested that they be considered as part of the record for each state plan. Another commenter, a national environmental group, discussed EPA action on permit fee systems and the composition of state boards. Each of the points raised by these commenters and EPA's response have been published at 45 FR 2036, 2039 et seq.

II. Connecticut's Nonattainment SIP Revisions

A. Ozone (O_3) and Carbon Monoxide (CO)

1. *Request for Extensions.* a. *Ozone.*—Connecticut was designated non-attainment statewide for ozone (O_3) in the March 3, 1978 Federal Register (43 FR 8977). Ozone is formed by complex chemical reactions involving various precursors, primarily oxides of nitrogen and volatile organic compounds (VOCs). Emissions of VOCs are controlled in order to reduce ozone concentrations. The terms VOCs, hydrocarbons (HCs) and non-methane hydrocarbons (NMHC) tend to be used interchangably, and for the purposes of this Notice, HC will be used in connection with automobile exhaust and VOC for stationary source emissions or for a combination of both.

The strategies contained in Connecticut's revisions represent reasonably available control measures to reduce ozone concentrations in Connecticut. Although the control measures in the plan will reduce VOC emissions, they will not provide for attainment of the standard by 1982. Governor Grasso, therefore, requested an extension for attainment of the ozone standard until December 31, 1987.

EPA agrees that attainment cannot be achieved by 1982 and that an extension to 1987 is justified.

b. *Carbon Monoxide.*—The New Jersey-New York-Connecticut Air Quality Control Region (AQCR 43) and the Hartford-New Haven-Springfield AQCR (AQCR 42) were designated non-attainment for carbon monoxide (CO) in the March 3 Federal Register. The plan's strategies will provide for the identification of additional CO violations and will represent reasonably available control measures (RACMs) to reduce CO concentrations in the state. Although the control measures addressed in the plan will reduce the level of CO they will not provide for attainment of the CO standard throughout the non-attainment areas by 1982 and Governor Grasso has requested an extension for attainment of the CO standard until December 31, 1987.

(1) Two commenters expressed general support for the CO and ozone extensions. Several others were opposed to EPA's proposed approval of them. Some stated that all RACMs should be in place before extensions of the attainment date are approved. Two commenters specifically identified the Indirect Source Regulation (ISR), which EPA has proposed to withdraw from the federally approved SIP, as a RACM. Another commenter opposed the extensions on the grounds that legally enforceable schedules should be in place for RACM implementation before extensions are granted.

Section 172(b) of the Act requires only that the State demonstrate that attainment by December 31, 1982 is not possible despite the implementation of RACMs, in order to receive an extension of the attainment deadline to December 31, 1987. It does not require that the RACMs actually be implemented for the extension to be granted. Connecticut has made the demonstration required under the Act and the extension is therefore proper.

The term RACM includes the word "reasonably" which means feasible at the time given institutional, social and economic considerations. The four RACMs submitted with these revisions included an expanded ridesharing marketing program, increased public transit, a toll incentive program and a right-turn-on-red program. The first three of these measures are in the process of being implemented. The last strategy was initiated on July 1, 1979. In response to the NPR, the September 8 submittal included a revised RACM strategy development schedule, the results of which will be included in the 1982 SIP revisions.

It is EPA's position that the strategies presented in the 1979 revisions represent adequate, reasonable measures which are currently being implemented and that the revised schedule for analysis of 1982 RACMs constitutes sufficient additional progress toward ozone and carbon monoxide reductions. A discussion of EPA's ability to require an ISR is discussed in Section I.A.3.b. of this Notice.

(2) Another commenter expressed disappointment that the NAAQS for ozone had been changed.

As mandated in Section 109 of the Clean Air Act, EPA is required periodically to review the adequacy of the NAAQS. The methodology for determining ozone standard violations as well as the standard itself were revised in January of 1979, based on several years research and analysis.

(3) A comment from the DEP indicated that since the state's highest ozone readings have been found in rural areas of Connecticut, the state ought not be treated as an urban area and that resources precluded gathering the required data for an urban area. This commenter and one other also indicated that, because of the transport of ozone and its precursors, the Empirical Kinetic Modelling Analysis technique (EKMA) one of the techniques required by EPA to determine the amount of ozone reduction necessary to attain the standard, was inappropriate for Connecticut.

The EKMA technique was and still is one of the only models available for evaluating and predicting attainment. EPA recognizes Connecticut's concern

regarding the transport of ozone and its precursors and is working with the state to try to modify EKMA to make it more applicable to Connecticut's pollution problems. However, EPA's analysis of the VOC emission reductions submitted by the state indicated that all RACMs and stationary source controls would be required to attain the NAAQS by 1987 even without the addition of transported pollutants from the southwest. Therefore, EPA does not concur that the entire state should be treated as a rural non-attainment area. Also, since Connecticut could not show attainment by 1982 even without adding the impact of transport, EPA's position is that the question of whether the EKMA method used is appropriate is moot in relation to these revisions. EPA has proposed that all states which have been granted an extension beyond 1982 will be required to utilize a form of EKMA for development of the 1982 SIP revisions.

Final Action:

EPA is approving the extension of the attainment dates for ozone and carbon monoxide until December 31, 1987.

2. *Stationary Source Control of Volatile Organic Compounds.* a. *General VOC Controls.*—In order to comply with the requirements of Part D of the Act, the DEP has submitted regulations to control the emissions of VOC from: solvent metal cleaning (degreasing); petroleum storage and marketing including storage tanks at gasoline stations; metal coil coating; fabric coating; paper coating; metal can coating; magnet wire coating and metal furniture coating. A regulation limiting the use of cutback asphalt has not been promulgated. However, it is being conditionally approved based on a commitment by the state to submit a regulation by December 15, 1980. The regulation for degreasing is being conditionally approved based on submittal of either a revised regulation which includes the EPA recommendations or a showing that there is no substantive difference between the Connecticut regulation and the EPA-recommended controls.

(1) Two letters of comment expressed general support for the VOC controls proposed. Another asked specifically that the state exempt methylene chloride in addition to 1,1,1-trichloroethane which is already exempt. As stated in the NPR, EPA would not disapprove a SIP which exempts these compounds since they do not appreciably contribute to the formation of ozone. However, EPA is not encouraging these exemptions because of the suspected carcinogenic and toxic nature of these products.

(2) A fourth comment stated that legally enforceable measures should be in place now to require reasonably available control technology (RACT) on all VOC source categories, not just categories for which Control Techniques Guidelines (CTGs) have been issued.

Major VOC emitting source categories have been prioritized for study by EPA based on nationwide emissions, in order to provide guidance to states on available control techniques, as discussed in the September 17, 1979 General Preamble. EPA did not have the resources available to provide guidance on all source categories in time for inclusion in the 1979 submittals. EPA believes that states will be able to make more technologically sound decisions in adopting emission limitations if they are permitted to defer adoption until after the guidance information is available. Regulations for Group I categories were due January 1, 1979, for Group II, on January 1, 1981. EPA has proposed that for all remaining major VOC sources States submit regulations in the SIP revisions due on July 1, 1982. Those categories in Groups I & II constitute approximately half of the VOC emissions from gasoline marketing and industrial processes nationwide, based on information available at the time the CTGs were developed. The schedule under which the states must submit VOC regulations is legally enforceable and failure to submit regulations in a timely manner will cause disapproval of the plan and imposition of sanctions.

(3) This letter also stated that vapor recovery systems have not been utilized by Connecticut. However, Connecticut does require vapor recovery as recommended in the CTGs.

(4) Another commenter discussed controls on dry cleaners. Dry cleaners are not included in this Notice but this letter will be considered when these regulations are submitted by the state.

b. *Restrictions on Cutback Asphalt.*—The NPR discussed the fact that Connecticut had proposed a strategy to control the use of cutback asphalt. However, the compliance schedule proposed extended implementation of the control strategy to 1987 and was not consistent with the schedule recommended by EPA. The state had not submitted a regulation to make this strategy enforceable. EPA proposed approval of this portion of the SIP conditioned upon submittal by September 15, 1980 of a regulation to control this category and justification for an extended schedule if it is longer than the EPA-recommended schedule.

(1) In a letter dated August 1, 1980 the DEP requested that the date for submission of this regulation be extended to December 15, 1980 in order to accommodate the time needed by the state legislative regulations review committee to approve the regulation. The DEP also indicated that it thought that a three to four year phase-in period is appropriate in Connecticut because training is needed, many municipalities are involved, and emulsion supplies and acceptable aggregate must be available. Another commenter contended that water-based asphalt does not provide a comparable quality surface. These are the same problems faced by other states which are meeting the EPA-recommended schedule and do not, based on the information presented to date, appear to be unique. In addition, information presented to EPA indicates that there has been a Federal Highway Administration (FHWA) training course conducted in the state, that there are suppliers who are willing to test the aggregate and provide an emulsion which will meet municipal needs and produce a good surface. The suppliers noted that it may be necessary to wash the aggregate and only in unusual circumstances would another source of aggregate be required.

(2) One letter asked that EPA disapprove the cutbacks asphalt strategy since a regulation for this category was not submitted. The state has already made significant reductions in state use of cutback without a regulation and has committed to submit a regulation to control city and town usage.

(3) Two letters commented on the significance of the projected emission reductions from restricting the use of cutback asphalt. One requested that cutback asphalt not be controlled because it constitutes a small percentage of the total inventory. Another took issue with the implication in the NPR that a switch-over to a water-based use by the Connecticut Department of Transportation (ConnDOT) would realize only an insignificant reduction VOC in emissions.

There are very few categories which emit more than one percent of the total statewide VOC inventory. Reductions from this category (1.2%) are significant when compared to other stationary VOC categories and the information available to EPA indicates that emulsions do produce a surface of comparable quality as long as personnel have been trained in the use of these mixes. EPA recognizes that the switch-over to water-based solvents by the state has resulted in a significant reduction in VOC emissions but the state only accounts for 21% of the total

uncontrolled emissions from this category.

Final Action

EPA is approving the VOC portion of the SIP revisions as it pertains to cutback asphalt conditioned upon submittal by December 15, 1980 of a regulation which will control this source category consistent with EPA guidance and expeditiously as practicable or with an adequate justification for an extended schedule.

c. *Solvent Metal Cleaning (Degreasing) Regulations.*—The NPR discussed the fact that Regulation 19-508-20 (1) which requires control of solvent metal cleaning operations does not impose all of the recommendations in the CTG for this source category. EPA proposed approval of this portion of the SIP conditioned upon submittal by September 15, 1980 of a revised regulation or a showing that the VOC emissions associated with the Connecticut regulation are within five percent of the VOC emissions which would be realized if the CTG recommendations were followed. In a letter dated August 1, 1980 the DEP also requested that the deadline for submittal be extended to December 15, 1980.

Final Action

EPA is approving the VOC portion of the SIP revisions as it pertains to solvent metal cleaning conditioned upon submittal to EPA by December 15, 1980 of a revision to Regulation 19-508-20 (1) or a demonstration showing that the emissions from the Connecticut strategy will be within five percent of the emissions which would be allowed if the EPA recommendations were applied.

3. *Transportation Planning.* a. *General.*—The most testimony received at the July 30th public meeting related to the Transportation Planning sections of the NPR and covered a wide range of viewpoints.

(1) A large number of commenters made general comments to the effect that transportation provisions of the Connecticut submittal were inadequate to meet the requirements of the Clean Air Act.

EPA does not agree. The Connecticut SIP including the transportation provisions meet the requirements of Part D of the Act, as was discussed in the NPR (45 FR 45083).

(2) Four commenters felt that the plan proposed by DEP in January, 1979, which contained a freeze on vehicle miles of travel (VMT) and specified hydrocarbon reductions from the transportation system, was better than the subsequent plans submitted to EPA. Several individuals questioned the adequacy of the public participation process between the time that the plan was proposed and the final plan submitted to EPA. Although EPA recognizes the need to examine ways to reduce emissions from motor vehicles through reductions in travel, we do not agree that the proposed plan would achieve greater reductions than the plan now under consideration. The proposed plan mandated the VMT freeze and hydrocarbon reductions, but did not contain measures for accomplishing these substantial goals, and did not present an analysis of the social and economic impacts. Without specific measures and commitments from the responsible agencies, the goals were neither implementable nor enforceable. Further, EPA finds no evidence that DEP acted improperly in revising the proposed plan. The general agreement of those presenting testimony was that DEP provided ample opportunity for participation during the period of plan development.

(3) One commenter stated that transportation is the real cause of air pollution and that ConnDOT should carry a heavier load. Another stated that too great an emphasis was placed on transportation changes, while a third suggested that EPA should not allow a vocal element of the public to stop reasonable projects.

The strategies chosen and the emphasis placed on transportation projects is a state decision. EPA evaluates the selection to insure that reasonable further progress (RFP) is maintaned and that the ozone and CO standards are achieved not later than 1987. EPA encourages the various interest groups in the state to participate in the selection process so that the views of all are considered in the final decision.

(4) Four commenters challenged ConnDOT's traffic data, projections, and emphasis.

EPA ordinarily presumes that raw data generated and submitted by the States are accurate in the absence of a showing to the contrary. In Connecticut ConnDOT used population projects consistent with Section 208 grant planning as required by EPA to insure consistency. In the absence of data or other showing to the contrary EPA considers the ConnDOT data to a be acceptable. EPA is presently reviewing the best approach to evaluating the assumptions and modeling used by ConnDOT as part of the 1982 SIP and will investigate this issue further at that time.

(5) FHWA asked that the description of the process by which RACMs are given priority in advancing to implementation be clarified to indicate that it is the responsibility of regional Boards and ConnDOT to advance air quality improving projects, not the U.S. Department of Transportation (DOT) as was mistakenly printed in the NPR.

(6) One commenter stated that neither DOT nor ConnDOT has adequately explained how the programs in the SIP will affect the way that transportation funds will be allocated. There is available information and regulations governing the allocation of federal transportation funds. These regulations are referenced here, in the NPR, and in the Connecticut SIP. EPA acknowledges that the full implications of the SIP process on how transportation funds will be allocated will not be known until after the Regional Planning Agencies (RPAs) and state agencies have completed their analysis of potential transportation measures.

(7) Several commenters addressed the issue of whether EPA should approve the transportation element as whole. Most commenters cited instances where they felt the SIP was deficient, but the majority also felt that EPA should approve the submittal and focus now on implementation and on correcting deficiencies for the 1982 plan. EPA finds that the SIP as a whole is adequate and that it is time to move forward toward implementation.

b. *Planning Process Requirements.*—(1) Integration of Air Quality Considerations with the Transportation Planning Process.

Both the DEP and FHWA noted that the NPR incorrectly referred to the 15 RPAs as "Metropolitan Planning Organizations" (MPO). All 15 RPAs have been designated under Section 174 of the Act as having responsibility for air quality-transportation planning. However, of the 15 agencies, only five are also MPOs as described by the FHWA and Urban Mass Transportation Administration (UMTA) joint transportation planning guidelines.

(2) Conformity Procedures and Criteria. One commenter supported the procedures and criteria submitted, and four felt that the criteria were too loose, needed to be clarified, or were inadequate. One commenter suggested that local review be added to the procedures.

EPA's analysis indicates that the conformity procedures and criteria are approvable. A June 12, 1980 agreement between EPA and DOT governs federal actions relative to the requirements for consistency (Section 176(c) and (d) of the Act) and replaces the conformity requirements of 109(j) of the Federal-Aid Highway Act for areas requiring transportation control measures. This

agreement places the responsibility for conformity determination on the MPO which has local elected officials or their designees as voting members. EPA therefore feels that there will be adequate consultation with local elected officials.

(a) Plans and Programs. (1) Five commenters criticized the criteria for determining the conformity of transportation plans and programs with the SIP. Two did not like the fact that the review for hydrocarbons occurs only at the systems level, and three were opposed to including highway projects now planned for construction in the future years' mobile source emissions inventory since these projects would therefore be in conformance with the SIP.

As discussed in the NPR, EPA agrees with the state that the systems level is the appropriate point to review a project's impact on hydrocarbon emissions and does not see the utility of including this review at a later stage in the process. EPA approval of the inclusion of all planned projects in its attainment demonstration to ensure that the SIP will adequately compensate for increased air pollution, if any, caused by future projects does not constitute endorsement of the projects by EPA does not require that these projects be built. Inclusion of projects in the SIP is interpreted by EPA to mean that the projected hydrocarbon reductions can be achieved with these projects; it does not mean that the same goals cannot be achieved without these projects; nor does it necessarily mean that EPA believes that this is the best way to achieve the clean air goals in Connecticut.

(2) One commenter stated that the Transportation Plan Review (TPR) process "should require an overall analysis of the air quality impacts of a transportation project at the outset of the planning process" so those that were "inconsistent with the SIP could be discarded at once".

EPA does not believe it is possible to adequately do an overall air quality impact analysis at the outset of the planning process since, for example, such an analysis would require a localized CO analysis. A CO analysis cannot be completed until after roadway configurations are determined and many more workhours are spent in design. EPA strongly endorses an early preliminary analysis of the hydrocarbon impact to determine whether the program's impact as a whole on hydrocarbon emissions complies with RFP.

(3) This same commenter also felt that the public did not have opportunity for input into the Transportation Plan Review process. EPA has no specific guidance on how the public should be involved in the conformity determination process and relies to a large extent on the mechanisms already in place required for transportation plan and program reviews by the FHWA-UMTA joint planning requirements. EPA will encourage DEP to continually review its public participation program procedures. However, EPA cannot require more than the commitments in the present SIP.

(4) One individual commented that air quality was not considered in long range transportation planning. EPA hopes to influence transportation decisions by building a constituency for less polluting modes of transportation. Without this constituency, state and federal agencies can only prevent those projects which are clearly inconsistent with the SIP, but cannot force changes in individuals' transportation travel patterns.

(b) Projects. Many groups and individuals presented testimony on the Indirect Source Review provisions of the submittal. Only those comments which address the adequacy of the ISR in meeting the requirements for the review of highway projects for consistency with the SIP will be discussed in this section. Those comments which address the legal questions of approving the withdrawal of the original regulation and replacing it with the revised ISR are discussed under Section III. H., *Withdrawal of Connecticut's Indirect Source Regulation*, later in this Notice.

(1) The DEP asked that the portion of the NPR addressing the use of the ISR for conformity findings be clarified. As the DEP pointed out, the ISR program applies only to defined classes of projects and for these projects, the ISR process constitutes one element of the total air quality review. Many projects not subject to ISR requirements are also a part and product of the transportation planning process which is to be assessed for conformity with the SIP in accordance with plan and program review procedures.

(2) Three commenters urged EPA to approve the ISR, two urged disapproval, and ten felt the regulations were too weak. Of this latter group, seven commenters including one mayor and one state representative objected to exempting development, particularly shopping malls, from review, and one individual was opposed to a regulation which would permit new construction of highways. One commenter recommended that the ISR be modified to allow review of "socially neutral or undesirable installations," such as shopping centers, but to exempt from review the construction of offices and factories because of their value in providing jobs. Another individual recommended that growth and development should be encouraged to adhere to the planned or existing transportation system rather than allowing development where it would require changes to the transportation systems.

As discussed in the NPR, under the Act, EPA cannot require an Indirect Source Review Regulation. It also cannot require that certain projects be included or excluded for economic, social, or political reasons. EPA recognizes that this regulation will allow the construction of new highway projects, however, the ISR is one step in the review of such projects to insure that those that are built or modified will not jeopardize progress towards attainment of air quality standards. Finally, although EPA endorses the suggestion that new growth and development should adhere to the existing and planned transportation system, land use control is primarily a state and local issue.

(3) The purpose of the Stage I ISR review is to insure that a project is part of a Transportation Improvement Plan (TIP) which has been determined to be in conformance with the SIP. If a project which will increase hydrocarbon emissions is part of a TIP which is not in conformance with the SIP, the Stage I permit cannot be granted for state funded projects unless the project is determined by the Commissioner of the DEP to be of overriding economic or social benefit and there is a provision to provide offsetting programs and projects to insure attainment of the HC reduction goals. FHWA favored extending the exemption clause to federally funded projects and objected to EPA's position that federally funded projects could not be exempted since the SIP requires that offsets be provided for hydrocarbon increasing projects. Three other commenters opposed the inclusion of federally funded projects and four commenters objected to the broad and arbitrary discretion given to the Commissioner of the DEP. Since the NPR was published EPA and DOT have signed an agreement on conformity procedures which allows approval of projects in a nonconforming plan limited to preliminary engineering and environmental impact studies, advanced right-of-way purchases involving hardship cases and those actions exempt from sanctions under Section 176(a) of the Act, as defined in the policy and the procedures on Federal Assistance Limitations published in the

Federal Register on April 10, 1980. EPA finds DEP procedures to be approvable and will review exempted projects on a case-by-case basis in the context of the EPA–DOT agreement.

(4) One commenter wanted the Stage II ISR to include a review for hydrocarbon emissions. EPA agrees with the state that hydrocarbons should be reviewed at the plan and program level and should not be a criteria for individual projects. Another individual wanted a review for lead and TSP. The DEP has committed to review projects for their impact on ambient levels of lead and TSP when an adequate methodology has been developed. EPA finds no evidence that such methods are currently available, and therefore would not advise a review for lead and TSP at this time.

(5) One commenter criticized the models used as not being able to consider the geography and topography of an area in predicting ambient concentrations. EPA recognizes that the state of the art in modeling does not allow geography or topography to be considered directly in the models. However, for CO, the worst case conditions are usually found at about 10 meters from congested roadways and in these circumstances topography usually does not play an important role.

(6) Before the NPR was published, one commenter wanted assurances that a single state agency would make a binding determination of conformity. The June 12, 1980 EPA–DOT agreement on conformity procedures insures that each state agency with an interest in the conformity determination be part of the process and defines a procedure in which ERA makes recommendations to DOT on all conformity determinations.

(7) One commenter wanted to be sure that it was clarified that the ISR will apply to highways over one mile. Another commenter stated that although a project might appear in the TIP, there is no assurance that it will ever be completed.

EPA acknowledges that the ISR only applies to highways over one mile, and that a project appearing in the TIP might not be built. Each year the TIP must be reviewed for conformity, and the projects implemented during the past year will have to be shown to conform to RFP.

(8) FHWA commented that it is "not aware of any acceptable methodology to predict NMHC and particulate levels in future years" and felt that this requirement should therefore not be in the SIP. It also objected to the fact that the "third step does not allow for increases in either pollutant for a build alternate in relation to the no-build."

EPA recognizes that there may not be methods available to adequately model for these pollutants, but also recognizes the right of the state to interpret its regulation, as it has, to include only CO at this time. The third step only prohibits increases when there is a violation of an ambient standard and EPA approves this state approach.

Finally, the FHWA took issue with the Stage II requirements and stated that it thought it was unreasonable to disapprove a project in "Cases where there are existing violations and the proposed project has no adverse effect." EPA concurs. However, EPA does not find that the ISR would cause the denial of a permit as suggested by FHWA if the project did not have an effect on an existing violation. FHWA says that Stage II conflicts with Stage III where a 0.5 ppm increase in CO is required over an existing violation before a project is said to have an effect. EPA does not agree that the two stages are inconsistent. EPA does acknowledge that the DEP may not have defined the increase required before a project is said to contribute to a violation in the Stage II review, but does not feel that this is sufficient reason to disapprove the ISR.

Final Action:

EPA is approving the transportation plan, program and project conformity procedures and criteria.

(3) Reasonably Available Control Measures. In the NPR, EPA proposed to approve this portion of the SIP conditioned upon receipt, prior to final rulemaking, of a revised schedule for RACM analysis.

1. A commenter stated that the submittal should not be approved without a schedule to analyze RACMs. On September 8, 1980, EPA received the following schedule which is acceptable:

Item	Start	End
Analysis of individual strategies by DEP, ConnDOT and each RPA.	Apr. 1, 1980	Oct. 1, 1980.
RPAs, ConnDOT and DEP cooperatively integrate individual strategies into alternative strategy packages.	Oct. 1, 1980	June 1, 1981.
DEP, RPAs and ConnDOT jointly conduct informational meetings with state legislators, local elected officials and the general public.	June 1, 1981	Aug. 1, 1981.
Finalize alternative strategy packages and state and local legislative recommendations.	Aug. 1, 1981	Jan. 1, 1982.
Obtain all necessary legislation and funding authorizations, draft FY 82 SIP Revision, hold public hearing on 1982 SIP Revision, and finalize 1982 SIP revision and submit to EPA for approval.	Jan. 1, 1982	June 30, 1982.

2. Two individuals and the DEP criticized the lack of guidance and technical assistance provided to regional planning agencies on the analysis of reasonably available transportation measures. The failure of EPA to publish guidance documents required by Section 108 of the Clean Air Act was cited as a major obstacle in Connecticut's effort to perform the RACM analysis.

Information on emission factors, travel analysis, travel forecasting, etc. have been presented in other sources available to planning agencies. Lack of specific guidance for the planning regions may cause a variation in their choice of methodologies, assumptions and data bases but these differences should not compromise the results and ultimate adoption of measures in the 1982 plan.

3. The Connecticut DEP commented that "every valid study which we have reviewed indicates that RACMs have been oversold and cannot realistically achieve large reductions in emissions." EPA believes that, with few exceptions, each individual transportation measure alone might not account for large reductions in emissions but that transportation measures collectively can result in significant reductions. Additionally, many air quality-improving transportation projects have been costly to either implement or operate. However, since the mobile source inventory in 56% and 45% of the 1982 and 1987 total hydrocarbon inventory respectively, and is effectively the entire carbon monoxide inventory, mobile sources cannot be overlooked as a potential source of reductions. EPA has awarded grants to ConnDOT, DEP, and the regional planning agencies to examine which RACMs are feasible in the state, and how these projects could be implemented to achieve maximum reductions in air pollution. When the studies have been completed, the 1982 SIP development process can use this

information to make choices on the most reasonably available methods of reducing emissions from either mobile or stationary sources of air pollution.

4. Three other commenters were concerned with the lack of coordination between EPA, the DEP and the RPAs and stated that status reports on progress in analyzing, packaging and choosing RACMs should be instituted.

Presently there are requirements for quarterly progress reports, reports for all RACM analyses, public participation requirements and monthly meetings between DEP, ConnDOT, EPA and the RPAs to discuss issues. EPA feels that these requirements are sufficient.

5. Two commenters objected to the lack of specific schedules for RACM implementation, while another expressed concern that the financial resources to implement these measures were not committed.

It is not possible to develop an implementation schedule prior to evaluating the feasibility of various strategies. In the 1982 SIP submittal, a more detailed schedule will be required based on the planning now being completed. As for the financial resources, Congress intended the RPAs to use existing sources of funding for implementation and only provided planning assistance to develop air quality improving projects through the existing transportation planning process. EPA recognizes that implementation funds are limited but expects that air quality improving projects will be a priority for receiving funds in accordance with Section 176(d) of the Act. It is EPS's goal that the projects selected for implementation will have air quality benefits.

6. One commenter stated that implementation of RACMs would only be effective if new car emission standards were maintained. Although EPA recognizes the importance of maintaining the Federal Motor Vehicle Emission Control Program (FMVECP), EPA must disagree with the commenter's conclusion. The FMVECP is certainly a critical component of the overall control strategy but alone is inadequate to attain the NAAQS. RACMs are needed to supplement the FMVECP, and together with the FMVECP can achieve the goal of clean air.

7. Another commenter took issue with the General Preamble that less than all RACMs were acceptable as long as RFP and attainment are demonstrated. As long as a state demonstrates attainment in an expeditious time frame, it has the flexibility to choose only those strategies in the mobile source area which are best suited to its circumstances.

8. Several commenters supported the need for more specific RACMs including van pooling, bicycles, traffic flow improvements and ISR. EPA supports programs which will cause real air pollution reductions, but recognizes that lead time is needed to evaluate, select and then implement many projects.

9. One representative stated that all RACMs should be completed before any highways are built and that the SIP should consequently be conditionally approved. EPA does not agree for two reasons. First, a conditional approval would still allow the construction of highways which are part of the conditionally approved SIP, and second, if the highway projects are shown to not jeopardize RFP and attainment, EPA cannot and should not stop their construction because of air quality.

Final Action

EPA is approving the portions of the submittal addressing the RACM analyses and schedule.

c. *Carbon Monoxide Planning Activities.*—The foundation of the carbon monoxide attainment plan is the procedure to identify intersections with high CO concentrations, the "hotspot" identification program. Regional planning agencies have identified the 10 worst areas of CO violations by using traffic data and an air quality model, and the DEP has committed to monitor at representative sites to determine the severity of the predicted violations. In the NPR, EPA proposed to approve this portion of the SIP revisions.

(1) Four individuals presenting testimony questioned the validity of the model used and asked that monitored data be collected to confirm the violations. EPA believes that the model is a valid tool for the purpose for which it was intended, namely to rank violations relative to one another. EPA does, however, acknowledge that it does not accurately predict the absolute values of ambient CO. The model has been tested in several cities, and if used carefully can be a cost-effective method of identifying the locations with the highest CO violations in an area. EPA recognizes that properly conducted monitoring data provides a stronger argument that violations exist, but also recognizes that monitoring for short periods at one location does not always provide sufficient data to insure that there are no violations in an area.

(2) One commenter said that the CO attainment plan should be rejected since the DEP failed to commit the resources required by the plan. The DEP committed to undertake a monitoring program if additional funding could be provided. Two commenters said that intersections should be monitored, but that EPA should provide the funding. EPA has been able to award the DEP $124,483 of Section 175 funds to carry out the program. The DEP will be working with the RPAs and EPA to design a monitoring program which will meet the need of better ambient data to confirm the results of ranking and to establish the actual ambient levels of CO. EPA believes that the resources are now adequate to define the extent and severity of carbon monoxide violations within Connecticut.

(3) One commenter urged that the CO attainment plan should be because it was relying solely on the FMVECP while another stated that the CO rejected data base in the SIP was faulty.

While EPA recognizes that the data base may not be perfect, it also feels that it is better than information gathered for most areas of the country. Since the DEP and ConnDOT have embarked on a program to study and alleviate CO hotspots as a part of the SIP, EPA does not agree that the CO attainment plan should be rejected.

(4) Two commenters urged a more specific schedule for reducing CO hotspots and suggested that the DEP provide status reports on the schedule of progress. Both EPA and the state agree that a specific schedule and progress reports are necessary and EPA will work with the state on such a program.

(5) The DEP commented that it should not be required to do a CO hotspot program since other areas of the country are not being required to do a CO analysis.

EPA recognizes that some regions have not required a CO hotspot program as part of attainment plans but that others have. Each state with designated non-attainment areas for CO has been required to submit a SIP which demonstrates attainment by 1987 at the latest, through a variety of strategies.

Final Action

EPA is approving the carbon monoxide attainment plan.

d. *Commitment to Public Transportation.*—In the NPR, EPA proposed to approve Connecticut's commitment to public transportation.

(1) Of the comments received on this section, 10 individuals or groups thought that the commitment was too weak or needed more specific commitments to measures. Two commenters called for disapproval of this section. Six advocated increased use of rail, with one person stating that rail alternatives were preferable to high occupancy vehicle lanes. Two persons stated that

buses caused congestion and therefore should not be part of the SIP. Another individual urged that rideshare programs "not be considered an excuse for not proceeding with genuine public transportation." Three commenters supported rideshare or other transportation systems management programs, including the Waterbury Chamber of Commerce, which committed to explore rideshare and vanpool programs in their area as an alternative to the single occupancy vehicle. EPA accepts the judgment of the DEP as to what constitutes an adequate commitment to specific projects. Appendix A contains the list of air quality-improving projects submitted by the DEP which are approved under Section II.A.6., *Reasonable Further Progress*, later in this Notice. EPA has allocated approximately $1.6 million of Section 175 funds to Connecticut to evaluate the impact and feasibility of implementation of a wide range of public transportation alternatives including rail, high occupancy vehicle lanes (HOVL), vanpools and ridesharing. EPA will await the results of these studies to determine the feasibility and potential of individual measures for Connecticut cities. EPA believes that rideshare programs will be shown to have the potential to be among the most cost-effective strategies in reducing emissions and should not be discounted.

(2) UMTA commented that it could not assure that federal funding would be available for the purchase of 200 new buses and that UMTA's ability to fund the program would depend upon the cities which are to receive the buses, and the availability of grants under Sections 3 and 5 of the Surface Transportation Act. UMTA also stated that the funds may not be available on a timetable which coincides with the schedule in the SIP.

Since the agency responsible for making this commitment is ConnDOT, it is ConnDOT's responsibility to make every effort to assure that the buses are planned in such a way that the commitment can be met. Section 176 requires federal funding agencies to give priority to projects which are part of a SIP. If, in spite of these factors, the buses could not be purchased and operated in accordance with the schedule in the SIP, ConnDOT would have to show that good faith efforts had been made to meet the commitment or be subject to funding limitations under Section 176.

(3) One commenter stated that the reality of the commitment was not evident since the alternatives strategies analysis due July, 1980 from the DEP was not completed. EPA recognizes that some slippage in schedules will occur but does not agree that the reality of the commitment does not exist. EPA intends to work more closely with the state to assist them in completing the task established in the SIP.

(4) Finally, FHWA said that it was "concerned at the apparent weakness of the commitment made in the plan". EPA recognizes that the commitment to public transportation could have been stronger but believes the state should be given the opportunity to demonstrate the validity of its commitment.

Final Action:

EPA is approving Connecticut's commitment to Public Transportation.

4. *Motor Vehicle Inspection And Maintenance Strategy.* "Inspection/Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes of vehicles can be included as well. Operation of non-complying vehicles is prohibited. This is more effectively accomplished by requiring proof of compliance to purchase license plates or to register a vehicle. A windshield sticker system, much like that of many safety inspection programs, can be used if it can be demonstrated that equal effectiveness will be achieved.

Section 172 of the Clean Air Act requires that State Implementation Plans for states which include non-attainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, and extension to 1987 will be granted. In such cases Section 172 (b) (11) (B) requires that: "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program * * *"

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble (44 FR 20372, 20373, n 6). Though the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

- *Legal Authority.* States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the inspection/maintenance program. (Section 172 (b) (10))
- *Commitment.* The appropriate governmental unit(s) must be committed to implement and enforce the I/M program. (Section 172 (b) (10))
- *Resources.* The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172 (b) (7))
- *Schedule.* A specific schedule to establish the I/M program must be included in the State Implementation Plan. (Section 172 (b) (11) (b)). Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirement of 40 CFR 51.15(c).
- *Program Effectiveness.* As set forth in the July 17, 1978 guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emission projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172 (b) (2) which states that "the plan provisions * * *shall * * * provide for the implementation of all reasonably available control measures * * *"

Specific detailed requirements of these five provisions are discussed below.

To be acceptable, I/M legal authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are "committed to

implement and enforce the appropriate elements of the plan." (Section 172(b)(10)). Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an inspection/maintenance program is required. (Section 172(b)(11)(B)). The July 17, 1978, guidance memorandum established as EPA policy the key milestones for the implementation of the various I/M programs. These milestones were the general SIP requirement for compliance modified at 40 CFR 51.15(c). This section requires that increments of progress be incorporated for compliance schedules of over one year in length.

To be acceptable an I/M program must achieve the requisite 25% reductions in both hydrocarbon and carbon monoxide exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates "Implementation of all reasonably available control as expeditiously as practicable." Section 172(b)(2). At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating, including mandatory programs of New Jersey and Arizona operating at about a 20% stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.) Depending on program type (private garage or centralized inspection), a mandatory I/M program may be implemented as late as December 31, 1982 and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982, and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20% stringency factors, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

The Connecticut program would apply to light duty gasoline powered vehicles with less than 6001 pounds gross vehicle weight and would provide for inspection of HC and CO emissions each year. Inspections would be carried out by a state contractor. There is a $10.00 ceiling on the inspection fee. Either an idle inspection or a loaded mode test would be used. There would be an underhood tachometer hookup to measure revolutions per minute. Starting December 31, 1982, any vehicle which failed to meet the emission standards promulgated would be required to obtain necessary repairs and be reinspected. Any vehicle built prior to model year 1968 would be exempted from the program. A vehicle exceeding the standards after its second inspection would be granted a waiver, if the estimated cost of repairs exceeded $70.00. Compliance will be assured through the enforcement of window stickers. The DEP has been given authority to submit the SIP on the Governor's behalf and has committed to enforce the I/M program in the November 12, 1980 submittal. Additionally, in a letter dated October 17, 1980 to Merrill Hohman, the Commissioner of the Department of Motor Vehicles (DMV) who has the authority to enforce the I/M program under public Act Number 80-458, committed to enforce the I/M program. EPA finds that these two submittals constitute an adequate general commitment by the State Executive Branch to enforce the I/M program. EPA is only approving the legal authority and general commitment to enforce. Program enforcement details will be reviewed in the 1982 SIP submittal to ensure that the enforcement procedures are equally as effective as denial of registration.

The standards selected by Connecticut are modeled after those of New Jersey, Arizona and Portland, Oregon, which have had successful experiences in implementing I/M programs. These standards will vary according to model year and can be adjusted to be more or less stringent as necessary. The DEP estimates that these standards would result in a failure rate of 20%.

Twelve comments were received on the I/M program.

1. One comment submitted from an environmental group discussed three areas in which the Connecticut program, as presented in the SIP, did not satisfy the requirements of the Act, namely: the lack of a specific implementation schedule, the lack of a commitment of financial resources and personnel; and, the lack of a commitment to obtain a 25% reduction in CO and HC by 1987. In the NPR, EPA acknowledged the lack of these three items and proposed to condition approval of this portion of the SIP upon receipt of these, and additional items, prior to the publication of this Notice. As discussed later in this Section, these items have been received.

2. The same commenter said that the state's failure to implement an I/M program to date will have caused the I/M program to be an ineffective strategy toward obtaining reasonable further progress for CO. The start-up date for the Connecticut program, December 31, 1982, meets EPA program guidelines as the last acceptable date by which a state may implement a centralized, contractor run I/M system. EPA does not consider that the I/M program in Connecticut will be an ineffective CO control strategy.

3. Four comments were received which addressed the enforcement procedures for the I/M program. Two of the commenters questioned the effectiveness of a sticker system in light of a poor state record in enforcing other programs and suggested that a registration-linked system may be more enforceable. One of these commenters also suggested that making the repair ceiling a percentage of the vehicle's value would also enhance enforcement of the program. The third commenter outlined the use of the sticker enforcement method which will operate in a manner similar to that in New Jersey, and stated that the passing of the I/M test will not be a condition for vehicle registration as it is in New Jersey. A fourth commenter stated that Connecticut would incur greater costs from an I/M program which was not linked to registration since it was likely that fewer vehicles would be inspected than had been originally planned.

In its guidance to the states, and as stated in the first paragraph of this section of the Notice, EPA realizes that a registration-linked system is most effective. However, EPA allows for use of a windshield sticker system as a method of enforcement to assure that non-complying vehicles are not operated on public roads. EPA guidance emphasizes the importance of an effective and enforceable I/M program and EPA will approve a sticker based enforcement method only if it can be demonstrated that equal effectiveness will be achieved.

Although EPA sees the merit of basing the repair ceiling fee on a percentage of the vehicle's value, EPA guidelines to the state leave the area of repair cost ceiling to the determination of the state. EPA's decision on the approvability of a program is not based on the amount of the repair cost ceiling or the manner in which it was derived.

4. Three commenters supported the state I/M program but expressed concern over the fact that its delay in starting would not be helpful to current sufferers of lung disease. One of these commenters also thought that poor state administrative practices were a cause for the program start-up delay. EPA guidelines allow until December 31, 1982 for the implementation of a centralized I/M program. EPA does, of course, encourage implementation of these programs to occur as soon as possible so as to realize the greatest benefits from CO/HC emissions reductions.

5. One commenter stated that delaying the start-up of the program until 1983 would cause the state to incur a potentially greater vehicle inspection cost above the $10.00 fee ceiling which was set in the 1980 law. Under the 1980 law the state is responsible for absorbing out of its General Fund any inspection costs above the $10.00 fee ceiling. This commenter apparently felt that the cost of the inspections which the state will have to absorb will be even greater because of the delay in the start-up date of the program. EPA guidance allows until December 31, 1982 for implementation of a centralized I/M program. The state selected both the type of program and the inspection fee ceiling. The setting of a fee ceiling is a matter for the state's discretion. Any changes in the fee ceiling which might be warranted due to inflation or delay in program start-up are therefore within the province of the state and not a consideration in EPA's decision to approve a state program.

6. Another commenter stated that the new legislation was not compatible with the previous I/M statute and that the new law would negate effective enforcement. He stated that the original law made maintenance mandatory only after a one-year phase-in period. Since the new statute requires the I/M program to start-up by December of 1982, the commenter wanted to know whether the Connecticut law would meet EPA implementation requirements.

EPA believes that the Connecticut I/M program meets EPA I/M implementation requirements. C.G.L.A. Chapter 263a, Section 14-164c(d), enacted in 1980 as P.A. No. 80-458, section 2, and Section 14-164d, enacted in 1978 as P.A. No. 78-335, section 3, do appear to be inconsistent. Section 14-164(c)d provides for mandatory I/M commencing December 31, 1982, while Section 14-164d provides for a voluntary phase-in of the program during its first year.

The Connecticut Attorney General's Office has indicated to EPA that, by virtue of its mandatory terms and enactment subsequent to Section 14-164d, Section 14-164c(d) expresses the intent of the legislature and effectively repeals Section 14-164d. Therefore, Connecticut's mandatory I/M program commences on December 31, 1982 and there will not be a voluntary phase-in period.

In response to the NPR, on September 8 and on November 12, 1980, submittals were received which included a revised I/M implementation schedule; both background calculations and a commitment to a 25 percent reduction in both CO and HC through implementation of the I/M program; a revised narrative and a statement of commitment to implement and enforce the program.

EPA has reviewed the material and the implementation schedule submitted by the state. In general, the schedule complies with the conditions in the NPR and EPA is satisfied that the schedule will provide for timely development and implementation of an adequate I/M program by December 31, 1982. The listing of program elements which appeared in the NPR was developed by EPA and intended as a guide for the state to use in preparing an updated, detailed work schedule. The state's submittal generally addresses all program elements listed in the NPR and in its review EPA has determined that the September 8 and November 12, 1980 submittals, the State-EPA Agreement of 1981 and the State Section 105 Grant Applications for fiscal years 1980 and 1981 provide an adequate commitment of resources and a commitment to the implementation of the I/M program. In addition, for the reasons outlined earlier, EPA is approving the State's commitment to enforce the I/M program.

Submittal of these materials fulfills the conditions for approval of this portion of the SIP revisions as described in the NPR.

Final Action:

EPA is approving the I/M portion of the Connecticut SIP revisions.

5. *Emission Inventories.* The NPR proposed approval of the stationary source component of the VOC inventory conditioned upon submittal of a refined inventory summary for miscellaneous VOC sources by January 1, 1981. The NPR proposed approval of the mobile source component of the inventory as submitted.

Comments on the adequacy of the mobile source inventory are discussed in Section II.A.3., *Transportation Planning-General,* earlier in this Notice.

Final Action:

EPA is approving the stationary source VOC inventory conditioned on submittal to EPA by January 1, 1981 of a refined inventory summary which will identify the miscellaneous VOC source categories and the associated emissions by category.

EPA is approving the mobile source VOC inventory.

6. *Reasonable Further Progress.* a. One commenter stated that there is no documentation of how the state would achieve the proposed VOC growth margin. Another requested an explanation of how the state would assure that a growth margin would exist between now and 1987. Two other commenters stated that because there was no regulation for cutback asphalt and because Connecticut relies only on the FMVECP to show RFP for CO the demonstrations are inadequate.

The NPR discussed the fact that for approval of RFP the state must submit by September 15, 1980 (revised to December 15, 1980 in this Notice) a regulation for cutback asphalt and prior to EPA's final rulemaking an explanation of how the state will assure that the proposed growth margin for new VOC sources will exist and a list of air quality improving transportation projects. Additionally, the state has committed to a CO hotspot program as part of its CO attainment plan.

Another commenter asked what EPA would do if Connecticut failed to achieve the RFP reductions scheduled for implementation in 1983.

In the September 8, 1980 submittal in response to the NPR, EPA received additional documentation for both RFP and the growth margin. This material indicates the annual reductions to be achieved and the growth margin available for each year through 1987. A report will be submitted to EPA each year by the DEP indicating the emissions, reductions and additions for the previous year. If the annual increment is not achieved the state will either demonstrate that attainment of the standard is not jeopardized or commit to take the necessary steps to assure attainment.

The September 8, 1980 submittal also included a list of air quality improving projects with schedules and milestones for improvement. This schedule is printed as Appendix A at the end of this preamble. The SIP revisions due from Connecticut by July 1, 1982 should show additional measures to support RFP toward attainment.

b. Several commenters stated that there was a lack of specific transportation measures for CO standards attainment. As discussed under Section II.A.3.C., *CO Planning Activities,* earlier in this Notice, EPA finds the transportation measures submitted to be adequate.

Final Action

1. EPA is approving the RFP demonstration for ozone attainment conditioned upon submittal to EPA by December 15, 1980 of a regulation which will control cutback asphalt category, consistent with EPA guidance, or with adequate justification for differences, and as expeditiously as practicable.

2. EPA is approving:

a. The RFP demonstration for CO attainment.

b. The procedures for advancing transportation projects through the planning process.

c. The four statewide transportation projects.

d. The transportation projects for urban areas listed in Appendix A.

B. Total Suspended Particulates (TSP)

1. *Attainment/Non-Attainment Designations.*—In the NPR, EPA proposed to approve the state's designation of TSP non-attainment areas. Specifically, EPA proposed to approve the redesignation of the entire state, with the exception of Waterbury and Greenwich, to attainment for the primary TSP standard. Waterbury and Greenwich would remain designated non-attainment for the primary standard.

One comment was received on this aspect of the revisions. It was noted that high TSP levels in Waterbury may have been influenced by extensive construction near the monitoring sites, and that further study should be undertaken.

Connecticut designated attainment and non-attainment areas within the state, subject to EPA approval. The preliminary evaluations and conclusions relative to construction activity impact on the Waterbury non-attainment areas were made by the state. At the July 30, 1980 public meeting the Director of the Air Compliance Unit stated that construction activity in the area was indeed underway during the period when the designations were made and the state is continuing to assess the construction impact on Waterbury's TSP levels.

Final Action

EPA is approving the non-attainment designations for Waterbury and Greenwich for the primary TSP standard. The remainder of the state is designated non-attainment for the secondary TSP standard.

2. *Greenwich Primary TSP Non-Attainment Plan.*—In the NPR, EPA proposed to approve the Greenwich attainment demonstration conditioned upon submission prior to EPA's final rulemaking of:

a. Documentation that 4,800 tons per year of particulate emissions will be reduced from the Cos Cob plant, and

b. Documentation through modeling that the emission reduction is sufficient to attain the primary standard for TSP.

No public comments were made on this aspect of the revisions.

Included in the submittal EPA received on September 8, 1980 was the documentation specified above. The state noted that EPA enforcement action has brought the Cos Cob generating station into compliance with applicable TSP emission limitations. The generating station converted from the use of coal to the use of a combination of low sulfur oil and natural gas, resulting in a reduction in emissions of 1,667 tons. Although this reduction is less than originally anticipated, Connecticut has demonstrated that it is sufficient to bring Greenwich into attainment with the primary NAAQS for TSP. This demonstration relied on the State's New Source Ambient Impact Analysis Guideline which has not been approved by EPA, and although EPA does not agree with Connecticut's method of estimating background air quality, nevertheless we concur with the state's finding that the TSP standard will be attained.

Final Action

EPA is approving the attainment plan for Greenwich.

3. *Attainment Plan for Waterbury.*—In the NPR, EPA proposed to approve the plan to attain the primary TSP standard in Waterbury, conditioned upon:

(1) Review of EPA's RACT guidance determination of particulate emission regulations which represents RACT for Connecticut sources, and if necessary, adoption and implementation of such particulate emission regulations or a written submittal to EPA of the technical support delineating why no regulation change is necessary, by December 15, 1980 for oil boilers, and by October 15, 1980 for asphalt batch plants, quarry operations, ferrous foundries, non-ferrous foundries and portland cement concrete batch plants.

(2) Reexamination and reevaluation of Connecticut's existing particulate emission regulations for fabricated metal products manufacturing; stone, clay and glass products manufacturing; and textile mills products manufacturing; submission to EPA of a written statement summarizing the findings of such reevaluation, and adoption and implementation of revised particulate emission regulations consistent with such findings by October 15, 1980.

(3) Submittal prior to EPA's final rulemaking action of firm-specific starting dates as well as specific dates by which Connecticut has completed or will complete the following:

—Studies that characterize the contribution to TSP levels resulting from motor vehicle related emissions.
—Analysis of the data from the motor vehicle-related emission study.
—Presentation and analysis of data relating to reducing motor vehicle emissions.
—Development of control strategies.
—Adoption of regulations (including any necessary legislation and funding) pursuant to control strategies.
—Implementation of control strategies.
—Attainment of TSP primary standards.

A number of comments were received on the TSP portion of the state's SIP revisions. Some comments were favorable and some criticisms, suggestions/problems were raised.

1. The Commissioner of the DEP requested an extension of the date for adoption of the RACT regulatory modifications noted above. This request would delay the dates for adopting RACT regulations pursuant to EPA Region I guidance. The October 15, 1980 date would be delayed to December 15, 1980 and the December 15, 1980 date delayed to March 15, 1981, the additional time being used principally for state legislative review of proposed changes.

Since the two and three month extension requests are justifiable and do not represent a substantial change from the schedule outlined in the NPR, EPA is herein extending the dates by which these amendments must be submitted.

2. Two commenters questioned why RACT for residual oil burning sources is being adopted statewide when only a localized area has been designated non-attainment for the primary TSP standard. Moreover, the primary violations are believed to be largely related to automotive activities.

Section 172 of the Clean Air Act specifies that RACT must be adopted in areas where air quality standards are being violated. The Act does not exempt any sources, despite minimal impact on the non-attainment problem. In an effort to achieve reasonable plans that would attain standards, each state must adopt RACT to the extent needed to attain standards for any source category which is shown to contribute significantly to particulate levels in the non-attainment area. Residual oil burning sources in the Waterbury area are one such category

Although primary standard non-attainment is localized in Connecticut, the entire State has been designated

non-attainment for the secondary TSP standard. Statewide adoption of RACT is therefore required.

3. One commenter warned that inequitable application of policy between regions can seriously jeopardize the viability of industries within a region. Specifically, the commenter was concerned that the condition that the RACT guidelines developed by Region I be adopted could result in an imbalancing of economic growth between regions of the country. He urged that the regional office withdraw this condition until there is national RACT guidance, which will establish consistency for particulate matter RACT for traditional sources. A number of commenters similarly maintained that a regional approach to RACT undermines the intent of national uniformity in the Clean Air Act.

The issue of consistency of interpretation and requirements is discussed in Section I.E., *National Uniformity*, earlier in this Notice.

With specific regard to the adoption of RACT, the Clean Air Act clearly requires this level of control of sources in any area designated non-attainment. Since RACT, by definition, must take economic considertions into account, it is reasonable that RACT may be represented by different emission levels in different portions of the country. In any event, because of limited State resources and the need for expedient determination of appropriate RACT regulations, EPA Region I undertook, through a contractual arrangement, to assist the New England States in this regard. The determinations were based on many criteria including economic considerations and emission levels in other States. Finally, the Region I guidance did not establish a regulatory requirement and was not presented as a final, inflexible determination. Rather, it was presented to each State, in effect, as a rebuttable presumption to assist in their determination of RACT; each State must review its regulations in light of the Region I guidance, and must evaluate the need for and adopt further provisions consistent with regional guidance based on the unique economic and technical circumstances within each State.

4. One commenter contended that roadway configurations unduly influence the primary standard non-attainment status of Waterbury. Waterbury is potentially penalized under the SIP due to the location of a transportation resource that benefits a larger region. Further, the air quality largely is a consequence of vehicular traffic on an interchange and is not representative of the area, and therefore should not result in the entire area being designated in violation with the resulting consequences under the SIP.

The extent to which the primary standard violations in Waterbury are unduly influenced by roadways, and the geographical representativeness of the monitored data has been recognized by the DEP as a basic issue, and is thoroughly addressed in the SIP narrative. A number of studies have been conducted by the state in attempt to clarify this question. However, Connecticut could not conclude that the site was unduly influenced by motor vehicle related emissions and this remains an important issue. Further studies and evaluation are underway, including an expanded high volume monitoring study and continuous particulate and traffic count monitoring

5. One commenter noted that a body of evidence has accumulated over the past several years that makes existing particulate standards questionable. The commenter is concerned that substantial money is likely to be spent for compliance with existing standards or in fines for failure to comply with standards that warrant reconsideration.

The existing TSP standards are currently under review by the EPA. Nevertheless, the existing standards must be attained, as specified in the Act, and regulations to attain these standards must be complied with.

As discussed earlier in this Notice, on August 1, 1980, the Commissioner of the DEP submitted documentation demonstrating the need for an extension of time by which to adopt any regulation changes pursuant to EPA's RACT guidance. EPA has found that the request is reasonable and does not substantially change the schedule outlined in the proposed rulemaking. Accordingly, the October 15, 1980 date is extended to December 15, 1980 and the December 15, 1980 date is delayed to March 15, 1981. In addition, the October 15, 1980 date, by which Connecticut must reevaluate and adopt revised particulate regulations for source categories for which EPA has not developed RACT materials, has also been extended to December 15, 1980. This has been done to minimize the duplication of state effort in making two separate submissions, on similar subjects, to EPA.

The final condition for approval specified that Connecticut must submit, prior to EPA's final rulemaking action, firm dates by which certain activities must be completed, in order to assure the attainment of the TSP primary standard by 1982. In response to this condition, the September 8, 1980 submittal included a detailed and comprehensive schedule designed to attain the TSP primary standard by December 31, 1982. According to this schedule all technical work leading to the proposal of control strategies would be completed by April 30, 1981. Control strategies would be selected by September 30, 1981, and regulations to implement the control strategies would be developed and adopted by December 31, 1981. With this schedule, the primary TSP standard could be attained during 1982.

EPA is accepting this schedule for attainment, although with some reservations as to whether the state can actually meet these dates. Progress by the state in conforming to this schedule will be carefully monitored by EPA.

In this submittal, Connecticut has stated that technical development of the strategies will proceed in accordance with procedures in the state's *New Source Ambient Impact Analysis Guideline*. Since this guideline has not been approved by EPA, the state must rely on EPA procedures, or their equivalent, for the technical development of the attainment strategy. A discussion of Connecticut's *New Source Ambient Impact Analysis Guideline* is included in Section III. A., later in this Notice.

Final Action

EPA is approving the Waterbury TSP primary attainment plan conditioned upon:

1. Review of EPA's RACT guidance determination of particulate emission regulations which represents RACT for Connecticut sources, and if necessary, adoption and implementation of such particulate emission regulations or a written submittal to EPA of the technical support delineating why no regulation change is necessary, by March 15, 1981 for oil burning boilers, and by December 15, 1980 for asphalt batch plants, quarry operations, ferrous foundries, non-ferrous foundries and portland cement concrete batch plants.

2. Reexamination and reevaluation of Connecticut's existing particulate emission regulations for fabricated metal products manufacturing; stone, clay and glass products manufacturing; and textile mills products manufacturing; submission to EPA of a written statement summarizing the findings of such reevaluation, and adoption and implementation of revised particulate emission regulations consistent with such findings by December 15, 1980.

4. *Demonstration of Attainment and Reasonable Further Progress.*—As discussed in the NPR, Connecticut has committed to achieve attainment of the

primary TSP standard by 1982, and has provided an estimate of needed emission reductions and how reasonable further progress can be made. EPA proposed to approve this portion of the SIP revisions. No comments were received on these aspects of the state plan.

Final Action

EPA is approving this portion of the SIP revisions.

5. *Request for 18 Month Extension to Prepare Secondary Standard Attainment Plan.*—Connecticut has requested an 18 month extension, until January of 1981, for the development of the state's secondary TSP standard attainment plan. In the NPR, EPA proposed to approve the request, but explained that since the statutory date by which states were required to submit an attainment plan to EPA is January 1, 1979, the additional 18-month time period extends the statutory plan submission date to July 1, 1980 and not January of 1981 as requested by the state. No comments were received on this aspect of the state's plan.

Final Action

EPA is approving an 18-month extension to Connecticut for preparation of a secondary standard attainment plan. The date for plan submittal is therefore July 1, 1980.

C. New Source Review Program

In the NPR, EPA described Connecticut's program to review new and modified major stationary sources in non-attainment areas, and proposed to approve the program under specified conditions:

1. Regulatory amendments were to be submitted to EPA by September 15, 1980. These included changing the emission offset transaction from actual to allowable emissions, and the specification of certain conditions, consistent with the EOIR (44 FR 3285), to the exemption for resource recovery facilities.

2. Narrative amendments were to be submitted to EPA prior to EPA's final rulemaking action. These included an explanation of the application of the growth margin for hydrocarbons to new source permit approval and a commitment that if Connecticut exempted a resource recovery facility in a non-attainment area from securing offsets, no further permits for major stationary sources would be issued until the deficit is made up by either additional offsets or a SIP revision to provide additional control of existing sources.

Several comments were received on this portion of the NPR.

1. The Commissioner of the DEP requested a date extension for adoption of the regulatory modifications upon which plan approval was conditioned. The request would delay the September 15, 1980 date to December 15, 1980, the additional time being used principally for state legislative review of the changes.

Since the three month extension request is justifiable, and does not represent a substantial change from the schedule outlined in the NPR, EPA is extending the date by which these regulatory amendments must be submitted to December 15, 1980.

2. Several commenters expressed concern, questioned or challenged the conditions placed on the exemption from offets of resource recovery facilities. One commenter noted that the narrative condition would, for practical purposes, eliminate the exemption by imposing a possible permit ban in non-attainment areas where such a facility is constructed. One commenter further claimed that the narrative condition which EPA required is counter to the Emission Offset Interpretive Ruling (EOIR), and that this represents an instance where Region I EPA is penalizing the New England states by an overly strict interpretation of requirements.

The regulatory amendments which EPA has required as a condition for approval of the state's new source review program are precisely those conditions for exemption which are listed in the EOIR. The required narrative amendment specifies that in the event a resource recovery facility is exempted from securing offsets, the deficit must be made up either by additional offsets or a SIP revision, prior to issuing further permits. EPA's General Preamble of April 4, 1979 (20372) sets forth national guidance on the exemption. Page 20380 explains that issuance of a permit under an exemption for resource recovery facilities will ordinarily cause the inventory of allowable emissions to exceed what is permitted for reasonable further progress. Therefore, no further permits for major sources may be issued under Section 173 (1) until the deficit is made up by either additional offsets or a SIP revision, to provide additional control of existing sources.

3. Two commenters expressed fear that offset requirements and the permit system may slow industrial expansion, real estate development, and impede revitalization of older urban centers.

The purpose of the offset program is to allow controlled growth in areas where air quality standards have not been attained. If the state had not adopted a permit system and offset provisions, as required by the Clean Air Act, the effect would have been the elimination of any further expansion or development in these areas.

4. One commenter expressed concern about enforcement of offset reductions in existing sources prior to allowing new industrial pollution, and supported strengthening of these commitments in the SIP.

The Clean Air Act stipulates that any emission reductions required must be legally binding and enforceable before the new source permit may be issued. As discussed in the NPR, this condition is met by Connecticut's regulations. Connecticut regulation 19-508-3 (1) (3) (ii) (c) requires that emission reductions committed for use as offset credits must be incorporated in a revised permit or other legally enforceable document. This regulation satisfies the provision under Section 173 of the Act that any emission reductions required as a precondition of the issuance of a permit under paragraph (1)(A) (of Section 173) shall be legally binding before such permit may be issued. As further assurance that emission offsets will be legally binding, Connecticut has agreed to submit as SIP revisions to EPA all emission reductions used as external (inter-source) offsets, and has so stated in the September 8, 1980 submittal. Such SIP revisions could take the form of permit conditions or revised emission regulations.

5. One commenter contended that reasonable further progress is not necessarily met by an offset regulation wherein emissions are transacted on an allowable rather than an actual basis. The commenter states that the regulatory change to "allowable" emissions would endorse the use of paper offset credits, not real ones. Further, crediting preexisting emission reductions will allow the possible violation of reasonable further progress and the demonstration of attainment.

In addition, the commenter noted that the net air quality benefit requirement in the revision will not necessarily achieve reasonable further progress, and finally, that criteria for the area of offset credits must be based on more than the "same basic area of population impact."

The EOIR specifies that emission offsets are to be made on a pounds per hour basis with facilities involved operating at maximum allowed production rate. Therefore, to adhere to the EOIR, EPA proposed, as a condition for approval, that Connecticut make the regulatory change from "actual" to "allowable" emissions. Regarding the

transaction of "paper credits", the potentially unrealistic nature of allowable emissions is minimized by transacting the offsets on an hourly basis. In addition, Connecticut's regulations specify that any offset transaction must be consistent with reasonable further progress. Although this does not preclude the use of paper credits, it imposes a further restriction and does ensure that RFP and the attainment demonstration would not be jeopardized by any offset transaction. In addition, on August 7, 1980 EPA promulgated additional Requirements (45 FR 52676) which address the concerns raised by the commenter. Connecticut has nine months from that date by which to adopt and submit to EPA regulatory changes consistent with the new requirements.

With regard to the "net air quality benefit" requirements, these were not intended as a means to meet the reasonable further progress requirements. All proposed offsets must also be determined to be consistent with RFP. Furthermore, the net air quality impact will be based on atmospheric modeling (or other procedures approved by the Commissioner), and other criteria, besides "same basic area", as described in Connecticut's regulations and the SIP narrative.

6. One commenter expressed concern with ownership of emission rights of firms that have closed, and wanted assurance of local participation in setting community policy relative to offset credits. Another commenter stated that control of offset banking and trading should reside in a public agency and not a private organization.

Connecticut has the discretion to handle emission reductions that result from plant shutdowns subject to the constraints contained in Section IVC4Ciii of the EOIR. The administration, handling, and ownership of emission reductions is the responsibility of the state but must be consistent with the Clean Air Act and EPA's banking regulations which EPA expects to issue in the near future.

The September 8, 1980 submittal included a modification to the "New Source Review" narrative section of the SIP revisions.

The first narrative condition for approval required an explanation of the application of the growth margin for hydrocarbons to new source permit approval. The submittal contained an RFP demonstration that established an annual growth margin for each year until 1987. The expanded narrative shows how the growth margin will be created and explains that this annual growth margin will be used to accommodate new major source growth. Projected minor source growth has been included in the RFP showing. Regulation 19-508-3(1)(3)(ii) requires emission offsets consistent with RFP if the growth margin is used up. These changes meet EPA's first condition.

The required narrative condition for the resource recovery exemption was addressed as well. The state specified that if the offset requirement is waived, no new large sources of the relevant pollutants will be allowed to be constructed in the same Air Quality Control Region as the resource recovery facility, unless certain measures are taken to make up the emissions deficit created by the operation of the facility. These measures will include a requirement that all such new large sources must offset their allowable emissions of the relevant pollutant(s) by a ratio of 2 for 1 and/or Connecticut must amend its SIP to provide additional control of existing sources of the relevant pollutant(s). Although Connecticut did not specify the condition precisely as stated by EPA, it is EPA's judgment that Connecticut's narrative is adequate in this regard.

Final Action:

The required narrative amendments have been submitted. The date by which the regulatory amendments specified in EPA's proposed rulemaking are to be submitted to EPA has been extended to December 15, 1980, as requested by Connecticut.

EPA is approving Connecticut's program to review new and modified major stationary sources in non-attainment areas conditioned upon the submission of the following regulatory amendments to EPA by December 15, 1980.

a. Regulation 19-508-3(1)(3)(ii)(h)

The word "actual" will be replaced by the word "allowable".

B. Regulation 19-508-3(1)(1)(vi)

The following will be added as conditions to the exemptions for resource recovery facilities:

i. The applicant demonstrates that it made its best efforts to obtain sufficient offsets,

ii. The applicant applies all offsets that are available, and

iii. The applicant will continue to seek the necessary offsets and apply them when they become available.

D. Resource Commitments

Three commenters concluded that overall resource and manpower commitments are weak. One of these commenters indicated that if the basis for demonstrating the DEP's ability to carry out the control strategies was a grant under Section 105 of the Act for fiscal year (FY) 1980, then that document should be part of the state's submittal. Another indicated that the federal government should also be required to commit resources.

In the December 28, 1979 submittal Connecticut stated that resource commitments to carry out the revisions' control strategies were contained in the FY 1980 grant under Section 105 of the Act. The document indicates how state and federal funds will be used to carry out DEP's programs. Each year these grant proposals are subject to public participation and A-95 review (to assure that the purpose for which the money is spent is consistent with the objectives of other state programs) and are always available for public inspection. For FY 80, the DEP received $1,742,350. In FY 81 EPA expects to grant $2,007,800 to the state. Together with the state share to run six Connecticut Air Compliance Unit programs, funds expended will total $2,949,121 and somewhat over $3 million, respectively. Since this information is readily available to the public, it is not necessary to include it in the SIP.

The commenter who suggested that the federal government should also be required to commit resources toward implementing SIP programs should be aware that grant negotiations under Section 105 for each fiscal year are conducted during the preceding summer. Commencing with the FY 81 budget cycle all the New England states have been apprised by EPA since June of the amount of federal funds they were to receive for use from October 1, 1980 through September 30, 1981.

Final Action

EPA is approving this portion of the SIP revisions.

E. Evidence of Public, Local and State Involvement

Several commenters were concerned about the public and local officials' ability to be sufficiently involved in the development of the Connecticut SIP revisions. Specific coments include the concern that local government should have been more involved in developing the revisions under Section 121 and 174, that the public is apathetic about polluted air and that the revisions should be conditionally approved until the state submits its public participation program, including commitment of staff and resources.

Comments regarding the public and local officials' interest in and ability to be involved are difficult to respond to. EPA agrees that the level of public interest is rarely what we would like it

to be. EPA nonetheless feels that the state has worked hard to both spark the public's interest by planning a good public awareness program, and by encouraging involvement by providing and publicizing opportunities to participate.

EPA's experience is that the public in Connecticut is not at all apathetic about polluted air and EPA is presently assisting the state in improving its public participation program. An evaluation of this year's activities is to be submitted to EPA shortly and a work plan for FY 81 activities is due in January.

Another comment concerned the adequacy of Connecticut's meeting Sections 172(b)(9) (A) and (B), stating that the health and welfare effects were not identified and analyzed, that the alternatives were not mentioned and that there was no real analysis of the effects on air quality.

EPA believes that the Connecticut SIP as submitted does address health and welfare since the strategies proposed are designed to attain standards which have been set to achieve both public health and welfare. Additionally, the entire discussion on EKMA modelling (Section 6A of the SIP) is a demonstration of the effects on air quality for ozone. Similarly modelling demonstrations have been made for total suspended particulates. Finally, Connecticut has analyzed alternative controls in the SIP and has commited to further analyze transportation relted controls required under Section 172(b)(11)(c) of the Act for inclusion in the 1982 SIP revision. Therefore, EPA finds that the State has met the requirements of Sections 172(b)(9) (A) and (B).

Final Action

EPA is approving this portion of the SIP revisions.

F. Adoption after Notice and Hearing

Several comments were submitted concerning EPA's proposed approval of the section. EPA's response, more fully described in the Supplemental Response Document, is that Connecticut has followed all required procedures in adopting its revisions.

Final Action

EPA is approving this portion of the SIP revisions.

III. General SIP Measures

A. New Source Ambient Impact Analysis Guideline

Connecticut's SIP revisions included a new source ambient impact analysis guideline which outlines the procedural and technical requirements which must be followed in evaluating the air quality impact of all major new sources. The guideline was intended to ensure continued compliance with NAAQS, with Prevention of Significant Deterioration increment consumption, and with RFP.

EPA raised a number of technical and procedural concerns about the adequancy of the state's new source review procedure. In response, addenda and revisions to the guideline were forwarded to EPA for review, and additional changes are anticipated. Since the guideline which was originally submitted to EPA as a SIP revision has now been substantially rewritten, EPA returned the earlier version of the guideline to Connecticut and a review of the new document has begun. EPA's decision as to approvability of the most recent guideline will be proposed for public comment in a future Notice.

Regarding Connecticut's stationary source stack height guideline, EPA does not object to DEP's inclusion of this guideline in the Connecticut new source review procedure for smaller sources. But the guideline is often inconsistent with EPA's Good Engineering Practice (GEP) requirements (44 FR 2608) and, as such, does not provide acceptable review procedures for major new sources.

No comments were received on this portion of the revisions.

Final Action:

EPA is taking no action at this time.

B. Prevention of Significant Deterioration (PSD)

To date, the State of Connecticut has not submitted regulations concerning the prevention of significant deterioration.

Several commenters have urged that PSD regulations be adopted expeditiously. One commenter contended that the entire SIP revison should be disapproved because of the absence of PSD regulations.

EPA has recently amended its PSD regulations in response to *Alabama Power Company* v. *Costle*, 13 ERC 1225. Connecticut must now propose and adopt new regulations in accordance with EPA's revised requirements in 40 CFR 51.24, as published August 7, 1980 (45 FR 52676). In addition, although a PSD program is a requirement of the Clean Air Act, it is not a requirement of the Part D provisions of the Act, and the omission of PSD regulations does not warrant disapproval of the state's attainment plan.

Final Action

EPA is taking no action at this time.

C. & D. Intergovernmental Consultation and Public Notification

In the NPR, EPA proposed to take no action on these provisions since they were anticipated to be included in Connecticut's public participation plan, due in June, 1980. The plan, submitted on June 5, 1980, included a process for involving the public and government officials in future SIP revisions, in addition to a section committing to notify the public on a regular basis of Connecticut's air quality. A discussion of public comment on these provisions is included in Section II.E., *Evidence of Public, Local and State Involvement*, earlier in this Notice.

Because EPA is approving the state public participation plan of which these measures are an integral part, it is also approving these provisions.

Final Action:

EPA is approving these portions of the SIP revisions.

E. AQCR Boundary Change

No public comment was received on EPA's proposed approval of this change to complete the alignment of the two AQCR's with RPA boundaries.

Final Action

EPA is approving these portions of the SIP revisions.

F. Stage I Vapor Recovery and I/M Proposed Promulgation

No public comment was received on EPA's proposed withdrawal of the federal proposal to promulgate these two programs.

Final Action

EPA is withdrawing the proposed rulemaking addressing Stage I vapor recovery and I/M published at 42 FR 60753.

G. Oder Regulation

No public comment was received on EPA's proposal to delete Connecticut's odor control regulation from the federally approved SIP.

Final Action:

EPA is approving Connecticut's request to delete regulation 18–508–23 from the federally approved SIP.

H. Withdrawal of Connecticut's Indirect Source Review (ISR) Program

The comments regarding EPA's proposal to approve the withdrawal of Connecticut's ISR program were extensive and varied. A brief background on the ISR issue is set forth in the NPR and relevant portions will be

discussed in conjunction with responses to the comments submitted.

Pursuant to its authority under Section 110(a)(5)(A)(iii) of the Clean Air Act, and on the basis of its approval of Connecticut's revised Part D submission as a whole, EPA intends to approve the withdrawal of the state's ISR program. EPA is in effect following the suggestion of the Second Circuit Court of Appeals in *Manchester Environmental Coalition v. EPA*, 612 F. 2d 56 (2d Cir. 1979), where the Court held that Section 110(a)(5)(A)(iii) allows EPA to approve the withdrawal of an ISR program as part of a State's revised Part D submission, if it is clear that the SIP otherwise meets the substantive and procedural requirements of Section 110.

This is exactly what has been done. EPA reviewed the state's revised SIP project by project and as an integrated whole, and has determined that even without an ISR program the plan complies with Section 110. In doing this, EPA has not "utilized a loophole", as suggested by one commenter. The procedure used by EPA is in full compliance with the requirements of Section 110 as interpreted by the Second Circuit in *Manchester Environmental Coalition*. Nor has EPA, in using this procedure, proposed that the ISR program be withdrawn "quietly", as asserted by the commenter. The public has been fully apprised of all of Connecticut's SIP revisions, and has had numerous opportunities to participate in their development as well as to submit written and oral comments on the revisions as submitted.

Several commenters asserted that EPA could approve the state's withdrawal of its ISR program under Section 110(a)(3), treating it as an independent revision to be approved on its own merits. They argued that the ISR program is ineffective, and that Section 110(a)(3) could therefore appropriately be used to approve its withdrawal, notwithstanding the status of the approval of the rest of the SIP revisions.

Section 110(a)(3) provides the authority to approve the withdrawal of the ISR program, but not for the reasons advanced by the commenters. EPA is today making the finding that Connecticut's revised Part D plan, which does not include this ISR program, fulfills the requirement of Section 110 for attaining and maintaining the NAAQS as expeditiously as practicable. This is the basis of EPA's approval of the withdrawal of the ISR program under Section 110(a)(3). Contrary to the suggestions of the commenters, the effectiveness of the ISR program, *per se*, is not a criterion for approval of the withdrawal of the program; instead, the Act requires EPA to determine that the plan, as revised (without the ISR program) provides for the attainment and maintenance of the NAAQS as expeditiously as practicable.

Final Action:

EPA is approving the withdrawal of Connecticut's Indirect Source Review program.

I.–M. In the NPR, EPA proposed to take no action on the following provisions: *Permit Fees, Stack Height, Interstate Pollution, Monitoring* and *Conflict of Interest*. No public comment was received on these provisions except Permit Fees and Conflict of Interest which response is referenced in Section I.G, *Previously Addressed Comments*, earlier in this Notice.

Final Action:

EPA is taking no action on these provisions at this time.

N. Source Surveillance, Source Monitoring Recordkeeping and Reporting

In the NPR, EPA proposed to approve Connecticut's revisions to Regulation 19–508–4 (source monitoring requirements) and Regulation 19–508–5(stack emission testing).

One commenter charged that Connecticut's revisions to these regulations violate ambient air quality monitoring requirements under Section 110(a)(2)(c) of the Clean Air Act and that certain source surveillance requirements of 40 CFR 51.19 are not met by the regulations. Further, the commenter argued that rather than easing reporting requirements, Connecticut should require additional monitoring of size and chemical composition of particulate matter, establish a statewide monitoring network for respirable particles, adopt standards for fine particles and require attainment of that standard.

The commenter has apparently confused ambient air quality monitoring requirements with source surveillance requirements, which are addressed by these regulations. Although Regulation 19–508–4 is not entirely consistent with EPA requirements, it does satisfy 40 CFR 51.19 in part. Specifically, the regulation as revised, satisfies the Source Surveillance requirements in 40 CFR 51.19 (a) and (b). The NPR clearly stated that approval of this revision does not relieve the state of its responsibility to continue to develop regulations which meet the remaining requirements of Section 51.19 and Appendix P of 40 CFR Part 51. In addition, the amendments to Regulation 19–508–5 satisfy EPA requirements for Source Surveillance in 40 CFR 51.19 (b) and are consistent with test methods in Appendix A of 40 CFR Part 60. Connecticut has corrected deficiencies which previously hampered enforcement of this regulation. Finally, regarding the commenter's position on fine particulate matter, there presently is no federal requirement to perform these suggested activities, except as a component of the program to monitor and control total suspended particulates, and at the discretion of each state.

With regard to Regulation 19–508–19, one commenter urged that specified coal burning sources should not be exempted from certain requirements of this regulation. As discussed in the NPR, subsection (a)(9) of Regulation 19–508–19 was adopted in November, 1975 by the DEP, but has not been submitted to EPA as a SIP revision and is not part of the presently approved SIP.

Final Action:

EPA is approving the revisions to regulation 19–508–4 and 19–508–5.

EPA is taking no action on amendments to subsection (a)(9) of Regulation 19–508–19.

IV. EPA Final Action

EPA is taking final action to approve conditionally certain elements of the Connecticut submittal. A discussion of conditional approval and its practical effect appears in a supplement to the General Preamble, 44 FR 38583 (July 2, 1979) and 44 FR 67126 (November 23, 1979). The conditional approval requires the state to submit additional materials by the deadlines specified in today's Notice. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below when determining if the state has satisfied the conditions:

1. If the state submits the required additional documentation according to schedule, EPA will publish a notice in the Federal Register announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the state's submission to determine if the condition is fully met. After review is complete, a Federal Register notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the state fails to timely submit the required materials needed to meet a condition, EPA will publish a Federal Register notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Accordingly, Connecticut's revisions to its SIP are approved as satisfying the requirements of Part D with the exception of: The ozone attainment plan for stationary sources of VOCs; the stationary source VOC inventory; the RFP demonstration for ozone attainment; the TSP attainment plan for Waterbury and the program to review new and modified major stationary sources in non-attainment areas, which are conditionally approved, and other elements on which EPA is taking no action.

The measures above which are approved or conditionally approved are in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, which may include assessment of noncompliance penalties.

There are two main exceptions to this rule. First, if a pre-existing control requirement is incompatible with a new, more stringent requirement, the state may exempt sources from compliance with the pre-existing regulations during the period when compliance with the existing requirement conflicts with achieving compliance with the new requirement. Any exemption granted would be reviewed and acted on by EPA as a SIP revision. Second, an existing requirement can be relaxed or revoked if the revision will not interfere with attainment of standards.

The 1978 edition of 40 CFR Part 52 lists in Subpart H for Connecticut § 52.374, the applicable deadlines for attaining ambient standards required by Section 110(a)(2)(A) of the Act. For each non-attainment area where a revised plan provides for attainment by the deadlines required by section 172(a) of the Act, the new deadlines are substituted on Connecticut's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D.
>
> (123 Cong. Rec. H 11958, daily ed. November 1, 1977)

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.*

In addition, sources subject to pre-existing plan requirements may be relieved from complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

The Agency finds that good cause exists for making this action immediately effective for the following reasons:

1. Implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden;

2. EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible.

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

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. 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 rulemaking action is issued under the authority of Sections 110, 172 and 301, of the Clean Air Act, as amended.

Dated: December 18, 1980.

Douglas M. Costle,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1980.

Appendix A

Project and Completion Date
Expanded Rideshare Program—Ongoing
Increase public transit (purchase 200 buses)—post 82
Toll Incentive Program—1982
Rail and bus subsidies—Ongoing
Build 3,200 additional fringe parking spaces—1982
Pass legislation encouraging vanpools—1980
High occupancy vehicle (HOV) lane in Vernon and Manchester—1982
HOV lane westward to Hartford (including bikeways)—1985
HOV lane I-91—post 82
Bicycle storage lockers (34 statewide)—1980
Adopted policy to prevent discontinuance (of private bus service)—Ongoing
Purchase 14 buses (Norwich-New London)—1982
Purchase assets and buses of Chestnut Hill, Bridgeport Auto Transit, Stratford, and Grayline Bus Company—1982
Purchase 39 45-passenger buses, 6 25-passenger buses, transit related equipment (Bridgeport)—1982
Purchase 7 30- to 35-passenger buses, transit-related equipment, and 3 vans (Middleton)—1982

*See General Preamble for Proposed Rulemaking, 44 FR 20373-74 (April 4, 1979).

Purchase 11 buses or vans for 16(b)(2) program (statewide)—1982
Purchase 8 vans (Danbury)—1982
Rail subsidies—Ongoing
Improvements to New Haven rail line including purchase and refurbishing cars—1982
Improvements to New Haven, Hartford, Springfield rail line including purchase of 12 new cars and providing 400 parking spaces—1982

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart H—Connecticut

Title 40, Part 52 of the Code of Federal Regulations is amended as follows: 1. In § 52.370, paragraph (c) is amended by adding subparagraph (11) as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(11) Attainment plans to meet the requirements of Part D and the Clean Air Act, as amended in 1977, were received on June 27 and December 28, 1979 and February 1, May 1, September 8 and November 12, 1980. Included are plans to attain: The primary TSP standard in Greenwich and Waterbury and the carbon monoxide and ozone standards statewide. A program was also submitted for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. Certain miscellaneous provisions are also included.

§ 52.371 Classification of regions [Amended]

2. Section 52.371 is amended by changing the wording "Photochemical oxidants (hydrocarbons)" to "Ozone".

3. Section 52.372 is revised as follows:

§ 52.372 Extensions.

The Administrator hereby extends until December 31, 1987 the attainment dates for carbon monoxide and for ozone.

4. Section 52.373 is revised to read as follows:

§ 52.373 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Connecticut's plan, as identified in Section 52.370 for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all requirements of Part D, Title I, of the Clean Air Act, as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by January 1, 1981 for the sources covered by CTGs issued between January, 1978 and January, 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

5. Section 52.374 is revised to read as follows:

§ 52.374 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Connecticut's plan.

Air quality control region [1] and nonattainment area	Pollutant						
	TPS		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
AQCR 41: Eastern Ct. Intrastate	a	b	a	c	a	a	d
AQCR 42:							
Hartford-New Haven-Springfield Interstate		b	a	c	a	d	d
Waterbury	e						
Remainder of AQCR	a						
AQCR 43:							
NY-NJ-CT Interstate		b	a	c	a	d	d
Greenwich	e						
Remainder of AQCR	a						
AQCR 44: Northwestern Ct. Interstate	a	b	a	c	a	a	d

[1] Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52.374 (1979).

a. Air quality levels presently below primary standards or area is unclassifiable.
b. 18 month extension for plan submittal granted; attainment date not yet proposed.
c. Air quality levels presently below secondary standards or area is unclassifiable.
d. December 31, 1987.
e. December 31, 1982.

§ 52.390 [Amended]

6. Section 52.390 is amended by adding paragraphs (c) and (d) as follows:

* * * * *

(c) The June 27 and December 28, 1979, February 1, May 1, September 8 and November 12, 1980 revisions are approved as satisfying Part D requirements under the following conditions: (1) Submittal by December 15, 1980 of a regulation which will control cutback asphalt consistent with EPA guidance and as expeditiously as practicable or adequate justification for an extended schedule.

(2) Submittal by December 15, 1980 of a revision to Regulation 19-508-20 (1) (solvent metal cleaning) to be consistent with the CTG or a showing that the VOC emissions in the present regulation are within five (5) percent of the VOC emissions which would be allowed if the CTG recommendations were followed.

(3) Submittal by January 1, 1981 of a refined inventory summary which identifies miscellaneous VOC source categories.

(4) Submittal by March 15, 1981 of adopted and implemented regulations representing TSP RACT for oil burning boilers or adequate justification showing existing controls represent RACT.

(5) Submittal by December 15, 1980 of adopted and implemented regulations representing TSP RACT for asphalt batch plants, quarry operations, ferrous foundries, non-ferrous foundries and portland cement concrete batch plants or adequate justification showing existing controls represent RACT.

(6) Submittal by December 15, 1980 of regulatory amendments to the program to review new and modified major stationary sources in nonattainment areas: (i) Replacing in Regulation 19-508-3(1)(3)(ii)(h) the word "actual" by the word "allowable".

(ii) Adding to Regulation 19-508-3(l)(1)(vi) the following conditions for exempting resource recovery facilities from obtaining offsets: (A) The applicant demonstrates that it made its best efforts to obtain sufficient offsets, and

(B) The applicant applies all offsets that are available, and

(C) The applicant will continue to seek the necessary offsets and apply them when they become available.

(d) Non-Part D-No Action: EPA is neither approving nor disapproving the following elements of the revisions: (1)

Amendments to subsection (a)(9) of Regulation 19-508-19.

(2) The New Source Ambient Impact Analysis Guideline.

(3) The program to review new and modified major stationary sources in attainment areas (prevention of significant deterioration).

(4) Permit fees

(5) Stack height regulations

(6) Interstate pollution requirements

(7) Monitoring requirements

(8) Conflict of interest provisions.

PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§81.307 Connecticut. [Amended]

1. In § 81.307, the table entitled "Connecticut—TSP" is revised as follows:

Connecticut—TSP

Designated area	Does meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 41		X		
AQCR 42		X		
Waterbury	X	X		
Remainder of AQCR		X		
AQCR 43		X		
Greenwich	X	X		
Remainder of AQCR		X		
AQCR 44		X		

§81.307 [Amended]

2. In § 81.307, the table entitled "Connecticut—O_x" is revised to be entitled "Connecticut—O_3".

§81.307 [Amended]

3. In § 81.307, the table entitled "Connecticut—CO" is revised as follows:

Connecticut—CO

Designated area	Does not meet primary standards	Cannot be classified
AQCR 41		X
AQCR 42	X	
AQCR 43	X	
AQCR 44		X

Subpart B—Designation of Air Quality Control Regions

§81.184 [Amended]

1. Section 81.184—*Northwestern Connecticut Intrastate Air Quality Control Region* is amended by deleting the communities of New Milford, Sherman and Bridgewater.

§81.13 [Amended]

2. Section 81.13—*New Jersey-New York-Connecticut Interstate Air Quality Control Region* is amended by adding the communities of New Milford, Sherman and Bridgewater.

[FR Doc. 80-39786 Filed 12-22-80; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5791

[LA-0155887]

California; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; (Public Land Order).

SUMMARY: This document will revoke the withdrawals of approximately 74,553 acres of land and will simultaneously restore and open the lands to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT: Walter F. Holmes, California State Office, 916-468-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751, 43 U.S.C. 1714), it is ordered as follows:

1. The Secretarial Orders of April 2, 1909; April 9, 1909; February 6, 1918; February 28, 1918; March 15, 1919; June 4, 1930; June 4, 1931, and September 10, 1940, withdrawing lands for the Yuma Project, All American Canal Project, and Colorado River Storage Project, are hereby revoked insofar as they affect the following described lands:

San Bernardino Meridian, California

T. 12 S., R. 16 E.,
- Sec. 4, lots 3, 4, 5, and 6, S½N½, N½NE¼SW¼, SE¼NE¼SW¼, W½SW¼SW¼, SE¼SW¼SW¼, SW¼SE¼SW¼, N½SE¼, N½SW¼SE¼, SE¼SW¼SE¼, and SE¼SE¼;
- Sec. 8, All;
- Sec. 10, E½NE¼, SE¼NE¼, N½NW¼, NE¼SW¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼, SE¼NE¼SW¼, W½NW¼SW¼, SE¼NW¼SW¼, S½SW¼, NE¼SE¼, N½NW¼SE¼, SW¼NW¼SE¼, SW¼SW¼SE¼, and NE¼SE¼SE¼;
- Sec. 14, All;
- Sec. 21, N½, N½SW¼, SE¼SW¼, and SE¼.

T. 13 S., R. 17 E.,
- Secs. 3 and 4;
- Sec. 5, N½, E½SW¼, and SE¼;
- Secs. 9 to 11, inclusive;
- Secs. 13 to 15, inclusive;
- Secs. 23 to 25, inclusive;
- Sec. 26, N½, N½SW¼, SE¼SW¼, and SE¼.

T. 15 S., R. 19 E., partially surveyed
- Sec. 2, All;
- Secs. 14 and 15;
- Secs. 17 and 18;
- Sec. 19, Lot 1, NE¼, E½NW¼, N½SE¼, and SE¼SE¼;
- Secs. 20 to 23, inclusive;
- Secs. 26 to 28, inclusive;
- Sec. 29, NE¼, N½NW¼, and NE¼SE¼;
- Secs. 34 and 35;
- Secs. 37 to 60, inclusive.

T. 15 S., R. 20 E.,
- Secs. 1 to 3, inclusive;
- Sec. 4, Lots 1 and 2 of NE¼, Lots 1 and 2 of NW¼, N½S½, and S½SW¼;
- Secs. 5, 6, and 8;
- Sec. 9, S½NE¼, NW¼, and S½;
- Secs. 10 to 15, inclusive;
- Secs. 22 to 25, inclusive;
- Sec. 26, NE¼ and N½NW¼;
- Sec. 27, N½ and SW¼;
- Sec. 28, N½ and SE¼;
- Sec. 33, SE¼;
- Sec. 34, N½SW¼, N½S½SW¼, and SW¼SW¼SW¼;
- Sec. 35, SE¼SE¼.

T. 16 S., R. 19 E., partially surveyed
- Sec. 1, All;
- Sec. 12, N½, N½SW¼, SE¼SW¼, and SE¼.

T. 16 S., R. 20 E., partially surveyed
- Secs. 1 and 2;
- Sec. 3, E½ of lot 1 of NE¼, S½ of W½ of lot 1 of NE¼, W½ of lot 1 of NW¼, S½ of E½ of lot 1 of NW¼, E½ of lot 2 of NE¼, W½ of lot 2 of NW¼, and S½;
- Secs. 4 to 15, inclusive;
- Sec. 16, lots 1, 2, 3, and 4;
- Secs. 17 and 18;
- Secs. 20 to 22, inclusive;
- Secs. 26 to 29, inclusive;
- Secs. 33 to 35, inclusive;
- Secs. 37 to 51, inclusive;
- Secs. 56 to 57.

T. 17 S., R. 20 E., partially surveyed

Secs. 1 to 4, inclusive.

The area aggregates approximately 74,553 acres.

The lands involved are situated in the southeastern quarter of Imperial County, California, approximately midway between Yuma, Arizona, and El Centro, California.

2. At 10 a.m., on January 23, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on January 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on January 23, 1981, the lands will be open to location under the United States mining laws. The lands described in paragraph one are now and have always been open to applications and offers under the mineral and geothermal leasing laws.

4. All of the lands described herein are classified for multiple use management, which segregates them from Indian Allotment and desert land entry. Substantial portions of the lands in T. 13 S., R. 18 E.; T. 15 S., Rs. 18 and 19 E.; and T. 16 S., R. 19 E., are designated as Wilderness Study Areas. They are managed in accordance with current policies and guidelines for such areas which may be obtained from the California State Director, Bureau of Land Management. Portions of the Wilderness Study Areas, as well as other portions of the lands involved in this action, are subject to other measures required to protect fragile habitat, including the closure of certain areas to vehicular traffic.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

Guy R. Martin,

Assistant Secretary of the Interior.

December 18, 1980.

[FR Doc. 80-39604 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5957]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638-6620.

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 National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553 (b) are impracticable and unneccessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Arkansas	Desha County	Dumas, city of	050067	740920 emerg., 801119 reg	740510
Arkansas	Desha County	McGehee, city of	050068	750123 emerg., 801119 reg	740329
Arkansas	Benton County	Siloam Springs, city of	050014	750414 emerg., 801119 reg	740510
Colorado	Eagle County	Eagle County[1]	080051	760507 emerg., 801119 reg	771101
Connecticut	Hartford County	Plainville, town of	090034	740529 emerg., 801119 reg	740531
Florida	Polk County	Dundee, town of	120409	760219 emerg., 801119 reg	770121
Illinois	St. Clair County	Belleville, city of	170618	730705 emerg., 801119 reg	740503
Illinois	Cook County	Chicago Ridge, village of	170076	740628 emerg., 801119 reg	740322
Illinois	Cook County	Streamwood, village of	170166	750414 emerg., 801119 reg	740412
Illinois	Winnebago County	Winnebago County [1]	170720	730216 emerg., 801119 reg	750110
Illinois	Cook County	Winnetka, village of	170176	730725 emerg., 801119 reg	731109
Indiana	Tippecanoe County	Lafayette, city of	180253	750207 emerg., 801119 reg	731207
Kentucky	Nelson County	Bardstown, city of	210178	750603 emerg., 801119 reg	740531
Kentucky	Harlan County	Evarts, city of	210101	750605 emerg., 801119 reg	740517
Kentucky	Warren County	Warren County[1]	210312	750416 emerg., 801119 reg	770715
Louisiana	St. Tammany Parish	Covington, city of	220200	740408 emerg., 801119 reg	731228
Montana	Gallatin County	Three Forks, town of	300029	750601 emerg., 801119 reg	740329
New Jersey	Bergen County	Washington, township of	340020	750917 emerg., 801119 reg	761105

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
New York	Erie County	Akron, village of	361553	750502 emerg., 801119 reg	740531
New York	Erie County	Hamburg, town of	360244	740523 emerg., 801119 reg	740830
New York	Erie County	Newstead, town of	360251	750718 emerg., 801119 reg	740412
North Carolina	Alamance County	Graham, city of	370283	760630 emerg., 801119 reg	750711
North Dakota	Emmons County	Linton, city of	380032	750328 emerg., 801119 reg	740628
Ohio	Greene County	Fairborn, city of	390195	750619 emerg., 801119 reg	740315
Ohio	Mahoning County	Struthers, city of	390372	750408 emerg., 801119 reg	740315
Oklahoma	Osage County	Hominy, city of	400151	760416 emerg., 801119 reg	731228
Pennsylvania	Berks County	Bern, township of	421050	740325 emerg., 801119 reg	741208
Pennsylvania	Northumberland County	Delaware, township of	421010	731119 emerg., 801119 reg	770805
Pennsylvania	York County	East Manchester, township of	420921	730606 emerg., 801119 reg	731019
Pennsylvania	Allegheny County	Leetsdale, borough of	420047	740423 emerg., 801119 reg	740621
Pennsylvania	Columbia County	South Centre, township of	421137	740319 emerg., 801119 reg	740728
Pennsylvania	Allegheny County	Turtle Creek, borough of	420079	750806 emerg., 801119 reg	740201
Pennsylvania	Lancaster County	Warwick, township of	421786	750702 emerg., 801119 reg	740920
South Carolina	Richland County	Arcadia Lakes, town of	450171	750527 emerg., 801119 reg	740802
South Dakota	Minnehaha County	Baltic, town of	460058	800117 emerg., 801119 reg	741208
Texas	Bexar County	Hollywood Park, town of	480040	741003 emerg., 801119 reg	740412
Texas	Dallas County	Irving, city of	480180	700619 emerg., 801119 reg	700617
Vermont	Rutland County	Clarendon, town of	500093	751114 emerg., 801119 reg	740531
Virginia	Stafford County	Stafford County[1]	510154	740409 emerg., 801119 reg	780609
Washinton	Lewis County	Toledo, city of	530303	770222 emerg., 801119 reg	750711
Wisconsin	Dane and Green	Belleville, village of	550159	750715 emerg., 801119 reg	740123
Alabama	Jefferson County	Gardendale, city of	010269	760203 emerg., 801121 reg	750404
Alabama	Jefferson County	Graysville, city of	010268	750224 emerg., 801121 reg	741227
Kansas	Saline County	Gypsum, city of	200317	740107 emerg., 801125 reg	740201
Utah	Utah County	American Fork, city of	490152	740423 emerg., 801125 reg	731228
New Jersey	Monmouth County	South Belmar, borough of	340328	740702 emerg., 801128 reg	740222

Total—46.

[1] Unincorporated areas.

(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: December 8, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-39623 Filed 12-22-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 5956]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C., 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Illinois	St. Clair	Belleville, city of	170618A	Nov. 19, 1980, suspension withdrawn.	May 3, 1974 and Sept. 24, 1976.
Do	Cook	Chicago Ridge, village of	170076A	do	Mar. 22, 1974.
Do	do	Streamwood, village of	170169B	do	Apr. 12, 1974 and May 12, 1978.
Do	Winnebago	Unincorporated area	170720A	do	Jan. 10, 1975 and Apr. 1, 1977.
Do	Cook	Winnetka, village of	170176A	do	Nov. 9, 1973 and July 16, 1976.
Kentucky	Harlan	Evarts, city of	210101A	do	May 17, 1974 and Feb. 27, 1976.
Louisiana	St. Tammany	Covington, city of	220200A	do	Dec. 28, 1973 and Dec. 12, 1975.
Montana	Gallatin	Three Forks, town of	300029A	do	Mar. 29, 1974 and Sept. 26, 1975.
New Jersey	Bergen	Washington, township of	340030	do	Nov. 5, 1976.
New York	Erie	Akron, village of	361553A	do	May 31, 1974 and Sept. 19, 1975.
Do	do	Newstead, town of	360251B	do	Aug. 20, 1976, Apr. 12, 1974, and Apr. 22, 1977.
Ohio	Greene	Fairborn, city of	390195A	do	Mar. 15, 1974.
Oklahoma	Osage	Hominy, city of	400151A	do	Dec. 28, 1973 and Jan. 9, 1976.
Pennsylvania	Berks	Bern, township of	421050	do	Dec. 6, 1974.
Do	Northumberland	Delaware, township of	421010A	do	Aug. 5, 1977.
Do	York	East Manchester, township of	420321A	do	Jan. 28, 1977 and Oct. 19, 1973.
Do	Allegheny	Leetsdale, borough of	420047A	do	Apr. 21, 1974 and May 7, 1976.
Do	do	Turtle, borough of	420078A	do	Feb. 1, 1974 and May 28, 1976.
Do	Lancaster	Warwick, township of	421786A	do	June 18, 1976.
South Carolina	Richland	Arcadia Lakes, town of	450171B	do	Aug. 2, 1974, June 4, 1976, and Oct. 22, 1976.
Texas	Dallas	Irving, city of	480180	do	June 17, 1970.
Do	Hays	San Marcos, city of	485505A	do	Aug. 28, 1971, July 1, 1974, and Nov. 5, 1976.
Virginia	Stafford	Unincorporated area	510154	do	June 9, 1978.
Washington	Lewis	Toledo, city of	530303	do	July 11, 1975.
Wisconsin	Dove and Green	Belleville, village of	550159A	do	Apr. 16, 1976.
Oklahoma	Ottawa	Unincorporated areas	400154A	Nov. 19, 1980, emergency	May 20, 1977.
Texas	Limestone	Kosse, city of	481151	do	June 11, 1976.
Do	Shelby	Tenaha, city of	481006	Nov. 28, 1980, emergency	July 30, 1980.
Pennsylvania	Crawford	Conneaut, township of	422087A	Nov. 28, 1980, emergency	Jan. 10, 1975 and Feb. 8, 1980.
Do	do	Athens, township of	421562A	do	Nov. 5, 1976.

(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: December 8, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-39624 Filed 12-22-80; 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 Line (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 elevation 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 (10-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C), Humboldt, Humboldt County (Docket No. FI-4802).	West Des Moines River	Southern corporate limits	*1,065
			About 100 feet downstream of Lewis Street	*1,071
			Just upstream of Sumner Avenue	*1,074
			500 feet upstream of U.S. Highway 169	*1,076
			Just upstream of dam about 2,150 feet upstream U.S. Highway 169	*1,082
			Western corporate limits	*1,084
		Tributary A	At confluence with West Des Moines River	*1,069
			Just downstream of 5th Street	*1,067
			Just upstream of 5th Street	*1,069
			Just downstream of 3rd Avenue South	*1,072

Maps available for inspection at the City Hall, Humboldt, Iowa 50548.

(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: December 8, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-39621 Filed 12-22-80; 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 Line (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 elevation 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)
Ohio	(V), Whitehouse, Lucas County (Docket No. FEMA-5883).	Blue Creek	Downstream corporate limits	*639
			Approximately 0.4 mile upstream Norfolk and Western Railway	*643
			Just downstream Private Drive	*644
		Lone Oak Ditch (Downstream)	Downstream corporate limits	*643
			Just downstream Whitehouse-Spencer Road	*645
		Lone Oak Ditch (Upstream	Just downstream Archbold-Whitehouse Road	*652
			Just upstream Archbold-Whitehouse Road	*655
			Upstream corporate limits	*656
		Disher Ditch (Downstream)	At confluence with Blue Creek	*641
			At upstream corporate limits	*642
		Disher Ditch (Upstream)	Just upstream of Providence Street	*653
			About 1,900 feet upstream of Providence Street	*653
		Swan Creek	Downstream corporate limits	*639
			Upstream corporate limits	*640

Maps available for inspection at Village Hall, 6655 Providence Street, Whitehouse, Ohio 43571.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oklahoma	City of Midwest City, Oklahoma County (FEMA-5713).	Soldier Creek	Just downstream of N.E. 10th Street	*1,173
			Just downstream of East Reno Avenue	*1,184
			Just downstream of S.E. 15th Street	*1,199
			Approximately 100 feet downstream of Douglas Blvd	*1,212
		Soldier Creek Tributary 4	Approximately 100 feet upstream of Woodside Drive	*1,191
			Just downstream of Douglas Blvd	*1,207
		Soldier Creek Tributary 6	Approximately 100 feet upstream of Douglas Blvd	*1,202
			Approximately 100 feet downstream of S.E. 15th Street	*1,221
			Just downstream of Post Road	*1,230

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Crutcho Creek	Just downstream of N.E. 36th Street	*1,157
			Approximately 100 feet upstream of N.E. 23rd Street	*1,167
			Just upstream of N.E. 10th Street	*1,170
			Just downstream of Seener Road (downstream crossing)	*1,171
		Crutcho Creek Tributary D	Approximately 40 feet downstream of East Reno Avenue	*1,180
		Choctow Creek	Approximately 250 feet upstream of East Reno Avenue	*1,182
		Silver Creek	Approximately 50 feet downstream of N.E. 36th Street	*1,183
			Approximately 50 feet downstream of N.E. 23rd Street	*1,199
			Just upstream of Chicago Rock Island & Pacific Railroad	*1,211
Maps available for inspection at Planning and Engineering Department, City Hall, Midwest City, Oklahoma 73140.				
Pennsylvania	Allen, Township, Northampton County (Docket No. FEMA-5841).	Lehigh River	Downstream Corporate Limits	*302
			4,200' upstream of Downstream Corporate Limits	*308
			300' downstream of Collapsed Dam	*313
			500' upstream of Collapsed Dam	*319
			Upstream Corporate Limits	*323
		Hokendauqua Creek	1,300' downstream of Legislative Route 48061 Bridge	*349
			1,100' upstream of Legislative Route 48061 Bridge	*353
			2,700' upstream of Legislative Route 48061 Bridge	*359
			Downstream of Legislative Route 48068 Bridge	*365
			Upstream side of Tomahawk Trail Bridge	*371
			1,000' upstream of Tomahawk Trail Bridge	*378
			Upstream side of Kreidersville Road Bridge	*387
			Upstream side of Covered Bridge Road Bridge	*393
			1,900' upstream of Covered Bridge Road Bridge	*400
			2,400' downstream of Stone Bridge Road Bridge	*407
			1,100' downstream of Stone Bridge Road Bridge	*413
			1,200' upstream of Stone Bridge Road Bridge	*420
Maps available at the Allen Township Building (Old Schoolhouse).				
Pennsylvania	Caernarvon, township, Lancaster County (Docket No. FEMA-5873).	Conestoga Creek	Approximately 1,200 feet downstream of Private Land	*418
			Private Lane (upstream)	*424
			State Route 23 (upstream)	*429
			Approximately 700 feet upstream of State Route 23	*430
Maps available at the Caernarvon Township Office.				
Pennsylvania	Ephrata, Township, Lancaster County (Docket No. FEMA-5873).	Cocalico Creek	Legislative Route 38060 upstream	*309
			Middle Creek Road	*313
			Royer Road	*319
			Rothsville Road upstream	*336
			Confluence of Indian Run	*345
			Mohlers Church Road upstream	*353
			Garden Spot Road upstream	*357
		Indian Run	Confluence with Cocalico Creek	*345
			Approximately 850 feet upstream of Trout Run Road	*348
Maps available at the Ephrata Township Building.				
Pennsylvania	Franklin, Township, Luzerne County (Docket No. FEMA-5828).	Sutton Creek	Downstream Corporate Limits	*845
			Approximately 1,400' upstream of Corporate Limits	*859
			Approximately 200' downstream of L.R. 40052 (Extended)	*867
			Approximately 800' upstream of L.R. 40052 (Extended)	*872
			Approximately 1,800' upstream of L.R. 40052 (Extended)	*884
			850' downstream of Private Road off County Road No. 10, 4,100' upstream from L.R. 40052.	*902
			Upstream side of Private Road off County Road No. 10, 4,100' upstream from L.R. 40052.	*918
			Upstream side of Private Road off County Road No. 10, 5,800' upstream from L.R. 40052.	*929
			100' downstream of T-782	*943
			50'upstream of T-782	*952
			Downstream of County Road No. 10	*956
			Approximately 500' upstream of County Road No. 10	*970
			Approximately 1,170' upstream of County Road No. 10	*985
			Downstream side of L.R. 40122	*1,004
			Upstream side of L.R. 40122	*1,009
			Approximately 550' upstream of L.R. 40122	*1,018
			Approximately 900' upstream of L.R. 40122	*1,025
			Downstream side of T-784	*1,037
			Upstream side of T-784	*1,045
		Cider Run	Approximately 200' downstream of County Road No. 10	*867
			Upstream side of County Road No. 10	*878
			Approximately 600' upstream of County Road No. 10	*888
			Approximately 2,000' upstream of County Road No. 10	*910
			Approximately 3,000' upstream of County Road No. 10	*931
			Approximately 1,200' downstream of L.R. 40052	*942
			Approximately 350' downstream of L.R. 40052	*963
			Downstream side of L.R. 40052	*971
			Upstream side of L.R. 40052	*973
Maps available at the Franklin Township Garage, Municipal Road, Orange, Pennsylvania.				
Pennsylvania	Greenwood, Township, Perry County (Docket No. FEMA-5873).	Juniata River	Downstream Corporate Limits	*399
			Extension of Legislative Route 50001	*404
			Corporate Limits downstream of Millerstown	*406

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Corporate Limits upstream of Millerstown	*409
		Cocolamus Creek	Approximately 2,200 feet downstream of the confluence of Pfoutz Valley Run.	*432
			Upstream State Route 17	*440
			Upstream side of Legislative Route 50042	*470
			Upstream Corporate Limits	*475
Maps available at the office of W. N. Zelders, Township Secretary, R.D. 1, Millerstown, Pennsylvania.				
Pennsylvania	Mill Village, Borough, Erie County (Docket No. FEMA-5873).	Tributary to French Creek	Downstream of Conrail Bridge	*1,198
			Downstream of North Main Street Bridge	*1,202
			Downstream of Depot Street Bridge	*1,220
			Upstream of Frisbee Street Bridge	*1,250
Maps available at the residence of Mrs. Rita Naculich, Secretary of Mill Village, South Main Street, Mill Village, Pennsylvania.				
Pennsylvania	Millerstown, Borough, Perry County (Docket No. FEMA-5873).	Juniata River	Downstream Corporate Limits	*406
			Approximately 3,000 feet upstream of State Route 17	*407
			Upstream Corporate Limits	*409
Maps available at the Millerstown Borough Hall, 209 East Sunbury Street, Millerstown.				
Pennsylvania	North East, Township, Erie County (Docket No. FEMA-5824).	Sixteenmile Creek	Approximately 480' upstream of confluence with Lake Erie	*580
			State Route 5 (Upstream)	*597
			Confluence of Baker Creek	*698
			State Route 20 (Upstream)	*736
			Washington Street (Upstream)	*848
			Approximately 1,450' upstream of Private Road (Extended)	*897
		Baker Creek	Confluence with Sixteenmile Creek	*698
			Upstream Corporate Limits	*793
Maps available at the Township Building, 10300 West Main Street, North East, Pennsylvania.				
Pennsylvania	Paradise, Township, Lancaster County (Docket No. FEMA-5853).	Pequea Creek	Approximately 3,200 feet downstream of U.S. Route 30	*345
			Upstream side of Old Leacock Road	*350
			Upstream side of Conrail	*353
			Downstream side of Belmont Road	*357
		Eshleman Run	Confluence with Pequea Creek	*357
			Upstream side U.S. Route 30 Bridge	*357
			Approximately 200 feet upstream of Conrail Bridge	*364
Maps available at the Paradise Township Building.				
Pennsylvania	Rosslyn Farms, Borough, Allegheny County (Docket No. FEMA-5845).	Chartiers Creek	Downstream Corporate Limits	*754
			Upstream Conrail	*757
			Downstream Woodkirk Street footbridge	*761
			Upstream Corporate Limits	*763
Maps available at the Community Center, Kings Highway, Carnegie, Pennsylvania.				
Pennsylvania	Thompsontown, Borough, Juniata County (Docket No. FEMA-5873).	Delaware Creek	Downstream Corporate Limits	*423
			Approximately 600' downstream of Main Street Bridge	*429
			Upstream of Main Street Bridge	*437
			Confluence of Platte Hollow Run	*438
			Approximately 700' upstream of Platte Hollow Run confluence	*445
			Upstream Corporate Limits	*451
Maps available at the residence of Mr. Donald Frey, Borough Secretary, Thompsontown, Pennsylvania.				
Pennsylvania	Upper Milford, Township, Lehigh County (Docket No. FEMA-5841).	Tributary to Hosensack Creek	Township Route 378 (Scout Road) (Upstream side)	*488
			Kings Highway (Downstream side)	*504
			Approximately 900 feet upstream of Kings Highway	*514
			Approximately 1,500 feet upstream of Kings Highway	*524
			Approximately 2,300 feet upstream of Kings Highway	*534
			Approximately 400 feet downstream of Conrail Bridge	*544
			Conrail Bridge (Downstream side)	*556
			Approximately 120 feet upstream of Conrail Bridge	*582
		Tributary to Little Lehigh Creek	Downstream Corporate Limits	*392
			Conrail Bridge (Downstream side)	*405
			Conrail Bridge (Upstream side)	*409
			Approximately 1,175 feet upstream of Conrail Bridge	*420
Buckeye Road (Downstream side)				*433
			Approximately 580 feet upstream of Buckeye Road	*447
Maps available at the Upper Milford Township Building, Old Zionsville, Pennsylvania.				
Pennsylvania	Washington, Township, Erie County (Docket No. FEMA-5873).	Shenango Creek	Upstream side of Lake View Drive	*1,204
			Approximately 600' downstream of Lay Road	*1,208
			Upstream side of Lay Road	*1,210
			Approximately 900' downstream of Crane Road	*1,216
			Upstream side of Crane Road	*1,222
		Conneauttee Creek	Approximately 500' downstream of Kinter Hill Road	*1,180
			Upstream side of Kinter Hill Road	*1,184
			Upstream side of Foot Bridge (Approximately 3,100' upstream of Kinter Hill Road).	*1,193
		Tributary A	Approximately 400' downstream of Highland Drive	*1,204
			Upstream side of Highland Drive	*1,205

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 800' upstream of Highland Drive	*1,211
			Approximately 200' downstream of Angling Road	*1,222
			Upstream side of Angling Road	*1,228
			Approximately 350' upstream of Angling Road	*1,229
		Tributary B	Approximately 130' downstream of Ley Road	*1,206
			Upstream side of Ley Road	*1,211
			Approximately 900' upstream of Ley Road	*1,220
			Approximately 840' downstream of Angling Road	*1,230
			Approximately 180' downstream of Angling Road	*1,240
			Upstream side of Angling Road	*1,252
Maps available at the Washington Municipal Building, 11800 Edinboro Road, Erie, Pennsylvania.				
Pennsylvania	Wattsburg, Borough, Erie County (Docket No. FEMA-5873).	West Branch French Creek	Confluence with French Creek	*1,286
			Downstream of State Route 8/Main Street Bridge	*1,289
			Upstream Corporate Limits	*1,291
Maps available at the Borough Hall, Main Street, Wattsburg, Pennsylvania.				
Pennsylvania	West Earl, Township, Lancaster County (Docket No. FEMA-5973).	Cocalico Creek	Approximately 2,950 feet downstream from State Route 772	*300
			State Route 772 (upstream)	*308
			Approximately 5,200 feet upstream from State Route 772	*303
		Conestoga River	State Route 772	*298
			Log Cabin Road (upstream)	*299
			Approximately 2,900 feet upstream from Log Cabin Road	*302
		Groff Creek	Confluence with Conestoga River	*298
			State Route 722 (upstream)	*299
			Private Lane approximately 2,150 feet upstream from State Route 772 (upstream).	*302
			Approximately 4,150 feet upstream from State Route 772	*307
Maps available at the West Earl Township Building.				
Pennsylvania	Wind Gap, Borough, Northampton County (Docket No. FEMA-5941).	West Branch Little Bushkill Creek	410 feet downstream of South Broadway Bridge	*632
			Corporate Limits	*633
			Downstream side of 2nd Street	*635
			210 feet upstream of 2nd Street	*637
Maps available at the Wind Gap Borough Building, Mechanic and Water Streets.				
Tennessee	Unincorporated Areas of Chatham County (FEMA-5875).	Cumberland River	Just upstream of County Limits	*337
			Just downstream of Cheatham Dam	*339
			Just downstream of Montgomery Bell Bridge	*402
		Harpeth River	Just upstream of State Highway 49	*401
			Just downstream of Ashland City Road	*425
			Just downstream of U.S. Highway 70	*453
			Just downstream of Louisville and Nashville Railroad (Downstream Crossing).	*436
			Just downstream of I-40 (Downstream Crossing)	*514
			Just upstream of Riverview Drive	*525
		South Harpeth River	Just downstream of Unnamed Road	*517
			Just upstream of County Road	*525
		Marrowbone Creek	Just upstream of State Highway 12	*406
Maps available for inspection at Cheatham County Courthouse, Ashland City, Tennessee 37015.				
Texas	City of Atlanta, Cass County (FEMA-5883).	Black Bayou	Just upstream of U.S. Highway 59 (West Main Street)	*236
		Haw Creek	Just downstream of Sawmill Road	*235
			Just upstream of State Highway 251 (Holley Street)	*259
		Hurricane Creek	Just upstream of State Highway 251 (Holley Street)	*265
		North Tributary of Black Bayou	Just upstream of State Highway 77	*242
		South Tributary of Black Bayou	Just upstream of State Highway 43 (North Louisa Street)	*233
Map available for inspection at City Hall, 440 North Lane, Atlanta, Texas.				
Texas	City of Bryan, Brazos County (FEMA-5773).	Carters Creek	At confluence of Briar Creek	*274
			Just upstream of Harvey Road (FM 150)	*293
		Tributary B	Approximately 60 feet downstream of Old Reliance Road	*309
			Just upstream of Moss Street	*312
		Briar Creek	Just downstream of Briar Creek Drive	*283
			Approximately 60 feet upstream of Broadmore Street	*296
			Just upstream of Villa Maria Road	*305
		Hudson Creek	Just downstream of Highway 59	*279
		Burton Creek	Just upstream of West Frontage Road-State Highway 6 Bypass	*283
			Just upstream of Tangle Wood Drive	*283
		Tributary C	At confluence with Burton Creek	*282
		Tributary D	Just downstream of Texas Avenue	*294
			Just upstream of Villa Maria Road	*300
		Still Creek	Approximately 60 feet upstream of FM 2818	*280
			Approximately 30 feet upstream of FM 1687 (Sandy Point Road)	*296
			Just upstream of Munford Road	*307

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		West Fork of Still Creek	Approximately 10 feet downstream of U.S. Highway 190	*326
		Tributary A	Approximately 50 feet upstream of confluence with Still Creek	*298
		Cottonwood Branch	Approximately 50 feet upstream of FM 2818	*288
			Approximately 50 feet upstream of Palasota Drive	*320
Maps available for inspection at City Hall, P.O. Box 1000, Bryan, Texas 77801.				
Texas	City of Cibolo, Guadalupe County (FEMA-5758).	Town Creek	Just upstream of Farm to Market Road 78	*691
			Approximately 100 feet upstream of Farm to Market Road 1103	*710
			Just upstream of County Road 377	*791
		Town Creek Tributary No. 1	Just downstream of corporate limits	*711
		Dietz Creek	Just downstream of Farm to Market Road 78	*687
		Cibolo Creek	Just upstream of Schaeffer Road	*675
Maps available for inspection at City Hall, Main Street—(F.M. 78), Cibolo, Texas 78108.				
Texas	City of Fredericksburg, Gillespie County (FEMA-5883).	Baron's Creek	Just downstream of Goehmann Street	*1,619
			Just upstream of Creek Street	*1,656
		Town Creek	Just upstream of Washington Street	*1,667
			Just upstream of Milam Street	*1,703
Map available for inspection at City Hall, 127 West Main, Fredericksburg, Texas 78624.				
Texas	City of Pearsall, Frio County (FEMA-5883).	West Creek	Just upstream of West Medina Street	*603
			Just upstream of Power Plant Road	*620
Map available for inspection at City Hall, 213 South Oak, Pearsall, Texas 78061.				
Texas	Webster, City, Harris County (FEMA-5853).	Clear Creek	Nasa Road 1 to 2,500' downstream of Camp Meeting Gully	*16
Maps available at City Hall, 311 Pennsylvania Avenue, Webster, Texas.				
Utah	Plain City (City), Weber County (FEMA-5883).	Weber River	500 feet south-southeast from intersection of 1500 North Street and 1400 North Street.	*4,227
Maps available for inspection at City Hall, Plain City, Utah.				
Utah	South Weber (City), Davis County (FEMA-5883).	Weber River	600 feet north of intersection of 475 East Street and the westbound lanes of Interstate 80.	*4,422
			Intersection of river and center of the westbound lanes of Interstate 80.	*4,515
Maps available for inspection at City Hall, 7355 South 1375 East, South Weber, Utah.				
Utah	Uintah (Town), Weber County (FEMA-5883).	Weber River	100 feet upstream from center of 6600 South Street	*4,435
			Intersection of creek and most upstream corporate limits	*4,489
Maps available for inspection at City Hall, 2216 East 6550 South, Route 4, Uintah, Utah 84403.				
Virginia	Franklin County (Docket No. FEMA-5841).	Gills Creek	State Route 668	*803
			State Route 834 (Upstream side)	*832
			State Route 636 (Upstream side)	*855
		Blackwater River	U.S. Route 220 (Upstream side)	*984
			Approximately 6,500' downstream of State Route 812 at Ford	*1,013
			State Route 812 (Upstream side)	*1,024
			State Route 919 (Upstream side)	*1,041
			Approximately 8,020' downstream of State Route 734 at Ford	*1,078
			State Route 734 (Upstream side)	*1,094
		South Fork of Blackwater River	Confluence with Blackwater River	*1,150
			State Route 641 (1st downstream crossing—Upstream side)	*1,175
			State Route 641 (Upstream Crossing—Upstream side)	*1,206
			Approximately 4,185' upstream of confluence of South Fork of Blackwater River Tributary.	*1,244
		South Fork of Blackwater River Tributary.	Confluence with South Fork of Blackwater River	*1,217
			State Route 602 (Upstream side)	*1,243
			Approximately 1,435' upstream of State Route 602	*1,259
		Maggodee Creek	Approximately 2,260' downstream of State Route 692	*1,034
			Norfolk and Western Railway (Upstream side)	*1,050
			State Route 684 (1st downstream crossing—upstream side)	*1,078
			Approximately 750' upstream of upstream crossing of State Route 684 (Upstream Corporate Limits).	*1,089
			Approximately 970' downstream of downstream crossing of State Route 220 (Downstream Corporate Limits).	*1,144
			Upstream crossing of State Route 220 (Upstream side)	*1,158
			Private Drive approximately 4,645' upstream of upstream crossing of State Rodte 220 (Upstream side).	*1,190
			Downstream crossing of State Route 613 (Upstream side)	*1,215
			State Route 815 (Upstream side)	*1,263

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Second Downstream crossing of State Route 613 (Upstream side)	*1,296
			Private Drive approximately 2,075' upstream of second downstream crossing of State Route 613 (Upstream side).	*1,331
			Third downstream crossing of State Route 613 (Upstream side)	*1,363
			Upstream crossing of State Route 613 (Upstream side) (confluence with North Fork of Maggodee Creek).	*1,413
		North Fork of Maggodee Creek	Confluence with Maggodee Creek	*1,413
			State Route 726 (Upstream side)	*1,433
			Service Road approximately 2,045' upstream of State Route 726 (Upstream side).	*1,482
			Private Road approximately 4,500' upstream of State Route 726 (Upstream side).	*1,522
			Approximately 6,750' upstream of State Route 726	*1,589
		Pigg River	Approximately 12,040' downstream of State Route 713	*939
			Dam (Upstream side)	*962
			U.S. Route 220 Bypass (Upstream side)	*978
			U.S. Route 220 (Business—Upstream side)	*991
			State Route 754 (Upstream side)	*1,026
			State Route 40 (Downstream side)	*1,049
		Story Creek	Approximately 300' downstream of State Route 607	*1,117
			State Route 757 (Upstream side)	*1,138
			State Route 40 (Downstream crossing—Upstream side)	*1,159
			1st downstream crossing of Norfolk and Western Railway (Upstream side).	*1,183
			2nd downstream crossing of Norfolk and Western Railway (Upstream side).	*1,200
			Norfolk and Western Railway crossing 867' downstream of State Route 623 (Upstream side).	*1,256
			State Route 864 (Upstream side)	*1,275
			Approximately 2,200' upstream of upstream crossing of State Route 40.	*1,299
		Town Creek	Downstream County Boundary	*890
			Confluence of Town Creek Tributary	*907
			State Route 763 (Upstream side)	*949
			State Route 767 (Downstream crossing—upstream side)	*961
			Ford located approximately 8,145' upstream of downstream crossing of State Route 767.	*1,011
			State Route 690 (Upstream side)	*1,072
			Upstream crossing of State Route 767	*1,106
			Approximately 2,470 feet upstream of upstream crossing of State Route 767.	*1,132
		Town Creek Tributary	Confluence with Town Creek	*907
			State Route 764 (Upstream side)	*959
			Approximately 10,500' upstream of State Route 764	*1,059
Maps available at the Office of the Building Inspector, Rocky Mount, Virginia.				
Washington	Ellensburg (City), Kittitas County (FEMA-5824).	Wilson Creek	160 feet upstream from center of Private Road, east of Interstate Highway 90.	*1,433
		Right Channel Wilson Creek	Eastern most end of Industrial Way	*1.0
		Reecer Creek	Intersection of creek and center of Pott's Road	*2.0
		Currier Creek	1,100 feet south of intersection of Cascade Way Extension and Dolarway Road.	*2.0
		Whiskey Creek	200 feet upstream from intersection of creek and Fifth Avenue	*1,508
		Mercer Creek	100 feet upstream from center of Railroad Avenue	*1,506
			Intersection of creek and center of Helena Avenue	*1.0
Maps available for inspection at City Hall, 420 North Pearl, Ellensburg, Washington.				
Washington	Ridgefield (City), Clark County (FEMA-5973).	Gee Creek	10 feet downstream from center of Division Street	*37
		Columbia River	Center of Mill Street at approximately 500 feet west of its intersection with Railroad Avenue.	*24
Maps available for inspection at City Hall, 230 Pioneer Avenue, Ridgefield, Washington.				
Wisconsin	(C), River Falls, Pierce and St. Croix Counties (Docket No. FI-3166).	Kinnickinnic River	At the downstream corporate limits	*814
			Just downstream of dam near Park Street	*815
			Just upstream of dam near Park Street	*832
			Approximately 320 feet downstream of dam located downstream of Falls Street.	*833
			Just upstream of dam located downstream of Falls Street	*875
			Approximately 200 feet upstream of Maple Street	*877
			At upstream corporate limits	*884
		South Fork Kinnickinnic River	At the confluence with Kinnickinnic River	*837
			Approximately 120 feet upstream of South Main Street	*879
			Approximately 350 feet upstream of Sixth Street	*885
			Just downstream of Wasson Lane (upstream corporate limits)	*894
		Unnamed Tributary No. 1	At confluence with South Fork Kinnickinnic River	*824
			Approximately 160 feet upstream of Cascade Avenue	*899

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Spring Street	*901
			Just upstream of Ninth Street	*904
			Just upstream of Hazel Street	*905
			Just downstream of Division Street	*911
Maps available for inspection at City Hall, 123 Elm Street, River Falls, Wisconsin 54022.				
Wisconsin	(V), Wrightstown, Brown County (Docket No. FEMA-5883).	Fox River	At downstream (northeastern) corporate limits	*602
			Just upstream Ferry Street	*602
			Western corporate limits	*603
		Plum Creek	Approximately 1.5 miles upstream from the mouth	*615
			Approximately 1.8 miles upstream from the mouth	*617
Maps available for inspection at the Village Clerk's Office, Village Hall, Main Street, Wrightstown, Wisconsin 54180.				

(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 44 FR 20963)

Issued: December 8, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-39022 Filed 12-22-80; 8:45 am]

BILLING CODE 6718-03-M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program, Appendix A: Mississippi and Texas

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This Notice identifies the location of new offices for filing of applications or complaints under the Voting Rights Act of 1965, as amended.

EFFECTIVE DATE: October 29, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Clogston, Coordinator Voting Rights Program, Office of Personnel Management, Washington, D.C. 20415, 202-632-4540.

SUPPLEMENTARY INFORMATION: The Attorney General has certified that in his judgment the appointment of an examiner to serve in the county of Quitman, in the State of Mississippi, and in the county of Atascosa, in the State of Texas, is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, the U.S. Office of Personnel Management has appointed and examiner to serve in each county. OPM has determined that this is a non-significant regulation for the purpose of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Appendix A to 45 CFR Part 801 is amended as set out below to show under the heading "Dates, Times and Places for Filing," additional places for filing in Mississippi; and Texas.

Mississippi

County; Place for filing; Beginning date

* * * * *

Quitman; Marks—Corp of Engineers, Rogers Road; October 29, 1980.

* * * * *

Texas

County; Place for filing; Beginning date

* * * * *

Atascosa; Pleasanton—Office of USDA, 803 North Bryant; October 29, 1980

* * * * *

(5 U.S.C. 1103; Sec. 7, 9, 79 Stat. 440, 441, (42 U.S.C. 1973e, 1973g))

[FR Doc. 80-39802 Filed 12-22-80; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 80-741]

47 CFR Part 0

Commission Organization; Accounting and Operating Procedures in the Maritime Mobile Service.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The purpose of this order and the rules adopted is to specify the duty and responsibility for international operation charging and accounting of public correspondence in the Maritime Mobile Service. New procedures have been adopted by the International Telecommunication Union (ITU) which go into force on January 1, 1981. See CCITT circular No. 187 dated July 29, 1980. This order publishes interim Accounting Authority Identification Codes (AAIC), for use on or after January 1, 1981, for U.S. entities operating mobile stations in the Maritime Mobile Service.

EFFECTIVE DATE: December 5, 1980.

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

FOR FURTHER INFORMATION CONTACT: Wayne B. Leshe, Chief Accountant, Financial Management Division, Room 452, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554 (U.S.A.). Telephone—National 202-632-6900. Telephone—International +1 202-632-6900. Telegraph Fedcomcom Washington DC. Telex Via TWX 710 822 0160.

SUPPLEMENTARY INFORMATION:

In the matter of accounting and operating procedures in the Maritime Mobile Service order.

Adopted: December 5, 1980.

Released: December 12, 1980.

By the Commission:

1. The World Administrative Radio Conference (Geneva, 1979) decided to cancel all those provisions of the Radio Regulations that concern the operation, charging and accounting of public

correspondence in the Maritime Mobile Service (abrogation of Articles 38, 39, 40 and 40A the Radio Regulations) and replace them with a new Article (Article 66) confined to certain general principles. The detailed application of these principles is covered by CCITT Recommendations—

Recommendation D.90/F.111
Charging, Accounting and Refunds in the Maritime Mobile Service
Recommendation E.200/F.110
Operational Provisions for the Maritime Mobile Service

which enter into force on 1 January 1981.

2. One of the more important provisions of Recommendation E.200/F.100 refers to radiotelegrams, radiotelex and radiotelephone calls from a mobile station calling party. After 1 January 1981, the calling party should provide information concerning the accounting authority identification code (AAIC) for proper charging, accounting and refunds.

3. The interim accounting authority identification code for U.S. entitities operating mobile stations in the Maritime Mobile Service shall be specified by the International Telecommunications Settlement Section of the Financial Management Division, Office of the Executive Director by delegation adopted contemporaneously herewith. (see 47 CFR § 0.11 (h), as amended).

4. The Commission intends to initiate a rulemaking proceeding on this matter in the near future for the purpose of permanently implementing accounting procedures. The CCITT circular containing these Recommendations may be obtained from the Downtown Copy Center: Address: Downtown Copy Center, 1114 21st Street NW., Washington, D.C. 20037.

As follows:

CCITT Circular No. 17 GM SMM/AKC of 29 July 1980 subject: Accounting and Operating Procedures in the Maritime Mobile Service.

5. Authority for this action is contained in Sections 4(i), 4(j), 303(p) and 303(r) of the Communications Act of 1934, as amended, and in Article 66 of the International Radio Regulations. Because this Order is conformatory and establishes only interim accounting authority identification codes and because the codes become effective on January 1, 1981, compliance with the notice, procedure and effective date provisions of 5 U.S.C. 553 is impractical and unnecessary.

6. Accordingly, It is ordered, That the interim accounting authority identification code for U.S. entities operating mobile stations in the Maritime Mobile Service on or after January 1, 1981 are:[1]

US01 FCC-International Telecommunications Settlements
US02 ITT Telecom Corp.—Mackay Division
US03 RCA Global Communications, Inc.
US04 TRT—Tropical Radio and Telegraph Co.
US05 SAIT

7. Questions regarding matters discussed herein should be addressedto:

Wayne B. Leshe, Chief Accountant, Financial Management Division, Room 452, Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554 (U.S.A.) Telephone—National 202-632-6900. Telephone—International +1 202-632-6900. Telegraph Fedcomcom Washington DC. Telex Via TWX 710 822 0160.

8. This Order is effective upon release.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-40018 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

[1] All United States registered vessels should use Accounting Authority Identification Code (AAIC) US01 for messages transmitted through *foreign land stations* unless instructed otherwise by an Accounting Authority or Recognized Private Operating Agency. For messages transmitted through *United States land stations*, do not use US01 because billing should be in accordance with present account procedures.

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47 CFR Part 73

[BC Docket No. 80-119; RM-3362 and RM-3598]

Radio Broadcast Services; FM Broadcast Stations in Rohnert Park and Sebastopol, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This action assigns a first Class A FM channel to Rohnert Park, California, in response to a petition filed by Juhl-White Broadcast. Assignment of the channel to Rohnert Park would also make it available for application to Sebastopol under the 10-mile rule (Section 73.203(b)), where another interest in the channel has been expressed.

DATE: Effective February 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: December 9, 1980.

Released: December 16, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 45 FR 28769, published April 30, 1980, proposing the assignment of FM Channel 285A to Rohnert Park, California, at the request of Juhl-White Broadcast ("J-W") and by Jean Harrison expressing interest is Channel 285A at Sebastopol, California. Since the communities are only 13 kilometers (8 miles) apart, the *Notice* indicated that Channel 285A if assigned to Rohnert Park would also be available for application at Sebastopol under the 10-mile rule, Section 73.203(b) of the Commission's Rules. No other FM channels are available for assignment to either community. Each proposal is similar in that the assignment would provide a first local service. The *Notice* proposed to assign the channel to Rohnert Park because it is the larger of the two communities.

2. Rohnert Park (pop. 6,133),[1] in Sonoma County (pop. 204,885), is located approximately 56 kilometers (35 miles) north of San Francisco. It has no local aural broadcast service.

3. J-W has submitted persuasive information with respect to Rohnert Park and its need for a first local aural broadcast service.

4. The Commisison believes it would be in the public interst to assign FM Channel 285A to Rohnert Park, California. Interest has been shown for its use and the assignment would provide the community with its first local aural broadcast service. Furthermore, as noted above, the channel would be available for use in Sebastopol under the provisions of Section 73.203(b) of the Commission's Rules ("10-mile rule").

5. Accordingly, IT IS ORDERED, That effective February 9, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the community listed below as follows:

City	Channel No.
Rohnert Park, Calif.	285A

6. Authority for the action taken herein is found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

[1] Population figures are taken from the 1970 U.S. Census.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-40024 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-158; RM-3374]

Radio Broadcast Services, FM Broadcast Station in Eagle, Colo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns class C FM Channel 268 to Eagle, Colorado, in response to a petition filed by Gloria and George Jones. The proposed station would provide a first local aural broadcast service to Eagle and first and second FM and nighttime aural services to the surrounding area.

EFFECTIVE DATE: February 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: December 9, 1980.

Released: December 15, 1980.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a proposal for the assignment of Class C FM Channel 268 to Eagle, Colorado, as that community's first FM assignment. The *Notice of Proposed Rule Making*, 45 FR 48172, published July 18, 1980, was issued in response to a petition filed by Gloria and George Jones ("petitioners"). Supporting comments were filed by the petitioners and by Eagle Broadcasters, in which both stated their intent to apply for the channel, if assigned. An opposition and counterproposal for the assignment of Channel 237A to Eagle, Colorado, was filed by Vail Mountain Broadcasters, Inc.[1] Petitioners and Eagle Broadcasters filed a response.

2. Eagle (pop. 790),[2] seat of Eagle County (pop. 7,498) is located approximately 154 kilometers (96 miles) west of Denver, Colorado. It has no local aural broadcast service.

3. The *Notice* recited petitioners assertion that the present and proposed recreational developments, including skiing and other activities, will continue to provide the primary base for the future growth of the town of Eagle and western Eagle County. Further, petitioners had stated that the proposed station would provide first FM service to 2,822 persons, second FM service to 19,999 persons, first nighttime aural service to 2,587 persons and second nighttime aural service to 3,441 persons. Petitioners were asked to submit a listing of alternate channels available to the communities precluded by the Class C assignment and have done so. From this showing it is apparent that no community will be deprived of the opportunity to have an FM assignment.

4. VMB, in opposing comments, argues that the assignment of a Class C channel to Eagle, would not result in a fair, efficient and equitable distribution of radio service. It claims the precluded area is greater and the area to be served less, than stated by the petitioners. Therefore, it proposes that a Class A channel (Channel 237A) be assigned to Eagle, which would allow for minimal adverse consequences in future assignments. In support, VMB cites earlier cases in which Class A channels were allocated instead of requested Class C channels so as to reserve more channels for future use. It also claims that due to mountainous terrain a Class C station would not likely serve a significantly greater population than a Class A channel.

5. In reply comments, petitioners restate that their Roanoke Rapids/Anomosa and preclusion data support the requested Class C assignment. In particular, they note that other channels are available in the precluded areas which are sparsely populated with few cities that could support a station. They contend that terrain factors are not generally considered in the allocation of FM channels. Finally, petitioners claim that VMB's allegations amount to an attempt to maintain its broadcast monopoly in Eagle County.

6. We have given careful consideration to the proposal and believe that Channel 268 should be assigned to Eagle, Colorado. Although a community of this size is not normally assigned a Class C channel, the proposed assignment would provide substantial first and second FM and aural services to persons in sparsely populated areas. We do not regard the Class A proposal as a viable option particularly since there is no expression of interest in operating a low powered facility in this area. Since alternate channels are available for the precluded areas, we also believe that the preclusion impact is insignificant. Finally, the cases cited by VMB regarding our concern for reserving channels for future use reflects a position that was more appropriate a decade ago but is of less concern as the length of time given for communities to seek an assignment increases. See discussion in Docket 80-130, Amendment of Policies and Procedures for Amending the Table of Assignments, *Notice of Proposed Rule Making*, FCC 2d (1980). Thus, in view of the insubstantial preclusive impact by virtue of the availability of alternate channels and the benefit of service to unserved and underserved areas that can be realized, we find the proposal justified.

7. In view of the foregoing, it is ordered, that effective February 9, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) is amended with regard to the following community:

City	Channel No.
Eagle, Colo.	268

8. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

9. It is further ordered, that this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-40021 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

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[1] Vail Mountain Broadcasters, Inc., is licensee of Station KVMT(FM), Vail, Colorado.

[2] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-94; RM-3306]

Radio Broadcast Services, FM Broadcast Station in Poughkeepsie, N.Y.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns a Class A FM channel to Poughkeepsie, New York, in response to a petition filed by Olympian Broadcasting Corporation. The proposed assignment would provide for a station which could bring a third commercial FM service to Poughkeepsie.

DATE: Effective February 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: December 9, 1980.

Released: December 16, 1980.

By the Chief, Policy and Rules Division.

1. The Commission has before it a *Notice of Proposed Rule Making*, 45 FR 17597, published March 19, 1980, proposing the assignment of Channel 221A to Poughkeepsie, New York, as its third FM assignment. The *Notice* was issued in response to a petition filed by Olympian Broadcasting Corporation (petitioner). Supporting comments were filed by the petitioner, in which it reaffirmed its intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Poughkeepsie (population 32,029), seat of Dutchess County (population 222,295) [1], is located approximately 105 kilometers (65 miles) north of New York City. It is served locally by full-time AM Stations WEOK and WKIP, FM Stations WPDH (Channel 268), WSPK (Channel 284) and noncommercial educational FM Station WVKR-FM (Channel 217).

3. Petitioner has submitted sufficient justification with respect to the need for an additional FM assignment to Poughkeepsie, New York.

4. As a result of the proposed Channel 221A assignment to Poughkeepsie, no new preclusion would be created, except for a small area on the co-channel where no other communities are located.

5. While the proposed assignment would involve an intermixture of classes of channels at Poughkeepsie, the Commission generally approves the assignment of a Class A with existing Class B channels, when there is no other Class B channel available for assignment and the petitioner is willing to apply for the Class A channel in spite of the unfavorable competitive situation. *Yakima, Washington*, 42 F.C.C. 2d 548, 550 (1973); *Key West, Florida*, 45 F.C.C. 2d 142, 145 (1974). Petitioner states that there is no Class B channel which could be assigned to Poughkeepsie, and has expressed a desire to apply for Channel 221A at Poughkeepsie, in spite of the intermixture. Therefore, we believe it is in the public interest to make the assignment which would provide for a third commercial FM service to the community.

6. The Canadian Government has given concurrence to the assignment of Channel 221A to Poughkeepsie, New York.

7. Accordingly, it is ordered, That effective February 9, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) IS AMENDED with regard to the following community:

City	Channel No.
Poughkeepsie, New York	221A, 253, 224

8. Authority for the action taken herein is found in §§ 4(i), 5(d)(1), 303(g), (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

FEDERAL COMMUNICATIONS COMMISSION.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-40023 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 73

[BC Docket No. 80-120; RM-3311]

Radio Broadcast Services, FM Broadcast Station in Defiance, Ohio; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns Class B FM Channel 251 to Defiance, Ohio, and reassigns Channel 240A from Defiance to Archbold, Ohio, to reflect its actual use in that community, in response to a petition filed by Defiance Broadcasting Company. The assigned channel could provide Defiance with its first local aural broadcast service.

DATE: Effective February 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: December 9, 1980.

Released: December 16, 1980.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 45 FR 23482, published April 7, 1980, proposing the assignment of FM Channel 251 to Defiance, Ohio, as its first FM assignment and the reassignment of Channel 240A from Defiance to Archbold, Ohio, to reflect its actual use there.[1] The *Notice* was issued in response to a petition filed by Defiance Broadcasting Company ("petitioner"). Supporting comments were filed by the petitioner, by Ralph F. Vocke and by M. C. Horman. All three stated they would apply for the channel, if assigned. E. Eugene McCoy, Jr. also filed comments.

2. Defiance (pop. 15,800) [2], seat of Defiance County, is located in the northwest corner of Ohio, approximately 85 kilometers (53 miles) southwest of Toledo, Ohio. It is served locally by full-time AM Station WONW.

3. Petitioner has submitted sufficient justification with respect to the need for a first FM channel assignment. Defiance is located in a rural area far removed from any larger communities. There are no Class A channels available for assignment to the community.

4. Morenci, Michigan (pop. 2,132) is the only community with a population greater than 1,000, that will be precluded as a result of the assignment of Channel 251 to Defiance. It has no current AM or FM assignments, however, it receives service from nearby Adrian, Michigan.

5. E. Eugene McCoy, Jr. expressed concern that the proposal for Channel 249A in Hudson, Michigan and Channel 251 in Defiance, Ohio, were shortspaced. However, after a review of the engineering data submitted by petitioner, he now agrees that both assignments can be made with the

[1] Channel 240A, allocated to Defiance, Ohio, is being used by WHFD (FM), licenced to Archbold, Ohio, under the 10 mile rule, Sec. 73.203(b) of the Commission's Rules.

[2] Population figures are taken from the 1970 U.S. Census.

specified site restrictions of (7.4 miles west and 6.4 miles southwest of Defiance and Hudson, respectively).

6. The Commission believes that the public interest would be served by assigning Channel 251 to Defiance, Ohio, since it would provide the community with an opportunity for a first local aural broadcast service. The transmitter location is restricted to 12 kilometers (7.4 miles) west of the city.

7. As indicated in the *Notice*, we shall also reassign Channel 240A from Defiance, Ohio to Archbold, Ohio, to reflect its current use in that community. Canadian concurrence in this assignment has been obtained.

8. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective February 9, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) IS AMENDED with regard to the communities listed below:

City	Channel No.
Archbold, Ohio	240A
Defiance, Ohio	251

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-40020 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-147; RM-3424]

Radio Broadcast Services, FM Broadcast Station in Manchester, Vt.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: Action taken herein assigns FM Channel 274 to Manchester, Vermont, in response to a petition filed by Northshire Communications, Inc. The proposed station would provide a first local aural broadcast service to Manchester and a first and second FM service to the surrounding area.

EFFECTIVE DATE: February 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: December 9, 1980.

Released: December 15, 1980.

By the Chief, Policy and Rules Division.

1. On April 7, 1980, the Commission adopted a *Notice of Proposed Rule Making*, 45 FR 28774, published April 30, 1980, in response to a petition filed by Northshire Communications, Inc. ("petitioner"), which proposed the assignment of FM Class B Channel 274 to Manchester, Vermont, as that community's first FM assignment. Supporting comments were filed by petitioner and by North County Communications, Inc., both of which stated it would apply for the channel, if assigned.

2. Manchester (pop. 2,919)[1] in Bennington County (pop. 29,282), is located approximately 149 kilometers (93 miles) south of Burlington, Vermont. It has no local aural broadcast service.

3. As stated in the *Notice*, a wide area coverage Class B facility would permit expanded FM service to unserved areas by providing a first FM service to 9,235 persons, a second FM service to 50,448 persons and a second nighttime aural service to 9,235 persons.

4. Although a community of this size is not normally assigned a Class B channel, the proposed assignment would provide significant first and second services to a substantial population. Therefore, we believe it would be in the public interest to assign Channel 274 to Manchester, Vermont, as its first FM channel assignment.

5. This assignment has been agreed to by Canada as a specially negotiated short-spaced allocation.

6. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective February 9, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) is amended with regard to the community listed below:

City	Channel No.
Manchester, Vermont	274

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-40022 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

47 CFR Part 90

Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule (order).

SUMMARY: The FCC rewords §§ 90.209 and 90.211 of its rules in order to simplify their language and clarify their meaning. These sections prescribe the bandwidth limitations and modulation requirements for those transmitters which are authorized to operate in the Private Land Mobile Radio Services.

EFFECTIVE DATE: November 14, 1980.

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

FOR FURTHER INFORMATION CONTACT: William P. Berges, Private Radio Bureau (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the matter of Editorial Amendment of Part 90.

Order

Adopted: October 30, 1980.

Released: December 9, 1980.

1. The purpose of this Order is to reword §§ 90.209 and 90.211 of the Commission's rules in order to condense and clarify their meaning. The amendments contained in the attached Appendix merely reflect rewording of existing rules, contain no substantive changes, and raise no issues upon which comments would serve any useful purpose. Prior Notice of Rule Making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the authority contained in 5 U.S.C. 533(b)(3)(A).

2. In view of the foregoing, and pursuant to authority contained in Sections 4(i) and 303(r), of the Communications Act of 1934, as

amended, and § 0.231(d) of the Commission's rules it is ordered, that Part 90 of the Commission's rules, is amended as set forth in the attached Appendix effective November 14, 1980.

3. For further information concerning this document, you may contact William P. Berges, (202) 632-6497.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; [47 U.S.C. 154, 303, 307])

Federal Communications Commission.

Richard D. Lichtwardt,

Executive Director.

Appendix A

I. Part 90 of the Commission's Rules is amended as follows:

1. Section 90.209 is amended by deleting the introductory text of paragraph (c) and paragraph (f) and by adding new introductory text to paragraph (c) and new paragraphs (f) and (g), to read as follows:

§ 90.209 Bandwidth limitations.

* * * * *

(c) Except as provided in paragraphs (d), (f) and (g) of this section, the mean power of any emission from a transmitter equipped with an audio low-pass filter in accordance with the provisions of paragraph (d)(1) of § 90.211 shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

* * * * *

(f) For those transmitters that operate in the frequency bands of 25.0 to 50.0 MHz, 72.0 to 73.0 MHz, 75.4 to 76.0 MHz or 150.8 to 174.0 MHz that are not equipped with an audio low-pass filter in accordance with the provisions of paragraph (d)(1) of § 90.211, the power of any emission shall be attenuated below the unmodulated carrier power (P) in accordance with the following schedule:

(1) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) of more than 5 kHz up to and including 10 kHz: At least 83 Log_{10} ($f_d/5$) decibels;

(2) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) of more than 10 kHz up to and including 250 percent of the authorized bandwidth: At least 29 Log_{10} ($f_d^2/11$) decibels or 50 decibels, whichever is the lesser attenuation;

(3) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: At least 43 plus 10 Log_{10} (output power in watts) decibels or 80 decibels, whichever is the lesser attenuation.

Note.—The measurements of emission power can be expressed in peak or average values provided they are expressed in the same parameters as the unmodulated transmitter carrier power.

(g) For those transmitters that operate in the frequency bands 450.0 to 512.0 MHz, 806.0 to 821.0 MHz or 851.0 to 866.0 MHz that are not equipped with an audio low-pass filter in accordance with the provisions of paragraph (d)(1) of § 90.211, the power of any emission shall be attenuated below the unmodulated carrier power (P) in accordance with the following schedule:

(1) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) of more than 5 kHz up to and including 10 kHz: At least 83 Log_{10} ($f_d/5$) decibels;

(2) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) of more than 10 kHz up to and including 250 percent of the authorized bandwidth: At least 116 Log_{10} ($f_d/6.1$) decibels or 50 plus 10 Log_{10} (P) or 70 decibels, whichever is the lesser attenuation;

(3) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: At least 43 plus 10 Log_{10} (output power in watts) decibels or 80 decibels, whichever is the lesser attenuation.

Note.—The measurements of emission power can be expressed in peak or average values provided they are expressed in the same parameters as the unmodulated transmitter carrier power.

II. Section 90.211 is amended by deleting paragraphs (d) through (h) and by adding new paragraph (d) to read as follows:

§ 90.211 Modulation requirements.

* * * * *

(d) Each transmitter shall meet the requirements provided in subparagraph (1) or (2) of this paragraph. The requirements of this paragraph do not apply to mobile stations which are authorized to operate with a maximum power output of 2 watts or less and to any radiotelecommunication system operating wholly within the limits of one or more of the territories or possessions of the United States, or Alaska, or Hawaii, except those systems operating in the frequency ranges 806 to 821 and 851 to 866 MHz.

(1) Transmitters subject to the emission limitations of paragraph (c) of Section 90.209 shall be equipped with an audio low-pass filter. The audio filter shall be installed between the modulation limiter and modulated stage and shall meet the following requirements:

(i) Transmitters that operate in the frequency bands of 25.0 to 50.0 MHz, 72.0 to 73.0 MHz, 75.4 to 76.0 MHz, or 150.8 to 174.0 MHz the attenuation of the audio filter between the frequencies of 3 kHz and 15 kHz shall be greater than the attenuation at 1 kHz by at least: 40 Log_{10} (f/3) decibels, where "f" is the frequency in kHz. At audio frequencies above 15 kHz, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kHz.

(ii) Transmitters that operate in the frequency band of 450 to 470 MHz and authorized on or after November 1, 1967, and those transmitters that operate in the frequency bands of 470 to 512 MHz, 806 to 821 MHz and 851 to 866 MHz, and for Traveler's Information Stations on 530 and 1610 kHz, the attenuation of the low-pass filter between the frequencies of 3 kHz and 20 kHz shall be greater than the attenuation at 1 kHz by at least: 60 Log_{10} (f/3) decibels, where "f" is the frequency in kHz. At frequencies above 20 kHz, the attenuation shall be 50 decibels greater than the attenuation at 1 kHz.

(2) Transmitters subject to the emission limitations of paragraphs (f) and (g) of § 90.209 shall be exempt from the audio low-pass filter requirements of this section, provided that transmitters used for digital emissions must be type accepted with the specific equipment that provide the digital modulating signal. The type acceptance application shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in paragraphs (f) and (g) of § 90.209.

[FR Doc. 80-39733 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1111

[Ex Parte No. 282 (Sub-No. 3A)]

Railroad Consolidation Procedures Expedited Processing

AGENCY: Interstate Commerce Commission.

ACTION: Interpretation of final procedural rules.

SUMMARY: The Commission recently adopted new regulations governing consolidation proceedings. In this notice, the Commission explains how certain of those regulations allow it to expedite the processing of consolidation applications. The public is informed of

the significance of the new regulations (1) requiring applicants to file with their application all supporting statements and exhibits and (2) requiring other parties to state in their comments the reasons for their requests, if any, for oral hearing.

FOR FURTHER INFORMATION CONTACT: Ernest Abbott, (202) 275-3002 or Wayne Michel (202) 275-7966.

SUPPLEMENTARY INFORMATION:

Introduction

This notice discusses the impact of our new procedural regulations[1] on our ability to expedite the processing of applications involving the merger or control of at least two Class I railroads. Briefly, the new regulations require applicants to file their entire direct case with their application and require interested parties to include in their comments requests, if any, for oral hearings with *reasons* supporting that request. 49 CFR 1111.4(c)(3) and 1111.4(d)(1)(iii)(E), as amended.

We believe that these regulations will enable us to expedite our proceedings while (1) providing the Commission with the information necessary to make and support its decisions and (2) insuring the proceeding is conducted in accordance with all procedural requirements. In the following pages, we will discuss both the need to expedite our consideration of merger applications and the methods by which our new regulations permit us to expedite our proceedings further.

The Need for Expedited Decision-making

Four years ago in the 4R Act,[2] Congress first acted to impose deadlines on our merger deliberations. In requiring the Commission to act more quickly, Congress was in large part reacting to the *Rock Island* merger case. [3]That proceeding was before us for 11 years before a final decision was reached.

Although this case was an exception, it is an example of the need to expedite our processing of rail consolidation applications. Clearly, time does not stand still while an application for merger authority is before us. The willingness of carriers to institute new services, take advantage of relaxed regulatory restraints on ratemaking, and enter into agreements with shippers or other carriers, are all lessened if the carrier is awaiting a decision which will change its operating relationships and, indeed, its entire corporate structure. Competing railroads have similar constraints on their actions as they await our decisions.

We have recognized the need for expeditious decision-making and have made significant progress in that area during the last several years. For example, our most recent merger proceedings[4] were all completed before the 31-month deadline imposed by the 4R Act (*See*, 49 U.S.C. 11345). From date of filing the application to final decision, the proceedings were processed in an average of less than two years.

However, in light of the Congressional intent that rail proceedings be handled expeditiously[5] and our increasing awareness of the effect of delay on the industry and the public, we believe that we can and should execute our functions even more promptly. Our new regulations from a significant part of this effort; they establish a procedural framework permitting fair but less time consuming resolution of many rail consolidation proceedings.

Methods to Expedite Decisionmaking

The substantive standards governing our decisions on consolidation applications are found in 49 U.S.C. 11343. The basic standard is that we "shall approve and authorize a transaction . . . when [we] find the transaction is consistent with the public interest." Section 11343(c). In addition, Section 11343(b) requires us to consider a number of specific issues, including the effects of the proposed transaction on: (1) the adequacy of transportation to the public; (2) competition among rail carriers in the affected region; and (3) affected employees.

Our recently promulgated consolidation regulations provide us with the tools to expedite further our decisionmaking process. The most significant change was our adoption of the case-in-chief concept. The regulations now require applicants to file with their application all their verified statements and other materials on which they intend to rely in proving the proposal consistent with the public interest. *See*, 49 CFR 1111.4(c)(3). Moreover, applicants are required to file a notice of intent to seek merger authority three to six months before filing the application.

We examine the pre-filing notice and, if we decide that certain issues are raised that we wish discussed in the application, a notice will be published in the Federal Register indicating what additional information must be filed. *See*, 49 CFR 1111.4(b)(2)(v). As a result of these changes, applicants will have submitted, and we can begin analyzing, applicants' entire direct case at the time the application is filed. This analysis permits us to determine whether applicants have met their burden of presenting a prima facie case.

Summary Denial Procedure

Applicants can fail to meet their burden of proof either by (1) disclosing facts that, even if construed in their most favorable light, are insufficient to support a finding that the proposal is consistent with the public interest, or by (2) disclosing facts that affirmatively demonstrate that the proposal is not in the public interest. In either situation, the conduct of hearings to place protestants' evidence into the record would be unnecessary and wasteful, and summary disposition of the application is appropriate.

In judicial proceedings, there are two principal vehicles for summary denial of a claim after presentation of plaintiff's evidence: the motion for summary judgment and the motion for directed verdict at the close of plaintiff's case-in-chief.[6] Each of these vehicles is initiated upon the motion of defendant.

Under our new regulations, we shall instead issue, in appropriate circumstances and on our own motion, a show-cause order directed to the applicants and any other proponents of the transaction. If those parties cannot show cause why the application should not be summarily denied for failure to state a *prima facie* case (on either of the two bases discussed above), we would

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[1] Ex Parte No. 282 (Sub-No. 3)], *Railroad Consolidation Procedures*, 363 I.C.C. 200 (1980) [*Ex Parte No. 282 (Sub-No. 3)]*, [45 FR 62991, September 23, 1980].

[2] Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. No. 94-210 (4R Act).

[3] *Chicago & N.W. Ry. Co.—Control*, 347 I.C.C. 556 (1974) (*Rock Island*).

[4] *Norfolk & W. R. Co.—Control-Detroit, T&I R. Co.*, 360 I.C.C. 498 (1979); *Burlington Northern, Inc.—Control & Merger—St. L.*, 360 I.C.C. 784 (1980); and *CSX Corp.—Control—Chessie and Seaboard C.L.I.*, 363 I.C.C. 518 (1980).

[5] The Congressional intent is further expressed in the Staggers Rail Act of 1980, Pub. L. No. 94-448 (October 14, 1980). Section 228 of the Staggers Act imposed even more stringent time requirements on smaller transactions (those not involving the merger or control of at least two class I railroads). The Conference Committee report stressed that the statutory deadlines for consolidation proceedings "are, of course, maximum time limits and the Committee believes that many applications can and should be processed without taking the full amount of time allowed." H.R. Rept. No. 1430, 96th Cong., 2d Sess. 120 (1980).

[6] *See* FR Civ. P. 56 and 50(a). In order to prevail on a motion for summary judgment, defendant must show that there is no genuine issue as to any material fact and that defendant is entitled to judgment as a matter of law. *Id.* In ruling on a motion for directed verdict, the court must "view the evidence in the light most favorable to the party against whom the motion is made," 5A Moore's Federal Practice § 50.02[1] at 50-33 (1979). Rule 50(a) "express[es] the general view that, after a party has rested, the case may be decided against it on the basis of evidence the party itself introduced." *Gonzalez* v. *LaConcorde Compagnie D'Assurances*, 601 F.2d 606, 608 (1st Cir. 1979).

be remiss in allowing the proceedings to continue. Accordingly, we would then deny the application.

The case-in-chief concept of the recently adopted rail consolidation regulations permits us to have, upon the filing of an application, all of the applicants' supporting evidence. If the information contained in an application will not support findings on each of the statutory elements (and any additional elements required by court or our precedent) and will not support a conclusion that the proposal is consistent with the public interest, then summary denial is an appropriate disposition of the proceeding. Since applicants and other proponents in their responses to the show-cause order are given an opportunity to convince us that the applicants had met their burden of proof, our summary-denial procedure will afford all parties their procedural rights.

Expedited Grant Procedure

In the absence of a Commission order finding that applicants have failed to make out a prima facie case, the burden of going forward shifts to protestants. On or before February 6, 1981, accepting the application as complete, all parties (with the exception of the Departments of Justice and Transportation which have 60 days) must file their comments. 49 U.S.C. § 11345(b).

In the past, those comments were often unsupported statements of opposition or support. Under our new regulations these comments must contain a good deal more. The parties' comments should include: their position, 49 CFR 1111.4(d)(1)(iii)(c); a list of all information they seek to discover from applicants, 49 CFR 1111.4(d)(1)(iii)(F); and in major transactions, their initial list of desired protective conditions, 49 CFR 1111.4(d)(1)(iii)(G)(3), and a detailed statement of issues, related to the underlying statutory criteria, policy statement, and antitrust policy which we must consider in the proceeding, 49 CFR 1111.4(d)(1)(iii)(I). In addition, and from a procedural perspective perhaps most important, the comments must include the parties' requests, if any, for oral hearing with *reasons* supporting their request. 49 CFR 1111.4(d)(1)(iii)(E).

Traditionally, we have held oral hearings in all major rail merger cases—that is, a hearing in which the applicants and all interested parties had an opportunity to present witnesses and cross-examine the witnesses of other parties. These oral hearings were ordered—and conducted at great length—almost automatically, without a careful Commission determination of the specific issues of material fact that should be resolved through oral hearing processes.

Under the new regulations, the burden is on the party requesting oral hearing to show us that (1) there are facts in the application that are disputed, (2) those disputed facts bear on issues that are material to our ultimate findings, and (3) oral hearing is necessary or clearly desirable in order for us to resolve these material factual disputes. Failure to make these showings would lead us to conclude that the proceeding can be handled summarily or by modified procedure. *See* 49 CFR 1111.4(e).

A genuine dispute means a conflict of claims with some foundation for each of the contrary allegations. Evidence presented by the applicants is disputed only when an opponent specifies matters relied upon to support a conflicting claim. A vague and general allegation is insufficient to place a fact in dispute. If there are no factual disputes, we would require at most oral argument or briefs on only the policy and legal issues involved.

A material fact is one that is essential to the application or that may affect our decision. Merger cases involve hundreds of facts, some of which may be disputed yet immaterial to any of the statutorily-mandated findings we must make. For example, a protestant carrier may claim traffic diversion of $4,000,000 instead of applicants' assertion of $3,500,000. If we would reach the same result on all statutorily mandated findings even if protestant's figure were correct, we would not need hearings to determine the true figure.

Finally, in order to justify the use of time consuming oral hearings, a material factual dispute should be one requiring oral hearing to resolve. In certain circumstances, we may be able to reach a determination on a material factual dispute by analyzing the verified statements and accompanying exhibits. Protestants should explain why a particular dispute would be best settled by oral hearing and not modified procedure.

After reviewing the comments and the applicants' case-in-chief, we will decide whether the case should be set for oral hearing or modified procedure. In some instances where the parties have identified no material factual disputes, we might simply request briefs or arguments on what conclusions of law are called for by the undisputed facts.

If we set the case for oral hearing, an Administrative Law Judge will be formally assigned. If we decide that modified procedure is appropriate, a schedule for discovery and filing verified statements will be established. In either instance, the specificity of protestants' comments, analyzed in light of applicant's complete case, will permit us to focus the hearings on the material factual disputes and thus avoid hearing time and testimony regarding immaterial or undisputed issues.

Conclusion

The authority to grant summary judgment when there are no issues requiring further proceedings is inherent in our power to administer our docket. This notice is to inform the public expressly how our recently adopted procedural regulations will affect the processing of merger applications. The regulations will allow us to expedite and streamline our proceedings. We will have a case-in-chief filed with the application. In addition, we will receive comments which clearly identify the problem area(s), if any, in the application. Examination of the comments and the applicant's case-in-chief will enable us to determine whether hearings are necessary and, if so, the disputes that must be settled by hearings. As an end result the applicants, protestants, and public will be assured of expedited decisions based on a clearer and more concise record.

(49 U.S.C. 11343–11345 and 49 CFR Part 1111, pursuant to 5 U.S.C. 553(b)(A))

Decided: December 10, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-40033 Filed 12-22-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Quotas; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Final rules; correction.

SUMMARY: This document corrects 50 CFR Part 611.20, Appendix 1, to restore the entire Appendix. The Appendix was inadvertently deleted when it was amended on October 23, 1980 (45 FR 70277).

The Appendix provides data for foreign fishing and, where available or practical to do so, lists component parts of the 1980 domestic allowable harvest (DAH). The Appendix is subject to

changes throughout the year as new information is prepared.

FOR FURTHER INFORMATION CONTACT: Denton R. Moore, Chief, Permits and Regulations Division, National Marine Fisheries Service (F/CM7), Washington, D.C. 20235, (202) 634-7432 or (202) 653-5526.

Signed this 17th day of December 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Accordingly, 50 CFR 611.20, Appendix 1 is corrected to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

Appendix 1.—*Optimum Yield (OY), Domestic Allowable Harvest (DAH), Domestic Allowable Processing (DAP), Joint Venture Processing (JVP), Domestic Nonprocessed, Reserve, and Total Allowable Level of Foreign Fishing (TALFF), All in Metric Tons*

	Species and species code	Areas	OY	DAH	DAP	JVP=(DAH-DAP)	DNP	Reserve	TALFF
Northwest Atlantic Ocean fisheries:									
A. Hake fishery	Hake, silver, 104	Georges Bank	35,000	—	—	—	—	—	20,000
		South New England, Mid-Atlantic	55,000	—	—	—	—	—	34,400
	Hake, red, 105	Georges Bank	6,000	—	—	—	—	—	5,500
		South New England, Mid-Atlantic	11,000	—	—	—	—	—	3,000
B. Mackerel fishery	Mackerel, Atlantic, 204		30,000	20,000	—	—	—	—	10,000
C. Trawl fishery	Herring, river, 399		10,000	—	—	—	—	—	500
	Other finfish, 499		247,000	—	—	—	—	—	46,000
D. Squid fishery	Squid, long-finned, 502		44,000	7,000	—	—	—	0	37,000
	Squid, short-finned, 504		30,000	5,000	—	—	—	0	25,000
E. Butterfish fishery	Butterfish, 212		11,000	7,000	—	—	—	0	4,000
Atlantic and Gulf fisheries: A. Atlantic billfish and sharks fishery.	Sharks, 469		6,150	5,000	—	—	—	0	1,150
Western Pacific Ocean fisheries:									
A. Seamount groundfish fishery	Armorheads, alfonsins, and other groundfish, 200, 201, and 499.		2,000	—	—	—	—	—	2,000
B. Pacific billfish and sharks fishery	Swordfish, 264	West Coast	318.4	350.2	—	—	—	0	0
		Hawaii and Midway	93.6	5.9	—	—	—	8.87	78.9
		Guam and Northern Marianas	4.1	0.2	—	—	—	0.4	3.5
		American Samoa	2.4	0	—	—	—	0	2.4
		U.S. possessions	28.1	0	—	—	—	0	28.1
	Blue marlin, 260	West Coast	—	—	—	—	—	—	—
		Hawaii and Midway	612.0	603.4	—	—	—	8.6	78.9
		Guam and Northern Marianas	26.9	3.0	—	—	—	23.9	0
		American Samoa	37.2	2.3	—	—	—	0	34.9
		U.S. possessions	76.3	0	—	—	—	0	76.3
	Black marlin, 253	West Coast	—	—	—	—	—	—	—
		Hawaii and Midway	97.7	104.7	—	—	—	0	0
		Guam and Northern Marianas	0.6	0	—	—	—	0	0.6
		American Samoa	5.3	0	—	—	—	0.1	5.3
		U.S. possessions	6.2	0	—	—	—	0	6.2
	Striped marlin, 261	West Coast	43.2	47.5	—	—	—	0	0
		Hawaii and Midway	223.2	67.9	—	—	—	15.5	139.8
		Guam and Northern Marianas	5.0	0.3	—	—	—	0.5	4.2
		American Samoa	7.8	0	—	—	—	0	7.8
		U.S. Possessions	46.6	0	—	—	—	0	46.6
	Sailfish, 252	West Coast	—	—	—	—	—	0	—
	Spearfish, 262	Hawaii and Midway	42.7	23.4	—	—	—	0.9	17.4
		Guam and Northern Marianas	4.8	0.2	—	—	—	0.5	4.1
		American Samoa	3.5	1.3	—	—	—	0	2.2
		U.S. possessions	14.3	0	—	—	—	0	14.3
	Sharks, 263, 265, 266, 267, and 469.	West Coast	27.6	30.4	—	—	—	0	0
		Hawaii and Midway	1,111.6	0	—	—	—	111.1	1,000.5
		Guam and Northern Marianas	31.9	0	—	—	—	0	31.9
		American Samoa	101.6	0	—	—	—	0	101.6
		U.S. possessions	651.4	0	—	—	—	0	651.4
	Wahoo, 255	West Coast	—	—	—	—	—	—	—
		Hawaii and Midway	288.9	317.8	—	—	—	0	0
		Guam and Northern Marianas	25.1	27.6	—	—	—	0	0
		American Samoa	4.8	2.8	—	—	—	0	0
		U.S. possessions	0	0	—	—	—	0	0
	Mahi mahi, 237, 238	West Coast	—	—	—	—	—	—	—
		Hawaii and Midway	105.0	115.5	—	—	—	0	0
		Guam and Northern Marianas	18.9	20.8	—	—	—	0	0
		American Samoa	6.4	4.4	—	—	—	0	2.0
U.S. possessions			0	0	—	—	—	0	0
Alaska fisheries:									
A. Bering Sea and Aleutian Islands groundfish fishery.	Pollock, 701	Bering Sea	1,000,000	27,050	—	21,650	—	0	972,950
		Aleutians	100,000	0	—	0	—	0	100,000
	Yellowfin sole, 720		117,000	7,900	—	7,800	—	0	109,100
	Turbots, 721, 118		90,000	1,400	—	1,200	—	0	88,600
	Other flounders, 129		61,000	2,825	—	2,725	—	0	58,175
	Pacific ocean perch,[4] 780.	Bering Sea[1]	3,250	430	—	330	—	0	2,820
		Aleutians[2]	7,500	430	—	330	—	0	7,070
	Other rockfish, 849		7,727	250	—	150	—	0	7,477
	Sablefish, 703	Bering Sea[3]	3,500	300	—	200	—	0	3,200
		Aleutians[2]	1,500	300	—	200	—	0	1,200
	Pacific cod, 702		70,700	22,265	—	15,065	—	0	36,435
	Atka mackerel, 207		24,800	720	—	720	—	0	24,080
	Squid, 509		10,000	50	—	50	—	0	9,950
	Other species[3] 499		74,249	750	—	550	—	0	73,499
B. Bering Sea and Aleutian Islands herring fishery.	Herring, 209			(RESERVED)					

Appendix 1.—*Optimum Yield (OY), Domestic Allowable Harvest (DAH), Domestic Allowable Processing (DAP), Joint Venture Processing (JVP), Domestic Nonprocessed, Reserve, and Total Allowable Level of Foreign Fishing (TALFF), All in Metric Tons*—Continued

	Species and species code	Areas	OY	DAH	DAP	JVP= (DAH-DAP)	DNP	Reserve	TALFF
C. Tanner crab fishery	*C. opilio* and hybrid, 610, 684.	I, II, III, IV	53,934	51,434	—	0	—	0	[10] 7,500
	C. bairdi, 501	I, II, III, IV	15,000	15,000	—	0	—	0	[10] 0
D. Snail fishery	Snails (meats), 673		3,000	0	—	0	—	0	3,000
E. Gulf of Alaska groundfish fishery	Pollock, 701	Western [5]	83,500	6,737	23	6,703	—	13,300	46,463
		Central [5]	111,066	15,540	6,277	9,263	—	22,213	73,313
		Eastern [5]	19,397	2,584	811	1,773	—	3,874	12,909
		Total	198,933	24,861	—	—	—	39,387	132,685
	Pacific Cod, 702	Western	19,320	2,193	280	1,213	700	3,884	13,263
		Central	33,130	7,053	4,060	1,593	1,400	7,826	24,246
		Eastern	11,550	2,415	327	688	1,400	2,310	6,825
		Total	70,000	11,666	—	—	—	14,000	44,334
	Flounders, 129	Western	12,133	816	116	700	—	2,427	8,890
		Central	17,150	1,307	350	957	—	3,430	12,413
		Eastern	9,800	1,597	1,060	537	—	1,960	6,253
		Total	39,033	3,710	—	—	—	7,817	27,556
	Pacific Ocean Perch,[4] 780.	Western	3,150	402	29	373	—	630	2,118
		Central	9,217	1,465	344	1,121	—	1,843	5,909
		Eastern	16,800	1,534	93	1,441	—	3,360	11,906
		Total	29,167	3,401	—	—	—	5,833	19,933
	Other Rockfish,[6] 849	Total	8,867	1,050	—	—	—	1,773	6,044
	Sablefish,[7] 703	Western	2,450	315	117	198	—	490	1,645
		Central	4,433	1,423	1,167	256	—	887	2,123
		Yakutat district [5]	3,968	1,610	1,377	233	—	1,656	700
		Southeast outside [5]	3,500	3,335	3,230	105	—	0	105
		Total	14,349	6,743	—	—	—	3,033	4,573
	Atka mackerel, 207	Western	5,458	333	0	333	—	1,092	4,028
		Central	24,209	1,260	0	1,260	—	4,862	18,187
		Eastern	3,717	817	0	817	—	743	2,157
		Total	33,484	2,415	—	—	—	6,697	24,372
	Squid, 509	Total	5,633	175	—	—	—	1,167	4,491
	Other species,[8] 499	Total	18,900	2,007	—	—	—	3,780	13,113
	Thornyhead rockfish, 749.	Total	4,375	7	—	—	—	875	3,493
North Pacific Ocean fisheries: Washington, Oregon, and California Fisheries.	Whiting, Pacific, 704		175,000	55,000	—	43,000	—	0	120,000
	Flounders, 129		33,400	—	—	—	—	0	[9] 120
	Mackerel, jack, 208		65,000	—	—	—	—	0	3,600
	Rockfish, excluding Pacific ocean perch, 849.		43,000	—	—	—	—	0	[9] 826
	Pacific ocean perch, 780		1,000	—	—	—	—	0	[9] 74
	Sablefish, 703		13,400	—	—	—	—	0	[9] 208
	Other species, 499		28,100	—	—	—	—	0	[9] 600

[1] Bering Sea means fishing areas I, II, and III in Figure 2, Appendix II of 50 CFR 611.9.

[2] Aleutian means fishing Area IV in Figure 2, Appendix II of 50 CFR 611.9.

[3] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, octopus, and all other finfish and marine invertebrates except those listed in the table and "unallocated species." See § 611.93(b)(2)(iii) for the definition of "unallocated species."

[4] The category "Pacific ocean perch" includes *Sebastes* species *S. alutus* (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleutianus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).

[5] See figure 1 of section 611.92(a) for description of regulatory areas and districts.

[6] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined in footnote 4 above and *Sebastolobus* (thornyhead rockfish).

[7] Excludes values for the Southeast Inside District, which is not governed by these regulations.

[8] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

[9] Allowable incidental catch of these species is determined as a percentage of the Pacific whiting TALFF (see § 611.70(b)(1)(ii)(A).

[10] TALFF of *C. opilio* Tanner crab may be taken only north of 58°N. latitude and west of 164°W. longitude. Any *C. bairdi* Tanner crab taken incidentally to the permitted harvest of *C. opilio* Tanner crab may be retained.

(16 U.S.C. 1801 et seq.)

[FR Doc. 80-39784 Filed 12-22-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 248
Tuesday, December 23, 1980

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) proposes to eliminate from its regulations the individual listings of excepted service appointing authorities. This change would improve OPM's procedures for: (1) Providing timely information to agencies, and (2) codifying the personnel regulations annually.

DATE: Comments will be considered if received no later than February 23, 1981.

ADDRESS: Send or deliver written comments to Noncompetitive Staffing and College Relations Branch, Staffing Services, Room 6A12, Office of Personnel Management, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: William Bohling, (202) 632-6000.

SUPPLEMENTARY INFORMATION: E.O. 12044, Improving Government Regulations (as extended by E.O. 12221), requires agencies to periodically review existing regulations to determine whether there is a continued need for the regulations. As part of our efforts to ensure OPM compliance with that Order, we have identified 5 CFR Part 213, Excepted Service, as a part of our regulations which should be revised and shortened.

Sections 6.1 and 6.6 of Civil Service Rule VI (5 CFR Part 6) require OPM to publish notice in the Federal Register of decisions granting or revoking authority to fill excepted service positions. There is no requirement that these notices must be regulations which are codified in 5 CFR.

E.O. 12043, Amending the Civil Service Rules Regarding Notice of Exemptions form the Competitive Service (March 10, 1978), provided that establishment and revocation of each appointing authority become effective on the date of approval by the Director of the Office of Personnel Management.

There is not provision for a public comment period on the authorities; therefore, their publication in the Federal Register as regulations serves no purpose beyond public notice.

Over the past several years, the publication and codification of excepted appointing authorities in 5 CFR Part 213 has become a very expensive and time-consuming process. It has been difficult for OPM to provide authority numbers of agencies in a timely manner, and agencies have sometimes been unable to prepare complete personnel action forms at the time they make appointment under the authorities.

Because there is no requirement that the authorities be published as regulations, and because of the concerns outlined above, OPM proposes to eliminate the individual listings of these authorities from Part 213.

In place of the regulations, OPM proposes to substitute a general regulatory authority number to be entered on the personnel action form (i.e., § 213.3101 for Schedule A authorities, § 213.3201 for Schedule B, and § 213.3301 for Schedule C). In the letter approving each authority, OPM would provide agencies another identification number, similar to the present numbering system, to be entered also on the personnel action form.

To meet the requirement for public notification of excepted appointing authorities, OPM would publish in the Federal Register a monthly notice of new, substantively revised, and revoked authorities. Once a year, OPM would publish in the Federal Register a notice of all authorities current as of June 30 of that year. This would replace the annual republication of Part 213 which OPM previously has published each December.

Because Title 5 is updated effective December 31 of each year, OPM proposes to make these regulations effective December 31, 1980. Unless public comment indicates cause to do otherwise, this will eliminate the listings from the January 1, 1981, volume of Title 5.

OPM has determined that this is a non-significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, OPM proposes to revise 5 CFR Part 213 to read as follows:

PART 213—EXCEPTED SERVICE

Subpart A—General Provisions

Sec.
213.101 Definitions.
213.102 Identification of positions in Schedule A, B, or C.

Subpart B—[Reserved]

Subpart C—Excepted Schedules

Schedule A

213.310 Positions other than those of a confidential or policy-determining character for which it is impracticable to examine.

Schedule B

213.3201 Positions other than those of a confidential or policy-determining character for which it is not practicable to hold a competitive examination.

Schedule C

213.3301 Positions of a confidential or policy-determining character.
213.3302 Revocation of exceptions.
213.3303 Temporary Schedule C positions during a presidential transition, as a result of changes in department or agency heads, or at the time of the creation of a new department or agency.

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1058 Comp. p. 218, unless otherwise noted.

Subpart A—General Provisions

§ 213.101 Definitions.

In this chapter:

(a) Excepted service has the meaning given that term by section 2103 of title 5, United States Code, and includes all positions in the executive branch of the Federal Government which are specifically excepted from the competitive service by or pursuant to statute, by the President, or by the Office of Personnel Management, and which are not in the Senior Executive Service.

(b) "Excepted position" means a position in the excepted service. (5 U.S.C. 2103)

§ 213.102 Identification of positions in Schedule A, B, or C.

The Office of Personnel Management shall decide whether the duties of any particular position are such that it may

be filled as an excepted position under Schedule A, B, or C. Authority to establish positions under Schedule C may be delegated under terms of an agreement between OPM and employing agencies. Establishment of Schedule C positions under terms of such an agreement would be subject to existing criteria set forth in § 213.3301, to quotas established by OPM, and to any additional instructions prepared by OPM.

(5 U.S.C. 1104; Pub. L. 95-454, sec. 3(5))

Subpart B—[Reserved]

Subpart C—Excepted Schedules

SCHEDULE A

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is impracticable to examine.

(a) Upon specific authorization by OPM, agencies may make appointments under this section to positions which are not of a confidential or policy-determining character, and which are not in the Senior Executive Service, for which it is not practicable to examine. Examining for this purpose means application of the qualification standards and requirements established for the competitive service. Positions filled under this authority are excepted from the competitive service and constitute Schedule A. For each authorization under this section, OPM shall assign an identifying number from 213.3102 through 213.3199 to be used by the appointing agency in recording appointments made under that authorization.

(b) An agency (including a military department) may not appoint the son or daugther of a civilian employee of that agency, or the son or daugther of a member of its uniformed service, to a positive listed in Schedule A for student employment within the United States.

(c) An agency (including a military department) may appoint the son or daugther of a civilian employee of that agency or the son or daugther of a member of its uniformed service to a summer position when:

(1) The opportunities for employment have been publicized in the summer announcement, OPM regional and/or area office supplements, or through Federal job information centers and State Employment Services for a minimum 2-week period;

(2) There are no eligible available with the same or higher rating under merit staffing plans for which the ranking criteria satisfy job-relatedness requirements of FPM Supplement 271-2, "Tests and Other Applicant Appraisal Procedures," or for which ranking is not appropriate and qualified candidates are considered on a strictly random basis; and

(3) The appointment is not prohibited by section 3110 of title 5, United States Code, or Part 310 of this chapter relating to the employment of relatives.

(d) Paragraphs (b) and (c) of this section do not restrict the appointment of persons:

(1) Who are eligible for placement assistance under OPM's Displaced Employee (DE) Program;

(2) Who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property;

(3) Who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by OPM and published in the Federal Personnel Manual; or

(4) Who are severely physically handicapped or mentally retarded when appointed under § 213.3102 (t) or (u).

(e) An agency may appoint for summer employment within the United States in positions under Schedule A only in accordance with the terms of OPM's summer employment program. This restriction does not apply to positions that are excepted only when filled by particular types of individuals.

(f) In this section "summer employment" means any employment beginning after May 12 which will end before October 1 of the same year. "Student employment" means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning; a resident student, for this purpose, is a student in actual physical attendance at a school as distinguished from a correspondence student.

SCHEDULE B

§ 213.3201 Positions other than those of a confidential or policy-determining character for which it is not possible to hold a competitive examination.

(a) Upon specific authorization by OPM, agencies may make appointments under this section to positions which are not of a confidential or policy-determining character, and which are not in the Senior Executive Service, for which it is impracticable to hold open competition or to apply usual competitive examining procedures. Appointments under this authority are subject to the basic qualification standards established by the Office of Personnel Management for the occupation and grade level. Positions filled under this authority are excepted from the competitive service and constitute Schedule B. For each authorization under this section, OPM shall assign a number from 213.3202 through 213.3299 to be used by the appointing agency in recording appointments made under that authorization.

(b) Except as provided in § 213.3101, an agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position filled under Schedule B for student employment in the United States.

SCHEDULE C

§ 213.3301 Positions of a confidential or policy-determining character.

Upon specific authorization by OPM, or under the terms of an agreement with OPM, agencies may make appointments under this section to positions in grades GS-15 and below which are policy-determining or which involve a close and confidential working relationship with the head of an agency or other key appointed officials. Positions filled under this authority are excepted from the competitive service and constitute Schedule C. Each position authorized under this section will be assigned a number from 213.3304 to 213.3399 to be used by the appointing agency in recording appointments made under that authorization.

§ 213.3302 Revocation of exceptions.

(a) Except as provided by paragraph (b) of this section, the exception from the competitive service for each Schedule C position at GS-15 and below in the executive branch is revoked when the position has been vacant for 60 calendar days or more.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Office of Personnel Management may delay the revocation action for an additional 60 calendar days when the agency demonstrates that it (1) has been actively recruiting for the position; (2)

has made a tentative selection; and (3) has set an appointment date within the additional 60-day period.

(c) An agency shall notify the Office of Personnel Management within 3 work days after a Schedule C position at GS-15 and below has been vacated or filled.

§ 213.3303 Temporary Schedule C positions during a presidential transition, as a result of changes in department or agency heads, or at the time of the creation of a new department or agency.

(a) An agency may establish temporary positions at the GS-15 grade level and below necessary to assist a department or agency head during the period immediately following a change in presidential administration, when a new department or agency head has entered on duty, or at the time of the creation of a new department or agency. Such positions shall be either:

(1) Identical to an existing Schedule C position if intent to vacate that position has been put in writing by management or the present incumbent, such position to be designated as identical Temporary Schedule C (ITC); or

(2) A new temporary Schedule C position, to be designated New Temporary Schedule C (NTC), when it is determined that the department or agency head's needs cannot be met through establishment of an Identical Schedule C position. The number of NTC positions established by any one agency may not exceed 25 percent of the total number of permanent Schedule C positions authorized for that agency as of March 31, 1980. In the case of the creation of a new department or agency, the number of NTC positions should be reasonable in light of the size and program responsibilities of that department or agency. For those agencies with delegated authority to except positions under Schedule C, the total number of NTC positions established may not exceed 25 percent of that agency's quota of permanent Schedule C positions as approved by the Office of Personnel Management or 25 percent of the total number of permanent Schedule C positions authorized for that agency as of March 31, 1980, whichever is greater.

(b) Service under this authority may not exceed 120 days. These positions must be of a confidential or policy-determining character, and are subject to instructions issued by the Office of Personnel Management.

[FR Doc. 80-39813 Filed 12-22-80; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 273

[Amendment No. 184]

Food Stamp Program: Monthly Reporting/Retrospective Accounting

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of meeting on a proposed rule.

SUMMARY: This notice gives the date, time, and location of a meeting the Department will hold to discuss a proposed rule. The proposed rule—Food Stamp Program: Monthly Reporting/Retrospective Accounting—was published in the Federal Register on December 5, 1980, at 45 FR 80790 (Part VIII). In the proposed rule, the Department announced its intention to hold a meeting during the comment period. The purpose of the meeting is to allow all interested parties the opportunity to directly present their opinions and suggestions to the Department, to ask questions of the Department, and to discuss the proposed system among themselves.

DATE: The meeting will be held on Tuesday, January 13, 1981, from 9:30 a.m. to 4:30 p.m.

ADDRESS: The meeting will be held at the Food and Nutrition Service, USDA, Room 645, 500 12th Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Sue McAndrew, Chief, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250. She can be reached by telephone on (202) 447-6535. To assure a place on the program and to facilitate the attendance of out-of-town visitors, those planning to attend are asked to notify the Office of the Director, Program Development Division, Family Nutrition Programs, at (202) 447-8325.

SUPPLEMENTARY INFORMATION: The preamble and the proposed regulations for a Monthly Reporting/Retrospective Accounting (MR/RA) system (45 FR 80790), explains the Department's plans for implementing sections 107, 110, and 111 of the Food Stamp Amendments of 1980 (Pub. L. 96-249; 94 Stat. 357; May 26, 1980). It is the Department's usual practice to publish a proposed rule which solicits comments, analyze those comments, and publish a final rule which takes those comments into account. For this rulemaking the Department is adding an open meeting to that procedure because of the complexity and scope of the proposal.

A MR/RA system differs significantly from the current prospective accounting system which the Food Stamp Program uses to determine eligibility and compute allotments. The proposed system would require the monthly submission of reports by participating households and the monthly calculation of allotments by State agencies. Of particular concern to both households and State agencies would be the reporting requirements and processing standards associated with this rulemaking. It is to these points that the Department hopes those in attendance will address their remarks.

All interested parties are invited to attend to discuss their concerns and the experience of some State agencies and households with the AFDC MR/RA system. It is hoped that those with experience in such a system will offer their opinions of the proposed rule. This is especially true of the program and computer personnel who have designed and operated (or would design and operate) a MR/RA system. The Department also seeks the views of food stamp households, interest groups and the general public regarding MR/RA's effects on the Food Stamp Program.

(Catalog of Federal Domestic Assistance Program, No. 10.551, Food Stamps)

Dated: December 18, 1980.

Robert Greenstein,

Administrator, Food and Nutrition Service.

[FR Doc. 80-40045 Filed 12-22-80; 8:45 am]
BILLING CODE 3410-30-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 436

[Docket No. CAS-RM-80-124]

Federal Energy Management and Planning Programs; Methodology and Procedures for Life Cycle Cost Analyses (Marginal Prices and Adjustments); Extension of Comment Period for Advance Notice of Proposed Rulemaking

AGENCY: Department of Energy.

ACTION: Extension of comment period of advance notice.

SUMMARY: On October 7, 1980, the Department of Energy (DOE) published an advance notice of proposed rulemaking in the Federal Register. The advance notice (45 FR 66620) related to

the development of marginal fuel costs to be used in conducting life cycle cost analyses of proposed energy investments in Federal buildings pursuant to Title IV, Section 405 of the Energy Security Act (ESA) (Pub. L. 96-294). The advance notice provided for the comment period to end December 8, 1980. Pursuant to requests for additional time to review the advance notice, DOE hereby extends the comment period to December 24, 1980.

DATES: The comment period is extended to December 24, 1980, and comments are due on that date at 4:30 p.m. e.s.t.

FOR FURTHER INFORMATION CONTACT: J. Michael Power, Director, Office of Policy, Planning and Evaluation, Department of Energy, 1000 Independence Avenue SW., Room 6A-055, Washington, D.C. 20585, (202) 252-9247.

Issued in Washington, D.C., December 15, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-40015 Filed 12-22-80; 8:45 am]

BILLING CODE 6450-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 721

Incidental Powers; Advance Notice of Proposed Rulemaking; Federal Credit Union Insurance and Group Purchasing Activities

AGENCY: National Credit Union Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The National Credit Union Administration is presently reviewing its regulation regarding insurance and group purchasing programs of Federal credit unions. In veiw of the rapid changes in the financial and regulatory environment and the impact of computers and telecommunications on financial services, it is the Board's view that a reevaluation of the historical and future role of credit unions must precede any possible revision of this regulation. Therefore, the National Credit Union Administration invites comments from the public on the appropriate activities of Federal credit unions with specific reference to insurance and group purchasing activities.

DATES: Comments must be received by February 6, 1981.

ADDRESS: Interested parties are invited to submit written data, views or comments regarding the proposed rules to Robert S. Monheit, Regulatory Development Coordinator, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Dan Gordon, Financial Economist (at 202-357-1090), Office of Policy Analysis, National Credit Union Administration.

SUPPLEMENTARY INFORMATION:

Background

In response to the problems uncovered during the investigation of credit union insurance and group purchasing activities, the NCUA Board instructed the staff to develop alternatives for improving NCUA's regulations. The objective was to clarify the credit union's role with regard to these activities, and to assure that credit unions' activities remained consistent with their cooperative tradition.

Part 721 of NCUA regulations (12 CFR Part 721) is the section under which insurance and group purchasing are currently regulated. It was promulgated on the authority of Section 1757(15) of the Federal Credit Union Act (Act) which empowers a Federal Credit union:

> To exercise such incidental powers as shall be necessary and requisite to enable it to carry on effectively the business for which it has been incorporated. (12 U.S.C. 17(15))

To permit activities that are not expressly granted in the Federal Credit Union Act, a determination must be made that a given activity is "incidental" to an express power and "necessary or requisite" to enable Federal credit unions to carry out the business for which they are incorporated; that is, promoting thrift and creating a source of credit for provident or productive purposes. An activity is not "incidental" if it is merely beneficial, convenient or profitable. It must be linked to the express powers granted under the Federal Credit Union Act.

The "business" or purpose of a Federal credit union is discussed in the definition of a Federal credit union in section 1752(1) of the Act which states:

> The term "Federal credit union" means a cooperative association organized in accordance with the provisions of this chapter for the purpose of promoting thrift among its members and creating a source of credit for provident and productive purposes (12 U.S.C. 1752(1))

This definition appears rather clear until the range of possible permissible activities is explored. Credit unions are recognized to be financial institutions. They are chartered and operated under laws which distinguish them from economic cooperatives engaged in producing and marketing goods and services. The Federal Credit Union Act, therefore, is viewed as inherently limiting in intent and effect.

Several documents written during the period of the early 1960's and early 1970's show that both the Bureau of Federal Credit Unions and the National Credit Union Administration narrowly interpreted the statutory provisions cited above. Quoting from a memorandum to all Federal Credit Unions from the Bureau of Federal Credit Unions on June 16, 1964:

> There is no express authority for a Federal credit union to utilize itself, or to permit itself to be used, as a cooperative purchasing group. This is true no matter how beneficial to the members the board of directors or the members may believe the goods or services to be. * * *
>
> The credit union because of the involvement of the members and their reliance upon this arrangement for insurance coverage could easily find itself a captive and unwilling participant. Management thus would find it difficult to make a decision even for good cause to divest itself of unwanted burdens and responsibility. . . .
>
> Any Federal credit union which has undertaken to participate in any such marketing or purchasing plan, shall disassociate itself immediately from such involvement and shall cease and desist from using corporation personnel and facilities of any kind in furtherance thereof. (CU-13, June 16, 1964, to the Boards of Directors of All Federal Credit Unions, membership as a cooperative purchasing group, from J. Deane Gannon, Director, Bureau of Federal Credit Unions.)

In 1970, however, there was a modification of the policies applying to Federal Credit union participation in insurance activities. The instructions to credit unions at that time appear to be a direct precursor to the present Part 721, the regulation defining permissible activities in group purchasing and insurance. The thrust of this change was to permit Federal credit unions to facilitate members' voluntary purchase of insurance. Excerpts from this memorandum from J. Deane Gannon, Director of the Bureau of Federal Credit Unions, to Federal credit unions include the following:

> In the interests of being responsive to those officials who are sincere in promoting the members' welfare, I am now agreeable to a limited modification of certain policies set forth in letter CU-13 in the following respects:
>
> A Federal credit union may undertake to facilitate members' voluntary purchases of types of insurance incidental to the promotion of thrift or the borrowing of money for provident and productive purposes, such as group or other insurance for real or personal property pledged as collateral for loans, group temporary disability coverage related to loan obligations, and group life insurance related to share accounts or

supplemental thereto provided, however, that: * * *

No fee, compensation or reimbursement may be paid to any Federal credit union in excess of the direct costs incident to the specific transmission of share account withdrawals or loan proceeds in payment of premiums as directed by the member.

The Federal credit union should not act as an agent for an insurance company in selling insurance, settling claims or making investigations whether for a fee or not. The Federal credit union shall not assume any responsibility for collection of premiums or renewal of insurance contracts. (August 7, 1970 letter to the Boards of Directors of All Federal Credit Unions, from J. Deane Gannon.)

Part 721, in its definition of permissible activities, specifies what are permissible and impermissible activities and establishes a mode of conduct Federal credit unions must follow in engaging in group purchasing and insurance activities. The preamble to Part 721 provides examples of types of insurance that relate to borrowing and the promotion of thrift and that may be provided to Federal credit union members. They include: life savings, loan protection, group, fire, theft, automobile, life and disability insurance. Although the list of permissible insurance activities identified in the regulation provides considerably greater flexibility than earlier directives promulgated by both BFCU and NCUA, the regulation is still restrictive in limiting the kinds of relationships that may exist between individuals who have joined together for their mutual benefit in the promotion of thrift and the extension of credit in a financial cooperative.

The distinction between a financial and an economic cooperative raises similar issues to those relating to the distinction between banking and commerce that are so much a part of bank and bank holding company law and regulation. Indeed, the development of regulation 721 seems to be following along similar lines. However, the development of cooperatives in the United States has a history of its own which is distinct from that of banking. Therefore, it is important in evaluating the role of financial cooperatives to avoid applying the model of bank regulation to this issue. In contrast to the decisions made with regard to banking, it may be entirely appropriate for credit unions to engage in a broad range of consumer cooperative activities. To make such an assessment requires an understanding of the range of activities Federal credit unions were engaged in when the Act was passed and what Federal credit unions may be required to do in the future to meet household financial needs in an environment in which the financial environment is changing rapidly.

For example, the passage of the Federal Credit Union Act in the midst of the worst depression in the nation's history was antedated by a debate regarding the definition of a credit union and the relationship of credit unions to the cooperative movement. J. Carrol Moody and Gilbert C. Fite, in their analysis of the development of the credit union movement, discuss this issue.

There was general agreement that a credit union was a type banking institution, that it was cooperatively owned and operated and that its primary purposes were to promote thrift through savings of members and to provide a source of small loans at reasonable rates. (Moody and Fite, *The Credit Union Movement Origins and Development, 1860–1970*, p. 108)

However, there were differences in the roles many credit unions adopted.

Some credit union pioneers viewed credit unions as the "financial arm of the cooperative movement." Many early credit unions organized cooperative buying plans for such commodities as coal, using members' savings to purchase supplies at wholesale and allowing members to borrow from credit unions to purchase their winter supply below retail prices. (Moody and Fite, p. 108)

Bergengren, the principal organizer of credit unions in this period, suggested that insurance is an appropriate activity:

By 1929 he had expressed the hope that soon a credit union member could deposit his savings, obtain a needed loan or take out insurance at his credit union office. Massachusetts credit unions pioneered in handling insurance. In 1930, the manager of Plymouth Cordage Company who organized a credit union * * * established an agency for Savings Bank Life Insurance in his credit union. Within a short time the credit union had issued life insurance. (Moody and Fite, p. 141)

The broadening of the powers of depository institutions and the dismantling of interest rate controls on deposits and shares, and in financial assets as well, suggests that competition among depository institutions will become increasingly more sharp in the years ahead. Some of the competitive effort will be reflected in broadening the services to customers. The ability of different classes of competitors to meet such competition in services will vary depending on the statutory authorities and regulatory interpretation. Such differences may have important implications for the viability of different classes of institutions.

It is also important that the credit union role include an expanded educational function to assure its members full information on insurance and group purchasing activities. The credit union's cooperative tradition is consistent with the development of an active research program to provide thorough, objective analysis of many products and services of interest to credit union membership.

The role of education as an essential element in the credit union experience is evident in the writings of Roy Bergengren.

In his book *Credit Unions North America* he defines a credit union and singles out education as the most important service. He considers a credit union:

* * * A school wherein the members are educated in the management and control of their own money (Bergengren, *Credit Unions North America*, p. 5)

This is important since:

If I am ignorant about the fundamental factors which govern me in every economic relationship in which I am involved * * * then I will live in ignorance and error, an easy prey to every better informed person who would exploit my lack of knowledge. (Bergengren, p. 10)

The obligation of the credit union is directly related to member service:

The Credit Union seeks to reach all of its members eventually with a plan of economic education which will enable the member to orient himself to the extraordinary difficulties incidental to a rapidly changing economic life. (Bergengren, p. 15)

He directly addresses the role of edcuational committees.

As a foundation of the educational structure there should be as many individual educational committees as there are credit unions. * * * The State league * * * should have a well trained educational director. (Bergengren, p. 51)

He had discussed this earlier in his book *Soul*.

* * * Each State must have an educational director. His job it will be to cooperate in the general educational program; better and more books; better and more leaflets; better and more studies on important economic subjects; better and more understanding of the potentialities of service contained in every credit union. (Bergengren, *Soul*, p. 65)

The tradition of an education committee is also evident in documents from the Bureau of Federal Credit Unions and the National Credit Union Administration. The obligation of credit unions to perform a broadened educational function may be viewed as coincident with the expansion of insurance and other group purchasing activities not directly related to credit or thrift.

As an alternative to this approach the Board could decide the proper decision is to prohibit credit unions from

participating in any insurance or group purchasing activities not directly related to credit or thrift. The Board might base this conclusion upon the recent experience of substantial credit union abuse of the incidental powers provision of the regulation.

Because any change in the permissible activities which economically injures the credit union movement could take years to correct and might profoundly affect further development, the Board's decision with regard to Part 721 is extremely important. The Advance Notice of Proposed Rulemaking will assure the NCUA Board's actions with regard to this regulation is taken with full knowledge of the effects of the decision. It permits a thorough analysis of the issue and full participation of the public in the NCUA Board's deliberations.

Request for Comments

To assist NCUA on the difficult issues involved we are requesting comments and responses to the questions listed below.

In order that the information received is of maximum use to the Board, all comments should be fully documented where appropriate. For example, discussion of legal issues should refer to the appropriate statute or regulation. The comments on the questions below should reflect an understanding that the incidental powers of Federal credit unions are those that are directly related to express powers as discussed at the beginning of the supplemental information. It would be useful if analysis included specific references. Whenever possible enclosures should provide copies of the referenced material. Respondents should address any one or more of the following questions in formulating their replies to this Notice.

1. What are the appropriate criteria to be used in defining permitted or prohibited insurance or group purchasing activities? For example, should credit unions be limited to providing only credit life, credit property, and credit disability insurance because they relate to specific credit union functions or should they be permitted much greater latitude?

2. What are the membership needs for other products and services? How can credit unions be expected to be affected by competitive pressures and technological innovation? Is it necessary for credit unions to provide these services in order to remain competitive as financial institutions?

3. What are likely to be the benefits and costs of these programs to credit union members and credit unions? For example, what has been the experience of credit unions with regard to claims paid on credit life, credit disability and property insurance? What has been the impact of insurance or other group purchasing activities on credit union income, member support, increased membership or greater participation of members in other credit union services?

4. What should be the role of credit unions in insurance and group purchasing activities directed toward their membership? Should they be limited to a conduit of information? Should they be permitted to endorse individual insurance programs or group purchasing plans, or should they be permitted a greater operational role? For example, should credit unions be permitted to serve as insurance agents? If so, should the definition and functions of an insurance agent be established in NCUA regulations or based upon relevant state law? If NCUA regulations are recommended, what should be the qualifications for agent status? What is the appropriate liability for a credit union accepting this responsibility?

5. What should be the extent of the responsibility of a credit union to investigate the quality or comparative benefit of insurance programs or group purchasing plans offered to its membership? Should each credit union be required to investigate each product for which it distributes information? Should each credit union be a member of an independent product testing facility?

6. What specific criteria should be established to assure that credit unions provide a thorough and objective analysis of worthwhile products and services offered to their membership? Should NCUA establish guidelines to be used in establishing the criteria? Should NCUA or individual credit unions be responsible for establishing the criteria? What methods could be used by the credit union community as a whole to document the research and distribute the results of the research? What documentation should be required by the credit union to assure compliance with these regulations? What sanctions should be applied if a credit union does not meet these requirements? What incentives will encourage credit unions to develop a more active educational role in group purchasing and insurance activities?

7. Should the credit union be permitted to receive reimbursement from a vendor for its expenses relating to insurance or group purchasing activities for the benefit of the credit union? Should the credit union receive compensation limited to its administrative costs or should the credit union be permitted to receive commissions in excess of costs? If it should be related to administrative costs, how should these administrative costs be determined? Should the compensation be distributed to the members participating in the plan, or to the entire membership? How could the member be assured the information received from the credit union was independent of the level of compensation?

8. What information regarding these insurance or group purchasing plans should be required to be disclosed to the membership? Should, for example, the entire membership be informed of the operational responsibilities and compensation arrangements between the credit union and the vendor? Should each member receive a copy of a report evaluating the offered services?

9. Should credit unions be permitted to make member mailing lists available to vendors or insurers? What restrictions should be placed on the use of these mailing lists?

10. What should be the responsibility of the credit union when life savings or loan protection insurance is cancelled by the credit union? Should the plan be continued for all members who were participating at the termination date? If not, what should be done to deal with the contracted responsibility which the credit union may have with the member? Should the credit union be required to provide an initial disclosure specifying the conditions under which this insurance can be modified or cancelled? Should there be required disclosure of any subsequent modifications of the insurance?

11. Should NCUA specify the records and documents (e.g., relating to costs, contracts, disclosures, investigative reports, etc.) which must be maintained by the credit union? If so, what detail should be required?

12. What should credit unions be required to do when group purchasing activities fall within the provisions of the Federal Trade Commission's Holder in Due Course Rule? (The credit union could encounter a legal defense to its collection efforts if the seller fails to perform as agreed.)

13. What would be the eocnomic impact of the regulatory changes addressed in the questions above?

December 18, 1980.

Beatrix D. Fields,

Acting Secretary, National Credit Union Administration Board.

[FR Doc. 80-40042 Filed 12-22-80; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket Nos. RM80-73, RM80-74]

Gathering Allowances and Compression Allowances Under Section 110 of the Natural Gas Policy Act of 1978; Inquiry

Issued December 16, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Inquiry.

SUMMARY: In Order No. 94, issued July 25, 1980 (45 FR 53099; August 11, 1980), the Commission discussed using a generic approach for determining certain allowances to be added on first-sale prices of natural gas. The allowances would be for gathering and compression costs incurred by gas sellers. The Commission's staff, using data now available to it, has developed estimates and recommendations for those allowances and has presented those estimates and recommendations to the Commission as a Staff Report. That Report is being made public for the purposes of receiving comment and additional information prior to the issuances of notices of proposed rulemakings.

DATES: Written comments due January 30, 1981; technical conferences at dates, times and places to be announced later.

ADDRESS: Send comments to: Kenneth Plumb, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Mr. Louis J. Engel, Deputy Director, Division of Producer Rates and Certificates, Office of Pipeline and Producer Regulation, Room 6300-L, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8667.

SUPPLEMENTARY INFORMATION:

The Federal Energy Regulatory Commission (the Commission) is considering amendments to Subpart K of Part 271 of its regulations. The amendments would provide that a seller under the Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.* (Supp. II 1978), may automatically add to the first sale price of gas an amount to recover production-related costs borne by the seller for gathering or compressing that gas. By this notice, the Commission begins a public comment process to develop those amendments. Written comments from the public on representative allowances developed by staff for add-ons are solicited and technical conferences to receive additional data and views are provided for. The results of these procedures will be reflected in notices of proposed rulemakings issued under Docket Nos. RM80-73 and RM80-74.

A. Background

Section 110 of the Natural Gas Policy Act of 1978 (the NGPA), 15 U.S.C. 3320 (Supp. II 1978), provides the Commission with authority to permit a sale of natural gas in excess of established NGPA ceiling prices to allow sellers to recoup certain production-related costs borne by them.[1] Among the costs listed under section 110 are costs of compressing or gathering natural gas.

On December 1, 1978 the Commission issued Subpart K of Part 271 as interim regulations to implement section 110 of the NGPA.[2] As originally issued, Subpart K provided that sellers could apply to the Commission on a case-by-case basis for the add-on of production-related costs to gather or compress natural gas.[3]

The December 1978 interim regulations of Subpart K were revised on July 25, 1980.[4] In making those revisions, the Commission considered comments made to the interim regulations and the administrative practice established under those regulations. One result of that consideration was the decision that, given the potential number of applications for these two types of activities, the case-by-case process (of application, consideration, and allowance determination) for permitting add-ons for gathering and compression was not feasible. Instead, the Commission found that generic allowances should be established so that qualifying sellers could receive the necessary add-ons without the delay and burden that attend case-by-case decisionmaking.[5]

B. Summary

The Commission's staff has developed estimates of representative costs of these two activities and would propose these to the Commission as the generic allowances. These estimates were developed from various industry data. The estimates were derived, in part, from data available to the staff, including information submitted to the Commission in national rate proceedings, reports submitted under the NGPA, comments filed in other rulemakings, and information specifically solicited by the staff. The allowances, and the data and underlying presumptions used to develop those allowances are summarized and discussed in a staff report appended to this notice.

The staff would recommend a two-part allowance for gathering activities. The first part would apply for single-well gas streams gathered from the wellhead to a central point lying a quarter mile or more from the well. The allowance would be four cents per MMBtu. The second part would apply to gas streams gathered after commingling of volumes form two or more wells. This allowance would be one cent per MMBtu for each mile or fraction of a mile the gas is gathered. These two allowances would be additive with a maximum allowance for gathering applicable to a first sale to a pipeline, a local distribution company or an end user of 24 cents per MMBtu.

The recommended allowance for compression would be based upon the overall compression ratio of the outlet pressure of the last stage of compression to the inlet pressure of the first stage when a single gas stream is pressurized. The allowance would permit four cents per stage per MMBtu for each of three pre-determined ranges of compression. This allowance would not include the fuel costs necessary to operate the compressors; fuel costs could be added on in addition to the specified allowance.

The Commission has not reached a decision about the allowances developed by staff. Staff's proposed allowances, and the bases for those allowances, are being made public to solicit comment as to an appropriate level for representative allowances for sellers engaged in gathering and compression activities. Comments will give the Commission additional information to evaluate more fully the recommended allowances and to refine

[1] Section 110 of the NGPA, 15 U.S.C. 3320 (Supp. II 1978), entitled "Treatment of State Severance Taxes and Certain Production-Related Costs", provides in pertinent part that:

* * * a price for the first sale of natural gas shall not be considered to exceed the maximum lawful price applicable to the first sale of such natural gas * * * if such first sale price exceeds the maximum lawful price to the extent necessary to recover * * * any costs of compressing, gathering, processing, treating, liquefying, or transporting such natural gas, or other similar costs, borne by the seller and allowed for, by rule or order, by the Commission.

[2] "Natural Gas Policy Act of 1978: Interim Regulations", Docket No. RM79-3 (issued Dec. 1, 1978), 43 FR 56448 (Dec. 1, 1978).

[3] *Id.* at 251, 43 FR at 56578. Those provisions were originally codified at 18 CFR 271.1105(c).

[4] Order No. 94, "Order Amending Interim Regulations Under the Natural Gas Policy Act of 1978 and Establishing Policy Under the Natural Act", Docket No. RM8080-47 (issued July 25, 1980), 45 FR 53099 (Aug. 11, 1980).

[5] *Id.* at 41-43, 45 FR at 53107.

those allowances for issuance in subsequent notices of proposed rulemakings.

The Commission is especially interested in receiving comments on the use of an inflation factor (or some other factor) to update any allowances that may be determined under these proceedings. The Commission solicits comment on whether any rule for a gathering or compression allowance should incorporate an adjustment for inflation (as, for example, the adjustment provided under the NGPA for ceiling prices) or should the allowances be subject to some other form of adjustment in order to have them properly reflect the costs for which they are granted? The Commission also seeks particular comments as to any alternative methods to developing appropriate allowances and the factual data on which such methods are based.

Comments are welcome from all parts of the public, but the Commission is particularly anxious to receive comments from manufacturers, builders and operators of gathering and compression facilities.

C. Written Comment Procedures

Interested persons may comment on this Notice of Inquiry by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before January 30, 1981. Each person submitting a comment should include his or her name and address, identify the docket or dockets on which comment is offered, and give reasons, including any supporting data, for any recommendations. An original and 14 conformed copies should be filed with the Secretary of the Commission. Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the comments may be addressed. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. during regular business hours.

D. Technical Conferences

If there is sufficient interest on the part of the public, the Commission staff will hold informal technical conferences to discuss the issues raised in this notice. These conferences may be held in Washington, D.C. or such other locations as may be necessary. The dates and locations for any such conferences will be announced in the Federal Register.

The technical conferences would utilize an informal, roundtable format. The Commission hopes that technical personnel representing first sellers as well as manufacturers and operators of gathering and compression facilities will attend the conferences and offer detailed information and recommendations to staff on the various issues raised in this notice.

(Natural Gas Policy Act of 1978, Pub. L. No. 95-621, 92 Stat. 3350, 15 U.S.C. 3301 et seq.)

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

Appendix—Staff Report: Cost Analysis of Gathering and Compression and Recommendation of Related Allowances Under Section 110 of the Natural Gas Policy Act

Part I—Summary

Staff's objective in compiling this report has been to develop representative allowances that would compensate sellers for costs incurred by them for the majority of gathering and compression operations. The recoverable costs would include investment, operating and maintenance costs and a return on investment.

A. Gathering

By "gathering", we mean bringing gas from a wellhead to a purchaser. Rather than moving the gas produced from individual wells to the purchaser, the common practices to deliver gas from individual wells through small (2> to 6>) diameter pipe to a central commingling point and there to collect the gas from several such points and deliver it to the purchaser. In our opinion, the common practice is to minimize the distance over which gas from a single well travels without being commingled with gas from other wells. It realizes economies of scale.

The key factors in designing a gathering system are: the production supply of the wells involved and the purchaser's gas supply requirements that are to be met from these wells (i.e. the volumes to be gathered); the distance from the wells to the sale point; and the capital, operating and maintenance costs of the system. Any representative gathering allowance must consider these factors.

In addition, we have considered three other factors. First, we considered well spacing; a factor important in determining a standard distance over which gas from a single well will be gathered. Because of economies of scale, this type of gathering is, in our opinion, the most expensive on a unit-cost-per-mile basis. This is because such gathering, dependent as it is on production from but one well, will involve underutilized capacity to an extent not found in gathering systems that move gas in a stream from several wells.

Second, we considered that today's gathering systems are composed of both "old" and "new" systems. (The old systems are those whose initial investment costs have been largely or entirely recovered by revenues received from gas purchasers.) As a general matter, we would expect to see more underutilized capacity (and hence higher per unit-costs-per-mile) in the older systems.

Finally, we considered NGPA price deregulations. the gathering allowance would only be added to revenues regulated by NGPA price ceilings, they would not be for deregulated sales. Most domestic gas production becomes deregulated in the near future. Thus any allowance would be for relatively short time periods and should recover the costs incurred during those periods.

In developing the gathering allowance, we estimated costs of both old and new gathering systems. In this exercise we were hampered by a lack of up-to-date cost information for producer-gathering operations. In lieu of such information we used cost data supplied by interstate pipelines up through 1978. We then took that data and, presuming that costs have increased since that time, estimated today's construction costs. From these estimates, and using the pipelines' experience in providing gathering services and estimates of line capacity, we developed annual cost-of-service estimates. These were translated into unit-costs-per-MMBtu's for various diameter pipe systems by dividing the annual cost-of-service estimates by our estimates of volumes of gas that may be delivered through those systems. The results were checked against a discounted cash flow analysis.

The result is a two-part allowance. The first is for bringing gas from a single well to a point where it is mixed with gas from other wells. The second is an allowance for bringing the commingled gas stream to the purchaser.

B. Compression

By compression costs, we mean costs to raise the pressure of the gas stream to permit its delivery into a purchaser's facilities. Those costs would include all costs to build or acquire compression facilities as well as costs to operate or maintain them.

In developing a representative compression allowance, we considered the following factors to be important: the overall compression ratio that the seller must undertake to raise the gas pressure for delivery, the horsepower to meet the compression ratio requirements, and the costs for facilities to supply the necessary pressure.

In our opinion, most gas compression can be accomplished using three stages or less, with each stage providing a discrete range of compression ratios. For this reason, we developed our cost estimates on the basis of compression stages.

In developing our cost estimates we were not hampered, as we were in the gathering estimates, by a lack of up-to-date information. We solicited information from vendors on what they charge as rental for compression facilities. From these data a weighted monthly rental charge-per-horsepower-per-stage was computed. These results were used to estimate costs to construct compression facilities. This estimate, on a per-horsepower basis, was

multiplied by the horsepower used per stage to derive an installed cost (investment) for the stages of compression. To these figures we added an estimate of yearly operating and maintenance costs (but excluding any costs for fuel). A discounted cash flow analysis, using a 15-year life, was done on these costs.

The analysis shows that a compression allowance of 4 cents per-MMBtu-per-stage for a maximum of 3 stages should be a sufficient allowance. Any costs for fuel would be added on to the allowance.

Part II—The Gathering Allowance

A. The Proposed Allowance

The gathering allowance would apply for first sales of gas streams produced and sold from individual wells. The prime element in the standard is the distance from the well location to the point of delivery to the purchaser as measured by the length of pipe necessary to effectuate such gas delivery. However, the measurement of pipe length and amount of the allowance differ for connecting lines (which deliver single well gas streams) and collection lines (which deliver two or more well streams beyond the first point of commingling). The standard would apply to all gathering lines upstream of the first sale delivery. The standard is as follows:

(1) Four cents per MMBtu for a single well gas stream sold in a first sale if the length of the well connecting line is one-quarter mile or more as measured from the wellhead.

(2) In addition to the 4 cents, if item 1 is applicable, 1 cent per MMBtu applied to the same single well gas stream in Item (1) above for each mile or fraction thereof of collection line which delivers the gas stream from the subject well, commingled with the gas streams of other wells, to the ultimate point of delivery in a first sale up to a maximum of 20¢ per MMBtu.

(3) The total allowance would not exceed 24¢ Per MMBtu for a first sale made to any interstate pipeline, intrastate pipeline, local distribution company, or to any person for use by such person.

B. Staff Analysis

It is estimated that the U.S. has over 160,000 producing gas wells and nearly 500,000 crude oil wells of which many also produce marketable natural gas. Each Mcf which is marketed requires gas gathering lines. The cost of owning, operating or paying for third party services is borne by gas producers, pipeline companies or resellers. The allowances determined herein would apply to gas producers and resellers which deliver gas in first sales subject, however, to any exclusions, or limitations established by Commission regulations implementing Section 110.

Gathering may consist of one flow line connecting a single well to a point on the purchaser's main line or lateral. Generally, single well connections are an exceptional practice requiring prolific gas producing wells. The more common practice is to deliver several individual well gas streams to a central commingling point where the gas then flows into gas collection lines. Several commingling points may be involved to form a large network of lines called a gathering system. This practice is common because it is economical and makes available significant volumes for sale at one point of delivery. Some systems experience growth as new wells are connected and resupply the system; other systems experience underutilization of capacity and eventual abandonment due to depletion of gas supply sources.

Each system has its own physical characteristics and operating conditions. Systems range in pipe length from a few miles to several hundred miles. Most of any given system consists of the smallest diameter pipe available from steel mills. The system design is generally based upon the production capability of the gas supply wells and the gas supply requirements and operating conditions of the purchasing pipeline. Compression may be necessary to allow the supply wells to produce at maximum capability and also to force the gas through the system to affect entry into the purchasing pipeline.

In developing the allowance for gathering, staff reviewed producer area and national rate proceedings, interstate pipeline data summarized in staff reports, Form 121 for annual production data pertaining to NGPA Sections 102 and 103 pricing categories and other reports or publications. The Phillips Petroleum Company comments in Docket No. RM80-47 were also reviewed. These comments included, by reference, two gathering cost analyses which provided useful guidance.

Staff believes it has reached a reasonable solution to the task of determining representative gathering allowances for the thousands of gathering systems (both old and new) which deliver gas to purchasers in first sales. The allowance is based on available information and the expertise of staff involved in past producer proceedings. The allowance or allowances, as it varies by the distance of pipe length from the wellhead to receipt by the purchaser, was estimated to compensate for capital costs and operating expense for most gathering systems in operation.

Staff is aware that due primarily to underutilization of capacity of the flow lines, there will be exceptions where the incremental unit cost of a minor number of new gathering systems will be in excess of the allowance. However, the allowance should at least compensate for operating costs and other costs in those instances. In any event, gas sold from most NGPA new wells will be deregulated in 1985 or 1987 or sooner making ceiling prices or Section 110 add-ons meaningless.

In reference to existing gathering systems delivering gas from old wells (wells spudded prior to February 19, 1977) there are several factors which affect today's unit cost of such systems. Construction or investment costs were sunk years ago and at much lower levels than current costs. These costs are believed to be substantially recovered by revenues generated from contract prices, ceiling prices and NGA gathering allowances, where applicable. However, NGA ceiling prices and gathering allowances, ranging from 0.4¢ to 2.5¢ per Mcf, were based on average costs determined with data well over 10 years old. The NGA gathering allowances cannot therefore be considered representative or compensatory of the incremental cost of the majority of old gathering systems. More important is the fact that some of the old systems are experiencing underutilization of capacity due to depleting sources of gas supply. This alone will significantly increase the incremental unit cost of operating a system.

Continuation of the old NGA gathering allowances for exiting resellers may cause severe financial hardship for their gathering operations. This is evidenced by pending applications before the Commission wherein substantially higher allowances are requested. Some resellers have been successful in contract bargaining with suppliers to provide an adequate margin to cover cots, others have not been so successful and are being forced out of the gathering business.

Although the proposed allowances are based on recent costs of new operations, it is believed they are also representative of the recent costs of the old gathering sytems. In the event the allowances are inadequate for either old or new gathering sytems, NGPA Section 502(c) procedures would be available.

Gas well spacing generally determines the length of gathering line necessary for each well according to an industry rule-of-thumb. Gas well spacing commonly ranges from 640 acres (1 mile square) to 160 acres (¼ mile square). Crude oil wells producing natural gas have smaller spacing. Gas gathering commences after the gas is separated from the crude oil which may be at the casinghead (wellhead) or at a separation facility. As a general rule, most gas (Associated or dissolved) produced with crude oil undergoes extraction of natural gas liquids in a processing plant. These plants are supplied with gas through large networks of gathering lines in order that significant volumes are both processed and available for sale. For these reasons, staff believes that the ¼ mile or more standard is reasonable for well connecting lines. The standard is within well spacing requirements and contemplates that only minor investment in flow lines in the vicinity of the wellhead (i.e., within ¼ mile) is necessary.

Staff initially determined that the amount of the allowance should differ for well connecting lines and collection lines. The different allowances would be to account for the higher incremental unit cost of the shorter distance, small diameter well connecting lines as compared to the unit cost per mile of the larger diameter and capacity collection lines.

Economies of scale have a significant effect on the unit cost of collection lines depending on the number of wells attached by well connecting lines. Well connecting lines are solely dependent on the capability of a single well to produce against the operating pressure of the gathering system with or without compression. Staff reviewed ranges of construction cost (investment) per mile of small diameter pipe (Table 2). From these and other data, staff estimated current contruction costs and annual cost of service (including all capital costs and operating expense). The annual cost of service was

based on pipeline company experience and was estimated at 22 percent of the construction cost (Table 1). This percentage rule-of-thumb was suggested by the Phillips Petroleum Company comments in Docket No. RM80-47. Staff tested the reliability of the 22 percent in discounted cash flow (DCF) analysis (Schedule 1) using staff costs and volume estimates for 4-inch pipe. This diameter was used because it appears to be the most commonly used size for gathering lines. The DCF analysis indicated a 12 percent rate of return at about 4¢ allowance for gas delivered through 1 mile of 4-inch pipe.

Because most well connecting lines will range from ¼ to 1 mile, the 12 percent must be considered a minimum rate of return. For example, ¼ mile of pipe will require ¼ of the investment as for 1 mile of pipe yet approximately the same gas volumes will be delivered. Thus the rate of return at the 4¢ allowance would range up from the 12 percent.

The gas volumes expected to flow through various pipe sizes (Table 1) were estimated from volumes reported in FERC Form 121. Specifically annual volumes related to Section 102 and 103 wells (Table 3) were examined to give full weight to the capability of new wells to produce gas. This well capability is generally far below the various size line capacities at estimated normal operating conditions. Thus, the volumes used to determine the unit cots of Table 1, Column 3 were within the range of new well producing capability.

The unit cost of small diameter pipe from (2 to 6 inches in diameter and one mile in length) was estimated to be about 4 cents per MMBtu for lines delivering a single well gas stream (Table 1). Collection line costs were estimated at 1 cent per MMBtu per mile with a cap or ceiling of 20¢ per MMBtu. Staff believes that this ceiling is necessary because of economies of scale involving collection lines which receive and deliver gas from central commingling points after delivery to those points from several well connecting lines. The 1 cent cost is one fourth of the 4¢ unit cost applicable to well connection lines. This implies that the typical collection line will deliver gas from at least 4 to 5 single well streams. The 1¢ cost may be excessive for the extensive collection lines which deliver gas from many well streams. However, the 20¢ ceiling will prevent collection of excessive allowances.

Although the unit costs were essentially determined on an Mcf basis, staff recommends that the allowances be permitted on an MMBtu basis. Most sales of gas will be within the range of 1 MMBtu to 1.05 MMBtu per Mcf. This would require as much as 5% downward adjustment of the allowance. The staff views the impact of such an adjustment as negligible considering the accuracy of its cost estimates. Moreover, if wet gas (high Btu) is delivered in gathering lines, it is impossible to determine which party (producer, reseller or pipeline company) has full or partial ownership of the liquids extracted and resulting additional revenue from processing plants operating in the United States. Therefore, while recognizing that in some instances the producer-gatherer or reseller will receive some additional revenue benefit, staff would make no adjustment.

It should be made clear that staff used its judgment in developing these allowances. Staff's objective was to determine representative allowances which would compensate for the costs borne by sellers for the majority of the thousands of gathering operations in the United States. In developing these allowances, staff considered the fact that gathering costs will vary not only between geographical areas but also within geographical areas (see explanatory footnote on Table 2). Moreover, the only recent construction or investment costs relating to small diameter pipe was available from pipeline company reports. These cost data, with estimated volumes, are the significant factors in the unit cost determinations (see Tables 2 and 3). Therefore, staff's cost and volume estimates (Table 1) are approximations. However, in staff's judgement, the gathering standard and levels of the allowances are within a reasonable range of representative costs.

Table 1.—*Estimated Unit Cost of Gathering Lines Delivering a Single Well Gass Stream*

Diameter	Line capacity at 25 psia drop, 600 psia downstream (1,000 ft³ per year)	New Well deliverability (1,000 ft³ per year)	Construction cost, dollars per mile[2]	Annual cost of service[3]	Unit cost, cents per MMBtu[4]
(1)	(2)	(3)	(4)	(5)	(6)
2 inch	479,014	150,000	$28,000	$5,720	3.81
4 inch	2,941,177	250,000	45,000	9,900	3.96
6 inch	8,502,108	350,000	63,500	13,970	3.99
8 inch	18,057,422	450,000	86,500	19,030	4.23

[1] Volumes are estimated based on reported volumes in new well determinations. Volumes from NGPA category determinations for Section 103 and 102 gas, range from an average of 126,000 to 474,000 Mcf per year, respectively. The larger well volume estimates are considered appropriate for delivery in the larger diameter pipe. It should be noted that the volume estimates are far below line capacity indicated in Column (2) due to incapability of most new wells to produce at capacity flow rates under typical conditions.

[2] Amounts were estimated from the data shown on Table 2 (see explanatory note).

[3] Estimated at 22% of construction costs.

[4] Column 5 divided by Column 3.

Table 2.—*Cost Data in Support of Staff Estimates*

[Nonbudget applications,[1] 1970-78]

Pipe diameter	Year	Investment per mile (dollars per mile)		
		Low	High	Average
2 inch	1976		$14,788	$14,788
4 inch	1976	$16,254	111,929	58,731
	1977	24,975	45,331	52,053
	1978	37,124	51,233	44,260
6 inch	1976	32,266	94,217	57,418
	1977	38,020	48,949	42,231
	1978		51,829	51,829
8 inch	1976		74,295	74,295
	1977	28,844	126,063	71,343
	1978		61,614	61,614
10 inch	1976	52,145	209,061	64,264
	1977	54,481	68,947	61,301
	1978		32,286	32,286

[Budget applications,[2] 1972-76]

Pipe diameter	Total		Excludes offshore	
	Miles	Investment per mile	Miles	Investment per mile
2 inch				
4 inch	144.85	$38,479	141.46	$35,440
6 inch	87.84	63,738	67.99	46,838
8 inch	74.29	90,392	58.85	53,573
10 inch	34.3	250,138	11.8	80,429

[1] Compiled from cost statements of completed construction submitted by pipeline companies pursuant to Section 157.20(c)(4) of the Commission's Regulations.

[2] Other pipeline company data summarized from the comments of Phillips Petroleum Company.

EXPLANATORY NOTE.—The data shown above were reviewed to estimate the construction costs on Table 1, Column 4, which must be valued as only approximations of recent costs. Although data for the period 1969 through 1978 were examined for nonbudget applications, only data for the period 1976-1978 were considered relevant. This was because the data from that period indicated a sharp rise in cost. The data on budget applications (1972-1976) were examined to illustrate a major geographical cost difference and its impact. Even within geographical areas, construction costs will vary depending upon such factors as population density, nature of terrain, weather disturbances and the number of rail, river and highway crossings.

Table 3.—*Volume Data in Support or Staff Estimates*

[New gas well production in the United States[1]]

NGPA category	Number of well determinations	Reported annual volume (MMCF per year)	Production per well (MMCF per year)
102	7,400	3,509,550	474
103	29,318	3,702,875	126
102, 103, 107	366	413,288	1,129
Total	37,084	7,625,713	206

[Total gas well production in the United States[2]]

Year	Gas well production (BCF per year)	Number of producing gas wells, years end	Production per well (MMCF per year)
1974	18,669.2	126,329	148
1975	17,380.3	130,364	133
1976	17,190.7	137,443	125
1977	17,416.0	147,658	118
1978	17,394.2	157,454	110

[1]Data from Form 121 includes affirmative final determinations and excludes wells for which no volumes were reported.
[2]Data from DOE (EIA) energy reports.

Schedule 1.—*Discounted Cash Flow at $0.39706 Per 1,000 ft³ 1 mile of 4-in Gathering Line*

Line No.	Year	Volume (1,000 ft³)	Revenue (dollars)	Investment (dollars)	O. & M. expense (dollars)	Working capital (dollars)	F.I.T. (dollars)	Net cash flow (dollars)	Discount factor at 12 pct.	Discounted cash flow (dollars)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
1	Start			$45,000			($4,500)	($40,500)	1.000000	(40,500)
2	1	250,000	$9928.5		$2,027	$253	2253.7	5392.8	.944911	5095.7
3	2							5845.8	.843671	4763.2
4	3								.753278	4252.9
5	4								.672570	3797.2
6	5								.600509	3390.4
7	6								.536169	3027.1
8	7								.478722	2702.8
9	8								.427430	2413.2
10	9								.381634	2154.9
11	10								.340745	1923.8
12	11								.304237	1717.7
13	12								.271640	1533.6
14	13								.242536	1369.3
15	14								.216550	1222.6
16	15								.193348	1091.6
17	End					(253)			.182697	46.2
18	Total	3,750,000	148,898	45,000	30,405	0	29,306.6	44,187		2.2

Schedule 2.—*Discounted Values 1 mile of 4-in Gathering Line*

Year	Volume (1,000 ft.³)	Raw values: Investment (dollars)	Raw values: O. & M. expense (dollars)	Raw values: Working capital (dollars)	Raw values: Depreciation (dollars)	Discount factor[1]	Discounted values: Volume (1,000 ft³)	Discounted values: Investment (dollars)	Discounted values: O. & M. expense (dollars)	Discounted values: Working capital (dollars)	Discounted values: Depreciation (dollars)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
Start		$45,000				1.000000		$45,000			
1	250,000		$2,027	$253	$3,000	.944911	236,228		$1,915	$239	$2,835
2						.843671	210,918		1,710		2,531
3						.753278	188,320		1,527		2,260
4						.672570	168,143		1,363		2,018
5						.600509	150,127		1,217		1,802
6						.536169	134,042		1,087		1,609
7						.478722	119,681		970		1,436
8						.427430	106,858		866		1,282
9						.381634	95,409		774		1,145
10						.340745	85,186		691		1,022
11						.304237	76,059		617		913
12						.271640	67,910		551		815
13						.242536	60,634		492		728
14						.216550	54,138		439		650
15						.193348	48,337		392		580
End				(253)		.182697				(46)	
Total	3,750,000	45,000	30,405	0	45,000		1,801,990	45,000	14,611	193	21,626

[1]12% Midyear factors.

Part III—The Compression Allowance

A. The Proposed Allowance

The allowance for compression would be 4 cents per MMBtu per state of compression. Gas requiring an overall compression ratio of 4.5 to 1 or less to effectuate delivery into the purchaser's facilities would qualify as gas having one stage of compression. Gas requiring an overall compression ratio between 4.5 to 1 20.25 to 1 to effectuate delivery would qualify as gas having two stages of compression. Gas requiring an overall compression ratio of greater than 20.25 to 1 to effectuate delivery would qualify as gas having three stages of compression. The overall compression ratio is the ratio of the outlet pressure of the last stage to the inlet pressure of the first stage where a single gas stream is pressurized. the 4 cents per MMBtu per stage of compression allowance excludes the cost of fuel or power necessary to operate the compressor engine or motor. If one's own gas production is used as fuel, the volumes so consumed may be costed at the applicable maximum lawful price.

The compression allowance would apply to gas served by new compression, or additions to compression commencing operation on or after the enactment of the NGPA. The allowance would also be subject to any limitations set out in Commission regulations implementing section 110 of the NGPA.

B. Staff Analysis

In determining a proper add-on for compression costs, staff believes that the precept espoused in Order No. 94 (that compression should operate in a manner to conserve energy resources in a cost effective manner) should be followed. Staff also believes that the allowable add-on should be sufficient to cover the total costs associated with the operation of the facility whether it is rented or purchased.

Staff is of the opinion that it has fulfilled the first obligation by defining a stage of compression as compression employing a compression ratio of 4.5 to 1 or less. Staff is cognizant of the fact that compressors can be operated at higher compression ratios than 4.5 to 1 per stage. Thus, it feels that it has taken a conservative approach in this regard. Staff has also a series of low compression used an overall compression ratio approach to preclude the installation of ratio compressors when a single, multi-stage facility would be more cost effective.

Staff believes that it has met its second obligation by basing costs on representative rental costs which include full maintenance. Using rental costs as a basis for purchase costs assures, at the minimum, that these rental costs will be covered.

In determining the proper add-on for compression costs, staff used two sets of data: the horsepower required to compress a MMcf of gas per day at various compression ratios per stage in one, two, and three stage compressors and the monthly rental costs which include full maintenance for one, two, and three stage compressors. These data are set forth in Tables I and II of attached Appendix A.

In staff's opinion, a study of the table of horsepower requirements indicates that a 65 horsepower compressor is representative of the size of the single stage compressor required to compress one MMcf of gas per day. The representative size compressors in two and three stage configurations are 150 horsepower and 250 horsepower, respectively.

The rental data shown in Table II was furnished by 9 vendors located in various geographical areas of the country who provide this service. These data were collected during June and July of 1980. Therefore, it is staff's opinion that these data reflect current rentals being charged for compressors and are representative of costs of compressors employed on the lease or in the field. From these data staff calculated that the weighted average monthly rental was $36 per horsepower for one stage compressors, $26 per horsepower for two stage compressors, and $22 per horsepower for three stage compressors. From knowledge gained in processing numerous applications for special relief under the NGA, staff extrapolated these rental costs by dividing by a factor of .04 to reflect estimated purchase costs per horsepower for one, two, and three stage compressors. Adding a per horsepower installation cost supplied by the industry provided an estimated per horsepower installed cost for the representative compressors. These estimated per horsepower installed costs were then multiplied by the respective horsepowers to compute the installed cost (or "investment") for the representative compressors.

A discounted cash flow study using this investment, and an estimated annual per horsepower operating and maintenance cost supplied by the industry was performed for each of the representative compressors (see Appendix B). These studies used a 12 percent discount rate, a 15 year life, and a 10 percent salvage value. They also provided for Federal income taxes generated by the return earned on the investment.

The results of these studies indicate that 4.3 cents per Mcf for the single stage compressor, 8.0 cents per Mcf for the two stage compressor, and 12.2 cents per Mcf for the three stage compressor would be required to recover all operating and maintenance expenses, Federal income taxes, and a return of and on the investments in the representative compressors.

Staff used the 12 percent discount rate because it falls within a range of rates of return bounded by the rate of return allowed pipelines and the rate of return proposed for producers requesting special relief. It is staff's opinion that the installation of compression does not entail the risk associated with other production enhancement procedures, but entails a risk greater than that borne by a pipeline where gas supply can be more constant. Furthermore, compressor facilities can be moved to other sites or sold should the need for their use be terminated. Also, it should be noted that the rental or purchase costs per horsepower decrease as the horsepower of the unit increases. Therefore, the rate of return used in staff's studies which reflect small, representative compressors would increase due to economy of scale.

In that the costs per Mcf are practically linear with the stages of compression, staff

recommends that the linearity be preserved and that an add-on of 4 cents per MMBtu per stage of compression be set as the permissible add-on to provide for recoupment of production-related compression costs.

To illustrate the application of the recommended methodology, consider the following example:

Gas can be produced from a field at a wellhead flowing pressure of 100 psia. The purchasing pipeline which would serve the field has a working pressure of 600 psia.

To determine the appropriate compression allowance for the example, one need only compute the overall compression ratio required. This is defined as the ratio of the outlet pressure of the last stage of compression to the inlet pressure of the first stage of compression. For the example, the outlet pressure would be the working pressure in the pipeline, 600 psia, and the inlet pressure would be the wellhead flowing pressure, 100 psia. The ratio of these pressures indicates an overall compression ratio of 6 to 1. As this overall compression ratio falls between 4.5 to 1 and 20.25 to 1, the gas qualifies as having two stages of compression, and the appropriate allowance would be 8 cents per MMBtu.

Table I.—*Compressor Horsepower Required To Compress 1,000 Mcf Per Day*

Line No.	Compression ratio/stage	Horsepower required		
		1 stage	2 stage	3 stage
	(a)	(b)	(c)	(d)
1	2.0	38		
2	.1	41		
3	.2	44	96	
4	.3	46.5	99	
5	.4	49	105	
6	.5	51.5	110.5	
7	.6	54	116	
8	.7	56.5	121	
9	.8	59	126	197
10	.9	61	130.5	204
11	3.0	63	135	211
12	.1	65.5	139	217.5
13	.2	68	143	224
14	.3	70	147	230
15	.4	72	151	236
16	.5	73.5	155	242
17	.6	75	159	248
18	.7	76.5	162.5	253.5
19	.8	78	166	259
20	.9	79.5	169	264
21	4.0	81	172	269
22	.1	82.5	175.5	274
23	.2	84	179	279
24	.2	86	182.5	283.5
25	.4	88	186	288
26	.5	89	189	293

Source: Cooper-Bessemer Compressor Calculator.

Table II.—*Compressor Monthly Rental Cost Includes Full Maintenance*

Line No.	Compressor horsepower	Texas				Louisiana	Oklahoma	Colorado		Pennsylvania
		Houston [1]	Corpus Christie	Midland		Shreveport	Broken Arrow	Denver	Englewood	Pittsburgh
	(a)	(b)	(c)	(d)		(e)	(f)	(g)	(h)	(i)
	One State Configuration									
1.	25 to 35	$1,800	$2,031			$1,280		$2,500	$1,360	$1,450
2.	40 to 49				$1,892					
3.	50 to 55	2,350								
4.	60 to 75		2,250			1,783	$1,995	2,800	1,550	2,000
5.	80 to 95		3,060	$2,050	2,365	2,114		3,600		
6.			3,031		2,167	2,227				
7.	100 to 115					2,962	2,975		2,500	2,200
8.							2,660			
9.				2,800						
	Two Stage Configuration									
10.	80 to 95	2,600							2,500	2,200
11.	100 to 115		4,062		3,200			4,500	2,500	2,500
12.	140 to 160	2,600	5,484	2,950	3,200	3,712	3,395	5,400	3,200	2,700
13.						3,543				
14.	165 to 185		5,500	3,000		3,680	3,675	6,300		
15.			5,512							
16.	200 to 215	3,100				4,454				
17.	225		6,350							
	Three Stage Configuration									
18.	160									
19.	200 to 210	4,700							3,200	2,700
20.	225			5,500					6,800	3,500
21.	300						4,900			

[1] Two different vendors.

Schedule I.—*Discounted Cash Flow at $0.042772 per 1,000 ft³ 65 H.P. Single Stage Compressor*

Line No.	Year	Volume (1,000 ft³)	Revenue (dollars) expense	Investment (dollars)	O. & M. (dollars)	Working capital (dollars)	F.I.T. (dollars)	Net cash flow (dollars)	Discount factor at 12 pct	Discounted cash flow (dollars)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
1	Start			$65,000			($6,500)	($58,500)	1.000000	($58,500)
2	1	360,000	15,398		$3,900	$488	3,495	7,515	.844911	7,101
3	2							8,003	.843671	6,752
4	3								.753278	6,028
5	4								.672570	5,383
6	5								.600503	4,806
7	6								.536169	4,231
8	7								.478722	3,831
9	8								.427430	3,421
10	9								.381634	3,054
11	10								.340745	2,727
12	11								.304237	2,435
13	12								.271640	2,174
14	13								.242536	1,941
15	14								.216550	1,733
16	15								.193348	1,547
17	End			(6,500) [2]		(488)		6,988	.182697	1,277
18	Total	5,400,000	230,970	58,500	58,500	0	45,925	63,045		1

[1] 12 pct midyear factors.
[2] Salvage value: 10 pct of gross investment.

Schedule I.—*Discounted Values 65 H.P. Single Stage Compressor*

Line No.	Year	Raw values: Volume (1,000 ft³)	Raw values: Investment	Raw values: O & M expense	Raw values: Working capital	Raw values: Depreciation	Discount factor [1]	Discount values: Volume (1,000 ft³)	Discount values: Investment	Discount values: O & M expense	Discount values: Working capital	Discount values: Depreciation
	(a)	(b)	(c)	(d)10(e)		(f)	(g)	(h)	(i)	(j)	(k)	(l)
1	Start		$65,000				1.000000		$65,000			
2	1	360,000		$3,900	$488	$3,900	.844911	340,163		$3,685	$461	$3,685
3	2						.843671	303,722		3,290		3,290
4	2						.753278	271,180		2,938		2,938
4	3						.672570	242,125		2,623		2,623
6	5						.600503	216,183		2,342		2,342
7	6						.536169	193,021		2,091		2,091
8	7						.478722	172,340		1,867		1,867
9	8						.427430	153,875		1,667		1,667
10	9						.381634	137,388		1,488		1,488
11	10						.340745	122,668		1,329		1,329
12	11						.304237	109,525		1,187		1,187
13	12						.271640	97,790		1,059		1,059
14	13						.242536	87,313		946		946
15	14						.216550	77,959		845		845
16	15						.193348	69,605		754		754
17	End		[2](6,500)		(488)		.182697		(1,188)		(39)	
18 Total		5,400,000	58,500	58,500	0	58,500		2,534,861	63,812	28,111	372	28,111

[1] 12 pct midyear factors.
[2] Salvage value: 10 pct of gross investment.

Schedule II.—*Discounted Cash Flow at $0.080432 per 1,000 ft³ 150 H.P. Two Stage Compressor*

Line No.	Year	Volume (1,00 ft³	Revenue (dollars)	Investment (dollars)	O. & M. expense (dollars)	Working capital (dollars)	F.I.T. (dollars)	Net cash flow (dollars)	Discount factor [1]	Discounted cash flow (dollars)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
1	Start			$112,500			($11,250)	($101,250)	1.000000	($101,250)
2	1	360,000	28,956		9,000	$1,125	6,075	12,756	.844911	12,053
3	2							13,881	.843671	11,711
4	3								.753278	10,456
5	4								.672570	9,336
6	5								.600503	8,336
7	6								.536169	7,443
8	7								.478722	6,645
9	8								.427430	5,933
10	9								.381634	5,297
11	10								.340745	4,730
12	11								.304237	4,223
13	12								.271640	3,771
14	13								.242536	3,367
15	14								.216550	3,006
16	15								.193348	2,684
17	End			[2](11,250)		(1,125)		12,375	.182697	2,261
18	Total	5,400,000	434,340	101,250	135,000	0	79,875	118,215		2

[1] 12 pct midyear factors.
[2] Salvage value: 10 pct of gross investment.

Schedule II.—*Discounted Values 150 H.P. Two Stage Compressor*

Line No.	Year	Raw values: Volume (1,000 ft³)	Raw values: Investment (dollars)	Raw values: O & M expense	Raw values: Working capital	Raw values: Depreciation (dollars)	Discount factor[1]	Discount values: Volume (1,000 ft³)	Discount values: Investment (dollars)	Discount values: O & M expense (dollars)	Discount values: Working capital (dollars)	Discount values: Depreciation
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
1	Start		$112,500				1.000000		$112,500			
2	1	360,000		$9,000	$1,125	$6,750	.944911	340,168		$8,504	$1,063	$6,378
3	2						.843671	303,722		7,593		5,695
4	3						.753278	271,180		6,780		5,085
5	4						.672570	242,125		6,053		4,540
6	5						.600509	216,183		5,405		4,053
7	6						.536169	193,021		4,826		3,619
8	7						.478722	172,340		4,308		3,231
9	8						.427430	153,875		3,847		2,885
10	9						.381634	137,388		3,435		2,576
11	10						.340745	122,668		3,067		2,300
12	11						.304237	109,525		2,738		2,054
13	12						.271640	97,790		2,445		1,834
14	13						.242536	87,313		2,183		1,637
15	14						.216550	77,958		1,949		1,462
16	15						.193348	69,605		1,740		1,305
17	End		[2](11,250)		(1,125)		.182697		(2,055)		(206)	
18	Total	5,400,000	101,250	135,000	0	101,250		2,594,861	110,445	64,873	857	48,654

[1] 12 pct midyear factors.
[2] Salvage value: 10 pct of gross investment.

Schedule III.—*Discounted Cash Flow at $0.121871 per 1,000 ft³ 258 H.P. Two Stage Compressor*

Line No.	Year	Volume (1,00 ft³)	Revenue (dollars)	Investment (dollars)	O. & M. expense (dollars)	Working capital (dollars)	F.I.T. (dollars)	Net cash flow (dollars	Discount factor[1]	Discounted cash flow (dollars)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)
1	Start			162,500			($16,250)	($146,250)	1.000000	($146,250)
2	1	360,000	$43,874		$15,000	$1,875	8,797	18,202	.944911	17,199
3	2							20,077	.843671	16,938
4	3								.753278	15,124
5	4								.672570	13,503
6	5								.600509	12,056
7	6								.536169	10,765
8	7								.478722	9,611
9	8								.427430	8,582
10	9								.381634	7,662
11	10								.340745	6,841
12	11								.304237	6,108
13	12								.271640	5,454
14	13								.242536	4,869
15	14								.216550	4,348
16	15								.193348	3,882
17	End			[2](16,250)		(1,875)		18,125	.182697	3,311
18	Total	5,400,000	658,110	146,250	225,000	0	115,705	171,155		3

[1] 12 pct midyear factors.
[2] Salvage value: 10 pct of gross investment.

Schedule III.—*Discounted Values 250 H.P. Three Stage Compressor*—Continued

Line No.	Year	Raw values: Volume (1,000 ft³)	Raw values: Investment (dollars)	Raw values: O & M expense (dollars)	Raw values: Working capital (dollars)	Raw values: Depreciation (dollars)	Discount factor[1]	Discount values: Volume (1,000 ft³)	Discount values: Investment (dollars)	Discount values: O & M expense (dollars)	Discount values: Working capital (dollars)	Discount values: Depreciation (dollars)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)		(l)
1	Start		$162,500				1.000000		$162,500			
2	1	360,000		$15,000	$,875	$9,750	.944911	340,168		$14,174	$1,772	$9,213
3	2						.843671	303,722		12,655		8,226
4	3						.753278	271,180		11,299		7,344
5	4						.672570	242,125		10,089		6,558
6	5						.600509	216,183		9,008		5,855
7	6						.536169	193,021		8,043		5,228
8	7						.478722	172,340		7,181		4,668
9	8						.427430	153,875		6,411		4,167
10	9						.381634	137,388		5,725		3,721
11	10						.340745	122,668		5,111		3,322
12	11						.304237	109,525		4,564		2,966
13	12						.271640	97,790		4,075		2,648

Schedule III.—*Discounted Values 250 H.P. Three Stage Compressor*—Continued

Line No.	Year	Raw values					Discount factor[1]	Discount values				
		Volume (1,000 ft³)	Investment	O & M expense	Working capital	Depreciation		Volume (1,000 ft³)	Investment	O & M expense	Working capital	Depreciation
	(a)	(b)	(dollars) (c)	(dollars) (d)	(dollars) (e)	(dollars) (f)	(g)	(h)	(dollars) (i)	(dollars) (j)	(dollars)	(dollars) (l)
14	13						.242593	87,313		3,638		2,365
15	14						.216550	77,959		3,248		2,111
16	15						.193349	69,605		2,900		1,885
17	End		[2] (16,250)		(1,875)		.182637		(2,969)		(343)	
18	Total	5,400,000	146,250	225,000	0	148,250		2,594,661	159,531	108,121	1,429	70,277

[1] 12 pct midyear factors.
[2] Salvage value: 10 pct of gross investment.

[FR Doc. 80-40040 Filed 12-22-80; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 282

[Docket No. 79N-0177]

Availability of Revised Supplementary Information and Extension of the Time Period for Public Comment

Issued December 12, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of inquiry.

SUMMARY: The comment period on the proposed revision to rules on incremental pricing under the Natural Gas Policy Act of 1978 (45 FR 74505) is being extended to allow interested parties to review information from the Energy Information Administration which is available at the Commission's Office on Public Information.

The Commission is also announcing an informal technical conference.

DATE: Written comments in this docket are due on or before January 23, 1981.

Conference Date: January 6, 1981.

ADDRESS: Comments should be filed with: Office of Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426.

Conference will be held at: Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426.

The Commission hereby notifies the public that this revised information is available during regular business hours in the Office of Public Information, 825 N. Capitol Street NE, Washington, D.C. 20426. The deadline for filing written comments is extended from Friday, January 9, 1981, to Friday, January 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Sandra Delude, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-9095,

Alice Fernandez, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-9095.

SUPPLEMENTARY INFORMATION: On November 4, 1980, the Federal Energy Regulatory Commission (Commission) issued a Notice of Inquiry (45 FR 74505) in Docket No. RM79-21 with respect to proposed revisions to its rules on incremental pricing under the Natural Gas Policy Act of 1978. Information prepared by the Energy Information Administration (EIA) was made available in this docket through the Office of Public Infomation on December 4, 1980. Such information is intended to assist the public and the Commisson in evaluating the various proposals contained in the Notice of Inquiry. The EIA has since that time revised this information to correct data errors.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-40033 Filed 12-22-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Department of the Interior, U.S. Geological Survey.

ACTION: Proposed rule cross-reference.

SUMMARY: The United States Geological Survey (USGS) is publishing in the Rules section of this issue of the Federal Register interim regulations, effective on February 1, 1981, which establishes, for onshore mineral commodities, the assessment of a late payment charge for all payments which are received after the date due and for most underpayments. Also discussed, are proposed changes to 30 CFR 250.49 for the Outer Continental Shelf (OCS) to make the OCS provisions in this respect consistent with those which are established subsequently by the final rules for onshore leases, permits, and contracts.

DATES: Written comments on the proposal to revise 30 CFR 250.49 (OCS) should be submitted by February 23, 1981.

ADDRESS: Written comments are to be submitted to the Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, USGS, National Center, Mail Stop 650, Reston, Virginia 22092 (703/860-7515).

FOR FURTHER INFORMATION CONTACT: William H. Feldmiller, (303) 234-5221

Don E. Kash,

Chief, Conservation Division, U.S. Geological Survey, Department of the Interior.

[FR Doc. 80-39782 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-31-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Public Disclosure of Comments Received from Federal Agencies on the Kansas State Permanent Program Resubmitted Under Pub. L. 95-87

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed Rule; Announcement of public disclosure of comments on the Kansas resubmitted program.

SUMMARY: Before the Secretary of the Interior may approve permanent state regulatory programs submitted under Section 503(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the views of certain federal agencies must be solicited and disclosed. The Secretary has solicited comments of these agencies, and is today announcing receipt and availability for public review of agency comments.

ADDRESSES: Copies of the comments received are available for public review during business hours at:

Office of Surface Mining, Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Ave., Kansas City, Missouri 64106, Telephone (816) 374-3920.

Mined Land Office, 107 West 11th Street, Pittsburg, Kansas 66762, Telephone (316) 231-8540.

Kansas Corporation Commission, Legal Office, 4th Floor, State Office Building, 915 Harrison, Topeka, Kansas 66602, Telephone (913) 296-3361.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, State and Federal Programs, Office of Surface Mining, Scarritt Building, 818 Grand Ave., Kansas City, Missouri 64106, Telephone (816) 374-3920.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior is evaluating the permanent regulatory program resubmitted by Kansas for his review on October 31, 1980. See the March 4, 1980, Federal Register (45 FR 14152-14153); April 18, 1980, Federal Register (45 FR 26368); June 16, 1980, Federal Register (45 FR 40619-40621; August 7, 1980, Federal Register (45 FR 52408); September 4, 1980, Federal Register (45 FR 58569-58576); and November 10, 1980, Federal Register (45 FR 74513-74515). In accordance with Section 503(b)(1) of SMCRA and 30 CFR 732.13(b)(1) the Kansas program may not be approved until the Secretary has solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies concerned with or having special expertise relevant to the program as proposed. In this regard, the following federal agencies were invited to comment on the Kansas program:

Department of Agriculture
- State Land Use Committee
- SEA-Extension
- Farmers Home Administration
- Agricultural Stabilization and Conservation Service
- SEA-Agricultural Research
- Soil Conservation Service
- Forest Service
- SEA Cooperative Research

Advisory Council on Historic Preservation

Department of Labor
- Mine Safety & Health Administration

U.S. Environmental Protection Agency

Water Resources Council

Department of Energy

Department of the Interior
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Mines
- Heritagle Conservation & Recreation Service
- Fish & Wildlife Service
- National Park Service
- Geological Survey

U.S. Dept. of the Army Corps of Engineers

Missouri River Basin Commission

Of these agencies invited to comment, OSM received comments from the following offices:

Department of Agriculture
- SEA-Extension

U.S. Environmental Protection Agency

Advisory Council on Historic Preservation

U.S. Dept. of the Army Corps of Engineers

Soil Conservation Service

Fish and Wildlife Service

Heritage Conservation and Recreation Service

These comments are available for review and copying during business hours, at the locations listed above under "Addresses."

Dated: December 17, 1980.

Carl C. Close,

Assistant Director, State and Federal Programs.

[FR Doc. 80-39751 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Ch. VII; Part 944

Public Hearing and Public Comment Period on the Resubmitted Utah Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM).

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of those portions of the proposed Utah regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which have been resubmitted by the State and which were not previously approved by the Secretary of the Interior.

This notice sets forth the times and locations that the Utah program is available for public inspection, the date when and location where OSM will hold a public hearing on the resubmission, the comment period during which interested persons may submit written comments and data on the proposed program, and other information relevant

to public participation during the comment period and public hearing.

DATES: The public comment period on the resubmitted Utah permanent regulatory program is opened for 15 days, ending January 8, 1981. A public hearing will be held at Salt Lake City, Utah on January 7, 1981 at the address listed below. Comments from members of the public must be received on or before 4:30 p.m. MST on January 8, 1981 in order to be considered in the Secretary's decision.

ADDRESSES: The public hearing will be held in the Governor's Board Room, in the State Capitol, Salt Lake City, Utah. Written comments should be sent to: Donald A. Crane, Regional Director, Office of Surface Mining, Brooks Towers, Room 2115, 1020 15th Street, Denver, Colorado 80202, or may be hand delivered to the Regional Office.

Copies of the full text of the proposed program, a listing of scheduled public meetings, and copies of all written comments and notes of public meetings are available for review and copying at the OSM Region V Office and the office of the State Regulatory Authority listed below, during business hours.

Department of Interior, Office of Surface Mining, Region V, Brooks Towers, Room 2115, 1020 15th Street, Denver, Colorado 80202, Telephone: (303) 837-5421

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

Division of Oil, Gas and Mining, Department of Natural Resources, 1588 West North Temple, Salt Lake City, Utah 84116, Telephone: (801) 533-5771

FOR FURTHER INFORMATION CONTACT: Sylvia Sullivan, Office of Surface Mining, Region V, 1020 15th Street, Denver, Colorado 80202, Telephone: (303) 837-5421.

SUPPLEMENTARY INFORMATION: On March 3, 1980 the state of Utah submitted to OSM a proposed State regulatory program, pursuant to the provisions of 30 CFR Part 732 (44 FR 15326-15328), the Regional Director published notification of receipt of the program submission in the March 11, 1980 Federal Register (45 FR 15584-15586) and in newspapers of general circulation within the State. In accordance with that announcement, public comments were solicited and a public meeting was held on April 11, 1980, on the issue of the program's completeness. On April 29, 1980 the Regional Director published notice in the Federal Register (45 FR 28367-28368) announcing that he had determined the program to be complete in accordance with the Federal Act and regulations, as required by 30 CFR 731.14 and 732.11(b).

A public hearing on the initial Utah submission was held on July 21, 1980, in Salt Lake City, Utah by the Regional Director, after notice on July 11, 1980 in the Federal Register (45 FR 46820-46826) and in newspapers of general circulation within the state. The public comment period on the initial submission ended July 24, 1980. Throughout the period beginning with the submission of the program, OSM had frequent contact with the staff of the Utah Division of Oil, Gas and Mining. Minutes or notes of the discussions were placed in the Administrative Record and made available for public review and comment. The full chronology of the events leading to the Secretary's initial decision is contained in the Federal Register notice of the partial approval/partial disapproval by the Secretary (45 70481-70510), published on October 24, 1980.

That notice also contained the Secretary's findings, detailed explanations of those findings, and the Secretary's decision, which approved specific parts of the Utah program. Discussions after the initial decision between OSM and Utah relating to parts of the program that were disapproved are in the Administrative Record and will be subject to public comment during the public comment period announced herein. In accordance with the procedures set forth in 30 CFR 732.13(f), the State of Utah had 60 days from the date of publication of the Secretary's initial decision in which to submit a revised program for consideration. The state submitted its revised program for consideration on December 23, 1980.

The comment period announced today is relatively brief, ending at 4:30 p.m. MST on January 8, 1981. This relatively brief comment period is necessary to enable the Secretary to make his final decision on the Utah permanent regulatory program as close as possible under applicable regulations to the January 3, 1981 statutory deadline of Sections 503 and 504 of SMCRA as amended by litigation in the U.S. District Court for the District of Columbia. In keeping with the public participation mandate of SMCRA, 30 CFR 732.13(f) requires a minimum of 15 days for public review and comment. The Secretary will extend the comment period beyond January 3rd only if necessary to allow the 15 days for public review. Also, during the comment period, the Secretary is soliciting comments from the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies.

After the public comment period, the public hearing and review of all comments, the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that the program as amended by the resubmission now be approved or disapproved or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12 (d) and (e) (44 FR 15326-15327). For further details, refer to the corresponding sections of the preamble (44 FR 14959-14961).

The Secretary's decision on the program as resubmitted will constitute the final decision by the Department. If the revised program is approved, Utah will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-federal and non-Indian lands in Utah. If the revised program is approved, the Secretary and the Governor may also enter into a cooperative agreement governing Regulation of these activities on federal lands in Utah. The cooperative agreement would be the subject of a separate rulemaking and Federal Register notice. If the revised program is disapproved, a federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Utah. 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 Utah will be found in 30 CFR Part 944 after Utah's revised program has been approved or disapproved.

At the public hearing, parties wishing to comment on the proposed program will be asked to register for placement on the speaker's agenda. In addition, the Regional Director has prescribed the following hearing format and rules of

procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326):

1. The hearing shall be informal and follow legislative procedures.
2. Based on the number in attendance each participant may be limited to 10 minutes.
3. Participants will be called in the order in which they register.

Public Participation in the review of state programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the Federal Register (44 FR 54444–54445) governing contacts between the Department of the Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons with the procedures being implemented.

Interested members of the public are encouraged to read the Secretary's initial decision on the Utah program submission (45 FR 70481–70510) published on October 24, 1980. That document contains detailed findings and explanations relating to the parts of the initial submission which were specifically approved and disapproved. Unless a change has been made to a part of the program previously approved, the Secretary will only consider comments relating to those portions previously disapproved or to any portions of the program first appearing in the resubmission.

Set forth below is a summary of the contents of the resubmission:

Utah Coal Mining and Reclamation Act—Proposed Housekeeping Amendments
Cooperative Agreement
Utah State Program Amended Text and Clarifications—Rules and Regulations (Adopted Amendments)
Amendments to Bonding Provisions
Penalty Procedures
Attorney General's Opinion
Coal Mining and Reclamation Regulations—Proposed Amendments for Adoption
Utah State Program—State Window Submission

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Utah program. Under Section 702(d) of SMCRA (30 U.S.C. Section 1292(d)) approval does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1979 (42 U.S.C. 4332).

Donald A. Crane,

Regional Director, OSM Region V.

[FR Doc. 80-40012 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-05-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

Notice of Special Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of special meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board will hold a special meeting commencing at 9:00 a.m. on January 6, 1981 to consider adoption of a final rule establishing minimum guidelines and requirements for standards for accessibility and usability of Federal and Federally funded buildings and facilities by physically handicapped persons. These guidelines and requirements are to be issued pursuant to the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95–602, amending the Rehabilitation Act of 1973, Pub. L. 93–112. The guidelines and requirements will provide a basis for the issuance of consistent and improved accessibility and usability standards issued by four Federal standard setting agencies, the General Services Administration, Department of Housing and Urban Development, Department of Defense, and United States Postal Service, under the Architectural Barriers Act of 1968, as amended.

DATE: January 6, 1981, 9:00 a.m.

ADDRESS: 330 C Street, S.W. (Switzer Building), Room 1331, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information, (202) 245–1591 (voice or TDD); Charles Goldman, General Counsel, (202) 245–1801 (voice or TDD); Karen Smith, Director, Technical Services (202) 472–3237 (voice), (202) 245–1801 (voice or TDD).

SUPPLEMENTARY INFORMATION: On February 22, 1980, the Architectural and Transportation Barriers Compliance Board published in the Federal Register at 45 FR 12167, a Notice of Intent to Issue Proposed Rules. Comments were solicited for 45 days on key issues expected to be addressed in the Notice of Proposed Rulemaking. Based on the comments received, Board discussions, and other information available, the Architectural and Transportation Barriers Compliance Board published on August 18, 1980 in the Federal Register at 45 FR 55010, a Notice of Proposed Rulemaking. Public comment on the proposed rule was invited for sixty days. The ATBCB will conduct a special meeting on January 6, 1981 to consider adoption of a final rule establishing minimum guidelines and requirements for standards under the Architectural Barriers Act of 1968, as amended, for accessibility and usability of Federal and federally funded buildings and facilities by physically handicapped persons.

Mason H. Rose V,

Chairperson.

[FR Doc. 80-40016 Filed 12-22-80; 8:45 am]

BILLING CODE 4000-07-M

POSTAL SERVICE

39 CFR Part 111

Centralized Delivery Mail Receptacles

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The proposed rule would modify the Postal Service's regulations so as to authorize the procurement, installation, maintenance, and replacement of neighborhood delivery and collection boxes and parcel lockers by the Postal Service, when the Postal Service determines that its provision of central delivery will improve the efficiency of carrier delivery service. No requirements would be placed on the general public by the adoption of the rule.

DATE: Comments must be received on or before January 21, 1981.

ADDRESS: Written comments should be addressed to the Assistant General Counsel, Special Projects Division, Law Department, U.S. Postal Service, Washington, DC 20260. Copies of written comments received will be available for public inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, outside Room 9010, 475 L'Enfant Plaza, SW, Washington, DC 20260.

FOR FURTHER INFORMATION CONTACT: Charles R. Braun, (202) 245–4620.

SUPPLEMENTARY INFORMATION: Section 155.41a of the Domestic Mail Manual states that customers of the city carrier delivery service will furnish mail slots or receptacles. Sections 155.41b and 155.631 of the same Manual state that the purchase, installation, maintenance, and replacement of delivery boxes are not the repsonsibility of the U.S. Postal Service. Sections 156.311 and 157.32c state that customers of rural and highway contract services must erect approved mail boxes. The proposal

would revise these provisions so as to establish an exception for neighborhood delivery and collection boxes and parcel lockers which the Postal Service specifically agrees to install, maintain, or replace.

The purpose of the proposal is to promote the efficiency of all forms of carrier delivery service, without adopting any requirements that would be burdensome to postal customers. The most cost-effective forms of delivery are the various methods of central delivery, but these typically require a housing developer or the customers of carrier delivery service to invest in neighborhood delivery and collection boxes or parcel lockers, which in some instances have proven difficult for customers to maintain. Consequently, customers have chosen to purchase individual mail receptacles; the sales of neighborhood delivery and collection boxes and parcel lockers have lagged; and maintenance problems have interfered with the continued use of such receptacles after they have been purchased by developers and customers. Manufacturers of such receptacles have suggested that the Postal Service promote central delivery by adopting regulations requiring its customers to use, and therefore to purchase and install neighborhood delivery and collection boxes and parcel lockers. Under the proposal, however, no new requirements would be imposed on the public. Instead, the Postal Service would encourage the acceptance and continuing use of neighborhood delivery and collection boxes and parcel lockers by selectively agreeing to purchase, install, maintain, and replace such equipment.

If the proposal is adopted, the Postal Service plans to adopt conforming amendments in the following regulations: Postal Operations Manual, Section 613.841; Publication 15, "Parcel Lockers"; Publication 17, "Apartment House Mail Receptacles"; and Publication 18, "Neighborhood Delivery and Collection Boxes." Additionally, if the proposal is adopted, the Postal Service plans to adopt general guidelines to be followed in determining when installation and maintenance of neighborhood delivery and collection boxes and parcel lockers by the Postal Service would be specifically authorized.

Although exempt from the requirements of the Administrative Procedure Act [5 U.S.C. 553(b), (c)] regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revision of the Domestic Mail Manual, which is incorporated by reference in the Federal Register, 39 CFR 111.1.

PART 155—CITY DELIVERY

1. In 155.4 revise the first sentence of .41a and revise .41b to read as follows:

155.4 *Mail Receptacles.*

.41 Obligation of customer

a. Customers of the carrier delivery service must provide authorized receptacles or door slots, except for mail receptacles specifically authorized by the Postal Service to be owned and maintained by the Postal Service.

* * * * *

b. The purchase, installation, maintenance, and replacement of mail receptacle equipment, used by customers to receive delivery of mail, are not the responsibility of the Postal Service, except that the Postal Service may specifically authorize neighborhood delivery and collection boxes and parcel lockers to be purchased, installed, maintained, or replaced by the Postal Service.

2. Section 155.631 is revised to read as follows:

155.6 *Apartment House Receptacles.*

* * * * *

.63 Mail Receptacles

.631 Mail Receptacle Responsibility. The purchase, installation, maintenance, and replacement of mail receptacles, boxes, or parcel lockers, are not the responsibility of the Postal Service, except for neighborhood delivery and collection boxes and parcel lockers specifically authorized by the Postal Service to be owned and maintained by the Postal Service.

PART 156—RURAL SERVICE

3. Section 156.311 is revised to read as follows:

156.3 *Carrier Service.*

.31 Availability

.311 Rural carrier service is provided to persons who erect approved boxes on the line of travel of the rural carrier, and to persons for whom approved neighborhood delivery and collection boxes and parcel lockers are erected and maintained by the Postal Service on the carrier's line of travel, but no rural carrier service shall be provided to persons residing within city delivery limits.

PART 157—HIGHWAY CONTRACT SERVICE

4. In 157.32c revise the first phrase to read as follows:

157.3 *Box Delivery and Collection.*

* * * * *

.32 Contract route box delivery and collection service is provided without charge to customers who:

* * * * *

c. Either erect a mailbox on the highway contract route carrier's existing line of travel, or are authorized to receive delivery through neighborhood delivery and collection boxes and parcel lockers owned and maintained by the Postal Service.

* * * * *

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposals are adopted.

[38 U.S.C. 401(2); 403(a), (b); 404(a)(1)]

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 80-40019 Filed 12-22-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL 1710-3; Docket Nos. OAQPS 79-14 and A 79-13]

Proposed Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer; Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Closure of Public Comment Period.

SUMMARY: This notice announces closure of the period for public comments on the proposed airborne carcinogen policy and on the advance Notice of Proposed Generic Standards (ANPR) published concurrently by EPA October 10, 1979.

DATES: Comments on the proposed policy and ANPR should be postmarked no later than January 22, 1981.

ADDRESS: All written comments on the proposed policy and ANPR should be addressed to: Central Docket Section, Gallery 3, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. ATTN: OAQPS 79-14 (proposed policy) or A 79-13 (ANPR).

Information on which the proposed policy and ANPR are based as well as the written comments received and transcripts of the public hearings are available for public inspection and copying at the Central Docket Section.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Schell, Telephone 919-541-5345 (FTS: 629-5345).

SUPPLEMENTARY INFORMATION: On October 10, 1979, the Environmental Protection Agency proposed in the Federal Register (44 FR 58642) a policy and procedures for identifying, assessing and regulating carcinogens emitted into the ambient air from stationary sources. In the same Federal Register (44 FR 58662), EPA published an advance notice of proposed rulemaking (ANPR) soliciting comments on generic work practice and operational standards for volatile organic compounds which could be applied quickly to reduce emissions of airborne carcinogens from certain source categories.

EPA has extended the public comment period on the subject rulemakings several times (44 FR 70196, 45 FR 6960, 45 FR 25828, 45 FR 53842) to accommodate the requests of concerned individuals and organizations. The dockets for these rulemakings currently include more than 200 written submissions and the oral transcripts of three public hearings.

In the most recent Federal Register notice (45 FR 53842, August 13, 1980), the Agency announced an extension of the comment period to permit further consideration of certain scientific issues raised during the public hearings and in the written comments. The notice explained that the consideration of these issues would include a public meeting of EPA's Science Advisory Board Subcommittee on Airborne Carcinogens tentatively scheduled for November 1980. The Subcommittee had been previously scheduled to meet September 4–5, 1980 to review EPA carcinogenicity and exposure assessments on several substances identified as possible candidates for regulation as airborne carcinogens. In the course of this review the Subcommittee was able to devote a considerable part of the meeting to a discussion of several basic scientific issues relevant to the proposed policy, including carcinogenicity evaluation and risk estimation. Based on the SAB's discussion of basic scientific issues in its September meeting, EPA has concluded that a further meeting of the SAB prior to finalization of the airborne carcinogen policy is unnecessary. For these reasons, the comment period will be closed thirty days after publication of this notice.

Dated: December 16, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-39766 Filed 12-22-80; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 761

[TSH-FRL 1710-4; OPTS-62003B]

Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Proposed Restrictions on Use of PCBs at Agricultural Pesticide and Fertilizer Facilities; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: In the Federal Register of May 9, 1980 (45 FR 30989), EPA proposed to amend its Final PCB Regulation (40 CFR Part 761) to prohibit the use of PCB Items (including PCB Large High and Low Voltage Capacitors, PCB Transformers, PCB-Contaminated Transformers, PCB Heat Transfer Systems, and PCB Hydraulic Systems) as defined in § 761.2(x), in facilities manufacturing, processing, or storing fertilizers or agricultural pesticides. The comment period on the proposed rule amendment expired on December 4, 1980. EPA is extending the comment period to March 4, 1981; therefore, the date of the informal public hearing also will be changed.

DATES: Written comments on the proposed rule amendment must be received by the Agency no later than March 4, 1981. EPA will hold an informal hearing, if one is requested, approximately one month after the close of the comment period. Requests to participate in the hearing will be accepted until the close of the comment period.

ADDRESSES: All comments should be sent to: Document Control Officer (TS-793), Room E-447, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attn.: Docket Number OPTS-62003 B (PCB/RR-3).

The exact location and time of the hearing may be obtained after March 4, 1980 by calling the toll free number (800) 424-9065, or in Washington, 554-1404. Address requests to participate to: Gordon McCurdy, Toxic Substances Control Act Hearing Clerk (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attn: Docket Number OPTS-62003 B (PCB/RR-3), Telephone: (202) 755-6660.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS-799), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Telephone (toll free): (800) 424-9065, (in Washington, D.C. 554-1404).

SUPPLEMENTARY INFORMATION: On May 9, 1980 (45 FR 30989), EPA proposed to amend its Final PCB Ban Regulation (40 CFR Part 761) to prohibit the use of PCB Items (including PCB Large High and Low Voltage Capacitors, PCB Transformers, PCB-Contaminated Transformers, PCB Heat Transfer Systems, and PCB Hydraulic Systems) as defined in 40 CFR 761.2(x), in facilities manufacturing, processing, or storing fertilizers or agricultural pesticides. PCB small capacitors (containing less than three pounds of fluid) are not to be regulated by the proposal. EPA invited comment on any aspect of the proposal, in particular, (1) the likelihood of human exposure to PCBs via the mechanisms hypothesized in the proposal or any other mechanism involving agricultural chemicals, (2) whether excluding facilities manufacturing anhydrous liquid ammonia and facilities storing packaged products is proper, (3) whether any other exclusions should be made, and (4) whether additional steps beyond those proposed should be taken to prevent human health risks that would result from food contamination incidents that might occur in the future.

Initially, the proposal established a comment period for receipt of information and data until July 8, 1980. Subsequently the comment period was extended, first for 120 days until November 5, 1980 (45 FR 47168-69, July 14, 1980), and later for an additional 30 days until December 4, 1980 (45 FR 71364-65, October 28, 1980). The second extension was to allow for a requested informal public meeting to be held on November 7, 1980.

On October 30, 1980, the United States Court of Appeals for the District of Columbia Circuit set aside two key provisions of the Agency's PCB Final Ban Rule. In *Environmental Defense Fund, Inc.*, v. *Environmental Protection Agency*, No. 79-1580 (D.C. Cir., Oct. 30, 1980), the D.C. Circuit decided that EPA's designation of the use of intact, non-leaking transformers and capacitors containing PCBs as "totally-enclosed" uses, and EPA's determination to exclude from regulation under section 6(e) of the Toxic Substances Control Act (TSCA) PCBs in concentrations below 50 parts per million (ppm) were not supported by substantial evidence in the record.

In a letter dated November 13, 1980, the Utilities Solid Waste Activities Group, the Edison Electric Institute, and the National Rural Electric Cooperative Association requested a further extension of the time for filing comments on the FDA, USDA, and EPA proposed rules on food, feed, agricultural pesticide, and fertilizer facilities. They state that additional time is needed both to address issues raised in the *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, and to allow sufficient time for the court and the EPA to resolve uncertainties created by the D.C. Circuit's opinion about the regulation of PCBs.

EPA is extending the comment period 90 days to allow additional time to resolve issues raised by the D.C.

Circuit's decision. EPA believes that extending both the comment period and the time to request to participate in the hearing will result in more meaningful comments on the proposal.

The Agency continues to urge operators of agricultural chemical facilities to alert managers and employees to the problem of PCB contamination and to institute a program for preventive action. The booklet, "Polychlorinated Biphenyls: An Alert for Food and Feed Facilities" will assist such firms. Copies are available from EPA's Office of Industry Assistance. Call the toll-free number (800) 424-9065 or in Washington, D.C. call 554-1404.

Dated: December 9, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-39783 Filed 12-22-80; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 5965]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations 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 to either adopt or show evidence of being already in effect in order to quality or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each 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 and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance 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 67.4 (a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4 (a)).

These elevations, together with the flood plain management measures required by section 60.3 (formerly 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. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Pinellas Park (City), Pinellas County.	Boca Ciega Bay	Intersection of Canal Street and Tulane Avenue	*11
			Intersection of 115th Place and 64th Street	*11
		Tampa Bay	Area along 28th Street North within the corporate limits	*10
		Ditch 1	Area east of 53th Street North, north of 84th Terrace North and north and west of Ditch 1 drainage line.	*11
		Ditch 1A	Area north of Ditch 1A, and bounded on the west by 52nd Street North, and on the east by Disston Boulevard.	*14
		Ditch 2	Intersection of 74th Avenue North Park Boulevard and 43rd Street	*16
		Ditch 2A	Area north of 83th Avenue North, and bounded on the west by Disston Boulevard and on the east by U.S. Highway 19.	*13
		Ditch 4	Intersection of 68th Avenue North and 62nd Street North	*15
		Ditch 5	Intersection of 62nd Way North and 76th Avenue North	*15
Maps available for inspection at City Hall, 5141 78th Avenue, Pinellas Park, Florida.				
Send comments to Honorable Armand Burke, 5141 78th Avenue, Pinellas Park, Florida 33565.				
Kansas	(C), Topeka, Shawnee County	Kansas River	At downstream corporate limits	*876
			Just upstream of Sardou Avenue	*882
			Just upstream of Topeka Avenue	*886
			Just upstream of Highway 75 bypass	*892
		Shunganunga Creek	At upstream corporate limits	*877
			Just upstream of confluence with Deer Creek	*878
			Just upstream of Banner Street	*884
			Just upstream of Atchison, Topeka and Santa Fe Railroad	*895
			Just upstream of Van Buren Street	*900
			Just upstream of Washburn Avenue	*906
			About 1,600 feet upstream of the confluence with South Branch Shunganunga Creek.	*914
			About 2,400 feet downstream of Gage Boulevard	*920
			About 300 feet upstream of Gage Boulevard	*924
			Just downstream of Fairlawn Road	*935
			About 2,500 feet upstream of West 29th Street	*946
			About 3,700 feet upstream of West 29th Street	*947
			At upstream corporate limits	*951

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Deer Creek	At confluence with Shunganunga Creek	*878
			About 1,750 feet downstream of U.S. Highway 40 (6th Street)	*883
			Just upstream of U.S. Highway 40 (6th Street)	*891
			Just downstream of Turnpike Service Road	*892
			Just downstream of Interstate 70	*895
			Just downstream of 21st Street	*900
			About 900 feet upstream of 21st Street	*905
			At the upstream corporate limits	*914
		Butcher Creek	At mouth at Shunganunga Creek	*898
			Just downstream of East 25th Street	*908
			Just upstream of East 25th Street	*912
			Just upstream of Kansas Lane (downstream crossing)	*915
			Just upstream of Kansas Place	*919
			Just upstream of Kansas Lane (upstream crossing)	*923
			About 1,800 feet upstream of East 29th Street	*924
			Just downstream of East 37th Street	*952
			About 3,600 feet upstream of East 37th Street	*970
		South Branch Shunganunga Creek.	Confluence with Shunganunga Creek	*913
			Just downstream of West 33rd Street	*914
			Just downstream of Twilight Drive	*924
			About 450 feet upstream of 37th Street	*927
		Indian Creek	About 725 feet upstream confluence with Soldier Creek	*878
			At upstream corporate limits	*882
		West Fork Butcher Creek	Mouth at Butcher Creek	*944
			Just downstream of Kansas Turnpike	*968
Maps available for inspection at the City-County Planning Commission, 820 Southeast Quincy, Suite 512, Topeka, Kansas.				
Send comments to Honorable J. H. Schlegel II, Director of Planning, City of Topeka, 820 Southeast Quincy, Suite 512, Topeka, Kansas 66612.				
New Jersey	Trenton, City, Mercer County	Assunpink Creek	Confluence with Delaware River	*24
			Upstream Stockton Street Culvert	*32
			Upstream Wall Street	*36
			Upstream Oak Street	*41
			Upstream Corporate Limits	*47
		Delaware River	Downstream Corporate Limits	*16
			Confluence of Assunpink Creek	*24
			Upstream Corporate Limits	*36
Maps available at the Trenton City Planning Office, 10 Capitol Street, Trenton, New Jersey.				
Send comments to Honorable Arthur J. Holland, Mayor of the City of Trenton, 319 East State Street, Trenton, New Jersey 08608.				
Pennsylvania	Wilkes-Barre, City, Luzerne County.	Laurel Run	Downstream of Conrail (1st crossing)	*559
			Downstream of Parkin Street (Extended)	*562
			Upstream of Mill Street	*576
			Upstream of Trethaway Street (Extended)	*587
			Downstream of Scott Street	*594
		Mill Creek	Upstream of Chilwick Street (Extended)	*555
			Downstream of Sidney Street	*560
			Downstream of Mill Street	*567
Maps available at Wilkes-Barre City Hall, 40 East Market Street, Wilkes-Barre, Pennsylvania.				
Send comments to the Honorable Thomas V. McLaughlin, Mayor of Wilkes-Barre, City Hall, 40 East Market Street, Wilkes-Barre, Pennsylvania 18711.				

(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: December 9, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-39617 Filed 12-22-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 5959]

National Flood Insurance Program; Proposed Floodway, Cross Sections, Zone Boundaries, Base Flood Elevations, and Corporate Limit Changes for the City of Hazard, Kentucky

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed floodway, cross sections, zone boundaries, base flood elevations, and corporate limit changes described below.

The proposed floodway, cross sections, zone boundaries, base flood elevations, and corporate limit changes will be 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed floodway, cross sections, zone boundaries, base flood elevations, and corporate limit changes are available for review at the Mayor's Office, City Hall, Hazard, Kentucky.

Send comments to: The Honorable William Gorman, Mayor, City Hall, City of Hazard, Post Office Box 420, Hazard, Kentucky 41701.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570 or toll free line (800) 424-8872 or (800) 424-8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed floodway, cross sections, zone boundaries, base flood elevations, (100-year flood), and corporate limit changes for the City of Hazard, Kentucky, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development 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 67.4 (a) (presently appearing at its former Section, 24 CFR 1917.4 (a)).

The floodway, cross sections, zone boundaries, base flood elevations, and corporate limit changes, together with the flood plain management measures required by Section 60.3 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 proposed floodway, cross sections, zone boundaries, base flood elevations, and corporate limit changes will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zones for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
North Fork Kentucky River	Between northern corporate limit and the Louisville and Nashville Railroad near the southeastern corporate limit.	[1]871-836	A21
	Area between Louisville and Nashville Railroad and the southeastern corporate limit.	[1]837	A17

[1] Feet NGVD.

(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. 80-39619 Filed 12-22-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5817]

Revision of Proposed Flood Elevation Determinations for Baldwin County, Unincorporated Areas, Alabama, Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical informatin or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Baldwin County.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 45 FR 31427 on May 13, 1980 and in the *Baldwin Times*, published on or about April 10, 1980, and April 17, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Commissioner's Office, P.O. Box 148, Bay-Minette, Alabama.

Send comments to: Mr. David C. Wood, Baldwin County Administrator, P.O. Box 148, Bay-Minette, Alabama 36507.

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 Line (800) 424-9080, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Baldwin County, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance 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 67.4(a)).

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 modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Mobile Bay	Approximately 1300 feet downstream from the confluence of Conway Creek on Tensaw River.	*14
	Approximately 1000 feet downstream from the confluence of Shay Branch on the cutoff.	*12
	Approximately 3800 feet west of the intersection of County Route 9 and U.S. Route 98.	*13
Perdido Bay	Approximately 3500 feet east of the intersection of County Routes 99 and 91.	*9
	Approximately 60 feet downstream of the County Route 99 bridge over Manuel Bayou.	*8
Gulf of Mexico	Approximately 1700 feet south of Sheephead Point.	*14
	At State Route 182, approximately 5000 feet south of the intersection of State Route 180 and County Route 6.	*14

(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: December 8, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-39616 Filed 12-22-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5688]

Revision of Proposed Flood Elevation Determinations for Campbell County, Kentucky, Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Campbell County, Kentucky.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 51246 on August 31, 1979 and in the *Kentucky Post*, published on or about August 17, 1979, and August 24, 1979, and hence supersedes those previously published rules for the areas cited below.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood-elevations are available for review at Campbell County Courthouse, 24 West 4th Street, Newport, Kentucky.

Send comments to: Honorable Lambert Hehl, Campbell County Courthouse, 24 West 4th Street, Newport, Kentucky 41071.

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 Line (800–424–9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Campbell County, Kentucky, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance 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 67.4(a)).

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 modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	*Elevation in feet (NGVD)
Ohio River	Stevens Yard, north of the City of Silver Grove.	*503
Four Mile Creek	Confluence with Owl Creek.	*503
Tug Creek	Confluence with Four Mile Creek.	*503

(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, 44 FR 20963)

Issued: December 9, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-39616 Filed 12-22-80; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 525

[Docket No. 80-82]

Exemption of Collective Bargaining Agreements; Proposed Revocation

AGENCY: Federal Maritime Commission.

ACTION: Proposed Revocation of Exemption.

SUMMARY: This proposal would revoke the Commissions current exemption of collective bargaining agreements between labor unions and maritime multi-employer collective bargaining units from the filing and approval requirements of section 15, Shipping Act, 1916. The Commissions exemption is superceded by enactment of the Maritime Labor Agreements Act of 1980 which now governs the exemption of such agreements.

DATE: Comments on or before January 22, 1981.

ADDRESS: Comments (original and fifteen copies) and inquiries to: Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Federal Maritime Commission is considering the revocation of the exemption of collective bargaining agreements between labor unions and maritime multi-employer collective bargaining units from the filing and approval requirements of section 15, Shipping Act, 1916, established in Part 525 to Title 46 of the Code of Federal Regulations, Federal Maritime Commission General Order 44.

On August 8, 1980, the President signed H.R. 6613, the "Maritime Labor Agreements Act of 1980", into law (Pub. L. 96–325). The purpose of this

legislation is to amend the Shipping Act, 1916, to exempt collective bargaining and certain related agreements from regulation by the Federal Maritime Commission. However, Pub. L. 96-325 does not exempt assessment agreements, whether part of a collective bargaining agreement or negotiated separately, which provide for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis regardless of the cargo handled or type of vessel or equipment utilized. Pub. L. 96-325 provides that such agreements are deemed to be approved pursuant to section 15, Shipping Act, 1916, upon filing with the Commission. In view of the enactment of Pub. L. 96-325, General Order 44 has been superseded by statute. Therefore, it is proposed that Part 525 of Title 46 of the Code of Federal Regulations be removed.

Authority: Section 15, 35, 43; 46 U.S.C. 814, 833a and 841a. By the Commission November 25, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-40048 Filed 12-22-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-764; RM-3677]

FM Broadcast Station in Ponca City, Okla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Ponca City, Oklahoma, in response to a petition filed by Music Sound Radio, Inc. The proposed channel could provide for a third local FM service to Ponca City.

DATES: Comments must filed on or before February 10, 1981, and reply comments on or before March 2, 1981.

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

FOR FURTHER INFORMATION CONTACT:

Montrose H. Tyree, Broadcast Bureau (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: December 12, 1980.

Released: December 18, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Music Sound Radio, Inc. ("petitioner"), proposing the assignment of Channel 261A to Ponca City, Oklahoma, as that community's third FM assignment. Petitioner states it will apply for the channel, if assigned. No responses to the proposal have been received.

(b) The channel can be assigned in conformity with the minimum distance requirements.

2. *Community Data:*

(a) *Location:* Ponca City, in Kay County, is located approximately 110 kilometers (70 miles) northwest of Tulsa and 130 kilometers (80 miles) north of Oklahoma City.

(b) *Population:* Ponca City—25,940 [2], Kay County—48,791.

(c) *Local Aural Broadcast Service:* Ponca City is served locally by full-time AM Station WBBZ, FM Station KLOR-FM (Channel 257A), and FM Station KPNC-FM (Channel 265A).

3. *Preclusion Consideration:* Petitioner's preclusion study shows that the proposed assignment will cause preclusion on Channels 258 and 261A in areas within 65 miles of Ponca City. Petitioner lists Blackwell, Oklahoma (pop. 8,645) and Newkirk, Oklahoma (pop. 2,173) as cities of comparitive size within the precluded area, having no FM service.

4. A third FM assignment ot Ponca City would exceed the population guidelines, however, such assignments have been made where there is no conflicting petition from a precluded community. Petitioner has not provided information as to the need for an additonal FM station at Ponca City. It should do so in the comments to this proposal. Such information should include updated growth data.

5. Comments are invited on the proposal to amend the FM Table of Assignments (Section 73.202(b)) with regard to Ponca City, as follows:

City	Channel No.	
	Present	Proposed
Ponca City, Okla.	257A, 265A	257A, 261A, 265A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein. *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on of before February 10, 1981, and reply comments on or before March 2, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau. (202) 632-9660. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See

[1] Public Notice of the petition was given on May 28, 1980, Report No. 1230.

[2] Population figures are taken from the 1970 U.S. Census.

Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the porposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 80-40026 Filed 12-22-80; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-3626]

TV Broadcast Station in Sacramento, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the substitution of UHF television Channel 29 for Channel 15, at Sacramento, California, in response to a petition filed by Shamrock Broadcasting Company, Inc.

DATES: Comments must be filed on or before February 2, 1981, reply comments on or before February 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: December 3, 1980.

Released: December 10, 1980.

By the Chief, Policy and Rules Division:

1. The Commission has before it a petition for rule making[1] filed by Shamrock Broadcasting Company, Inc. ("Shamrock"),[2] which seeks the amendment of § 73.606(b) of the Commission's Rules, the Television Table of Assignments by substituting UHF television Channel 29 for Channel 15, at Sacramento, California. Petitioner States it will apply for the channel, if assigned.

2. Sacramento (population 257,105),[3] seat of Sacramento County (population 634,190) is located approximately 120 kilometers (75miles) northeast of San Francisco. It currently has the following television assignments: VHF Channel 3 (KCRA-TV); VHF Channel *6 (KVIE); VHF Channel 10 (KXTV); UHF Channel 15, unavailable pending further Commission action in Docket 18261; UHF Channel 31 (KMUV-TV); and UHF Channel 40 (KTXL).

3. Petitioner claims that it does not appear feasible for Channel 15 to be used in Sacramento or at a location where it could adequately serve Sacramento, presently or in the future. Therefore, we are asked to delete Channel 15 and replace it with Channel 29. Petitioner claims that the impact of the proposal will be minimal since all significant communities either have existing local television service or possible alternate channels that could be assigned to them.

4. Channel 15 has been unavailable for broadcast use since 1970 by Docket 18261 [4] where UHF Channels 14 through 20 were designated for land mobile use in certain major urban areas. Since Channel 15 may remain unavailable for some time, we shall consider another channel for immediate television use in Sacremento.

5. The proposed channel substitution can be made in compliance with the minimum distance separation requirements, with no site restrictions. However, the assignment could not be used in the area where the present Sacramento stations have located their antennas (near Walnut Grove, California). The assignment of Channel 29 to Sacramento, will restrict Northern California Broadcasting, Inc., licensee of Station KMUV-TV (Channel 31) in relocating its transmitter. Northern Broadcasting should submit in comments any objection to the proposal and/or future plans to change the location of its transmitter.

6. The Commission believes that consideration of this channel substitution would be in the public interest. Comments are invited on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with regard to Sacramento, California, as follows:

City	Channel No.	
	Present	Proposed
Sacramento, Calif.	3, *6, 10, 15,[1] 31-, 40-.	3, *6, 10, 29-, 31-, 40-

[1] Channel 15 will not be available for television use until further action by the Commission.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before February 2, 1981, and reply comments on or before February 23, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at

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[1] Public Notice of the petition was given on March 31, 1980, Report No. 1221.

[2] Shamrock, through subsidiaries, is the licensee of eight radio stations and four television stations located in various markets throughout the United States.

[3] Population figures are taken from the 1970 U.S. Census.

[4] See *First Report and Order*, 23 FCC 2d 325 (1970 and *Vallejo-Fairfield and Sacramento, Cal.*, 37 FCC 2d 251 (1972).

the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filling initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 80-40027 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-759; RM-3590]

TV Broadcast Station in Kerrville, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This action proposes to assign UHF television Channel 35 to Kerrville, Texas, as that community's first television channel assignment, in response to a petition filed by Hubbard Broadcasting, Inc.

DATES: Comments must be filed on or before February 9, 1981, and reply comments on or before March 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Rosa Iris Ovaitt, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: December 9, 1980.

Released: December 12, 1980.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rulemaking[1] was filed by Hubbard Broadcasting, Inc. ("petitioner") proposing the assignment of UHF television Channel 35 to Kerrville, Texas, as that community's first television channel assignment.

(b) Channel 35 could be assigned to Kerrville, Texas, in compliance with all distance separation requirements.

(c) Petitioner states it will apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Kerrville is located in south central Texas, approximately 90 kilometers (55 miles) northwest of San Antonio.

(b) *Population:* Kerrville—12,672;[2] Kerr County—19,454.

3. *Economic Considerations:* Petitioner states that Kerrville is the largest community of Kerr County. It has a daily newspaper with a circulation of 5,839.

4. Petioner indicates that it wants to establish a Kerrville station which would operate as a satellite of its proposed San Antonio station. Petitioner is one of nine applicants for Channel 29 in San Antonio. However, petitioner's request appears to be conditioned upon obtaining the San Antonio station first. Petitioner should indicate what plans it has to apply for a Kerrville station should it not become the licensee of the San Antonio station. It may be necessary to delay this rule making to await the selection of the San Antonio licensee to assure us that there would be an applicant for the subject assignment.

5. In view of the fact that the proposed UHF television channel assignment would provide for a first local television service to Kerrville, Texas, the Commission believes it appropriate to propose amending the Table of Television Assignments, § 73.606(b) of the Commission's Rules, with regard to the following city:

City	Channel No.	
	Present	Proposed
Kerrville, Tex.		35+

6. Since Kerrville is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment of Channel 35 requires coordination with the Mexican Government.

7. Authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

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[1] Public Notice of the petition was given on February 27, 1980, Report No. 1218.

[2] Population figures are taken from the 1970 U.S. Census.

8. Interested parties may file comments on or before February 9, 1981, and reply comments on or before March 2, 1981.

9. For further information concerning this proceeding, contact Rosa Iris Ovaitt, Broadcast Bureau, (202) 632-6302. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See sec. 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 80-40025 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 358

[Docket No. 80N-0146]

Nailbiting and Thumbsucking Deterrent Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

Correction

In FR Doc. 80-31958, published at page 69122, on Friday, October 17, 1980, make the following corrections:

1. On page 69122, in the first column, in the "Dates" paragraph, the first line, "January 14, 1981" should be corrected to read "January 15, 1981."

2. Also on page 69122, in the first column, in the "ADDRESS" paragraph, the third line "Rm. 44-62" should be corrected to read "Rm. 4-62".

3. On page 69125, in the second column, the second paragraph, the twenty-second line, "Study. The rats shows" should be corrected to read "Study. The rats showed".

4. On page 69128, in the First column, the fifth line "before January 14, 1981" should be corrected to read "January 15, 1981".

BILLING CODE 1505-01-M

21 CFR Part 358

[Docket No. 80N-0348]

Ingrown Toenail Relief Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

Correction

In FR Doc. 80-32153, published at page 69128, on Friday, October 17, 1980, make the following corrections:

1. On page 69128, in the first column, in the heading, "[Docket No. 80-0348]" should be corrected to read "[Docket No. 80N-0348]".

2. On page 69130, in the first column, the first paragraph, the last line, "Rochville" should be corrected to read "Rockville".

3. On page 69131, in the second column, in the second paragraph, the second line "conducing" should be corrected to read "conducting".

4. On page 69133, in the second column, in the seventh paragraph, the seventh line "before January 14, 1981" should be corrected to read "before January 15, 1981".

BILLING CODE 1505-01-M

21 CFR Parts 436, 446, and 546

[Docket No. 80N-0249]

Tetracycline Hydrochloride and Oxytetracycline Hydrochloride; Revised Dissolution Test for Human and Animal Drugs

Correction

In Fr Doc. 80-31956, published at page 68971, on Friday, October 17, 1980, make the following corrections:

1. On page 68971, in the third column, "Dates" paragraph "December 15, 1980" should be corrected to read "December 16, 1980."

2. On page 68972, in the third column, paragraph 3, the second line "fourth sentence" should be corrected to read "fifth sentence".

3. Also on page 68972, in the third column, the second paragraph from the bottom, the second line "December 15, 1980" should be corrected to read "December 16, 1980".

BILLING CODE 1505-01-M

21 CFR Parts 600, 606, 610, 620, 630, 640, 660

[Docket No. 80N-0053]

Changes in Proper Names of Certain Biological Products

Correction

In FR Doc. 80-33509 appearing on page 72404 of the "Part II" in the issue of Friday, October 31, 1980, make the following corrections:

1. On page 72406, second column, the eighth line of the fourth complete paragraph now reading "(secs. 351, 351, 353, and 361, 58 Stat. 702" should have read "(Secs. 351, 352, 353, and 361, 58 Stat. 702."

2. On page 72407, first column, paragraph numbered "3." in the twenty-fifth line the bracketed material reading "(Cr[15])" should have read "(Cr 51)."

3. On page 72414 in the first column:

a. The first line of the paragraph numbered "11." should have read,

"11. In § 640.11(a) by changing the paragraph."

b. The first line of the paragraph numbered "13," should have read,

"13. In § 640.13(b) by changing the proper."

c. The first line of the paragraph numbered "14," should have read,

"14. In § 640.15(a) and (d) by changing the proper."

BILLING CODE 1505-01-M

21 CFR Part 640

[Docket No. 80N-0062]

Additional Standards for Human Blood and Blood Products; Reorganization and Revision of Regulations

Correction

In FR Doc. 80-33469, appearing on page 72422 in the "Part II" in the issue of Friday, October 31, 1980, make the following correction:

On page 72426, first column, the part number in the sixth line from the bottom of the page should have read "Part 660" rather than "Part 600".

BILLING CODE 1505-01-M

21 CFR Part 165

[Docket No. 80N-0439]

Soda Water; Amendment to Standard; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on a proposal to amend the standard of identity for soda water to accomplish the following: (1) Designate kola nut extract, rather than caffeine from this extract or from other extracts that naturally contain caffeine, as mandatory ingredient in "cola-" and "pepper-" type soda water beverages; (2) provide for decaffeinated "cola" or "pepper" soda water beverages under the standard of identity; (3) continue to permit the use of added caffeine in these beverages as an optional ingredient. This action is based on requests received by FDA.

DATE: Comments must be received on or before March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 21, 1980 (45 FR 69816), FDA proposed to amend the standard of identity for soda water to delete the requirement that "cola" and "pepper" beverages contain "caffeine from kola nut extract and/or other natural caffeine-containing extracts." As amended, the standard would designate kola nut extract per se as the mandatory, characterizing ingredient in "cola" and "pepper" beverages and allow explicitly for these beverages to be decaffeinated. The amended standard would continue to allow the use of naturally occuring and added caffeine as optional ingredients up to a maximum total level of 0.02 percent by weight. Written comments were to be submitted on or before December 22, 1980.

FDA has received requests for extension of the comment period from, among others, the Grocery Manufacturers of America, Inc., the National Soft Drink Association, and the Coca-Cola Co. The requests are on file with the Dockets Management Branch, FDA.

After carefully evaluating the merits of the requests for extension of the comment period, FDA has concluded that an extension is necessary to provide adequate time for the compilation and submission of data and information that the agency requested be included in comments to assist FDA in developing an appropriate final rule on the proposal. Therefore, the FDA concludes, at this time, that an additional ninety days in which to provide comments is appropriate.

Interested persons may, on or before March 23, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 18, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-40217 Filed 12-22-80; 10:32 am]

BILLING CODE 4110-03-M

21 CFR Parts 180 and 182

[Docket No. 80N-0418]

Caffeine; Deletion of GRAS Status, Proposed Declaration That No Prior Sanction Exists, and Use on an Interim Basis Pending Additional Study

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on a proposal to delete caffeine used as an added food ingredient from the list of substances that are generally recognized as safe (GRAS), to declare that no prior sanction exists for the use of caffeine as an added food ingredient, to restrict the use of caffeine as an added food ingredient to current uses and levels, and to require that the presence of caffeine as an added ingredient be reflected on the product label in the ingredient declaration. Under this proposal, the current uses of added caffeine would be permitted under an interim food additive regulation pending the completion of studies that are

considered necessary to resolve questions about the safety of caffeine added to food. These questions include the potential fetotoxic and teratogenic properties of caffeine, the comparative metabolism and pharmacokinetic handling of caffeine in humans and experimental animals, the potential behavioral effects of caffeine, particularly in children, the potential reproductive effects of caffeine, and the potential carcinogenicity of caffeine. The studies FDA proposes to require include both animal studies and human epidemiological studies. In addition, there are questions that need to be addressed about the purpose for which caffeine is added to foods, especially soft drinks. This proposal does not directly affect the caffeine that occurs naturally in such foods as coffee and tea. This action is based on requests received by FDA.

DATE: Comments must be received on or before March 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 21, 1980 (45 FR 69818), FDA proposed to delete caffeine used as an added food ingredient from the list of substances that are generally recognized as safe (GRAS), to declare that no prior sanction exists for the use of caffeine as am added food ingredient, to restrict the use of caffeine as an added food ingredient to current uses and levels, and to require that the presence of caffeine as an added ingredient be reflected on the product label in the ingredient declaration. Under this proposal, the current uses of added caffeine would be permitted under an interim food additive regulation pending the completion of studies that are considered necessary to resolve questions about the safety of caffeine added to food. The document presents the data on caffeine that raise safety questions, explains the basis for FDA's proposal to remove added caffeine from the GRAS list, and describes the studies FDA considers necessary to resolve the existing questions about caffeine's safety and function as an added food ingredient. Written comments were to be submitted on or before December 22, 1980.

FDA has received requests for extension of the comment period from, among others, the Grocery Manufacturers of America, Inc., the National Soft Drink Association, and the Coca-Cola Co. The requests are on file with the Dockets Management Branch, FDA.

After carefully evaluating the merits of the requests for extension of the comment period, FDA has concluded that an extension is necessary to provide adequate time for the compilation and submission of data and information that the agency requested be included in comments to assist FDA in developing an appropriate final rule on the proposal. FDA recognizes the scientific complexity of the issues involved in these matters and wishes to ensure that all interested parties be given a fair amount of time to comment on these important public policy issues. Balanced against this concern is the obligation of FDA to ensure that this rulemaking proceeds in a reasonable and timely manner. Therefore the FDA concludes that, at this time, an additional ninety days in which to provide comments is appropriate.

Interested persons may, on or before March 23, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 18, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-40218 Filed 12-22-80; 10:32 am]

BILLING CODE 4110-03-M

Notices

Federal Register
Vol. 45, No. 248
Tuesday, December 23, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Stamp Program Policy Interpretation Response.

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice advises the public of a policy interpretation by the Food and Nutrition Service in the applicability of current policy regarding the treatment of dependent care deductions used to determine public assistance payments for food stamp purposes.

FOR FURTHER INFORMATION CONTACT: Joseph Pinto, Chief, Policy Section, Program Policy and Analysis Branch, State Operations Division, Food and Nutrition Service, Washington, D.C., 20250. Phone (202) 447-8156.

SUPPLEMENTARY INFORMATION: Eligibility and benefit levels in the public assistance program are based on applicant households' net monthly income. The net monthly income is calculated by subtracting certain deductions from households' gross monthly incomes. One such deduction, in the case of households with members who are employed or involved in training programs, is a deduction for the cost of child care. Thus, in some cases, the level of public assistance benefits households receive is based on the child care costs the households incur: the higher the child care costs, the greater the deduction and the higher the public assistance payment. (It should be noted that not all States give child care deductions and some of those that do put upper limits on the amount of the deduction allowed).

Notice: Policy Interpretation 80-7

Regulation Citation: Section 273.9(c)(5).

Subject: Treatment of Dependent Care Deductions in Computing Public Assistance Payments.

Question: Can the amount of a household's public assistance payment that is equivalent to the household's child care costs be considered a reimbursement for Food Stamp Program purposes?

Response: Under Section 273.9(c)(5) of the food stamp regulations, reimbursements for past or future expenses, to the extent that they do not exceed actual expenses and do not represent a gain or benefit to the household, are excluded from household income for food stamp purposes. Reimbursements for normal household living expenses, such as rent or mortgage, personal clothing, or food eaten at home, are a gain or benefit and, therefore, are not excluded. To be excluded these payments must be provided specifically for an identified expense, other than normal living expenses, and used for the purpose intended.

In the situation described in the question, the amount the household pays for child care is an expense the household pays to continue employment or training. The amount is deducted from income in calculating the public assistance grant. Therefore, the child care deduction is not a "payment" and cannot be considered as a reimbursement under the Food Stamp Program. The total grant a household receives in this situation is income for Food Stamp Program purposes but the household would be entitled to a deduction, up to $90, for its child care payments. Only if the State agency were to make separate payment over and above the amount of the public assistance grant, explicitly for child care expenses, would the Food Stamp Program consider it a reimbursement.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamp)

Dated: November 22, 1980.

Robert Greenstein,

Administrator.

[FR Doc. 80-39720 Filed 12-22-80; 8:45 am]
BILLING CODE 3410-30-M

Rural Electrification Administration

Vermont Electric Cooperative, Inc., Johnson, Vermont; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 STAT. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administraor of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $9,900,000 to Vermont Electric Cooperative, Inc., of Johnson, Vermont.

These loan funds will be used to finance: (a) 0.13478 percent additional ownership interest in the Seabrook Nuclear Generating Station Units No. 1 and No. 2 (each unit approximately 1150 MW); (b) 0.15043 percent additional ownership interest in the Millstone Nuclear Generating Station Unit No. 3 (a unit of approximately 1150 MW); (c) additional cost for the borrower's present 0.2000 percent ownership interest in the Pilgrim Nuclear Generating Station Unit No. 2 (a unit of approximately 1180 MW); (d) transmission lines associated with the additional participation; and (e) other related facilities. The lead owners of the Seabrook, Millstone and Pilgrim projects are The Public Service Company of New Hampshire, Northeast Utilities Companies, and Boston Edison Company, respectively.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. William J. Gallagher, Manager, Vermont Electric Cooperative, Inc., Johnson, Vermont 05656.

In order to be considered, proposals must be submitted on or before January 22, 1981 to Mr. Gallagher. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Vermont Electric Cooperative, Inc., and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available

from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guaranteed.

Dated at Washington, D.C., this 15th day of December 1980.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 80-39596 Filed 12-22-80; 8:45 am]

BILLING CODE 3410-15-M

ARMS CONTROL AND DISARMAMENT AGENCY

National Environmental Policy Act and Executive Order 12114; Implementing Procedures

AGENCY: U.S. Arms Control and Disarmament Agency.

ACTION: Notice of adoption of implementing procedures.

SUMMARY: The U.S. Arms Control and Disarmament Agency (the Agency) is adopting internal procedures to implement the National Environmental Policy Act in accordance with the regulations of the Council on Environmental Quality, published in the Federal Register on November 29, 1978 (43 FR 55978) and to implement Executive Order 12114, entitled Environmental Effects Abroad of Major Federal Actions, published in the Federal Register on January 9, 1979 (44 FR 1957).

EFFECTIVE DATE: December 16, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond O. Waters, (202) 632-0760.

SUPPLEMENTARY INFORMATION: On June 10, 1980 the Agency published in the Federal Register (45 FR 39320) proposed implementing procedures for the National Environmental Policy Act and Executive Order 12114. Comments were received from the State Department which pointed out that the proposed procedures did not make it clear that the National Environmental Policy Act and Executive Order 12114 rest on differing legal bases and that the procedures relating to preparation of environmental documents for each should be separate. No other comments were received. In response to the comments the proposed procedures were revised and republished for comment in the Federal Register on October 21, 1980 (45 FR 69510). No additional comments were received, so the Agency is adopting the procedures as printed in 45 FR 69510 as the final Agency implementing procedures.

Dated: December 16, 1980.

James T. Hackett,

Administrative Director.

[FR Doc. 80-39807 Filed 12-22-80; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

In the matter of applications for certificates of public convenience and necessity and foreign air carrier permits filed under subpart Q of the board's procedural regulations, (See, 14 CFR 302.1701 *et. seq.*), week ended December 12, 1980.

The due date for answers, conforming applications, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

(Weekly listing from the weekly list of applications filed will follow:)

Subpart Q Applications

The due date for answers, conforming applications, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further procedings.

Date filed	Docket No.	Description
Dec. 11, 1980.....	39042	Sky West Aviation, Inc. d.b.a. Sky West Airlines, c/o J. Ralph Atkin, Bowen & Atkin, Suite 300, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Application of Sky West Aviation, Inc. d.b.a. Sky West Airlines, pursuant to Section 401(e)(7)(B) of the Act, requests the removal of condition (4)(a) from its certificate most recently issued by Order 80-10-140 and pursuant to Subpart Q of the Board's Procedural Regulations. Conforming Applications, motions to modify scope, and Answers may be filed by December 29, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-40035 Filed 12-22-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38955]

Global International Airways Corp. Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on January 26, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

Dated at Washington, D.C., December 17, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-40034 Filed 12-22-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38534]

Spanish Main International Airlines Fitness Investigation; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 22, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., December 17, 1980.

William A. Pope, II,

Administrative Law Judge.

[FR Doc. 80-40033 Filed 12-22-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Itel Air Ltd.; Order

The Office of Export Administration, International Trade Administration, United States Department of Commerce, having determined to initiate administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979 (Pub. L. 96-72, to be codified at 50 U.S.C. app. sec. 2401, *et seq.*) (the "Act") against Itel Air Limited ("Itel"), based on allegations that Itel violated § 387.6 of the Export Administration Regulations [15 CFR Part 368, *et seq.* (1979)] promulgated pursuant to the Export Administration Act of 1969, as amended [50 U.S.C. app. sec. 2401, *et seq.* (1976 and Supp. I 1977)]; and

The Department and Itel having entered into a Consent Agreement whereby Itel has agreed to settle this matter by payment of a civil penalty in the amount of $20,000, with payment of such penalty being suspended for a period of two years during which time Itel will be on probation; and

The Deputy Assistant Secretary for Export Administration having approved the terms of the Consent Agreement in complete settlement of the matter:

It is therefore ordered,

First, that a civil penalty in the sum of $20,000 is assessed against Itel;

Second, that payment of said civil penalty is suspended for a period of two years ending on December 12, 1982, during which time Itel will be on probation;

Third, that payment of the civil penalty will be waived at the end of the two-year probation period provided that Itel is in full compliance with the Regulations and all terms of this Order; and

Fourth, that the proposed Charging Letter and Consent Agreement be made available to the public, and this Order be published in the Federal Register.

Entered this 12th day of December, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-39770 Filed 12-22-80; 8:45 am]

BILLING CODE 3510-17-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to import marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: National Museum of Natural History (P6D) Smithsonian Institution.

b. Address: Washington, D.C. 20560.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Heaviside's dolphin (*Cephalorhynchus heavisidii*).

4. Type of Take: To import the skeleton of one Heaviside's dolphin taken by the Sea Fisheries Institute of South Africa for accession to the research collection of the museum.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or request for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following office(s): Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: December 16, 1980.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-39773 Filed 12-22-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Commerce Technical Advisory Board; Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Tuesday, January 6, 1981 from 9:30 a.m. until 5:00 p.m. in Room 3868-A, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. The agenda for this meeting will consist of possible topics to be addressed by CTAB in 1981.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community.

Copies of minutes and materials distributed will be made available for reproduction following certification by the Chairman, in accordance with the Federal Advisory Committee Act, Room 3867, U.S. Department of Commerce, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence Feinberg, Administrator, Room 3867, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377-5065.

Dated: December 10, 1980.

Francis W. Wolek,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 80-39001 Filed 12-22-80; 8:45 am]

BILLING CODE 3510-18-M

Committee for the Implementation of Textile Agreements

Announcing Import Levels for Certain Cotton Textile Products From the Socialist Republic of Romania Effective January 1, 1981

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import levels for certain cotton textile products imported from Romania during the twelve-month period beginning on January 1, 1981.

SUMMARY: The Bilateral Cotton Textile Agreement of January 6 and 25, 1978, as amended, between the Governments of the United States and the Socialist Republic of Romania establishes, among other things, consultation levels for certain categories of cotton textile products, such as Categories 335 (women's, girls' and infants' coats) and 338 (men's and boys' knit shirts), which are not subject to specific limits and which may be increased during the year upon agreement between the two governments. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 335 and 338 in excess of the designated levels.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 53506).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

December 17, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 6 and 25, 1978, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1981 and for the twelve-month period extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 335 and 338, produced or manufactured in Romania, in excess of the following levels of restraint:

Category	12-mo. level of restraint (dozen)
335	36,320
338	[1] 256,000

[1] Dozen of which not more than 97,222 dozen shall be in T.S.U.S.A. numbers 380.0028, 380.0029, 380.0651 and 380.0652.

In carrying out this directive, entries of cotton textile products in the foregoing categories, produced or manufactured in the Socialist Republic of Romania, which have been exported to the United States on and after January 1, 1980 and extending through December 31, 1980 shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of January 6 and 25, 1978, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part that: (1) the two governments will consult regarding adjustments in consultation levels and (2) administrative arrangements may be made to resolve problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provision of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 53506).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-39779 Filed 12-22-80; 8:45 am]

BILLING CODE 3510-25-M

COMMUNITY SERVICES ADMINISTRATION

Executive Order 12232 of August 8, 1980; Historically Black Colleges and Universities

AGENCY: Community Services Administration.

ACTION: Notice of Community Services Administration's designated official to implement Executive Order 12232.

SUMMARY: Executive Order 12232, Historically Black Colleges and Universities, directs Executive Agencies to designate an official to implement the Agency's responsibility set forth in this order and to act as the Agency liaison to the Secretary of Education. In compliance with this Executive Order the Community Services Administration (CSA) has designated William W. Allison, Deputy Director of CSA, as the CSA official to implement this order.

FOR FURTHER INFORMATION CONTACT: William W. Allison, 1200 19th Street, N.W., Washington, D.C. 20506, (202) 254-6218.

(Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.)

Richard J. Rios,

Director.

[FR Doc. 80-40017 Filed 12-22-80; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Community College of the Air Force (CCAF) Advisory Committee; Meeting

The Community College of the Air Force Advisory Committee will hold a meeting on January 20, 1981 at 8:30 a.m. in the Conference Room, Number 121, Building 836, located at Maxwell Air Force Base, Montgomery, Alabama.

The meeting is open to the public.

Agenda items include: Results of the COC Meeting, Academic Policy Considerations; Affiliation Procedures, Affiliation Visit Requirements, Proposed On-Line Student Record System and CCAF Status Codes.

For further information contact Major James H. Conely, 205-293-7937, Community College of the Air Force, Maxwell AFB, Alabama 36112.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-39800 Filed 12-22-80; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

Office of Assistant Secretary for Postsecondary Education

State Student Incentive Grant Program; Closing Date for Receipt of State Applications for Fiscal Year 1981

This notice specifies the closing date for receipt of State applications for Fiscal Year 1981 funds under the State Student Incentive Grant (SSIG) Program. This program is separately authorized under the Higher Education Act of 1965, as amended, Title IV, Part A, Sections 415A to 415D (20 U.S.C. 1070c—1070-3), to assist States in providing grants to students with substantial financial need. The authorization, as amended, specifies that a State which desires to obtain a payment under this program for any fiscal year shall have an agreement with the Secretary under Section 1203 of the Act and shall submit an application therefor through the State agency that administers its program of student grants.

As specified in the authorization, applications will be accepted from the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands. Requests for Fiscal Year 1981 SSIG funds must be received by the Department of Education on or before January 26, 1981.

Closing Date: January 26, 1981.

A. *Application Forms and Information:* The required application form for SSIG funds will be mailed to officials of State agencies at least 30 days before the due date for submission. These forms contain tables showing basic allotment amounts for individual States under the SSIG Program authorization, together with specific instructions for requesting Federal funds. The amounts available to States are limited by the statutory allotment Formula and the level of appropriations for the Program.

Applications must be prepared and submitted in accordance with program regulations and pertinent instructions.

B. *Applications Sent by Mail:* Applications sent by mail should be addressed to the Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202; and marked for the attention of Ms. Lanora G. Smith, Acting Chief, State Student Incentive Grant Program, Room 4004—ROB #3. Applications must be received in the Department of Education on or before the closing date. The Department of Education suggests that applicants consider the use of registered or certified mail as explained below to assure meeting the established deadlines.

An application sent by mail will be considered to be received on time by the Department of Education if:

(1) The application was sent by registered or certified mail not later than January 19, 1981, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the U.S. Department of Education mail room in Washington, D.C. In establishing the date of receipt, the Secretary will rely on the time-date stamp of the mail room or other documentary evidence of receipt maintained by the Department of Education.

C. *Hand-Delivered Applications:* An application to be hand delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance (Room 4004), Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

D. *Program Information:* Applications are required annually for the SSIG Program. In formulating applications, the State agencies should be guided by the allotment tables provided with the application forms.

Basic State allotments, to the extent needed by the States, are determined by formula and are not subject to negotiations. The States may also request a share of reallotments, in addition to their basic allotments, contingent upon the availability of such funds from allotments to any States unable to use all their basic allotments. In fiscal year 1980, all 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands and the Virgin Islands participated in the SSIG student assistance delivery network.

E. *For Further Information Contact:* Ms. Lanora G. Smith, Acting Chief, State Student Incentive Grant Program, Office of Student Financial Assistance, U.S. Department of Education, Washington, D.C. 20202, Telephone (202) 472-4265.

F. *Applicable Regulations:* Regulations applicable to the SSIG Program appear at 34 CFR Part 692 (formerly 45 CFR Part 192) and 34 CFR Parts 76 and 77 (formerly 45 CFR Part 100b and 100c), subject to the amendments to the Program legislation made by the Education Amendments of 1980, Pub. L. 96-374.

(Catalog of Federal Domestic Assistance Number: 84.069, State Student Incentive Grant Program)

Dated: December 16, 1980.

Albert H. Bowker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 80-40032 Filed 12-22-80; 8:45 am]

BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

Grants to State Educational Agencies To Meet the Special Educational Needs of Migratory Children

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Transmittal of Applications for Fiscal Year 1982.

Applications are invited for grants under the Migrant Education Program of Title I, Section 141, of the Elementary and Secondary Education Act (ESEA).

The authority for this program is contained in Sections 141-142 of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561.

(20 U.S.C. 2761, 2762)

Eligible applicants are State educational agencies (SEAs).

The purpose of this program is to provide grants to SEAs to establish or improve programs designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers.

Closing Date for Transmittal of Applications: Applications for grants must be mailed or hand delivered by April 15, 1981, unless in response to a specific request, the U.S. Department of Education extends this closing date for a particular SEA.

The U.S. Department of Education may grant an extension if the applicant SEA can show that the April 15 closing date creates difficulties for that SEA because of its current application development schedule and funding cycle. If an applicant SEA needs an extension of the April 15 closing date, it should notify the Office of Migrant Education of the U.S. Department of Education as soon as possible, and in any event, prior to April 1, 1981.

Applications Delivered by Mail: An application sent by mail must be addressed to Mr. Vidal A. Rivera, Jr., Deputy Assistant Secretary for Migrant Education, Office of Migrant Education, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW (ROB-3, Room 3608), Washington, D.C. 20202.

An applicant SEA must show proof of mailing consisting of one of the following:

(a) A legibly dated U.S. Postal Service postmark.

(b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(c) A dated shipping label, invoice, or receipt from a commercial carrier.

(d) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(a) A private metered postmark.

(b) A mail receipt that is not dated by the U.S. Postal Service.

An applicant SEA should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant SEA is encouraged to use registered or at least first class mail. Each late applicant SEA will be notified that its application will not be considered—unless that SEA has been granted an extension to the closing date.

Applications Delivered by Hand: An application that is hand delivered must be taken to the Office of Migrant Education, Office of Elementary and Secondary Education, U.S. Department of Education, Room 3608, Regional Office Building 3, 7th and D Streets, SW, Washington, D.C.

The Office of Migrant Education will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Grants are made to SEAs to establish or improve programs designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers. An applicant SEA must submit a State Program Plan covering a period of one program year and a State Monitoring and Enforcement Plan covering a period of from one to three years.

Application Forms: Application forms and instructions will be mailed to all eligible SEAs. Additional forms and instructions may be obtained by writing to the Office of Migrant Education, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (ROB-3, Room 3608), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program application package.

Special Procedures: Each applicant SEA is subject to the requirement in the Education Division Gerneral Administrative Regulations (EDGAR) (34 CFR Part 76) that gives the State's Governor up to 45 days to comment on the State Plan.

Each applicant SEA is also subject to the requirements of Section 435 of the General Education Provisions Act with respect to publication of the State Program Plan. Section 435 of the General Education Provisions Act requires the SEA to publish the State Program Plan in a manner that assures circulation throughout the State. The SEA must publish the State Program Plan at least 60 days before its submission to the Secretary, and must establish a 30-day comment period.

Applicable Regulations: The regulations applicable to this program include the following:

(a) The Title I, ESEA, Section 141, Migrant Education Program Regulations (State Formula Grant Program) (34 CFR Part 204).

(b) The Title I General Provisions Regulations (34 CFR Part 200).

(c) The Education Division General Administrative Regulations (34 CFR Parts 76 and 77).

FURTHER INFORMATION: For further information, contact Ms. Lila Shapiro, Office of Migrant Education, Office of Elementary and Seconday Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (ROB-3, Room 3608), Washington, D.C. 20202. Telephone (202) 245-2222.

(20 U.S.C. 2761, 2762, 2763)

(Catalog of Federal Domestic Assistance No. 84.011; Educationally Deprived Children—Migrants)

Dated: December 16, 1980.

Thomas K. Minter,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 80-40037 Filed 12-22-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

The State Planning Council on Radioactive Waste Management; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory meeting:

Name: The State Planning Council on Radioactive Waste Management

Date and time: Thursday, January 8, 1981; 1:30 p.m. to 5:30 p.m. Friday, January 9, 1981; 9 a.m. to 12 noon.

Place: Hyatt Regency Hotel, 122 North Second Street, Phoenix, Arizona 85004.

Contact: Janie Shaheen, State Planning Council, 1900 L Street, N.W., Suite 605, Washington, D.C. 20036, Telephone: 202-785-2901.

Purpose of Council: The State Planning Council on Radioactive Waste Management was established by Executive Order 12192 dated February 12, 1980, to provide advice and recommendations to the President and the Secretary of Energy on nuclear waste management (including interim management of spent fuel).

Tentative Agenda: The agenda for this meeting will cover the following topics: high level waste management, including the interim storage of spent nuclear fuel; low level waste management; DOE's National Plan for Radioactive Waste Management; public participation in Council activities; the Council's interim report to the President; and the transportation of radioactive waste.

Public Participation: The meeting is open to the public. The Chairman of the Council is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Council will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at (202) 252-5187. Requests must be received at least 5 days prior to the

meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive Summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on December 18, 1980.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 80-40049 Filed 12-22-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Peoples Energy Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

Comments by January 22, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On December 11, 1980, the Office of Enforcement of the ERA executed a proposed Consent Order with Peoples Energy Corporation ("Peoples"). Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Peoples, with its home office located in Chicago, Illinois, is engaged in the processing and sale of natural gas liquids (NGL) and NGL products, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Peoples, the ERA Office of Enforcement and Peoples entered into a Consent Order, the significant terms of which are as follows:

1. The Office of Enforcement has examined Peoples' books and records and reviewed all pertinent matters relating to Peoples' compliance with the DOE petroleum price regulations in effect during the period from September 1, 1973 through October 31, 1980. All civil matters pertaining to compliance with the DOE petroleum price regulations and prices charged by Peoples in sales of NGL and NGL products during the period September 1, 1973 through October 31, 1980 are resolved by this Consent Order.

2. Peoples will refund the aggregate amount of $750,000, which includes interest through the date on which the Consent Order becomes effective.

3. Execution of the Consent Order constitutes neither an admission by Peoples nor a finding by DOE that Peoples has violated any statutes or applicable regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration or the Department of Energy.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Peoples agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $750,000 within 30 days after the Consent Order becomes effective.

Such refund will be made to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, overcharges may have been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim on or before January 22, 1981 to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Peoples Consent Order." We will consider all comments we receive by January 22,

1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 12th day of December, 1980.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 80-40028 Filed 12-22-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 202/653-3569. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Washington, DC on the 18th day of December, 1980.

Robert D. Gerring,

Director, Enforcement Program Operations Division, Economic Regulatory Administration.

Proposed Remedial Orders—Western District

Station	Address	Date	Violation amount	Cents per gallon in violation
Eugene's Chevron Service	2301 Noriega Street, San Francisco, CA. 94122.	11-28-80	$3,511.38	9.4
Jim's Texaco	9499 Alcosta Blvd., San Ramon, CA 94583	11-28-80	1,779.82	9.8
Union Park Service	27 So. Park Victoria, Milpitas, CA 95035	11-28-80	15,649.63	11.1
Alameda Chevron	3500 Alameda, Menlo Park, CA 94025	11-28-80	2,250.53	8.2
Howard De Roven Shell	2900 North Main St., Walnut Creek, CA 94596.	11-28-80	10,112.19	9.0
Pacific Manor Shell	Aura Vista and Palmetto, Pacifica, CA 94044	11-28-80	5,978.79	6.9
Nelson's Service Center, Inc	2747 Crow Canyon Road, San Ramon, CA 94583.	11-28-80	28,294.33	8.8
Kim's Mobil	3101 98th Avenue, Oakland, CA 94605	11-28-80	6,646.68	5.5
Entrada Arco	400 Entrada Drive Novato, CA 94947	11-28-80	4,536.78	6.3
A-1 Arco	889 West Grand Ave., Oakland, CA 94611	11-28-80	11,256.66	8.9
A-1 Exxon	836 Bay Avenue, Capitola, CA 95010	11-28-80	3,017.06	7.5
Jerry Bullard Chevron	3300 Bradshaw Road, Sacramento, CA 95827.	11-28-80	45,165.89	8.3
James Clawson Chevron	3333 Arden Way, Sacramento, CA 95825	11-28-80	8,271.41	12.5
Paul Provost Chevron	151 N. Kern, Salinas, CA 93901	11-28-80	7,808.19	8.4
Ed's Auto Service	1210 Brockman, San Lorenzo, CA 94580	11-28-80	12,001.73	10.9
Sherwood Garden Chevron	987 N. Main, Salinas, CA 93906	11-28-80	16,835.25	10.3

[FR Doc. 80-40029 Filed 12-22-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL 1709-3]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Purpose: Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment during the period of October 1, 1980 and October 31, 1980.

Summary of Notice: The information presented below describes the Federal agency responsible for the action, the type of document reviewed by EPA, the EPA review control number, and the title of the document reviewed. The classification of the nature of EPA's comments is listed for each draft EIS.

Availability of Information Contained in this Notice: *Documents Reviewed by EPA:* The documents identified below are prepared by the Federal Agency identified in the listing. Copies may be obtained by requesting the document from the Federal agency responsible for its preparation. EPA does not maintain copies for distribution.

EPA Comments: Copies of EPA's comment identified below are available upon request from the appropriate EPA Regional Library or you may contact the Public Information Reference Unit, Environment Protection Agency, Room 2922, Waterside Mall, S.W., Washington, D.C., 20460.

EPA's Procedures for Commenting: Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the contact identified below for further information.

For Further Information Contact: Ms. Kathi L. Wilson, Office of Environmental Review (A-104), U.S. Environmental Protection Agency, Washington, D.C. 20460, Telephone: (202) 245-3006.

Period Covered: October 1, 1980 and October 31, 1980.

Corps of Engineers

Control No.: DA-COE-A34128-00; EPA Rating: LO2; Copies of Comments: EPA, Atlanta—Richard B. Russell Dam, Lake Savannah River, Georgia and South Carolina

Control No.: D-COE-E02003-AL; EPA Rating: LO2; Copies of Comments: EPA, Atlanta—Four exploratory and appraisal hydrocarbon wells, Mobile Bay, Mobile County, Ala.

Control No.: D-COE-E32031-MS; EPA Rating: LO2; Copies of Comments: EPA, Atlanta—Krebs Lake Navigation Project, Pascagoula, Jackson County, Miss.

Control No.: D-COE-E34018-GA; EPA Rating: LO2; Copies of Comments: EPA, Atlanta—Metropolitan Atlanta Water Resources Management Study, Long-Range Water Supply Study, Georgia.

Control No.: D-COE-E50005-NC; EPA Rating: ER2; Copies of Comments: EPA, Atlanta—Atlantic Intracoastal Waterway Bridges, Coinjock Bridge Phase I, Currituck County, N.C.

Control No.: DS-COE-F36027-MN; EPA Rating: EU1; Copies of Comments: EPA, Chicago—Flood Control, Roseau River 404 (B)(1), Roseau and Kittson Counties, Minn.

Control No.: D-COE-G36086-TX; EPA Rating: ER2; Copies of Comments: EPA, Dallas—Lower Rio Grande Basin, Flood Control and Drainage Program, Texas.

Control No.: D-COE-H36040-00; EPA Rating: LO2; Copies of Comments: EPA, Kansas City—Maline Creek Watershed, St. Louis Metropolitan Area, St. Louis County, Missouri and Illinois.

Control No.: F-COE-H32003-MO; Copies of Comments: EPA, Kansas City—Caruthersville Harbor Navigation Channel, Pemiscot County, Mo.

Control No.: F-COE-B32001-MA; Copies of Comments: EPA, Boston—Boston Harbor Debris Removal and Disposal, Suffolk County, Mass.

Control No.: F-COE-K28005-CA; Copies of Comments: EPA, San Francisco—Operation of Delta Pumping Plant and Related Facilities, Permit, Contra Costa and Alameda Counties, Calif.

Control No.: F-COE-L36072-00; Copies of Comments: EPA, Seattle—Mt. Saint Helens

Recovery Operations, Cowlitz County, Washington and Columbia County, Oreg.

Council on Environmental Quality

Control No.: A-CEQ-A01064-00; Copies of Comments: EPA, Washington, DC—Towards a National Phosphate Policy, a Report.

Department of Argiculture

Control No.: D-AFS-A60111-AK; EPA Rating: LO2; Copies of Comments: EPA, Washington, DC—Withdrawal Request under FLPMA Section 204(c) for national forest lands in Alaska.

Control No.: D-AFS-K61048AZ; EPA Rating: LO2; Copies of Comments: EPA, San Francisco—San Francisco River Wild and Scenic Study, Apache-Sitgreaves National Forests, Greenlee County, Ariz.

Control No.: D-AFS-K61049-AZ; EPA Rating: LO2; Copies of Comments: EPA, San Francisco—Salt River Wild and Scenic River Study, Tonto National Forest, Gila County, Ariz.

Control No.: D-SCS-E36063-FL; EPA Rating: LO2; Copies of Comments: EPA, Atlanta—Jumper Creek Watershed, Sumter County, Fla.

Control No.: FS-AFS-L60000-WA; Copies of Comments: EPA, Seattle—Alpine Lakes Area Acquisitions, Chelan, King, Kittitas, Pend, Oreille, Pierce, Skagit, Snohomish, Stevens and Yakima Counties, Wash.

Control No.: F-SCS-D36032-DE; Copies of Comments: EPA, Philadelphia—Pepper Creek Flood Prevention and Drainage Measure, Sussex County, Del.

Control No.: F-SCS-G36082-LA; Copies of Comments: EPA, Dallas—East Carroll Watershed, Flood Protection, East Carroll Parish, La.

Control No.: F-SCS-G36085-OK; Copies of Comments: EPA, Dallas—Lost-Duck Creeks Watershed, Kay County, Okla.

Control No.: RR-AFS-65141-00; Copies of Comments: EPA, Washington, DC—36 CFR Part 221, Timber Management Planning, Review of Regulation Under E.O. 12044 (45 FR 56082).

Department of Defense

Control No.: D-DOD-A23010-00; EPA Rating: LO2; Copies of Comments: EPA, Washington, DC—The Safe Collection, Transportation and Final Disposal of US Department of Defense Stocks of DDT.

Control No.: F-USA-J26000-CO; Copies of Comments: EPA, Denver—Installation Restoration at Rocky Mountain Arsenal, Expanded North Boundary Containment Operations, Adams County, Colo.

Control No.: FS-USN-E11006-GA; Copies of Comments: EPA, Atlanta—Kings Bay Fleet Ballistic Missile Submarine Base, Camden County, Ga.

Department of Interior

Control No.: D-BLM-A02163-AK; EPA Rating: ER2; Copies of Comments: EPA, Washington, DC—Alaska Outer Continental Shelf (OCS) Oil and Gas Lease Sale No. 60, Lower Cook Inlet Shelikof Strait, Alaska.

Control No.: D-BLM-K08007-00; EPA Rating: LO2; Copies of Comments: EPA, San Francisco—Arizona Public Service and San Diego Gas and Electric Interconnection Project, Arizona and Calif.

Control No.: D-BLM-K11020-AZ; EPA Rating: LO2; Copies of Comments: EPA, San Francisco—Luke Air Force Base, Continued Use of Public Land, Arizona.

Control No.: D-BLM-K65042-CA; EPA Rating: LO2; Copies of Comments: EPA, San Francisco—Mount Dome Planning Unit, Proposed Domestic Livestock Grazing Program, California.

Control No.: D-BLM-L65061-OR; EPA Rating: ER1; Copies of Comments: EPA, Seattle—South Coast and Curry Sustained Yield Units Ten-Year Timber Management Plan, Coop, Curry, Douglas and Lane Counties, Oreg.

Control No.: D-HCR-K61052-CA; EPA Rating: LO1; Copies of Comments: EPA, San Francisco—Proposed Designation of five California rivers, National Wild and Scenic Rivers System, California.

Control No.: D-OSM-J01031-UT; EPA Rating: EU2; Copies of Comments: EPA, Denver—Southern Utah and Alton Coal Mining and Reclamation Operation, Section 522 Unsuitability Determination, Utah.

Control No.: D-NPS-E61033-NC; EPA Rating: LO2; Copies of Comments: EPA, Atlanta—Cape Lookout National Seashore (GMP), Carteret County, N.C.

Control No.: D-NPS-F61011-MN; EPA Rating: LO1; Copies of Comments: EPA, Chicago—Wilderness Recommendation, Voyageurs National Park, Minn.

Control No.: D-SFW-K39014-CA; EPA Rating: ER2; Copies of Comments: EPA, San Francisco—Trinity River Management Flow, mitigate loss of Anadromous Fishery, Trinity and Humboldt Counties, Calif.

Control No.: F-BLM-J99016-CO; Copies of Comments: EPA, Denver—Gunnison Basin Grazing Management program, Silverton Planning Unit, Colorado.

Control No.: F-BLM-J99019-CO; Copies of Comments: EPA, Denver—White River Resource Area Grazing Management, Colorado.

Control No.: F-BLM-A02156-CA; Copies of Comments: EPA, Washington, DC—Proposed 1981 Outer Continental Shelf (OCS) Oil and Gas Lease Sale No. 53 Offshore Central and Northern California.

Control No.: F-BLM-G61013-NM; Copies of Comments: EPA, Dallas—San Juan Grazing Management Program, San Juan, Rio Arriba, and Sandoval Counties, N. Mex.

Control No.: F-BLM-K61045-CA; Copies of Comments: EPA, San Francisco—Johnson Valley to Parker Motorcycle Race, San Bernardino County, Calif.

Control No.: F-BLM-L65059-OR; Copies of Comments: EPA, Seattle—Ironside Grazing Management Program, Baker and Malheur Counties, Oreg.

Control No.: FA-WPR-K39001-CA; Copies of Comments: EPA, San Francisco—Auburn Dam, Arburn and Folsom South Unit, Seismiscity and Dam Safety, American River Division, Central Valley Project, Calif.

Control No.: F-WPR-K39012-CA; Copies of Comments: EPA, San Francisco—New Melones Lake, Stanislaus River, Central Valley Project, Water Allocations and Reservoir Operations, California.

Control No.: R-BIA-A01065-00; Copies of Comments: EPA, Washington, DC—25 CFR Parts 171, 172, 173, 177, and 182 Indian Mineral Development Regulations, proposed rulemaking (45 FR 53164).

Control No.: A-BLM-A02162-CA; Copies of Comments: EPA, Washington, DC—Proposed OCS Oil and Gas Lease Sale No. 73 Offshore California, extending from the Oregon border (approximately 42.0 N latitude) south to the Mexican border (approximately 32.5 N latitude), resource report.

Department of Transportation

Control No.: DS-FHW-A41867-KY; EPA Rating: LO2; Copies of Comments: EPA, Atlanta—Henry Watterson Expressway I-264, Jefferson County, Ky.

Control No.: D-FHW-F40154-4-Oh; EPA Rating: ER2; Copies of Comments: EPA, Chicago—I-670 Extension and East Corridor Transit Alternative Analysis, Franklin County, Ohio

Control No.: D-FHW-F40155-00; EPA Rating: LO2; Copies of Comments: EPA, Chicago—Mississippi River Bridge Replacement, Wabasha County, Minn., T.H. 60 and WI-25, from U.S. 61 at Wabasha to WI-35 at Nelson, Wis.

Control No.: D-FHW-F53-013-MI; EPA Rating: ER2; Copies of Comments: EPA, Chicago—Kalamazoo Rail Consolidation Program, Kalamazoo County, Mich.

Control No.: DS-FHW-J40037-ND; EPA Rating: ER1; Copies of Comments: EPA, Denver—U.S. 83, 4th Avenue to 5th Avenue Transition, Minot, Ward County, N. Dak.

Control No.: D-FHW-J40055-CO; EPA Rating: LO1; Copies of Comments: EPA, Denver—Wolf Creek Pass East and U.S. 160, Mineral and Rio Grande Counties, Colo.

Control No.: D-FHW-K40084-AZ; EPA Rating: LO2; Copies of Comments: EPA, San Francisco—Kolb Corridor Highway Improvements, 22nd Street to I-10, Tucson, Maricopa County, Ariz.

Control No.: F-FHW-L40062-OR; Copies of Comments: EPA, Seattle—Mystic Creek and Muns Creek Section, Coos Bay and Roseburg Highway, OR-42, Douglas County, Oreg. (FHWA-OR-EIS-78-2-D)

Control No.: F-FHW-L40033-OR; Copies of Comments: EPA, Seattle—Allen Boulevard, Southwest Murray to Southwest Alice Lane, City of Beaverton, Washington County, Oreg. (FHWA-OR-EIS-79-08D)

Control No.: F-FAA-D51010-VA; Copies of Comments: EPA, Philadelphia—Metropolitan Washington Airports Policy, Arlington, County, Va.

Control No.: F-FHW-A42009-MD; Copies of Comments: EPA, Philadelphia—U.S. 43 National Freeway, Section I, Wolfe Mill to MV Smith Road, Allegheny County, Md.

Control No.: F-FHW-E40172-NC; Copies of Comments: EPA, Atlanta—NC 51 from NC-16 to U.S. 74, Matthews, Mecklenburg County, N.C.

Control No.: F-FHW-F40133-IL; Copies of Comments: EPA, Chicago—IL-789 Spur, Alton Beltline Extension, Madison County, Ill.

Control No.: F-FHW-G40060-OK; Copies of Comments: EPA, Dallas—I-235 Central Expressway, North Broadway Extension to I-35 and I-40, Oklahoma City, Okla.

Control No.: F-FHW-H40086-NB; Copies of Comments: EPA, Kansas City—NB-31 Improvement, Gretna Fish Hatchery Road and the Louisville West Project, Sarpy County, Nebr.
Control No.: F-UMT-E54002-GA; Copies of Comments: EPA, Atlanta—North Line, Lindburgh and Piedmont Segment, Fulton County, Ga.
Control No.: A-FHW-F40159-MI; Copies of Comments: EPA, Chicago—Environmental Assessment, Wilder Road Widening Project, Bay County, Mich.
Control No.: A-FHW-F40160-IN; Copies of Comments: EPA, Chicago—Scoping, IN-129 Extension, Ripley County, Ind.
Control No.: A-FHW-F40161-IL; Copies of Comments: EPA, Chicago—Environmental Study, Interchange FAI-Route 255 near East St. Louis, Ill.

Farm Credit Administration

Control No.: R-FCA-A86175-00; Copies of Comments: EPA, Washington, DC—12 CFR Ch. VI, Proposed Statement of Policy, National Environmental Policy Act (45 FR 55213)

Federal Energy Regulatory Commission

Control No.: F-FRC-K05014-CA; Copies of Comments: EPA, San Francisco—Dinkey Creek Project No. 2890, Fresno County, Calif.
Control No.: A-FRC-D05002-PA; Copies of Comments: EPA, Philadelphia—Environmental Report, Raystown Hydroelectric Project, Huntington County, Pa.

Federal Trade Commission

Control No.: R-FTC-A52151-00; Copies of Comments: EPA, Washington, DC—16 CFR Part 455, Sale of Used Motor Vehicles, Disclosure and Other Regulation (45 FR 52750)

General Service Administration

Control No.: D-GSA-D80012-DC; EPA Rating: ER2; Copies of Comments: EPA, Philadelphia—Smithsonian Institution Quadrangle Development, Washington, D.C.

Department of Health Education and Welfare

Control No.: A-HEW-D80013-MD; Copies of Comments: EPA, Philadelphia—Environmental Assessment, Relocation of the National Cancer Institute's Laboratory, Viral Carcinogens to the Frederick Cancer Research Center, Md.

Department of Housing and Urban Development

Control No.: D-HUD-C85024-PR; EPA Rating: ER2; Copies of Comments: EPA, New York—Monte Brisas v. Fajardo Housing Project, Puerto Rico
Control No.: DS-HUD-D89023-PA; EPA Rating: ER2; Copies of Comments: EPA, Philadelphia—Gallery II of Market Street East, (CDBG) Philadelphia, Pa.
Control No.: D-HUD-G85150-TX; EPA Rating: LO1; Copies of Comments: EPA, Dallas—Fairfield Subdivision Mortgage Insurance, Tarrant County, Tex.
Control No.: D-HUD-G85151-TX; EPA Rating: ER2; Copies of Comments: EPA, Dallas—Grogan's Crossing Subdivision, Mortgage Insurance, Montgomery County, Tex.
Control No.: D-HUD-J85039-CO; EPA Rating: ER2; Copies of Comments: EPA, Denver—Sunrise Ridge Housing Development, Widefield, El Paso County, Colo.
Control No.: D-HUD-L85020-WA; EPA Rating: 3; Copies of Comments: EPA, Seattle—Gem Heights Planned Development, Pierce County, Wash. (HUD-R10-EIS-ID)
Control No.: F-HUD-B89014-MA; Copies of Comments: EPA, Boston—Copley Place, Boston, Suffolk County, Mass. (UDAG)
Control No.: F-HUD-C85017-NJ; Copies of Comments: EPA, New York—Nassau Woods Development, Franklin Township, Somerset County, N.J.
Control No.: F-HUD-F85054-MN; Copies of Comments: EPA, Chicago—Cloverleaf Farm Development, Blaine, Anoka County, Minn.
Control No.: FS-HUD-G85142-TX; Copies of Comments: EPA, Dallas—Flower Mound New Town, Termination, Flower Mound, Denton County, Tex.
Control No.: F-HUD-G85144-TX; Copies of Comments: EPA, Dallas—Hickory Creek Subdivision, Fort Bend County, Tex.
Control No.: F-HUD-G85147-TX; Copies of Comments: EPA, Dallas—Southwyck Subdivision, Mortgage Insurance, Pearland, Brazoria County, Tex.
Control No.: F-HUD-K85026-AZ; Copies of Comments: EPA, San Francisco—Countryside Housing Subdivision, Pima County, Ariz.

International Boundary and Water Commission

Control No.: F-IBW-K24003-CA; Copies of Comments: EPA, San Francisco—Proposed Recommendations for Solution of New River International Border Sanitation Problem, Mexicali BCN and Calexico, Calif.

Department of Justice,

Control No.: D-JUS-K81011-AZ; EPA Rating: LO2; Copies of Comments: EPA, San Francisco—Phoenix Federal Correctional Institution, Maricopa County, Ariz.

Tennessee Valley Authority

Control No.: D-TVA-E09006-AL; EPA Rating: ER2; Copies of Comments: EPA, Atlanta—Coal Gasification Project, Murphy Hill Plant, Marshall County, Ala.

Dated: December 17, 1980.

William N. Hedeman, Jr.,
Director, Office of Environmental Review.

[FR Doc. 80-39765 Filed 12-22-80; 8:45 am]
BILLING CODE 6560-37-M

[OPP-180377A; PH-FRL 1709-8]

California; Issuance of Specific Exemption for Komeen in Irrigation Water

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") for the use of Komeen (cooper ethylenediamine) to control *Hydrilla verticillata* which is infesting the Sheldon Reservoir, the All American Canal, Westside Main Canal, and laterals in California. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-124, 401 M St. SW., Washington, D.C. 20460 (202-426-0223).

SUPPLEMENTARY INFORMATION: On August 6, 1979, the Applicant initiated a crisis exemption for the use of Komeen to control *Hydrilla verticillata*, a noxious aquatic weed, in irrigation canals and laterals. EPA announced this crisis exemption in the Federal Register of October 22, 1979 (44 FR 60812). The Applicant had previously submitted a request for a specific exemption for this use. Under the crisis exemption, two treatments were made in August and October 1979, to a 40-mile stretch (52 surface acres) of the All American and Westside Main Canal, and the Sheldon Reservoir. A total of 16,020 gallons of product were used.

Hydrilla verticillata Royle is a plant of tropical origin that can survive cold winters. Hydrilla's tolerance for low light enables it to grow at greater depths and in darker water than most native aquatic plants and Hydrilla thus can quickly overcome existing vegetation. Because of its rampant growth, Hydrilla greatly interferes with fisheries, waterflow, and boat traffic. According to the Applicant, Hydrilla can infest and plug a canal within a week. The Sheldon Reservior was reported as being 80 percent infested within 2 years, resulting in a 25 percent loss of waterholding capacity.

Mechanical removal of Hydrilla is slow and expensive in containing the pest because Hydrilla stems often fragment and form large, floating masses. According to the Applicant, if Hydrilla were to become widely established in the Imperial Valley, control costs could reach $10 million annually; for the entire State, the cost could be $20 million. Additional losses would occur if the fields were not irrigated because the canals could not be cleared in time. The $225 million rice industry in California is threatened by Hydrilla. Data indicate that alternative

chemicals are not effective in controlling Hydrilla, while Komeen is. The Applicant proposed to make a maximum of four applications using a total of 70,400 gallons of product.

Komeen has been registered since 1974 for use in potable water. The major use of Komeen in California under the proposed use is for irrigation canals and laterals. While EPA does noted have data to negate possible adverse effects from Komeen under this specific exemption, it has been determined that emergency conditions exist in California and that no accidents relating to the use of Komeen in potable water have been reported. Accordingly, the Applicant has been granted a specific exemption to use the pesticide not above until December 31, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Use of the Sandoz product Komeen, EPA Reg. No. 11273-16, which contains the active ingredient copper ethylenediamine, is authorized at a dosage rate of 8-16 gallons of product (6.4-12.8 lb Cu++) per surface acre. Both ground (84-384 gallons of water per acre) and aerial applications (4-44 gallons of water per acre) are authorized. Use of Nalquatic spray adjuvant at 1-2 percent of the total product volume is also authorized.

2. Applications are to be made by, or under the supervision of, State-certified applicators in conformance with California permit requirements.

3. 70,400 gallons of product and four applications are authorized.

4. The towns of Westmoreland and Calexico are to be notified when treatments with Komeen are to be made. Use of treated water must be postponed until the treated water has passed the towns' sources of potable water.

5. The California Department of Fish and Game must be notified in advance of any Komeen treatments in order to allow them to monitor for environmental effects. Although the U.S. Department of Agriculture will monitor copper levels and the Water and Power Resources Service will monitor residue levels, the Applicant is directly responsible under this specific exemption for ensuring that all monitoring programs are conducted. In particular, monitoring for ethylenediamine residues in potable water and irrigated crops must be conducted after each treatment with Komeen. The EPA shall be promptly notified on the results of monitoring after each treatment with Komeen.

6. All applicable use directions, precautions, and restrictions must be adhered to.

7. Any adverse effects resulting from the use of Komeen in connection with this specific exemption must be immediately reported to the EPA.

8. A final report on the action taken under this specific exemption and the benefits derived must be submitted to the EPA by April 30, 1981. This report is in addition to the reports on the monitoring for residues of ethylenediamine as prescribed in item 5 above.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136)).

Dated: December 12, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-39706 Filed 12-22-80; 8:45 am]

BILLING CODE 6560-32-M

[PP 0G2392/T276; PH-FRL 1710-1]

1,3-Dichloropropene; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been established for residues of the nematocide 1,3-dichloropropene and its metabolite 3-chloroallyl alcohol in or on peaches, cherries, plums, fresh prunes, figs, walnuts, almonds, grapes, oranges (except Valencia oranges), lemons, and grapefruits at 0.01 part per million (ppm) as a result of post plant applications.

FOR FURTHER INFORMATION CONTACT: Eugene M. Wilson, Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-349, 401 M St., SW., Washington, D.C. 20460 (202-755-1806).

SUPPLEMENTARY INFORMATION: Dow Chemical Co., P.O. Box 1706, Midland, MI 48640 has requested establishment of temporary tolerances for residues of the nematocide, 1,3-dichloropropene and its metabolite 3-chloroallyl alcohol in or on the raw agricultural commodities peaches, cherries, plums, fresh prunes, figs, walnuts, almonds, grapes, oranges (except Valencia oranges), lemons, and grapefruits at 0.01 part per million as a result of post plant application.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit (464-EUP-63) which has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated, and it has been determined that these tolerances are adequate to protect the public health. Therefore, the temporary tolerances are established on the condition that the pesticide be used in accordance with the experimental use permit and the following provisions:

1. The total amount of the active nematocide to be used must not exceed the quantity authorized in the experimental use permit.

2. Dow Chemical Co. will immediately notify the EPA of any findings from the experimental use permit that have a bearing on safety. The firm will also keep records of production, distribution, and performance and on request make these records available to any authroized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire October 1, 1982. Residues not in excess of the temporary tolerances remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561 (21 U.S.C. 346a(j)).)

Dated: December 15, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-39709 Filed 12-22-80; 8:45 am]

BILLING CODE 6560-32-M

[PF-209; PH-FRL 1710-5]

Certain Pesticide Chemicals; Notice of Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed pesticide petitions with the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to the Product Manager given in each petition at the address below:

Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the

agency. The comments are to be identified by the document control number "[PF-209]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the Product Manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: The Product Manager given in each specific petition and the telephone number cited.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the agency to establish tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2430. Shell Oil Co., 1025 Connecticut Ave., NW., #200, Washington, D.C. 20036, proposes amending 40 CFR 180.379 by establishing tolerances for residues of the insecticide cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodities sweet corn kernels and cobs at 0.1 ppm. The proposed analytical method for determining residues of the insecticide is by a gas liquid chromatography procedure using an electron capture detector. (PM 17, Franklin D. R. Gee, Rm. E-341, 202-755-115).

PP 1F2433. American Cyanamid, Agricultural Research Div., P.O. Box 400, Princeton, NJ 08540, proposes amending 40 CFR 180.352 by establishing tolerances for the combined residues of the insecticide terbufos (S-[(1,1-dimethyl)thio]methyl]*O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the harvestable portions of the following raw agricultural commodities: cabbage, broccoli, and cauliflower at 0.05 part per million. The proposed analytical method for determining residues is a gas chromatographic procedure equipped with a phosphorus-sensitive, alkali flame ionization detector.

(PM 16, William H. Miller, Rm. E-343, 202-426-9458).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: December 15, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-39771 Filed 12-22-80; 8:45 am]

BILLING CODE 6560-32-M

[PF-158A; PH-FRL 1710-6]

Pennwalt Corp.; Notice of Filing of Pesticide and Feed Additive Petitions; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces an amendment to the pesticide petition (PP 9F2274) and feed additive petition (FAP 9H5241) for the fungicide thiophanate-methyl (dimethyl [(1,2-phenylene)bis (iminocarbonothioyl)] bis[carbamate]), its oxygen analogue dimethyl-4,4-*o*-phenylenebis(allophanate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl) in or on certain raw agricultural commodities and feed item.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-305, 401 M St., SW., Washington, D.C. 20460.

Written comments may be submitted and inquiries directed to the Product Manager. Written comments should bear a notation indicating both the petition number and the document control number "[PF-158A]." Comments may be made at any time while the petition is pending before the agency. All written comments filed pursuant to this notice will be available for inspection in the office of the Product Manager from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby (202-755-2562).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of February 15, 1980 (45 FR 10402) that pesticide petition 9F2274 and feed additive petition 9H5241 had been filed by Pennwalt Corp., P.O. Box C, King of Prussia, PA 19406. These petitions proposed that 40 CFR 180.371 and 21 CFR Part 561 be amended by establishing tolerances for the combined residues of the fungicide thiophanate-methyl (dimethyl [(1,2-phenylene)bis (iminocarbonothioyl)] bis[carbamate]), and its oxygen analogue dimethyl-4,4-*o*-phenylenebis (allophanate), and its benzimidazole-containing metabolites (calculated as thiophanate-methyl) in or on certain raw agricultural commodities and a feed item.

Pennwalt has submitted an amendment to the petitions requesting the following changes and additions:

PP 9F2274

Commodity	Parts per million: Previously proposed tolerance	Parts per million: Proposed amended tolerance
Milk	0.1	1.0
Liver of cattle	.5	2.5
Liver of horses and hogs	.1	1.0
Liver of goats and sheep	.1	2.5
Kidney of goats and sheep	.1	0.2

FAP 9H5241

Commodity	Parts per million: Previously proposed tolerance	Parts per million: Proposed amended tolerance
Apple pomace (dried)	70.0	40.0

(Secs. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5) 72 Stat. 1786, (21 U.S.C. 348))

Dated: December 16, 1980.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-39772 Filed 12-22-80; 8:45 am]

BILLING CODE 6560-32-M

[EN-FRL 1709-5]

Motor Vehicles: Emission Control System Performance Warranty Regulations; Petitions for Reconsideration or Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of Petitions for Reconsideration of the Emission Control System Performance Warranty Regulations.

SUMMARY: On July 11, 1980, and July 18, 1980, the Automotive Service Industry Association ("ASIA") and the Automotive Parts Rebuilders Association ("APRA"), respectively, petitioned the Administrator of the U.S. Environmental Protection Agency ("EPA") or ("the Agency") for reconsideration of the Emission Control System Performance Warranty ("Performance Warranty" or "warranty") Regulations. The basis of these petitions is that EPA published a list of parts as an appendix to the warranty regulations to advise parties of which parts EPA believes are covered under the performance warranty for the full useful life of the vehicle, and that this parts list was not contained in the Notice of Proposed Rulemaking ("Proposal") for the performance warranty. Although the Federal Register

notice containing the parts list expressly stated that this list was only advisory. ASIA and APRA assert that the Administrator, in publishing the list, has effectively promulgated a regulation upon which they had no opportunity to comment. Moreover, ASIA and APRA assert that the parts list is overly broad such that it has altered the warranty in a manner which effectively precluded them from fully commenting on the warranty regulations during the public comment period.

The Agency has examined ASIA's and APRA's petitions and finds that their contentions are unfounded because (1) the publication of an advisory list of parts covered under the performance warranty was not "rulemaking" and, (2) even if this were considered to be rulemaking, the petitioners and all other interested parties were provided adequate notice of what components EPA believed to be covered for the full useful life of a vehicle and, consequently, all parties had an opportunity to advise EPA as to which components should be covered under the warranty for the full useful life of the vehicle. Therefore, even if EPA was acting in a rulemaking capacity in publishing the list, EPA complied with all of the rulemaking requirements of the Act. For these reasons, EPA denies both the ASIA and APRA petitions.

DATE: December 23, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Feldman, Field Operations and Support Division [EN-397], Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460, (202) 472-9350.

AVAILABILITY OF RELATED INFORMATION: Docket Nos. EN-79-6 and EN-79-8 contain the information used by the Agency in reaching this decision. The dockets are available for public inspection and copying between 8:00 a.m. and 4:30 p.m., Monday through Friday, at EPA's Central Docket Room, Waterside Mall, 401 "M" Street, S.W., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION

I. Background

The performance warranty regulations were proposed by EPA on April 20, 1979, at 44 FR 23784, and promulgated on May 22, 1980, at 45 FR 34829, under Sections 207 and 301(a) of the Clean Air Act ("the Act"), 42 U.S.C. 7541, 7601. Under the regulations, manufacturers are required to warrant the "emission control device or system" of each new light duty vehicle beginning with the 1981 model year. The manufacturer must repair any vehicle which fails an EPA-approved short test during its useful life (5 years or 50,000 miles, whichever first occurs for light-duty passenger vehicles), if the owner is subject to a penalty or sanction under a state Inspection/Maintenance (I/M) program because of the short test failure and if the owner has maintained and operated the vehicle in accordance with the manufacturer's written instructions.

For the first 24 months or 24,000 miles, EPA interprets "emission control device or system" to include any system, assembly, device or component thereof which can affect emissions. However, for the remainder of the vehicle's useful life, Section 207(b) of the Act limits warranted devices to "a catalytic converter, thermal reactor or other component installed in or on a vehicle for the sole or primary propose of reducing vehicle emissions" which were not in general use prior to model year 1968.

The preamble to the proposed regulations discussed the types of components EPA believed to be covered under the performance warranty for the full useful life of the vehicle, 44 FR 23784, 23788. At the hearings on the proposal some of the commenters, including ASIA and APRA, asserted that they believed that EPA was attempting to expand the scope of the warranty for the post 24 month or 24,000 mile period beyond that permitted by the Act. The EPA panel members at the hearings explored with many of the witnesses which parts they believed should receive full useful life coverage. In particular, EPA asked many of these witnesses, including those representing APRA, to describe to the Agency which parts they believed fit the post 24 month or 24,000 mile statutory definition of emission control device or system.

The witnesses representing Ford Motor Company (Ford) were one group of commenters who raised the need for EPA to set out which parts fit the definition. At the Chicago hearing, Ford supplied EPA with a list of components Ford believed should receive full useful life coverage. This list was a thoughtful attempt on the part of Ford to list those parts meeting the statutory definition. During the Ford testimony at the public hearing, one EPA panel member stated that EPA was not too far away from Ford as to which parts it believed fit the statutory defintion. However, no other commenter, including those the panel members specifically asked to supply comments, supplied EPA with such a list either at the hearings or in a subsequent written submission. Nor did any party comment on the scope of the Ford list even through the Ford list, as well as the transcript of the hearings at which EPA expressed a basic agreement with this list, was placed in the docket for public inspection over 30 days prior to the close of the comment period.

In the final rulemaking, EPA decided that the best approach would be to publish an advisory, non-binding list of the parts EPA believes are covered under the warranty for a vehicle's full useful life. The Agency published such an advisory list in the Federal Register 45 FR 34829, 34842. This list was meant to assure parties that EPA was not attempting to expand the performance warranty contrary to the Act. The list was intended to be merely advisory and was not to be included in the Code of Federal Regulations.[1]

As previously stated, ASIA and APRA have petitioned the Agency to reconsider the performance warranty regulations because they believe that EPA, in publishing the list, was actually promulgating a regulation, and that (1) the list was published without first being proposed in the Federal Register, (2) the list is overbroad such that it alters the impact of the other provisions of the warranty, and (3) therefore the existing list constitutes new material meriting a reconsideration of the performance warranty regulation.

Although the ASIA and APRA petitions alleged that the list was overbroad, neither petition contained any information suggesting that any part was improperly listed or, had the list been published along with the proposal, that interested parties would have been able to provide EPA with additional information. Nor did ASIA or APRA show that it would have been impractical to provide any additional relevant information during the public comment period which would have been practical to provide had the list been published along with the proposal.

[1] "Many parties requested that EPA promulgate a list of parts covered after the initial 24 month or 24,000 mile period. . . . Such a list, reflecting EPA's current views in this regard is included as an appendix to the regulations promulgated today. These lists are not intended to be all inclusive. The Agency expects vehicle manufacturers that use different emission control technologies to warrant all 'emission control devices and systems' even if they are not included in the EPA list. However, *the Agency believes* that, at a minimum, the components listed in the Apendix to these regulations should be covered by the emission performance warranty for the full useful life of a vehicle for present technology vehicles. This list is consistent with a list suggested by Ford Motor Company, the only party that offered such as list in commenting on this point." 45 FR 34829, 34832. (emphasis added).

II. Criteria for Review of the Petitions

ASIA and APRA have petitioned the Agency for reconsideration of the emission performance warranty. APRA cited Section 307(d)(7)(B) of the Act, 42 U.S.C. 7607(d)(7)(B), as authority for its petition. Section 307(d)(7)(B) provides that the Administrator shall convene a proceeding to reconsider the rule in question if a person raising an objection can demonstrate that (1) it was impractical to raise such objection during the comment period or that the grounds for such objection arose after the comment period but within the time specified for judicial review (which EPA concludes means within the 60-day time period provided for judicial review under Section 307(b)(1), 42 U.S.C. 7697(b)(1)),[2] and (2) such objection is of central relevance to the outcome of the rule. If the Administrator refuses to initiate such a proceeding, the moving party may seek judicial review of that decision under Section 307(b) of the Act, 42 U.S.C. 7607(b).

III. Discussion

A. The Petitioners Have Not Satisfied The Requirements of Section 307(d)(7)(B).

ASIA and APRA assert that by publishing a list of parts the Agency considers to be covered under the performance warranty for a vehicle's full useful life, the Agency denied interested parties the opportunity to comment on a provision that alters the impact of the performance warranty. This assertion is without merit.

First, even if the parts list constituted substantive requirements, both ASIA and APRA has an opportunity to comment upon EPA's interpretation of the scope of performance warranty coverage during the public comment period. In fact, both ASIA and APRA commented at the public hearing that EPA's interpretation of the scope of warranty coverage after the initial 24 month or 24,000 mile period was overbroad, precisely what they allege in their petition for reconsideration. Thus, neither ASIA nor APRA has supplied any new information, nor has either demonstrated that reopening the rulemaking would result in new information or data which would alter any provision of the regulations.

Although not specifically listing parts the Agency believes are covered under the warranty, the proposal did raise the issue of which parts are to be covered and in addition, gave examples of the types of components the Agency believes Congress desired to be covered under the warranty for the full useful life of a vehicle. In addition, EPA asked witnesses at the two public hearings, including those representing APRA, to provide EPA with lists of parts for which they believed the Act provided full useful life coverage. Further, at the Chicago hearing attended by ASIA, one EPA panel member expressed agreement with the parts list provided by Ford. This list was placed in the public docket for inspection prior to the end of the comment period. Yet neither ASIA nor APRA chose to provide EPA with their own list, or to comment on the appropriateness of the Ford list. Based on the above, the Agency is convinced that all parties had an ample opportunity to comment during the public comment period about the types of parts Congress intended to receive full coverage. Moreover, the Agency, believes that the impact that the scope of parts coverage would have on any other provision of the performance warranty regulations was open for discussion during the comment period.

Second, although making general allegations, neither ASIA nor APRA provided any information demonstrating that the list alters the impact of the performance warranty. Both ASIA and APRA cite the extensiveness of the list, but both fail to mention any component which is improperly placed on the list.

Third, the proposal, like the Act, required that all components installed in a vehicle emissions which were not in general use prior to model year 1968 be warranted for the full warranty period. The EPA list merely describes the types of parts on present technology vehicles that meet the statutory and regulatory description. It neither expands nor narrows the performance warranty. Moreover, since the list is only advisory in nature, vehicle manufacturers are still free under the regulations, just as they would have been under the proposal, to determine which parts on a particular vehicle fit the description, regardless of the existence of the list. Consequently, publication of the list has not created a situation where the impact of the performance warranty was altered after the close of the comment period.

For the reasons stated above, both ASIA's and APRA's petitions fail to meet the first criterion of Section 307(d)(7)(B), because they failed to provide new data which became relevant or available after the close of the comment period or which was impractical to provide to the Agency until after the close of the comment period. Since petitioners have failed to meet the first criterion under Section 307(d)(7)(B), it is unnecessary to consider whether they could have met the second criterion.

B. ASIA's and APRA's Allegations that EPA has Circumvented the Rulemaking Procedures of the Clean Air Act are Erroneous.

The procedures applicable to most rulemaking proceedings under the Clean Air Act are set out in Section 307(d) of the Act. However, Section 307(d)(1)(N) of the Act explicitly provides that these procedures shall not apply in the case of any rule or circumstance referred to in subparagraph (A) of subsection 553(b) of the Administrative Procedures Act (APA) 5 U.S.C. 553(b)(A), which provides an exception for general statements of agency policy. As discussed above, the purpose of the parts list appendix published in the Federal Register was to provide an advisory interpretation of Section 207(b) of the Act and thus provide an expression of Agency policy. Thus, the advisory parts list appendix is well within a recognized exception to the rulemaking procedure of the Clean Air Act.[3] *See Gibson Wine Co., Inc. v. Snyder*, 194 F.2d 329 (D.C. Cir. 1952). Consequently, a comment period was not required by the Clean Air Act, nor any other statute, in regard to the parts list.

Moreover, even if the list were considered to be a substantive regulation, it still was proper for the Agency to publish the list without specifically proposing it. As previously stated, the list is no more than a list of those parts meeting a statutory description which was fully discussed in the proposal. As such, the list was a logical outgrowth of the proposal and comment process because the list was published primarily to address concerns raised during the public comment period, while remaining within the framework of the proposal. The APA does not require precise notice of each aspect of regulations eventually

[2] EPA bases this conclusion on the statutory language of Section 307 itself. Section 307(d)(7)(B) states that a petition for reconsideration must be based on an objection that arose after the close of comment period "but within the time specified for judicial review." 42 U.S.C. 7607(d)(7)(B). The only time period for judicial review specified in the Clean Air Act is contained in Section 307(b)(1). Section 307(b)(1) specifies that the time period for filing a petition for review of a nationally applicable regulation is "within sixty days" from the date notice of the rulemaking appears in the Federal Register, 42 U.S.C. 7807(b)(1). This interpretation of Section 307(d)(7)(B) is consistent with the overall goal of Section 307(d) to establish firm deadlines and procedures for when and how evidence can be made part of the judicial record. H.R. Rept. No. 95-294, 95th Cong., 1st Sess. 61318-325 (1977).

[3] Even if the parts list were viewed as an interpretive rule, it similarly would be excluded from the rulemaking procedures set forth in section 307(d) because interpretive rule-like statements of Agency policy are listed in 5 U.S.C. 553(b)(A).

adopted, since this would result in repeated and essentially unlimited rounds of notice and opportunity for comment, as the Agency modified the regulation to address public comments received. See, *e.g. California Citizens Band Ass'n v. United States*, 375 F.2d 43 (9th Cir. 1967). Since the inclusion of the list was a "logical outgrowth" of the proposal and public comments considered, additional notice and comment were unnecessary. *See, e.g., Nat'l Constructors Ass'n v. Marshall*, 581 F.2d 960, 970–71 (D.C. Cir. 1978).

Even assuming that the list was a substantive regulation and that the notice contained in the proposal was inadequate to apprise interested parties of which parts would be covered, all interested parties actually had adequate notice of the possibility of the publication of a list because of the discussions on this subject at the public hearings, a transcript of which was put in the public docket. Further, as demonstrated by Ford, interested parties had an ample opportunity to supply the Agency with written comments on the subject. It would have been practical for interested commenters to have suggested a list of covered parts or to comment upon the Ford list, which one panel member described as being in line with the Agency's thinking. Moreover, the Agency specifically requested participants at the public hearings, including APRA, to provide the Agency with a list.

IV. Conclusion

For the reasons stated above, ASIA's and APRA's petitions are denied.

This is a final Agency action concerning the Section 207(b) performance warranty regulations, and jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. Section 307(b)(1), 42 U.S.C. 7607(b)(1). Under Section 307(b)(1), judicial review of this action is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by February 23, 1981. Under Section 307(b)(2), today's action may not be challenged later in a subsequent judicial proceeding to enforce the performance warranty regulations.

Dated: December 18, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-39764 Filed 12-22-80; 8:45 am]

BILLING CODE 6560-33-M

[OPP-50510; PH-FRL 1709-7]

Dow Chemical Co.; Issuance of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA has issued an experimental use permit to Dow Chemical Co., P.O. Box 1706 Midland, MI 48640. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: Eugene M. Wilson, Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-349, 401 M St., SW., Washington, D.C. 20460, (202-755-1806).

464-EUP-63. This experimental use permit allows the use of 200,000 pounds of the nematocide 1,3-dichloropropene applied to soil for the post-plant control of nematodes on peaches, cherries, plums, fresh prunes, figs, walnuts, almonds, grapes, oranges, (except Valencia oranges), lemons, and grapefruits. A total of 2,000 acres are involved. The program is authorized only in the State California. This experimental program is effective from October 23, 1980 to October 1, 1982. Temporary tolerances at 0.01 part per million have been established for residues of the nematocide and its metabolite 3-chloroallyl alcohol in or on the above raw agricultural commodities.

Persons wishing to review the experimental use permit are referred to the product manager. Inquiries regarding this permit should be directed to the person given above. It is suggested that interested person call before visiting the EPA Headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819 as amended; (21 U.S.C. 136)).

Dated: December 15, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-39767 Filed 12-22-80; 8:45 am]

BILLING CODE 6560-32-M

FARM CREDIT ADMINISTRATION

Senior Executive Service Awards

ACTION: Notice.

Pursuant to an Office of Personnel Management Directive of July 21, 1980, the Farm Credit Administration hereby announces its intention to award Senior Executive Service bonuses on or before January 6, 1981. For further information contact: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, DC 20578.

Donald E. Wilkinson,

Governor.

[FR Doc. 80-39760 Filed 12-22-80; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 80-657]

Alan K. Levin, et al.; Designating Application for Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: November 6, 1980.

Released: December 1, 1980.

In re Applications of Alan K. Levin, Dillon, Colorado (Req: 1130 kHz, 5 kW, Day) BC Docket No. 80-712, File No. BP-20,581; Summit Radio, Inc., Dillon-Frisco-Silverthorne, Colorado (Req: 1130 kHz, 10 kW, 5 kW (CH), DA, Day) BC Docket No. 80-713, File No. BP-780728AN; Dillon Broadcasting Company, Dillon, Colorado (Req: 1130 kHz, 5 kW, Day) BC Docket No. 80-714, File No. BP-780728AO; Eagle Radio, Inc., Vail, Colorado (Req: 1360 kHz, 5 kW, Day) BC Docket No. 80-715, File No. BP-20,626; Mountain Wireless Limited, Vail, Colorado (Req: 1360 kHz, 5 kW, Day) BC Docket No. 80-716, File No. BP-20,882; Grand Radio, Inc., Fraser, Colorado (Req: 1250 kHz, 500 W, 5 kW-LS, DA-2, U) BC Docket No. 80-717, File No. BP-21,129; Jefferson Wireless Company, Golden, Colorado (Req: 1250 kHz, 500 W, 5 kW-LS, DA-2, U) BC Docket No. 80-718, File No. BP-781205AH; for construction permit.

By the Commission:

1. The Commission has before it for consideration (a) the above-captioned applications for new AM broadcast stations in various Colorado communities; (b) a petition to dismiss the Dillon-Frisco-Silverthorne application of Summit Radio, Inc., filed by Dillon applicant Alan K. Levin; and (c) related pleadings. The two Dillon applications and the one for Dillon-Frisco-Silverthorne are mutually exclusive; the Vail applications are mutually exclusive; and the Fraser and Golden applications are mutually

exclusive. All seven are considered herein because of common questions relating to the Commission's ownership rule for AM stations.

The Gayer Applications

2. *Petition to dismiss.* Various members of the Gayer family hold significant interests in the Summit (Dillon-Frisco-Silverthorne), Eagle (Vail), and Grand (Fraser) applications, and there is substantial primary service contour overlap among the three proposals and with the Gayers' KBCR, Steamboat Springs, Colorado. The Summit principals include John G. Gayer and his wife Carol; the Eagle principals include John H. Gayer (the other Gayer's father) and his wife Dorothy; and the Grand principals include Dwight H. and Diane E. Gayer (brother and sister of John G. Gayer).[1] These relationships and other factors led applicant Levin to file a petition to dismiss the Summit application, in which he argues that the Gayer proposals violate Section 73.35 of the Commission's Rules, which limits the ownership of multiple broadcast stations by single parties. Levin supports his argument by describing the joint family ownership and operation of other broadcast stations in Colorado, father John's role in merger discussions with Levin, father John's role in a site search for the Summit proposal, and financial support father John and mother Dorothy are extending son Dwight and daughter Diane in their Grand application. In response, Summit concedes that father John provided limited assistance to son John and his co-principal (not a Gayer), but maintains that it was provided at the request of and for the convenience of the latter two. Summit also states that father John has not and will not exercise any control over Summit, and that the proposed station will be operated independently of the other Gayer stations.

3. Generally, family relationships standing alone do not create a presumption of common control: *KTRB Broadcasting Co., Inc.*, 46 FCC 2d 605 (1974). However, the circumstances in a particular case may raise questions which can only be answered through the hearing process. *Stuart W. Epperson*, 44 FCC 2370 (1961). Therefore, the facts of each case that comes before us must be carefully considered. Here, an appropriate starting point is a review of the various Gayer broadcast interests.

4. *Background.* (a) Father John Gayer began with a 32⅓% interest in AM station KFNF, Shenandoah, Iowa, and later increased it to 85%. Mother Dorothy served as secretary-treasurer and director. The station began operation in 1971, and Gayer sold his interest in 1977. (b) The second Gayer station was KAAT(AM), Denver. Father John originally owned half the stock, but later took 100% ownership. Mother Dorothy served as secretary and director. Son Dwight, then a high school student, assisted in constructing the station. KAAT went on the air in 1972, and Gayer sold it in 1978. (c) In 1972 the Gayers formed Big Country Radio, Inc. to apply for AM and FM stations at Steamboat Springs, Colorado. The firm was owned in equal shares by all five members of the Gayer family, and father John, mother Dorothy, and son John were officers and (except son John) directors. To finance the stations, father John and mother Dorothy agreed to lend Big Country up to $145,000, and father John personally guaranteed bank loans of $145,000. The FM application was granted first, in 1973; the AM application was mutually exclusive with one other, but an agreement was reached by which the competing applicant dropped out and its principal shareholder acquired a 25% interest in Big Country. Son John, who had no prior broadcasting experience, became general manager of both stations when they commenced operation. The Gayers still control these stations, though the family members' interests have changed. In 1977 son Dwight and daughter Diane sold their 6.25% interest to son John for $500 each, and in 1978 father John sold his 12.5% interest to mother Dorothy for $1,000. Son John is now president and director, with 43.75% of the stock, and mother Dorothy is secretary and director, with 31.25% of the stock. (d) Also in 1972, a group including father John, mother Dorothy, and son John formed Radio Vail, Inc. and applied for a new FM station at Vail, Colorado. The three Gayers guaranteed a loan for up to $70,000 for this station, and father John agreed to loan the applicant $25,000. Agreement with a competing applicant led to grant of Radio Vail's application, and KVMT began operation in 1975. Son John relinquished his 15% interest when he assumed his duties at KBCR–AM–FM. Radio Vail applied for a new AM station at Vail in 1976 (it has since changed its corporate name to Eagle Radio, Inc.), and sold KVMT in 1979.

5. *Current proposals.* (e) Son John owns 50% of the stock and is president and director of Summit, applicant for Dillon-Frisco-Silverthorne. His wife, Carol, is secretary and director. Son John has subscribed for $10,000 of additional stock and proposes to loan the applicant $10,000. These proposed contributions and equal ones by his co-principal are backed by a $40,000 bank loan offered by the Gering National Bank & Trust Company in Gering, Nebraska. Father John is the chairman of the board and president of the bank's holding company, and along with mother Dorothy has a substantial ownership and management interest in it. In addition, Summit relies on a loan commitment for $90,000 from the Summit County Bank of Frisco, Colorado, which was obtained after son John and his co-principal were introduced to bank officials by father John, who was "previously acquainted" with them. The terms of this loan appear favorable, allowing for no principal or interest payments in the first year and semi-annual payments thereafter.

6. (f) Father John owns 48% of the stock and is president and director of Eagle, applicant for Vail. Mother Dorothy holds 27% of the stock and is secretary-treasurer and director. The two propose to loan the applicant about $63,000 and $36,000, respectively. However, if any of the contributors is unable to meet his or her commitment, Eagle relies on letters of credit for $100,000 from the First Bank of Vail and for $75,000 from the Gering National Bank & Trust Company. (g) Son Dwight owns 50% of the stock and is president, treasurer, and director of Grand, applicant for Fraser. Daughter Diane owns the other 50% of the stock and is vice-president, secretary, and director. Each has subscribed for an additional $5,000 of stock and proposes to loan the applicant $12,500. In partial support of these commitments, the Gering National Bank & Trust Company has agreed to lend each of them $12,500. The applicant also relies on a $75,000 loan commitment from the Middle Park Bank of Granby, Colorado. Earlier, the applicant relied on a $25,000 loan commitment by father John and mother Dorothy, and father John and mother Dorothy agreed to guarantee the Middle Park Bank Loan.

7. (h) There is also pending an application by Colorado Television, Inc. for a new television station in Denver, Colorado. Father John owns all the stock and is president, treasurer, and director; mother Dorothy is secretary and director; and son Dwight is assistant treasurer and director. Father John has agreed loan the applicant $100,000, and he and mother Dorothy have agreed to to secure a $200,000 bank loan with their stock in the Gering National Bank & Trust Company. (i) In addition, there is pending an application by Family Television, Inc. for a new television station in Omaha, Nebraska. Father

[1] For the sake of clarity, the principal Gayers will be referred to as father John, mother Dorothy, son John, son Dwight, and daughter Diane.

John owns 24% of the stock and is president and treasurer; son Dwight is vice-president. Father John has subscribed for $16,500 in additional stock, has apparently agreed to loan the applicant $168,000, and has agreed to guarantee a $700,000 bank loan (with the other stockholders). (j) Finally, there is pending an application by Family Television, Inc. (but a different corporation) for a new television station in Boulder, Colorado. As originally filed, father John was 80% stockholder, president, and director of this corporation; he subscribed for $36,000 in additional stock; and he had some unspecified role in securing $300,000 in stockholder and bank loans. Gayer disposed of his interests in this corporation in 1979.

8. In addition to the matters noted above, analysis of the materials filed with the various Gayer applications reveals the following:

—The articles of incorporation for Summit, Eagle, Grand, Big Country, and Colorado Television are verbatim identical.
—The corporate bylaws for Summit, Eagle, Grand, Big Country, and Colorado Television are verbatim identical, excepting only the number of directors for each.
—Summit, Eagle, Grand, Big Country, and Colorado Television are all authorized 50,000 shares of $1-par-value stock.
—The annual stockholder meeting dates for Summit, Eagle, Grand, and Colorado Television are the same, the third Tuesday in February.
—The initial registered agent for Grand was mother Dorothy, though she ostensibly held no official ownership or management position with the applicant. The initial and present registered office of the corporation is the home of father John and mother Dorothy.[2]
—Minnie Tomicich, the former business manager of KAAT, who is also assistant secretary and proposed business manager of Colorado Television, notarized the articles of incorporation of Summit, Grand, and Family (Boulder), and notarized the February 9, 1979 amendment to Colorado Television's articles.
—All Gayer family broadcast interests are represented by the same Washington communications counsel.
—All Gayer family radio applications were prepared by the same engineering counsel.
—Daughter Diane furnished the calculations, drawings, and photographs for Colorado Television's application, though she has no record interest in the applicant.
—Eagle and Grand respond identically to Question 16 in Section IV-A of their applications regarding proposed station policies relating to the Fairness Doctrine.
—Statements made by Eagle and Grand in response to Question 18 regarding program diversity are verbatim identical.
—The responses of Eagle and Grand to Question 29 regarding compliance with the Communications Act and the Rules of the Commission are nearly verbatim identical, and very similar to Summit's response.

[2] Information concerning the present registered office and agent of Grand was requested from the Colorado Department of State.

9. *Discussion.* The reason that the Commission has consistently held that family relationships standing alone are insufficient to give rise to a presumption of control is that most of them are typified by an independence of one member from another. However, where there has been shown to be a sufficiently close relationship among the parties to a family unit, the Commission has found a degree of control to be present. *Lady Sarah McKinney-Smith and J. Shelby McCallum,* 59 FCC 2d 398 (1976).

10. Of course, a family relationship combined with other indicia of control may result in a finding of de facto common control. Thus, we have specified an ownership issue where an applicant depended upon a loan from his mother to finance the proposed station. *Stuart W. Epperson, supra.* And we did the same in *East Arkansas Broadcasters,* 25 Fed. Reg. 10746, 20 RR 934 (1960), where the applicants were the daughter and son-in-law of a couple owning several broadcast stations. In the latter case the family members had been applicants for broadcast stations in the past, the various family stations had almost identical statements of policy, and certain family members had undertaken to act on behalf of other family members regarding Commission matters in which they had no record interest. In addition, the son-in-law was general manager of a station owned by his wife's parents.

11. Our analysis of present and past Gayer family interests gives rise to sufficient questions of common control to warrant further exploration. The principal factors cited in *East Arkansas* are also present here. The history of the Gayer interests and the striking parallels among supposedly independent stations and proposals suggest at least an informal family business operation revolving around the senior Gayers. We do not agree with Summit's opposition to the petition to dismiss that this case presents a situation similar to *Alabama Radio Corporation,* 69 FCC 2d 1256 (1978). There we were considering a possible violation of our duopoly rule, not a regional concentration of control problem. Further, the cross-interest involved was relatively small; and there was no indication of concerted family action, financial support for multiple applications, cross control, or other interests proscribed by our cross-interest policy. The questions presented by the Gayer interests and activities can only be resolved through hearing on an evidentiary issue.

The Dillon Applications

12. *Alan K. Levin.* Analysis of the financial data applicant Levin submitted reveals that $65,536 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$8,157
Equipment payments	5,230
Other equipment	2,999
Building	5,000
Other construction costs	29,000
Operating costs	15,150
Total	65,536

Levin plans to finance the station with $30,000 in existing capital and a $75,000 bank loan, but none of these funds have been shown to be available. The most recent balance sheet Levin submitted is undated and does not show that his current assets exceed current liabilities. Further, the bank's loan commitment letter does not specify the collateral required. A limited financial issue will therefore be specified.

13. Levin has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants,* 27 FCC 2d 650 (1971). His compositional study describes Submmit County in some detail, but is not appropriately informative as to the composition of Dillon, particularly with regard to the racial make-up of the town, its governmental activities, and its public service organizations. Dillon's small size (less than 500 permanent residents) and the likely lack of formal studies of the town do not excuse the applicant from determining and describing its composition. In addition, from the information before us, it appears that the applicant has failed to survey leaders of several significant Dillon population groups. Specifically, no leaders of the following groups were interviewed: charities, elderly, minorities, professions, women, and youth. Further, Levin's survey of the general public is not sufficiently described for us to determine whether a reasonable number of residents of Dillon—as opposed to Summit County generally—were interviewed. Finally, the time segments of the programs Levin proposes to meet ascertained problems are not indicated, and the programs themselves are not sufficiently described to allow us to determine whether they are in fact related to the problems. A limited ascertainment issue will be specified.

14. Applicants for new broadcast stations are required by Section 73.3580 of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in Section 73.3580(h). We have no evidence that Levin published the required notice. To remedy this deficiency, Levin will be required to demonstrate his compliance with the rule.

15. *Summit Radio, Inc.* Analysis of the financial data Summit submitted reveals that $90,839 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment lease payments	$11,564
Land and building	57,00
Other construction costs	11,000
Operating costs	11,275
Total	90,839

Summit plans to finance the station with $5,000 in existing capital, a $90,000 bank loan, stockholder loans and subscriptions amounting to $40,000, and advertising pledges of $21,325. The availability of the existing capital has been established, as has stockholder Crass' commitment for $20,000 capital and loans. However, stockholder Gayer's balance sheet does not show sufficient net liquid assets to meet his commitments, and a bank letter offering to loan him the funds he needs has expired. The direct bank loan has also not been shown to be available, since that bank's commitment letter has also expired. Finally, since the advertising pledges submitted are merely nonbinding statements of intent, we cannot consider them as assets of the applicant. A limited financial issue will be specified.

16. Summit has not fully met the requirements of the ascertainment *Primer*. Its compositional study contains extensive information about Summit County, but practically nothing about the three communities to be served. In addition, leaders of the following groups were not interviewed: business, charities, consumers, elderly, minorities, professions, and women. A limited ascertainment issue will be specified.

17. Summit has applied for authorization to serve three communities: Dillon, Frisco, and Silverthorne. Section 73.1120(b) of the Commission's Rules (formerly Section 73.30(b)) requires that applicants seeking to serve more than one community make a special three-part showing as to the public interest aspect of their proposals.[3] In lieu thereof, an applicant may request a waiver of that showing and instead show that the communities it desires to seve clearly enjoy an "identity of interests for programming and other purposes." *Hymen Lake*, 46 FCC 2d 560 (Rev. Bd. 1974). See also *Saul M. Miller*, 4 FCC 2d 150 (1966). However, Summit has neither made the showing required by the rule nor asked for a waiver. An appropriate issue will therefore be specified.

18. *Dillon Broadcasting Company.* DBC has also failed to comply with the ascertainment *Primer's* requirements. Its compositional study does not include a breakdown of the racial and ethnic make-up of Dillon, nor does it describe Dillon's economic activities. DBC also failed to include certain groups in its survey of community leaders, specifically business, consumers, culture, and minorities. Next, DBC's statement of the methodology employed in its general public survey is insufficient to allow us to determine whether the required random sample was achieved. In addition, the time segments of the applicant's proposed responsive programs are not stated. A limited ascertainment issue will be specified.

19. *Other matters.* Because two of the applicants propose Dillon as their principal community, while Summit proposes Dillon-Frisco-Silverthorne, a Section 307(b) issue will be specified in the event it is determined that Summit has met its Section 73.1120(b) burden or has shown that a waiver of that rule is warranted. Further, since all the applicants serve substantial areas in common, a contingent comparative issue will also be specified.

The Vail Applications

20. *Eagle Radio, Inc.* Analysis of the financial data Eagle submitted indicates that $108,000 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$7,314
Equipment payments	6,686
Building and emergency generator	35,000
Other construction costs	41,000
Operating costs	18,000
Total	108,000

However, Eagle's equipment costs are based on a proposal for a guyed tower, whereas it now proposes a self-supporting tower, which we would expect to cost more. Eagle plans to finance its station with $1,370 existing capital and loans totaling $125,000 from three of its principals. In the event these three cannot meet their commitments, Eagle would rely on bank loans of $100,000 and $75,000. Except for the existing capital, though, none of these funds have been shown to be available. The three principals' balance sheets do not show sufficient net liquid assets to meet their obligations. Further, the letter concerning the $100,000 loan only solicits a loan application; and the commitment for the $75,000 loan fails to state the security required and, in any event, has expired. A limited financial issue will be specified.

21. Eagle has also failed to comply with the requirements of the ascertainment *Primer*. First, its compositional study does not include sufficient data to indicate the population characteristics, governmental activities, and public service organizations of Vail. Furthermore, this applicant has failed to survey leaders of significant Vail groups, namely charities, Hispanics, labor, professions, and women. In addition, its description of its general public survey does not provide enough information for us to determine whether a random sample of the Vail population was achieved. A limited ascertainment issue will be specified.

22. In response of Question 26, Section IV-A of FCC Form 301, the applicant has indicated that on some occasions it might exceed its normal commercial ceiling of 18 minutes per hour, but has not stated the limits that would apply in those circumstances, as the question requires. An amendment is needed to supply the missing information.

23. Section 73.3580 of the Commission's Rules requires applicants for new stations who file major amendments to their applications (*e.g.*, a change in frequency or a power increase) to publish local notice of the amendment and to file with the Commission the statement described in Section 73.3580(h). Although Eagle amended its application to change frequency and increase power, we have no evidence it published the required notice. To remedy this deficiency, the applicant will be required to demonstrate its compliance with the rule.

24. *Mountain Wireles Limited.* On February 6, 1980 Mountain tendered an amendment to change its antenna site and system. The applicant maintains the amendment was necessary because the availability of the original site on public land was placed in considerable doubt after the cut-off date for amendments as a matter of right (August 27, 1979) by its

[3] Section 73.1120(b) requires AM applicants proposing to serve multiple communities to show (a) that a satisfactory main studio is provided for each community, (b) that the station can and will provide a substantial number of local live programs from each community, and (c) that the program origination requirements of Section 73.1130 would place an unreasonable burden on the station if it were licensed to serve only one community.

confirmation that a site on private land was available. Eagle argues that good cause has not been shown for the late amendment, since Mountain first knew in mid-August 1979 that the private site might be available, and since it is not certain that the availability of the private site precludes the availability of the one on public land.

25. The pleadings filed indicate that Mountain waited until the availability of the private site was confirmed (in October 1979) before making inquiries to the Bureau of Land Management (in November 1979) about the continued availability of public land, and was apparently advised that the BLM "could . . . insist that the applicant fully explore the availability of appropriate sites on private land as a prerequisite to further consideration of their request for a right-of-way on public lands." Concluding that this placed the availability of public land in doubt, Mountain proceeded to prepare and file the subject amendment. Applicant's characterization of events does not raise any question of misrepresentation, and its course of action and conclusion about the availability of the originally proposed site do not appear unreasonable. We therefore believe good cause has been shown for the late specification of a new site. Consequently, the amended site will be considered for both basic qualification and comparative purposes.

26. However, when Mountain specified the new site, it also specified a taller, more efficient antenna tower, thereby improving its coverage and overcoming an earlier apparent disadvantage in comparison with Eagle's coverage. Since the applicant has not shown good cause for voluntarily amending this aspect of its proposal after the deadline for amendments as a matter of right, the increased radiation efficiency will not be taken into account for comparative purposes.[4] (However, should any question of Mountain's basic technical qualifications arise, the entire amended proposal will be considered for the purpose of such question.) Since it appears that for comparative purposes there would be a significant difference in the areas and populations which would receive primary service, those areas and populations and the availability of other primary aural services in such areas will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

27. Mountain's amended technical proposal calls for a self-supporting tower, but this applicant has also not amended its financial showing to reflect the greater cost of this tower (which is, in addition, much taller than the tower formerly proposed). However, Mountain's financial data shows a substantial cushion, which should easily absorb the increase. Consequently, while an appropriate amendment is required, a financial issue is not indicated.

28. As does Eagle's, Mountain's compositional study fails to describe the population characteristics, governmental activities, or public service organizations of Vail. Further, it does not appear the applicant interviewed leaders of the following groups in Vail: charities, civic, elderly, Hispanic, labor, professions, and women. Mountain also has not specified the anticipated time segments for the presentation of its programming in response to ascertained problems. A limited ascertainment issue will be specified.

The Fraser and Golden Applications

29. *Grand Radio, Inc.* As amended on April 21, 1980, Grand's daytime proposal apparently involves a small amount of mutual 0.5 mV/m contour overlap with first-adjacent-channel station KFBC, Cheyenne, Wyoming, in violation of Sections 73.24(b) and 73.37(a) of the Commission's Rules. Rather than wait for a corrective pre-designation amendment, as we would normally do, we will give Grand an opportunity to correct this minor deficiency by a post-designation amendment, in order not to delay commencement of the hearing.

30. Analysis of the financial portion of Grand's application indicates that $88,172 will be required to construct the proposed facility and operate for three months, itemized as follows:

Equipment down payment	$3,235
Equipment payments	7,077
Building	29,500
Other construction costs	23,200
Operating costs	18,300
Total	83,172

The applicant proposes to finance this with $10,000 existing capital, $10,000 new capital, a $75,000 bank loan, and $25,000 in stockholder loans. However, none of these sources has been shown to be available in the amount indicated. Applicant's balance sheet shows current assets of $10,000, but they include $8,697 in application expenses apparently not listed as projected costs, leaving only $1,303 of existing capital available. The new capital and stockholder loans are to be contributed equally by principals Dwight and Diane Gayer, $17,500 each, and they rely in part on bank loans of $12,500 each to raise these funds. However, the bank's letters require unspecified security for the loans, and so are not sufficient to establish that these loans are available. Further, Dwight's balance sheet shows only $8,300 net liquid assets, and Diane's shows none. Therefore, they have not shown the capacity to invest the $35,000 claimed. Finally, with respect to the $75,000 bank loan directly to the applicant, the bank's commitment letter requires its loan to be secured by marketable stocks, but the Gayers' ability to satisfy this condition has not been shown. A limited financial issue will be specified.

31. Grand's ascertainment does not comply fully with the requirements of the *Primer*. Despite a lengthy compositional study, there is little information about Fraser, the proposed community of license. For example, there is no indication of the community's racial, ethnic, or minority composition, its governmental activities, or its public service organizations. We are therefore unable to assess the significance of applicant's failure to ascertain minority leaders. A limited ascertainment issue will be specified.

32. Grant also failed to answer Question 26 of Section IV–A of its application, regarding its proposed commercial limits. A correcting amendment must be filed.

33. *Jefferson Wireless Company.* Jefferson's nighttime interference-free contour (19.3 mV/m) would not serve a small (0.3-square-km) area of Golden. However, the unserved area is only about 1.5 percent of the total area of the city, and is described by the applicant as unpopulated. The proposal therefore substantially complies with the principal-city coverage requirements of Section 73.24(j) of our Rules. See, *e.g.*, *San Francisco Wireless Talking Machine Co., Inc.*, FCC 80–260, Mimeo No. 27330, 47 RR 2d 839 (1980).

34. Jefferson's application projects that $96,500 will be required to construct its proposed station and operate for three months, itemized as follows:

Equipment	$55,000
Land lease	1,000
Other construction costs	13,500
Operating costs	27,000
Total	96,500

The applicant relies on $300 existing capital and a $140,000 bank loan for funds, but none of it has been shown to

[4] In response to Eagle's motion to strike its amendment, Mountain agreed to waive any comparative advantage attributable to the site change.

be available. Jefferson's balance sheet is undated, and its bank's loan commitment letter does not set out the terms of the loan. (Exhibit 5 to the application indicates that Listeners' Network, 50-percent stockholder, will loan the applicant up to $80,000, but the terms of the loan and Network's capacity to make it are not shown.) A limited financial issue will be specified.

35. Jefferson has also failed to comply with the requirements of the ascertainment *Primer*. Its compositional study does not describe the economic activities of Golden. And while the study indicates there is a small minority population in Golden, there is no discussion of whether minorities are a significant population group, and Jefferson apparently interviewed no leaders of local minorities. In addition, we cannot determine whether the applicant interviewed leaders of outlying communities its proposed station would serve. Further, Jefferson failed to list all the problems reported in its leader interviews, and did not describe its responsive programming as fully as required by the *Primer*. A limited ascertainment issue will be specified.

36. *Other matters*. These two proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

Conclusion and Orders

37. Except as indicated by the issues specified below, all seven applicants are qualified to construct and operate as proposed. However, since each of the proposals is mutually exclusive with one or two of the others, and since questions relating to the Gayers are common to all three mutually exclusive combinations, they all must be designated for hearing in a consolidated proceeding.

38. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether grant of the application of Summit Radio, Inc., Eagle Radio, Inc., or Grand Radio, Inc., or any combination thereof, would violate Section 73.35(a) of the Commission's Rules with respect to multiple ownership or control of broadcast stations or Section 73.35(b) of the Commission's Rules with respect to regional concentration of control.

2. To determine with respect to Alan K. Levin:

a. The soure and availability of sufficient funds to meet anticipated costs; and

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine with respect to the efforts of Alan K. Levin to ascertain the needs of his proposed service area:

a. Whether the applicant adequately determined the racial, ethnic, or minority composition; governmental activities; and public service organizations of Dillon;

b. Whether the applicant interviewed leaders of charities, elderly, minorities, professions, women, and youth in Dillon;

c. Whether the applicant interviewed a sufficient number of members of the Dillon general public to assure a generally random sample; and

d. Whether the applicant's programming proposal reflects an evaluation of his ascertained problems and needs.

4. To determine with respect to Summit Radio, Inc.:

a. The source and availability of sufficient funds to meet anticipated costs; and

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine with respect to the efforts of Summit Radio, Inc. to ascertain the needs of its proposed service area:

a. Whether the applicant adequately determined the composition of Dillon, Frisco, and Silverthorne; and

b. Whether the applicant interviewed leaders of business, charities, consumers, elderly, minorities, professions, and women in the communities it proposes to serve.

6. To determine whether the proposal of Summit Radio, Inc. to serve three communities is in compliance with Section 73.1120 of the Commission's Rules, and if not whether circumstances exist which warrant a waiver of that Section.

7. To determine with respect to the efforts of Dillon Broadcasting Company to ascertain the needs of its proposed service area:

a. Whether the applicant adequately determined the racial, ethnic, or minority composition, and the economic activities of Dillon;

b. Whether the applicant interviewed leaders of business, consumers, culture, and minorities in Dillon;

c. Whether the applicant's interviews with members of the Dillon general public assured a generally random sample; and

d. Whether the programming the applicant proposes in response to its ascertained problems and needs is scheduled at times when it could reasonably be expected to be effective.

8. To determine the areas and populations which would receive primary aural service from the proposals of Alan K. Levin, Summit Radio, Inc., and Dillon Broadcasting Company, and the availability of other primary service to such areas and populations.

9. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, whether the Dillon-Frisco-Silverthorne proposal or one of the Dillon proposals would better provide a fair, efficient, and equitable distribution of radio service.

10. To determine, in the event it be concluded that a choice among the Dillon and Dillon-Frisco-Silverthorne applications should not be based solely on considerations relating to Section 307(b), which of the proposals would on a comparative basis best serve the public interest.

11. To determine with respect to Eagle Radio, Inc:

a. Whether, the amount it proposes for its antenna tower is sufficient to meet that purpose;

b. The source and availability of sufficient funds to meet anticipated costs; and

c. Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

12. To determine with respect to the efforts of Eagle Radio, Inc. to ascertain the needs of its proposed service area:

a. Whether the applicant adequately determined the population characteristics, governmental activities, and public service organizations of Vail;

b. Whether the applicant interviewed leaders of charities, Hispanics, labor, professions, and women in Vail; and

c. Whether the applicant's interviews with members of the Vail general public assured a generally random sample.

13. To determine with respect to the efforts of Mountain Wireless Limited to ascertain the needs of its proposed service area:

a. Whether the applicant adequately determined the population characteristics, governmental activities, and public service organizations of Vail;

b. Whether the applicant interviewed leaders of charities, civic groups, elderly, Hispanics, labor, professions, and women in Vail; and

c. Whether the programming applicant proposes in response to its ascertained

problems and needs is scheduled at times when it could reasonably be expected to be effective.

14. To determine which of the Vail proposals would, on a comparative basis, better serve the public interest.

15. To determine with respect to Grand Radio, Inc.:

a. The source and availability of sufficient funds to meet anticipated costs; and

b. Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

16. To determine with respect to the efforts of Grand Radio, Inc. to ascertain the needs of its proposed service area:

a. Whether the applicant adequately determined the composition of Fraser; and

b. Whether the applicant interviewed minority leaders in Fraser.

17. To determine with respect to Jefferson Wireless Limited:

a. The source and availability of sufficient funds to meet anticipated costs; and

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

18. To determine with respect to the efforts of Jefferson Wireless Limited to ascertain the needs of its proposed service area:

a. Whether the applicant adequately determined the racial, ethnic, or minority composition, and the economic activities of Golden;

b. Whether the applicant interviewed minority leaders in Golden;

c. Whether the applicant adequately ascertained community problems outside of Golden;

d. Whether the applicant listed all ascertained community problems; and

e. Whether the applicant's programming proposal reflects an evaluation of its ascertained problems and needs.

19. To determine the areas and populations which would receive primary aural service from the proposals of Grand Radio, Inc. and Jefferson Wireless Limited, and the availability of other primary service to such areas and populations.

20. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, whether the Fraser or the Golden proposal would better provide a fair, efficient, and equitable distribution of radio service.

21. To determine, in the event it be concluded that a choice between the Fraser and Golden applications should not be based solely on considerations relating to Section 307(b), which of the proposals would on a comparative basis better serve the public interest.

22. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

39. It is further ordered, That Eagle Radio, Inc., Mountain Wireless Limited, and Grand Radio, Inc. shall file the amendments specified in paragraphs 22, 27, 29, and 32 above, within 30 days after this Order is published in the Federal Register.

40. It is further ordered, That Alan K. Levin and Eagle Radio, Inc. shall publish local notice of their application and amendment, respectively (if they have not already done so), and shall file statements of publication with the presiding Administrative Law Judge within 40 days after this Order is published in the Federal Register.

41. It is further ordered, That the petition to dismiss Alan K. Levin filed against the application of Summit Radio, Inc. IS GRANTED to the extent indicated herein, and IS DENIED in all other respects.

42. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

43. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, where consistent with the Rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules. Inasmuch as this proceeding involves three mutually exclusive combinations, for each of which most of the issues relating to the other two are irrelevant, applicants Levin, Summit, and DBC need not publish issues 11 through 21, applicants Eagle and Mountain need not publish issues 2 through 10 and 15 through 21, and applicants Grand and Jefferson need not publish issues 2 through 14.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-39703 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

Canadian Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

November 17, 1980.

Canadian List No. 400

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
				560kHz					
CFOS	Owen Sound, Ontario, N.44°32'40", W.80°54'08" (P.P. 2.5D/1N) (Change of night-time directional antenna pattern).	5D/1N	DA-2	U	[illegible]	———	———	———	Nov. 17, 1981.
				600kHz					
CKCL	Truro, Nova Scotia, N.45°22'28", W.63°20'51" (In operation with increased day power).	10D/1N	DA-1	U	[illegible]	———	———	———	Nov. 17, 1981.
				730kHz					
CHYR-7	Leamington, Ontario, N.42°00'30", W.82°33'40" (P.O. 0.5 kw).	1	DA-N	N	[illegible]	———	———	———	Nov. 17, 1981.
				600kHz					

Canadian List No. 400—Continued

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CHAB	Moose Jaw, Saskatchewan, N.50°22'38", W.105°23'35" (Change of site, day RMS, and directional antenna pattern) (P.O. N.50°23'55", W.105°42'10", ND-D-180).°	10	DA-N, ND-D-187	U	II	.....	.....	.....	Nov. 17, 1981.
CJME	Regina, Saskatchewan, N.50°23'54", W.104°32'44" (In operation with increased power).	10	DA-2	1300kHz U	III	.....	.....	.....	Nov. 17, 1981.
NeW	Nanaimo, British Columbia, N.49°09'07", W.123°48'40" (Change of proposed operation) (P.N. 5kW DA-1).	10	DA-2	1350kHz U	III	.....	.....	.....	Nov. 17, 1981.
CKAN	Newmarket, Ontario, N.43°57'28", W.79°26'53" (In operation).	10	DA-2	1480kHz U	III	.....	.....	.....	Nov. 17, 1981.

Richard J. Shiben,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 80-39798 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

Mexican Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

October 1, 1980.

Mexican List No. 296

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
(New)	Comitan, Chis., N. 16°15'09", W. 91°58'25"	5.000	ND-D-190	540 kHz D	II	456	120	456	April 1, 1981.
(New)	Santiago Papasq, Dgo., N. 25°03'36", W. 105°23'48"	.500D/.100N	ND-U-175	560 kHz U	III	352	120	369	April 1, 1981.
(New)	Tapachula, Chis. N. 14°54'18", W. 92°45'56"	.350	ND-D-175	570 kHz D	III	345	120	363	April 1, 1981.
(New)	Chetumal, Q.R., N. 18°31'24", W. 88°17'36"	.750	ND-D-175	590 kHz D	III	334	120	350	April 1, 1981.
ZETK	Mazatlan, Sin., N. 23°13'04", W. 106°23'03" (PO 1/KW/D, 0.250/KW/N) (Shares antenna with XERJ, 1320 kHz)	4.000D/.250N	ND-U-175	630 kHz U	III	305	120	328	
XELG	Leon, Gto., N. 21°07'08", W. 101°41'01" (*Shares antenna with XELEO, 1110 kHz*)	10.000D/5.000N	ND-D-190DA-N	680 kHz U	II	362	120	362	
XERG	Monterrey, N.L., N. 25°40'11", W. 100°18'21" (PO 0.5/KW/D, 0.2/KW/N) (Shares antenna with XEAU, 1080 kHz)	2.500D/.500N	ND-U-175	690 kHz U	II	230	120	160	
XEMA	Fresnillo, Zac., N. 23°08'24", W. 102°49'41" (Shares antenna with XEQS, 1470 kHz)	5.000D/.250N	ND-U-189	690 kHz U	II	302	120	394	
XERL	Colima, Col., N. 19°14'27", W. 103°42'47" (PO 1/KW/D, 0.2-KW/N)	10.000D/.200N	ND-N-175 DA-D	710 kHz U	II	308	90	305	
XERPO	Oaxaca, Oax., *N. 17°03'06", W. 96°41'03"* (PO 0.5/K/D, 0.1/KW/N) (*Shares antenna with XEKC, 1460 kHz*)	1.000D/.100N	ND-U-169	710 kHz U	II	345	120	197	
XEKOK	Las Cruces, Gro., *N. 16°53'12", W. 99°51'02"* (PO 1380 kHz)	5.000	ND-D-190	750 kHz D	II	328	120	328	
XEQF	Loma Bonita, Oax., N. 18°05'06", W. 95°54'37" (Previously notified 1470 kHz)	.850	ND-D-175	750 kHz D	II	262	120.	276	April 1, 1981.
				780 kHz					

Mexican List No. 296—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground system: Number radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
XEXY	Cd Altamirano, Gro., N. 18°18'36", W. 100°40'45" (Previously notified 1530 kHz)	1.000	ND-D-175	D	II	252	120	265	April 1, 1981.
XEMMM	Tijuana, BCN, N. 32°30'45", W. 117°01'06" (PO 0.5/kw/D)	.500D/.250N	ND-U-175	600 kHz U	II	256	120	258	
XEIM	Saltillo, Coah., N. 25°23'12", W. 100°59'15"	.500	ND-D-177	810 kHz D	II	246	120	246	April 1, 1981.
XEIN	Cintalapa, Chis., N. 16°41'42", W. 93°42'23" (PO 1450 kHz)	1.000D/.250N	ND-U-175	810 kHz U	II	304	90	243	
(New)	Tonala, Chis., N. 16°09'35", W. 93°45'31"	1.000D/.250N	ND-U-175	690 kHz U	II	252	90	252	April 1, 1981.
XENH	Mazatlan, Sin., N. 23°11'55", W. 106°25'20" (PO Escuinapa N. 22°50'10", W. 105°42'17")	1.000	ND-D-175	870 kHz D	II	249	90	249	
XEYR	M Villahermosa, Tab., N. 17°45'30", W. 92°57'00" (PO 1340 kHz)	3.500	ND-D-175	880 kHz D	II	230	90	230	
(New)	Tepic, Nay., N. 21°31'24", W. 104°52'41"	1.000	ND-D-190	690 kHz D	II	278	120	278	April 1, 1981.
XERN	Montemorelos, N.L., N. 25°11'34", W. 99°49'32" (PO 1/KW/D)	5.000D/.100N	ND-U-190	950 kHz U	III	258	120	258	Immediately.
XEJ	CD Juarez, Chih., N. 31°40'59", W. 106°21'30"	10.000D/5.000N	ND-U-185	970 kHz U	III	230	120	243	Immediately.
XEQS	Fresnillo, Zac., N. 23°10'26", W. 102°52'58" (Previously notified 1470 kHz)	4.000D/.100	ND-D-175 DA-N	850 kHz U	III	251	120	251	
XEIU	Oaxaca, Oax., N. 17°03'48", W. 96°44'12" (PO 1160 kHz)	1.000D/.250N	ND-U-175	990 kHz U	II	302	120	170	
XEG	Monterrey, N.L., N. 25°41'53", W. 100°10'30"	150.000D/150.000N	ND-U-225	1050 kHz U	I-A	427	120	468	Immediately.
XEPU	Monclova, Coah., N. 26°54'14", W. 101°24'45"	.250	ND-D/187	1110 kHz D	II	213	120	213	Immediately.
XELEO	Leon, Gto., N. 21°07'08", W. 101°41'01" (PO 5/KW/D) (Shares antenna with XELG, 680 kHz)	5.000D/.250N	ND-D-184 DA-N	1110 kHz U	II	221	90	221	
XEXP	Tuxtepec, Oax., N. 18°05'22", W. 96°07'12" (PO 0.5/kw/D)	1.000D/.100N	ND-U-175	1150 kHz U	III	192	90	192	
XECT	Monterrey, N.L., N. 25°41'10", W. 100°18'07" (PO 0.5/KW/D)	.500D/.200N	ND-U-175	1190 kHz U	II	285	120	207	
(New)	Zacatecas, Zac., N. 22°48'45", W. 102°34'35" (Assignment deleted)	5.000	ND-D-190	1210 kHz D	II	203	120	203	
(New)	Aguascalientes, Ags., N. 21°52'43", W. 102°18'04"	1.000	ND-D-175	1210 kHz D	II	176	120	176	Apr. 1, 1981
(New)	Salvatierra, Gto., N. 20°13'01", W. 100°54'31"	.500	ND-D-174	1230 kHz D	IV	196	120	136	April 1, 1981.
(New)	Puruandiro, Mich., N. 20°05'21", W. 101°30'59"	.250	ND-D-175	1250 kHz D	III	181	120	150	Apr. 1, 1981.
XESA	Culiacan, Sin., N. 24°51'24", W. 107°23'47" (PO 1360 kHz)	5.000D/.500N	ND-U-190	1260 kHz U	III	195	120	195	
XEAZ	Tijuana, BCN, N. 32°32'20", W. 117°02'40"	.500D/.500N	ND-U-191	1270 kHz U	III	194	120	197	Immediately.
XEIY	Rio Verde, SLP, N. 21°55'52", W. 99°59'58"	1.000	ND-D-175	1290 kHz D	III	243	90	115	Apr. 1, 1981.
XEAR	CD Obregon, Son., N. 27°31'11", W. 109°52'53"	1.000D/.100N	ND-U-193	1290 kHz U	III	197	120	197	Immediately.
XETIA	Guadalajara, Jal. N. 20°42'41", W. 103°18'15" (PO 1/KW/D, 0.250/KW/N)	5.000D/.250N	ND-U-205	1310 kHz U	III	283	90	262	
XENM	Aguascalientes, Ags., N. 21°52'45", W. 102°17'56" (PO 0.250/KW-U)	1.000D/.250N	ND-U-180	1320 kHz U	III	148	90	98	
XEUAS	Culiacan, Sin., N. 24°48'34", W. 107°23'58" (PO 5/KW/D, 0.500-KW/N, ND-U-190)	5.000D/1.000N	ND-D-190, DA-N	1330 kHz U	III	185	120	185	

Mexican List No. 296—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
XEFC	Merida, Yuc., N. 21°00'13", W. 89°35'48" (PO 1/KW/U) (Shares antenna with XERRF, 1150 kHz)	5.000D/1.000	ND-U-188	1330 kHz U	III	197	90	194	
XEBCC	CD Del Carmen, Camp., N. 18°38'22", W. 91°50'16"	.250D/.250N	ND-U-175	1340 kHz U	IV	230	90	230	Immediately.
XECR	Morelia, Mich., N. 19°42'13", W. 101°06'28" (PO 0.250/KW/U)	.500D/.250N	ND-U-164	1340 kHz U	IV	131	120	131	
(New)	Tepalcatepec, Mich., N. 19°07'48", W. 102°46'15"	1.000	ND-D-174	1340 kHz D	IV	177	120	125	Apr. 1, 1981.
XESL	San Luis Potosi, SLP, N. 22°09'10", W. 100°58'38" (PO 0.5/KW/D, 0.250/KW N, ND-U-177)	1.000D./.250N	ND-U-174	1340 kHz U	IV	157	120	148	
XEUD	Tuxtla Gtz, Chis., N. 16°45'06", W. 93°07'03" (PO 1/KW/D, 0.5/KW/N, ND-U-214)	3.500D/.500N	ND-U-175	1360 kHz U	III	297	120	180	
XESA	Culiacan, Sin., N. 24°51'24", W. 107°23'47" (Change to 1260 kHZ) (Shares antenna with XEADX, 920 kHz)	1.000D/.500N	ND-U-219	1360 kHz U	III	246	120	246	
(New)	Ocotlan, Jal., N. 20°21'33", W. 102°46'24" (Change to 1500 kHZ)	.250	ND-D-190	1430 kHz D	III	171	120	171	
XEVSD	Villa Constituc, BCS, N. 25°35'00", W. 111°45'00" (PO 1/KW/D, 0.150/KW/N)	10.000D/.200N	ND-U-190	1440 kHz U	III	171	120	171	
XEARE	Ajinaga, Chih., N. 29°32'02", W. 104°27'40"	1.000D/.250N	ND-U-175	1450 kHz U	IV	230	120	230	Apr. 1, 1981.
XEKC	Oaxaca Oax., N. 17°03'06", W. 96°41'03" (PO 680 kHz) (Shares antenna with XERPO, 710kHz)	1.000D/.100N	ND-U-245	1460 kHz U	III	345	120	197	
XEBAL	Becal, Camp., N. 20°28'10", W. 90°01'28"	1.000	ND-D-190	1470 kHz D	III	167	120	167	Immediately.
XEQF	Loma Bonita, Oax., N. 18°05'06", W. 95°54'37" (Change to 750 kHz)	5.000D/5,000N	ND-D-184, DA-N	1470 kHz U	III	167	90	167	
XEQS	Fresnillo, Zac., N. 23°08'24", W. 102°49'41" (Change to 980 kHz) (Shares antenna with XEMA, 690 kHz)	1.000	ND-D-258	1470 kHz D	III	302	120	394	
XEZJ	Zapopan, Jal., N. 20°41'00", W. 103°21'30" (PO 0.5/KW/D, 0.2/KW/N, ND-U-175	1.000/.200N	ND-U-170	1480 kHz U	III	150	90	150	
XEKN	Huetamo, Mich., N. 18°34'36", W. 100°53'06" (PO 0.250/KW/U)	1.000/.250N	ND-U-160	1490 kHz U	IV	118	120	102	
XENP	Ocotlan, Jal., N. 20°21'33", W. 102°46'24" (Previously notified 1430 kHz)	.500	ND-D-190	1500 kHz D	II	.....	.....	.....	April 1, 1981.
XEJPM	Cardel, Ver., N. 19°11'56", W. 96°16'25" (PO 0.5/KW/D, ND-D-190, 164/120/164)	1.000	DA-D	1510 kHz D	II	.....	.....	.....	
XEXY	CD Altamirano, Gro., N. 18°18'36", W. 100°40'45" (Change to 780 kHz)	.500	ND-D-193	1530 kHz D	II	177	120	161	
XEAVR	Alvarado, Ver., N. 19°05'40", W. 96°06'18"	5.000/1.000N	ND-D-206, DA-N	1540 kHz U	II	230	120	157	April 1, 1981.
XEDV	El Oro, Mex., N. 19°49'33", W. 100°08'01" (PO 0.5/KW/D)	.800	ND-D-181	1550 kHz D	II	148	98	159	
XELAC	Lazaro Cardenas, Mich., N. 17°55'30", W. 102°11'40" (PO 5/KW/D, ND-D-175)	5.000D/.150N	ND-U-190	1560 kHz U	II	157	120	157	
(New)	Tuxtla Gtz., Chis., N. 16°44'00", W. 93°09'23"	10.000	ND-D-190	1570 kHz D	II	157	120	157	April 1, 1981.
(New)	Apatzingan, Mich., N. 19°04'54", W. 102°15'31"	.250	ND-D-175	1590 kHz D	III	108	120	142	April 1, 1981.

Mexican List No. 296—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
				1530 kHz					
XEACH	Monterrey, N.L., N. 25°40'57", W. 100°12'03"	5,000D/.200N	ND-U-190	U	II	143	120	143	Immediately.
				1000 kHz					
XEAK	Acambaro, Gto., N. 20°02'23", W. 100°43'40"	.500D/.200N	ND-U-175	U	II	184	120	184	Immediately.
				1600 kHz					
XERIP	San Martin T, Pue., N. 19°16'35", W. 98°24'19" (PO 0.5/KW/D)	.500D/.100N	ND-U-175	U	III	139	90	133	

Richard J. Shiben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 80-39797 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

Visionary Radio Euphonics, Inc.; Designating Application for Hearing on Stated Issues

Adopted: November 25, 1980.

Released: December 10, 1980.

In re Applications of Visionary Radio Euphonics, Inc., Florence, Oregon (Req: 104.7 MHz, Channel 284 96 kW (H&V), 1570 feet (H&V)) BC Docket No. 80-747, File No. BPH-790212AE; Cecelia Murphy, Florence, Oregon (Req: 104.7 MHz, Channel 284 100 kW (H&V), 1080 feet (H&V)) BC Docket No. 80-748, File No. BPH-790803AE; Constant Communications Company, Florence, Oregon (Req: 104.7 MHz, Channel 284 100 kW (H&V), 1705 feet (H&V)) BC Docket No. 80-749, File No. BPH-790807AG; For Construction Permit for a New FM Station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of Visionary Radio Euphonics, Inc. (Visionary), Cecelia Murphy (Murphy) and Constant Communications Company (Constant).

2. *Visionary.* Applicants for new broadcast stations are required by Section 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in Section 73.3580(h) of the Rules. We have no evidence that Visionary published the required notice. To remedy this deficiency, Visionary will be required to publish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

3. *Murphy.* Analysis of the financial data submitted by Cecelia Murphy reveals that $237,946 will be required to construct and operate for three months, itemized as follows:

Equipment	$33,000
Buildings	15,000
Miscellaneous	73,000
Operating costs (3 months)	54,946
Total	237,946

The application does not state how construction and operation will be financed. Ms. Murphy has shown the availability of $792 in personal liquid and current assets above current liabilities, and $64,500 as the appraised value of real estate to be sold if the application is granted. It will be necessary to determine whether funds above the $65,292 indicated will be available to the applicant. In addition, the applicant has allocated only $3,000 for legal expenses. Since the applicant has employed legal counsel, and in correspondence to the Commission has indicated that she has received an estimate of legal expenses of at least $5,000 and as much as $100,000, the allotment for legal fees incident to a hearing is insufficient. Accordingly, a limited financial issue will be specified.

4. *Murphy.* On June 5, 1980, the office of the Chairman of the Commission received a letter from Senator Mark O. Hatfield transmitting a letter dated May 15, 1980 from Cecelia Murphy to the Senator. The May 15, 1980 letter sets forth Ms. Murphy's background, experience and qualifications for broadcasting, discusses the expense involved in prosecuting the application and her hope that an FCC hearing can be avoided, and asks for the Senator's assistance. By means of a letter addressed to a Congressional Liaison at the Commission, Senator Hatfield indicates he is not in a position "to endorse
any . . . of the applicants," but does want to indicate his interest and asks that his office be advised of the final outcome of the matter. By letter, the Chief, Broadcast Bureau, advised the Senator of the status of the application and the prohibition's contained in Sections 1.1225(a) and 1.1227(e) of the Commission's Rules against solicitation of an ex parte presentation or status inquiry by an interested party in this contested proceeding. Ms. Murphy's letter to Senator Hatfield is more than a mere status inquiry or expression of concern with administrative delay. While it appears that the Senator sought to limit his contact with the Commission to a request for information regarding the final outcome of this contested proceeding, it appears that Ms. Murphy's expressed intent was to seek his intercession on her behalf. Therefore, an ex parte issue will be specified.[1]

5. *Constant.* Analysis of the financial data submitted by Constant reveals that $42,180 will be required to construct and operate for three months, itemized as follows:

Equipment down payment	$4,580
Equipment payments (4)	9,160
Buildings	3,000
Miscellaneous	8,000
Operating costs (3 months)	17,440
Total	42,180

The applicant has shown the availability of $40,000 in cash on hand. Moreover, the applicant has allocated only $3,000 for legal expenses. Since the

[1] The Commission also received letters from Michael D. Brown, Portland, Oregon, and Norma Paulus, Secretary of State, Salem, Oregon, in support of Ms. Murphy. Although there is no indication that these communications were solicited by Ms. Murphy, it is apparent from a letter filed with the Secretary of the Commission on June 18, 1980 that she also sought assistance from the National Association of Broadcasters by letter dated May 20, 1980. Thus, Ms. Murphy's repeated efforts to promote her application may have included solicitation of the Brown and Paulus communications. Accordingly, the inquiry under the ex parte issue should include the facts and circumstances surrounding the Brown, Paulus and NAB letters, as well.

applicant has employed legal counsel, the allotment for legal fees incident to a hearing is insufficient. Accordingly, a limited financial issue will be specified.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Cecelia Murphy:

a. the legal costs incident to a hearing on the application;

b. the source and availability of additional funds over and above $65,292 indicated; and

c. whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

2. To determine whether Cecelia Murphy has violated Sections 1.1225(a) and 1.1227(e) of the Commission's Rules.

3. To determine with respect to Constant:

a. the legal costs incident to a hearing on the application;

b. the source and availability of additional funds over and above the $40,000 indicated; and

c. whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That Visionary file a statement of publication of local notice of its application with the presiding Administrative Law Judge in accordance with Section 73.3580(f) of the Commission's Rules.

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed insuch Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 80-39796 Filed 12-22-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearings, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 12, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 5680-32.

Filing Party: Edward D. Ransom, Esquire, Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. 5680-32 amends the basic agreement and the Appendix thereto, of the Pacific/Straits Conference to establish procedures pertinent to the Conference misrating program in conformity with General Order 7 (46 CFR 528), and to add a new Article 14 which provides the administrative details for implementing the misrating program.

Agreement No.: 6060-25.

Filing Party: Edward D. Ransom, Esquire, Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. 6060-25 amends the basic agreement and the Appendix thereto, of the Pacific/Indonesian Conference to establish procedures pertinent to the Conference misrating program in conformity with General Order 7 (46 CFR 528), and to add a new Article 13 which provides the administrative details for implementing the misrating program.

Agreement No. 10044-6.

Filing Party: Mr. R. J. Finnan, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Summary: Agreement No. 10044-6 proposes to modify the basic U.S. Gulf/Peru Pooling Agreement by: (1) enlarging the excluded cargo list to include "cargoes for which the rate is opened and carried in lots of more than 2,000 payable tons per sailing"; (2) adding new provisions requiring the Pool Committee to meet once every 3 months, and the Principals to meet yearly, or thrice a year if necessary; (3) permitting the rewriting of the "Arbitration" provision (Article 11) to comply with the New Constitution of the Republic of Peru as well as U.S. laws and customs; (4) making a nonsubstantive wording change in the "Equal Access" provision (Article 7); (5) extending the term of the basic agreement through December 31, 1982; and, (6) establishing a provision which provides that any period of extension of the basic agreement expiring December 31, 1980, will be combined for accounting purposes and computation of pool shares under Agreement No. 10044-6, for the Pool Year 1981.

By Order of the Federal Maritime Commission.

Dated: December 8, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-40005 Filed 12-22-80; 8:45 am]

BILLING CODE 6730-01-M

Performance Review Board; Addition of Member

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the addition of Peter N. Teige, Commissioner, to the list of members of the Performance Review Board.

DATE: December 23, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Herron, Jr., Director, Office of Personnel Management, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

SUPPLEMENTARY INFORMATION: 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.

Federal Maritime Commission.

Richard J. Daschbach,

Chairman.

[FR Doc. 80-40004 Filed 12-22-80; 8:45 am]

BILLING CODE 6730-01-M

Schedule for Awarding Senior Executive Service Bonuses

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

DATE: December 23, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Herron, Jr., Director, Office of Personnel Management, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5773.

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the Federal Register of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid. The Federal Maritime Commission intends to award Senior Executive Service bonuses for the performance rating cycle of January 1, 1980, through September 30, 1980, with payouts scheduled by January 9, 1981.

Richard J. Daschbach,

Chairman, Federal Maritime Commission.

[FR Doc. 80-40041 Filed 12-22-80; 8:45 am]

BILLING CODE 6730-01-M

Transshipment Agreements; Cancellation

American President Lines, Ltd./Johnson Line

Filing Party: R. N. Sanderson, Manager Pricing, American President Lines, Ltd., 1950 Franklin Street, Oakland, California 94612.

Agreements Nos.: 9288, 9927, and 9928.

Summary: On November 28, 1980, the Commission received notice of the termination of participation by American President Lines, Ltd., in Agreements Nos. 9288, 9927, and 9928. The agreements will be cancelled as of November 28, 1980, the date of receipt of the notice of termination.

American President Lines, Ltd./Kawasaki Kisen Kaisha

Filing Party: R. N. Sanderson, Manager Pricing, American President Lines, Ltd., 1950 Franklin Street, Oakland, California 94612.

Agreements Nos.: 9380 and 9406.

Summary: On November 28, 1980, the Commission received notice of the termination of participation by American President Lines, Ltd., in Agreements Nos. 9380 and 9406. The agreements will be cancelled as of November 28, 1980, the date of receipt of the notice of termination.

American President Lines, Ltd./Australia W. Pacific

Filing Party: R. N. Sanderson, Manager Pricing, American President Lines, Ltd., 1950 Franklin Street, Oakland, California 94612.

Agreements Nos.: 9599, 9602, and 9536.

Summary: On November 28, 1980, the Commission received notice of the termination of participation by American President Lines, Ltd., in Agreements Nos. 9599, 9602, and 9536. The agreements will be cancelled as of November, 28, 1980, the date of receipt of the notice of termination.

American President Lines, Ltd./Great Eastern

Filing Party: R. N. Sanderson, Manager Pricing, American President Lines, Ltd., 1950 Franklin Street, Oakland, California 94612.

Agreement No.: 9617.

Summary: On November 28, 1980, the Commission received notice of the termination of participation by American President Lines, Ltd., in Agreement No. 9617. The agreement will be cancelled as of November 28, 1980, the date of receipt of the notice of termination.

American President Lines, Ltd./Foss Alaska

Filing Party: R. N. Sanderson, Manager Pricing, American President Lines Ltd., 1950 Franklin Street, Oakland, California 94612.

Agreement No.: 9372.

Summary: On November 28, 1980, the Commission received notice of the termination of participation by American President Lines, Ltd., in Agreement No. 9372. The agreement will be cancelled as of November 28, 1980, the date of receipt of the notice of termination.

American President Lines, Ltd./Samudera Indonesia

Filing Party: R. N. Sanderson, Manager Pricing, American President Lines, Ltd., 1950 Franklin Street, Oakland, California 94612.

Agreement No.: 9949.

Summary: On November 28, 1980, the Commission received notice of the termination of participation by American President Lines, Ltd., in Agreement No. 9949. The agreement will be cancelled as of November 28, 1980, the date of receipt of the notice of termination.

Dated: December 18, 1980.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-40000 Filed 12-22-80; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1681]

Al Lacy, Jr.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Al Lacy, Jr., 5100 West 164th St., No. 26, Cleveland, Ohio 44142 was cancelled effective December 12, 1980.

By letter dated November 13, 1980, Al Lacy, Jr., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1681 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Al Lacy, Jr., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1681 be and is hereby revoked effective December 12, 1980.

It is ordered, that Independent Ocean Freight Forwarder License No. 1681 issued to Al Lacy, Jr. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register served upon Al Lacy, Jr.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 80-40003 Filed 12-22-80; 8:45 am]

BILLING CODE 6730-01-M

Petitions Filed

The Federal Maritime Commission hereby gives notice that the following petition(s) have been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect and obtain a copy of the petition(s) and the justification(s) offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the petition(s) at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on the petitions(s), including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 2, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed petition(s). Comments shall discuss with particularity allegations that the petition is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the petition(s) and the statement should indicate that this has been done.

Agreement No.: 150 DR-7.

Filing Party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 150 DR-7, amended to conform to the Commission's September 11, 1980, Order as amended by ERRATA served November 28, 1980, in Docket No. 76-11, has been modified in the following respects:

1. Article 1 is amended to read; in pertinent part:

* * * in the trade from ports in Japan and Korea to United States Pacific Coast ports in California, Oregon, Washington, Hawaii and Alaska (hereafter Port-to-Port Trade); or the trade from ports in Japan and Korea to inland points in the United States via ports in California, Oregon, Washington, Hawaii and Alaska (hereafter called the Through Intermodal Trade); * * *

2. Article 2(a) is amended to read:

Except as otherwise provided in this Agreement, the Merchant shall ship or cause to be shipped all of its ocean shipments moving in the Port-to-Port Trade, the Through Intermodal Trade, or both, on Conference vessels—depending upon which contract the Merchant has executed. A Merchant signing only the Port-to-Port Contract need only commit its Port-to-Port shipments to the Conference and a Merchant signing only the Through Intermodal Contract is obligated to commit only its Through Intermodal shipments to the Conference. A Merchant may, but is not required to, sign both the Port-to-Port and the Through Intermodal contracts, in which case both type of shipments would be reserved for Conference vessels.

3. Separate cover/signature pages are attached to the Agreement, one plainly designated as controlling TPFC's "Port-to-Port Trade" and the other as controlling its "Through Intermodal Trade," so that shippers desiring to commit themselves to both contracts are required to sign two separate pieces of paper.

Dated: December 17, 1980.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 80-39744 Filed 12-22-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Senior Executive Service Performance Awards

Notice is hereby given pursuant to 5 U.S.C. 5384 of the Senior Executive Service performance awards made by the Federal Mediation and Conciliation Service. The awards are as follows:

Kenneth E. Moffett, Deputy Director, Washington, D.C., $10,000

Richard D. Williams, Regional Director, Region 7, San Francisco, CA, $10,000

Tally R. Livingston, Regional Director, Region 3, Atlanta, GA, $5,000

John C. Zancanaro, Associate Director of Mediation Services, Washington, D.C., $5,000

Wayne L. Horvitz,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 80-39759 Filed 12-22-80; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

First Bank System, Inc.; Bank Holding Companies; Proposed de Novo Nonbank Activities

Then 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 received by the appropriate Federal Reserve Bank not later than January 15, 1981.

A. *Federal Reseve Bank of Minneapolis* (Lester G. Gable, Vice

President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

First Bank System, Inc., Minneapolis, Minnesota (commercial finance and factoring activities; Montana, North Dakota, South Dakota, Wyoming, Colorado, Kansas, Nebraska, Iowa, Missouri, Minnesota, Wisconsin, Illinois, Indiana, and Michigan): to engage, through its subsidiary, FBS Business Credit, Inc., in making or acquiring, for its own account or for the account of others, secured and unsecured loans or other extensions of credit, such as would be made by a commercial finance or factoring company, and the servicing of loans and other extensions of credit for any person. These activities would be conducted from an office in Minneapolis, Minnesota, and the area to be served is the Midwestern United States, including the states of Montana, North Dakota, South Dakota, Wyoming, Colorado, Kansas, Nebraska, Iowa, Missouri, Minnesota, Wisconsin, Illinois, Indiana, and Michigan.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Bankamerica Corporation, San Francisco, California (financing and servicing; all fifty (50) states and the District of Columbia): to engage, through its indirect subsidiary, BA Commercial Corporation, in the activities of making loans and other extensions of credit and acquiring loans, participations in loans, and other extensions of credit such as would be made or acquired by a finance company. Such activities would include, but not be limited to, inventory and accounts receivable; financing; lease financing; equipment financing; insurance premium financing; making loans to non-affiliated finance and leasing companies secured by pledges of accounts receivable of such companies; making other loans secured by real or personal property and purchasing retail installment sales contracts. In addition, BA Commercial Corporation also proposes to engage in the additional activities of servicing loans, participations of loans and other extensions of credit for itself and others in connection with extensions of credit made or acquired by BA Commercial Corporation. These activities would be conducted from a *de novo* office located in Atlanta, Georgia and will serve all fifty (50) states and the District of Columbia.

2. Wells Fargo & Company, San Francisco, California (equipment leasing and lease financing activities; California, Nevada, Ohio, Indiana, Kentucky, West Virginia, Michigan and Illinois): to engage, through its subsidiaries, Wells Fargo Leasing Corporation, Wells Fargo Transport Leasing Corporation, Wells Fargo Equipment Leasing Corporation, and Wells Fargo Credit Corporation, in making or acquiring for its own account or for the account of others, loans and other extensions of credit as would be made by a lease financing company, such as conditional sales agreements or chattel mortgages; leasing personal or real property or acting as agent, broker, or advisor in leasing such property where the lease is to serve as the functional equivalent of an extension of credit and conforms to the specifications set forth in § 225.4(a)(6) of the Board's Regulation Y (12 CFR 225.6(a)(6)). These activities would be conducted from offices in Bakersfield, California, serving the states of California and Nevada, and in Cincinnati, Ohio, serving the states of Ohio, Indiana, Kentucky, West Virginia, Michigan and Illinois.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, December 15, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-39703 Filed 12-22-80; 8:45 am]

BILLING CODE 6210-01-M

First Southern Bancshares, Inc.; Formation of Bank Holding Company

First Southern Bancshares, Inc., Mt. Juliet, Tennessee, 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 Bank of Mt. Juliet, Mt. Juliet, Tennessee. 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 January 15, 1981. 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, December 15, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-39703 Filed 12-22-80; 8:45 am]

BILLING CODE 6210-01-M

Horizon Bancorp; 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 continued 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 or 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 January 9, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Horizon Bancorp, Morristown, New Jersey (commercial financing activities; Western Europe and South America): to engage, through its subsidiary, Horizon Creditcorp International Division, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting

drafts), such as would be made by a commercial finance company. These activities would be conducted from an office in Morristown, New Jersey, serving all of Western Europe and certain South American countries, such as Colombia, Venezuela, Argentina, and Brazil. Comments on this application must be received by January 16, 1981.

2. Manufacturers Hanover Corporation, New York, New York (commercial leasing and financing activities; Minnesota, Iowa, Nebraska, South Dakota, North Dakota and western Wisconsin): to engage; through its subsidiary, Manufacturers Hanover Leasing Corporation, in leasing real and personal property on a full payout basis, acting as agent, broker or adviser in leasing such property; making or acquiring for its own account or for the account of others commercial loans and other extensions of credit with respect to real or personal property; and servicing such leases, loans and other extensions of credit. These activities would be conducted from an office in Minneapolis, Minnesota, serving the areas listed in the caption to this notice. Comments on this application must be received by January 12, 1981.

B. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

Virginia National Bankshares, Inc., Norfolk, Virginia (lending and credit insurance activities; Washington, D.C. SMSA): to engage, through its subsidiary VNB Equity Corporation, in making, acquiring, and servicing, for its own account or for the account of others, loans secured principally by second mortgages on real property, and acting as an agent in the sale of credit life, and credit accident and health insurance in connection with such loans. These activities would be conducted from an office in Springfield, Virginia, serving the Washington, D.C. standard metropolitan statistical area.

C. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

National Detroit Corporation, Detroit, Michigan (mortgage banking activities; Michigan): to engage, through its subsidiary, NBD Mortgage Company, in making, acquiring and servicing, for its own account or for the account of others, loans and other extensions of credit in connection with the purchase, development and improvement of real property. These activities would be conducted from an office in Midland, Michigan, serving Midland, Bay, Saginaw, Isabella, Gratiot and Tuscola Counties, Michigan.

D. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Western Bancorporation, Los Angeles, California (acting as an investment or financial advisor; Colorado, Kansas, Utah and Wyoming) to engage, through its subsidairy, Western Assets Management Company, in acting as an investment or financial adviser to the extent set forth in §§ 225.4(a)(5)(i), (iii), (iv) and (v) of the Board's Regulation Y (12 CFR 225.4(a)(5)(i), (iii), (iv) and (v)) from a new office. The new office would be located in Denver, Colorado, and would serve the States of Colorado, Kansas, Utah and Wyoming. This application is to establish a new office and expand the geographic scope of a previously approved activity conducted through a wholly-owned subsidiary. Comments on this application must be received by January 12, 1981.

2. U.S. Bancorp, Portland, Oregon (consumer finance, industrial loan company, loan servicing, and insurance activities; Colorado): to engage through its subsidiary, U.S. Bancorp Financial, Inc., in the making, acquiring and servicing of loans and other extensions of credit either secured or unsecured for its own account or for the account of others such as would be made by a consumer finance company including the making of consumer instalment loans, purchasing consumer instalment and real estate sales finance contracts and evidences of debt and making consumer home equity loans secured by real estate, making industrial loans, and acting as insurance agent with regard to credit life and disability insurance, solely in connection with extensions of credit by Bancorp Financial. These activities would be conducted from an office in Aurora, Colorado, serving the city of Aurora.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, December 15, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-39790 Filed 12-22-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Credithrift Financial, Inc.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Credithrift Financial, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all stock of M & J Financial Corporation from Northwestern Financial Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 9, 1980.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-39808 Filed 12-22-80; 8:45 am]

BILLING CODE 6750-01-M

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: LTV Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets by R. Quintus Anderson. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the

Department of Justice in response to a request for early termination submitted by LTV Corporation. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 21, 1980.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. section 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-39809 Filed 12-22-80; 8:45 am]

BILLING CODE 6750-01-M

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: TIC Investment Corp. is granted early termination of the waiting period provided by law and the premerger notification rules with respect ot the proposed acquisition of all stock of White Farm Equipment. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: October 29, 1980.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-33810 Filed 12-22-80; 8:45 am]

BILLING CODE 6750-01-M

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Occidental Petroleum Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all assets of Firestone Plastics Company from Firestone Tire & Rubber Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Occidental Petroleum Corporation. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: November 26, 1980.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-33811 Filed 12-22-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Drug Abuse National Advisory Council; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of January 1981.

National Advisory Council on Drug Abuse

January 27-28; 9:00 a.m.; Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Open—January 27, 9:00 a.m. to 5:00 p.m.; January 28, 1:00 p.m. to 5:00 p.m.

Closed—January 28, 9:00 a.m. to 12 noon

Contact: Ms. Pamela Jo Thurber, Executive Secretary, Room 10-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6480

Purpose: The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, training, demonstration, prevention, and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes recommendations on grant applications.

Agenda: On January 27, from 9:00 a.m. to 5:00 p.m., and on January 28, from 1:00 p.m. to 5:00 p.m., the session will be open to the public for discussion of program developments and policy issues.

On January 28, from 9:00 a.m. to 12 noon, the session will be closed to the public for the final review of grant applications for Federal assistance, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

An agenda, roster of members, and minutes of meetings may be obtained upon request from the contact person listed above.

Dated: December 17, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-39793 Filed 12-22-80; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

[Docket No. 79N-0339; DESI Nos. 8615, 9152, 9188, and 50168]

Certain Ophthalmic Antibiotic Combination Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

Correction

In FR Doc. 80-31973, published at page 69042, on Friday, October 17, 1980 there was a document published correcting FR Doc. 80-26545 appearing at page 57776 in the Federal Register of August 29, 1980. There is a further correction to FR Doc. 80-31973, on page 69042, in the first column, paragraph 1., "5776" should be corrected to read "57776".

BILLING CODE 1505-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Matthew H. Lewis, District Director, Newark District Office, East Orange, NJ.

DATE: The meeting will be held at 10 a.m., Tuesday, January 13, 1981.

ADDRESS: The meeting will be held at the East Orange Public Library, So. Arlington Ave., East Orange, NJ 07018.

FOR FURTHER INFORMATION CONTACT: Joan A. Godal, Consumer Affairs Officer, Food and Drug Administration, 20 Evergreen Place, East Orange, NJ 07018, 201-645-6365.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Newark District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: December 16, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-39530 Filed 12-22-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0269]

Laserpoint; Approval of Variance for the LASERPRO-80 Laser Projection System and Laser Light Show

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for laser products has been approved by the Bureau of Radiological Health for the LASERPRO-80 laser projection system and laser light show manufactured and produced by Laserpoint. The projector provides laser display to produce a variety of special lighting effects. The principal use of this product is to provide entertainment to general audiences.

DATES: The variance became effective October 10, 1980, and ends October 10, 1982.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 29857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Laserpoint, 202 W. Muncie Ave., Fresno, CA 93711, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products. The variance permits the manufacturer to introduce into commerce the demonstration laser product known as the LASERPRO-80 laser projector and light show manufactured and produced by Laserpoint. The shows have levels of accessible laser radiation in excess of class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection will be provided by constraints on the physical and optical design, by warning in the user manual and on the product, and by procedures for Laserpoint personnel. The product shall bear the Variance No. 80P-0269.

By letter of October 10, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on October 10, 1982.

In accordance with § 1010.4 (21 CFR 1010.4), the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch, Food and Drug Administration (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 15, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-39533 Filed 12-22-80; 8:45 am]

BILLING CODE 4110-03-M

Advisory Committee; Notice of Meetings

Correction

In FR Doc. 80-28798, published on page 62558, on Friday, September 19, 1980, in the third column, the ninth line, "Pub. L. 92-4633" should be corrected to read "Pub. L. 92-463".

BILLING CODE 1505-01-M

[Docket No. 76N-0068; DESI 12542]

Phenylbutazone and Oxyphenbutazone Drugs for Human Use; Drug Efficacy Study Implementation; Amendment

Correction

In FR Doc. 80-28792, published at page 62552, on Friday, September 19, 1980, on page 62553, in the second column, paragraph 3., the third line from the bottom "(212 CFR" should be corrected to read "(21 CFR".

BILLING CODE 1505-01-M

Health Care Financing Administration

Medicare and Medicaid Programs; Limit on Payment for Services of Independent Rural Health Clinics

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed Notice.

SUMMARY: This notice proposes a revised upper limit on Medicare and Medicaid rates of payment for rural health clinic services furnished by clinics that are not part of a hospital, skilled nursing facility, or home health agency. The amount of the proposed limit is $32.10 per visit. This new limit would be effective for clinic reporting

periods beginning on or after March 1, 1980, and would replace the current limit of $27.30 per visit that was set forth in a notice published in the Federal Register on September 21, 1978 (43 FR 42787). In setting the proposed limit, we followed the methodology described in the September 21, 1978 notice, but applied that methodology to more recent data.

DATE: To assure consideration, comments should be received by February 23, 1981.

ADDRESSES: Address comments in writing 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 Avenue, S.W., Washington, D.C.; or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235.

Please refer to File Code BPP-97-PN.

Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately 2 weeks after publication, in Room 309-G of the Department's offices at 200 Independence Avenue, S.W., in Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202 245-7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final notice, we will consider all comments and we will respond to them in the preamble to that notice.

FOR FURTHER INFORMATION, CONTACT: Bernadette Schumaker, 301-597-1048

SUPPLEMENTARY INFORMATION: The Rural Health Clinic Services Act of 1977 (Pub. L. 95-210) added rural health clinic (RHC) services as a new benefit under Part B of the Medicare program, effective on March 1, 1978, and as a mandatory benefit under certain State Medicaid plans, effective on July 1, 1978. Regulations concerning the reimbursement requirements for rural health clinics under Medicare are contained in 42 CFR Part 405, Subpart X, and those for Medicaid are contained in 42 CFR 447.371.

The regulations, at 42 CFR 405.2425, provide that Medicare and Medicaid will pay provider clinics (i.e., clinics that are part of a hospital, skilled nursing facility, or home health agency) as a component of the provider, using the Medicare provider reimbursement principles in 42 CFR Part 405, Subpart D. Medicare and Medicaid will pay other clinics (i.e., independent clinics) based on an all-inclusive rate per visit developed by the Medicare carrier.

The all-inclusive rate is subject to tests of reasonableness developed by HCFA or the carrier in accordance with 42 CFR 405.2428. Since both Medicare and Medicaid use the same all-inclusive rate to pay for RHC services, these tests of reasonableness apply equally to payments for RHC services under both programs. The tests authorized include screening guidelines intended to identify situations where costs will not be allowed without reasonable justification by the clinic, and a limit on the amount of payment.

Under this authority, we published in the Federal Register on September 21, 1978 (43 FR 42787) a notice that set forth screening guidelines for measuring the reasonableness of RHC costs in terms of staffing levels relative to levels of utilization (i.e. productivity), and of overhead expenses relative to other expenses. That notice also established an upper limit of $27.30 per visit on the all-inclusive payment rate for independent rural health clinics under Medicare and Medicaid. The screening guidelines and payment limit established by that notice were effective under Medicare on March 1, 1978, and under Medicaid on July 1, 1978.

We believe that the limit of $27.30 should be revised at this time, to reflect increases in the cost of providing health care. As explained more fully below, we are retaining the same methodology for calculating this limit that we used before, in order to expedite implementation of the new limit. The new limit would be $32.10 per visit.

The September 21, 1978 notice explains the methodology we used to derive the current payment limit. In deriving that limit, we used physician charge data from the 1978 *Medicare Directory of Prevailing Charges.* Prevailing charges for various services are determined by the Medicare carriers in accordance with 42 CFR 405.504, and generally represent the maximum amount payable under Part B of Medicare for services of physicians reimbursed on a reasonable charge basis. In deriving the payment limit we are now proposing, we followed the same methodology but used the 1980 *Directory,* which is based on the most current and comprehensive data now available.

We considered revising our payment limit methodology to use actual clinic cost data, rather than physician charge data, or to make other changes. However, we concluded that it is better to proceed expeditiously with an increased limit based on the same methodology. We recently published proposed regulations (45 FR 59734, published September 10, 1980) under which Medicare and Medicaid would pay most clinics at cost-based prospective rates that would, for clinics with costs that exceed their rates, serve as payment limits. The remaining clinics would be paid under a retrospective method, and would be subject to a payment limit set at 150 percent of the median cost of all RHCs. We hope to implement a prospective payment method as soon as possible. However, it may take a considerable period of time to evaluate the comments and publish a final rule. Similarly, if we proposed changes at this time in the current methodology, we might well incur delay in establishing increased rates. We are concerned that further delay in updating the current payment limit amount would be unfair to the clinics that now have costs greater than the limit. Therefore, in view of our conclusion that these clinics' rates should be updated promptly and in light of our hope that we will have a prospective system developed reasonably soon, we decided to continue using our current methodology to calculate the proposed limit.

Briefly, this methodology is as follows:

1. Our first step in deriving the proposed payment limit was to select a group of services that, taken together, represent a model of a typical rural health clinic visit. To construct this "model visit," we used the services listed below. The numbers in parentheses are the procedure codes for these services from the 1964 California relative value study (Committee on Fees of the Commission on Medical Services: 1964 Relative Value Studies, Edition 4, California Medical Association, San Francisco, 1964). Our "model visit" comprises:

(a) An initial comprehensive physician's office visit for a new patient (9002);

(b) A routine followup physician's office visit for an established patient (9004);

(c) An initial comprehensive hospital visit (9022); and

(d) A routine laboratory procedure—blood sugar (8722).

2. Our next step in deriving the proposed limit was to calculate the average prevailing charge for each of the four types of services in each State, based on data from the 1980 *Directory.*

3. We then assigned weighting factors to each service in order to reflect the relative frequency with which the services are furnished by RHCs.

Because the current RHC cost report does not indicate the proportion of various types of services a clinic furnishes, we were unable to use actual clinic data to develop these factors. Therefore, we assigned these relative weights based on assumptions drawn from a review of the utilization experience of Federally funded health centers, and from other ambulatory care utilization data.

Because we assume that one of every five RHC patient visits will be an initial comprehensive visit of a new patient, we used 20 percent of each State's average prevailing charge for this type of visit in computing the national average prevailing charge for the model visit. We also assume that seven of every ten RHC patient visits will be routine followup visits for established patients; therefore, we used 70 percent of each State's average prevailing charge for this type of service. To account for the fact that some RHC services are furnished in a hospital setting, we used ten percent of each State's average prevailing charge for an initial comprehensive hospital visit. We believe the routine laboratory procedure selected, blood sugar, is typical of laboratory services furnished by RHCs both because of its frequency and its midrange prevailing charge. We used 100 percent of the prevailing charge for this laboratory procedure in calculating the payment limit because Federally funded health center visits average slightly less than one routine laboratory procedure per visit.

4. For each State, we then multiplied the average prevailing charge for each type of service by the weighting factor assigned to the service, and summed the resulting four amounts to arrive at the State average (mean) prevailing charge for our "model visit".

5. We then summed the individual State averages and divided by 52 (for purposes of this calculation, we included the District of Columbia and Puerto Rico) to calculate the national mean prevailing charge for the model visit.

6. We set the payment limit at the national mean, plus one standard deviation from the national mean, of the prevailing charges for the model visit. We have included an explicit allowance of one standard deviation from the mean to include a margin for any factors not explicitly recognized under our methodology.

7. The amount of this limit, as calculated by applying the methodology described above to data from the 1980 *Directory*, is $32.10 per visit.

The proposed new limit would apply only to payments for RHC services, and not to payments for ambulatory services, other than RHC services, that clinics furnish. This point is important because States may, under Medicaid, pay independent clinics that furnish both other ambulatory services and RHC services at a single rate per visit that is based on the costs of both types of services (see 42 CFR 447.371(c)(1)). In these circumstances, the proposed limit would apply only to the part of the per visit rate that represents payment for the costs of RHC services.

We plan to make the new limit effective under both Medicare and Medicaid on March 1, 1980.

We are continuing to study the patterns and frequency of services furnished in rural health clinics, and to evaluate the appropriateness of our payment limit methodology. We welcome comments on that methodology, and will consider all comments we receive in preparing the final notice.

(Sections 1102, 1833, 1861(aa), 1871, 1902(a) and 1905(a) of the Social Security Act (42 U.S.C. 1302, 1395l, 1395hh, 1395x(aa), 1396a and 1396(d)))

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare-Supplementary Medical Insurance; No. 13.761 (Medical Assistance Program)

Dated: December 19, 1980.

Howard Newman,

Administrator, Health Care Financing Administration.

[FR Doc. 80-40014 Filed 12-22-80; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before December 12, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by January 7, 1981.

Carol Shull,

Acting Chief, Registration Branch.

INDIANA

Tippecanoe County

Lafayette, *Mars Threatre*, 111 N. 6th St.

MASSACHUSETTS

Bristol County

Fairhaven, *Fairhaven High School*, Huttleston Ave.

Fairhaven, *Fairhaven Town Hall*, Center St.

OHIO

Darke County

Versailles, *Versailles Town Hall and Wayne Township House*, 4 W. Main St.

[FR Doc. 80-39597 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-03-M

National Register of Historic Places

Commencing with this proposed nomination, the National Register of Historic Places, under the authority of the National Historic Preservation Act of 1966, as amended, has interpreted its regulations to permit the listing of properties located outside the United States and its territories. Such actions shall be limited to properties currently or formerly under United States ownership, jurisdiction, or control. The National Register invites the comments of interested parties. Written comments should be sent to the Keeper, National Register of Historic Places, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20240.

Written comments should be received by the Keeper of the National Register on or before January 7, 1981

Carol Shull,

Acting Chief, Registration Branch.

MOROCCO

Tangier, *American Legation Building*, 8 Zankat America (Rue d'Amerique).

[FR Doc. 80-39601 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Indian Affairs

Proposed Findings for Federal Acknowledgement of the Tunica-Biloxi Indian Tribe of Louisiana

December 5, 1980.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.9(f) notice is hereby given that the Assistant Secretary proposes to acknowledge that the

Tunica-Biloxi Indian Tribe
c/o Mr. Earl J. Barbry, Sr.
P.O. Box 2182
Mansura, Louisiana 71350

exists as an Indian tribe. This notice is based on a determination that the group satisfies the criteria set forth in 25 CFR 54.7.

Under § 54.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioner and other parties upon written request.

Section 54.9(g) of the regulations, provides that any individual or organization wishing to challenge the proposed findings may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted on or before April 22, 1981. Comments and requests for a copy of the report should be addressed to: Assistant Secretary—Indian Affairs, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20242, Attention: Federal Acknowledgment Project.

Within 60 days after the expiration of the response period, the Assistant Secretary will publish his determination regarding the petitioner's status in the Federal Register as provided in Section 54.9(h).

Philip S. Deloria,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-39742 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-02-M

Rosebud Sioux Indian Tribe, Rosebud Reservation, South Dakota, Transfer of Federally Owned Lands

December 12, 1980.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On October 27, 1980, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93-599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred by the Administrator of General Services to the Secretary of the Interior, without reimbursement, to be held in trust for the use and benefit of the Rosebud Sioux Tribe, Rosebud Reservation, South Dakota:

Lots 5, 6 and 7, Block 7, Town of St. Francis, Todd County, South Dakota, containing 0.39 acres, more or less, together with all improvements thereon.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Rosebud Sioux Tribe. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

Philip S. Deloria,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-39741 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-02-M

Skokomish Indian Reservation, Washington; Resolution and Ordinance Regulating the Sale and Possession of Intoxicating Beverages

December 17, 1980.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 18 U.S.C. 1161 (1976). I certify that the following Resolution and Ordinance relating to the application of Federal Indian Liquor Laws on the Skokomish Indian Reservation, Washington, were adopted on September 12, 1980, by the Skokomish Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Thomas W. Fredericks,

Acting Deputy Assistant Secretary—Indian Affairs.

Skokomish Tribal Council

Resolution No. 80-51

Whereas, the Skokomish Tribal Council is the duly constituted governing body of the Skokomish Indian Reservation by the authority of the Constitution of the Skokomish Indian Tribe, approved by the Commission of Indian Affairs of March 17, 1980; and

Whereas, the Skokomish Tribal Council has the duty and responsibility of regulating the possession, use, consumption, and sale of alcoholic beverages on the Skokomish Indian Reservation; now therefore,

Be it resolved that the Skokomish Tribal Council does hereby adopt the attached Liquor Ordinance; and

Be it further resolved that the Chairman is authorized and directed to execute this resolution and any documents connected herewith; and the Secretary is authorized and directed to execute the following certification.

Certification

I, Harriet Carrington, Secretary of the Skokomish Tribal Council, certify that the above resolution was adopted at a regular meeting of the Skokomish Tribal Council on *September 12*, 1980, at which a quorum was present, by a vote of *4* for and *1* against.

Harriet Carrington,

Secretary, Skokomish Tribal Council.

Attest:

James Byrd, Sr.,

Chairman, Skokomish Tribal Council.

Volume 3. Tribal Enterprises

Section 200. Liquor Control

Section 201. Title

This ordinance shall be known as the Skokomish Liquor Ordinance.

Section 202. Findings and Purpose

a. The introduction, possession, and sale of liquor on Indian reservations have, since Treaty time, been clearly recognized as matters of special concern of Indian tribes and the United States Federal Government. The control of liquor on reservations remains exclusively subject to their legislative enactments.

b. Federal law currently prohibits the introduction of liquor into Indian country (18 U.S.C. 1154), and expressly delegates to tribes the decision regarding when and to what extent liquor transactions shall be permitted (18 U.S.C. 1161).

c. Present day circumstances make a complete ban on liquor within the Skokomish Indian Reservation ineffective and unrealistic. However, a need still exists for strict regulation and control over liquor transactions within the Reservation because of the many potential problems associated with the unregulated or inadequately regulated sale, possession and consumption of liquor. The Tribal Council finds that exclusive tribal control and regulation of liquor is necessary to achieve maximum economic benefit to the Tribe, to protect the health and welfare of tribal members, and to address specific tribal concerns relating to alcohol use on the Reservation.

d. The enactment of a tribal ordinance governing liquor sales on the Skokomish Indian Reservation and providing for exclusive purchase and sale through a tribally owned and operated establishment will enhance the ability of the tribal government to control Reservation liquor distribution and possession, and, at the same time, will provide an important source of revenue for the continued operation of the tribal government and the delivery of essential tribal social services.

e. Tribal regulation of the sale, possession, and consumption of liquor on the Skokomish Indian Reservation is necessary to protect the health, security, and general welfare of the Skokomish

Indian Tribe. In order to further these goals and to provide for an urgently needed additional source of governmental revenue, the Skokomish Tribal Council adopts this liquor ordinance to be known as the "Skokomish Liquor Ordinance." This ordinance shall be liberally construed to fulfill the purposes for which it has been adopted.

Section 203. Definitions

As used in this ordinance, the following words shall have the following meanings unless the context clearly requires otherwise.

a. "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

b. "Alcoholic Beverage" is synonynous with the term liquor as defined in Section 203(e) of this ordinance.

c. "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by volume. For the purposes of this title, any such beverage, included ale, stout, and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer."

d. "Board" means the Skokomish Indian Liquor Board as constituted under this ordinance.

e. "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented spirituous, vinous, or malt liquor or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semi-solid, solid, substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

f. "Malt Liquor" means beer, strong beer, ale, stout, and porter.

g. "Package" means any container or receptacle used for holding liquor.

h. "Sale" and "Sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or any liquid known or describe as beer or by any name whatsoever commonly used to described malt or brewed liquor, or of wine, by any person to any person.

i. "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

j. "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during, or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica, not exceeding seventeen percent of alcohol by weight.

Section 204. Liquor Agency Created

There is hereby established a branch of Skokomish Indian Tribal Enterprises (SITE) known as the Liquor Agency. This branch, like the Seafoods Products Agency. This branch, like the Seafoods Products Agency, shall be constituted as an agency and department of the Skokomish tribal government.

Section 205. Skokomish Indian Liquor Board

a. *Liquor Board Established—Composition.* There is hereby established a Skokomish Indian Liquor Board. The members of the Skokomish Tribal Council shall serve as the Skokomish Indian Liquor Board. The Board is empowered to: 1. Administer this ordinance by exercising general control, management, and supervision of all liquor sales, places of sale, and sales outlets as well as exercising all powers necessary to accomplish the purposes of this ordinance;

2. Adopt and enforce rules and regulations in furtherance of the purposes of this ordinance and the performance of its administrative functions;

3. Employ managers, warehousemen, accountants, security personnel, drivers and such other persons as shall be reasonably necessary to allow the Board to perform its functions. Pursuant to this authority, the Board shall appoint a manager who shall have the powers and perform the duties set forth in Section 206;

4. Bring suit in the appropriate court to enforce the provisions of this ordinance with the consent of the Skokomish Tribal Council. The Board shall not, without the specific consent of the Council, waive the Board's or the Tribe's immunity from suit.

Section 206. Liquor Business Manager

a. *Powers and Duties.* The manager appointed by the Board shall have the following powers and duties in regard to the Liquor Agency: 1. To manage the Liquor Agency for the benefit of the Skokomish Indian Tribe.

2. To purchase, in the name of the Skokomish Indian Tribe, liquor products from wholesale distributors, and distribute them to such tribal liquor outlets as he deems appropriate.

3. To establish, with the Board and subject to its approval, such administrative procedures as are necessary to govern the operation of the Liquor Agency.

4. To report and account to the Board at least four times a year regarding the operation and financial status of the Liquor Agency. The Board and the manager shall establish the dates on which such accounting shall take place. The Board may require more frequent accounting if deemed necessary.

5. To hire and set the salaries of additional personnel, subject to Board approval, as he deems necessary to the successful operation of the Liquor Agency.

6. To supervise all persons employed by the Liquor Agency.

7. To purchase, with Board approval, and to maintain, the Liquor Agency's real and personal property.

8. To collect the Skokomish liquor excise tax.

9. To transfer all tax revenues and gross proceeds of the Liquor Agency to the tribal treasurer for disposition in accordance with Sections 209(b) and 212 respectively.

10. To set the retail price for liquor in cooperation with and subject to the approval of the Board.

11. To obtain and maintain in full force and effect a policy of general liability insurance covering the premises in an amount set by the Board. The policy shall contain the stipulation that the Skokomish Indian Tribe shall be given ten days notice of the proposed cancellation or expiration of such policy. The manager shall submit to the Board a certificate of insurance from such policy and shall have available for inspection a complete copy of such policy.

12. The manager shall be bonded for such additional amount and for such additional purposes as the Board shall determine to be appropriate in managing the Liquor Division.

Section 207. Sovereign Immunity Preserved

Nothing in this ordinance is intended or shall be construed as a waiver of the sovereign immunity of the Skokomish

Indian Tribe. No manager or employee of the Liquor Agency shall be authorized, nor shall he attempt, to waive the immunity of the Tribe.

Section 208. Sales

a. *Only Tribal Sales Allowed.* No sales of alcoholic beverages shall be made within the exterior boundaries of the Skokomish Indian Reservation, except at a tribal liquor store.

b. *All Sales Cash.* All sales at tribal liquor stores shall be on a cash only basis and no credit shall be extended to any person, organization, or entity.

c. *All Sales for Personal Use.* All sales shall be for the personal use of the purchaser, and resale for profit of any alcoholic beverage purchased at a tribal liquor store is prohibited within the Skokomish Indian Reservation. The purchase of an alcoholic beverage at a tribal store and subsequent resale of that beverage for profit, whether in the original container or not, shall be a violation of this ordinance and the violator shall be subject to the penalties prescribed in Section 210(c).

d. *Tribal Property.* The entire stock of liquor and alcoholic beverages referred to under this ordinance shall remain tribal property, owned and possessed by the Skokomish Indian Tribe until sold.

Section 209. Taxation

a. *Tax Imposed.* There is hereby levied and shall be collected a tax on each retail sale of alcoholic beverages on the Skokomish Indian Reservation in the amount of 15% of the retail sales price. The tax imposed by this section shall apply to all retail sales of liquor on the Reservation and shall pre-empt any tax imposed on such liquor sales by the State of Washington. No municipality, city, town, county, nor the State of Washington shall have any power to impose an excise tax on liquor or alcoholic beverages as defined by this title, or to govern or license the sale or distribution thereof in any manner within the Skokomish Indian Reservation.

b. *Distribution of Taxes.* All taxes from the sale of alcoholic beverages on the Skokomish Indian Reservation by or through the Board shall be paid over to the tax fund of the Skokomish Indian Tribe and be subject to distribution by the Skokomish Council in accordance with its usual appropriation procedures for essential governmental and social services. Provided, however, that priority in funding shall be given to those tribal programs which demonstrate greatest need and past successful performance in providing community services to tribal members.

Section 210. Illegal Activities

a. *Violations.*—1. *Liquor Stamp—Contraband.* It shall be a violation of this ordinance for any person to sell alcoholic beverages on the Skokomish Indian Reservation without a stamp of the Board affixed to the package. All alcoholic beverages not so stamped which are sold or held for sale on the Skokomish Indian Reservation are hereby declared contraband and, in addition to any penalties or fines imposed by the Court for violation of this section, shall be confiscated and forfeited in accordance with the procedures set out in Rule 16 of the Skokomish Tribal Court Rules of Civil Procedure (Skokomish Tribal Code, Vol. 8, Section 404).

2. *Use of Seal.* It shall be a violation of this ordinance for any person, other than an employee of the Board, to willfully keep or have in his possession any legal seal prescribed under this ordinance unless the same is attached to a package which has been purchased from a tribal liquor store, or to willfully keep or have in his possession any design in imitation of any official seal prescribed under this ordinance or calculated to deceive by its resemblance to any official seal, or any paper upon which such design is stamped, engraved, lithographed, printed or otherwise marked.

3. *Illegal Sale of Liquor by Drink or Bottle.* It shall be a violation of this ordinance for any person to sell by the drink or bottle any liquor, except as otherwise provided in this ordinance.

4. *Illegal Transportation, Still, or Sale Without Permit.* It shall be a violation of this ordinance for any person to sell or offer for sale or transport in any manner, any liquor in violation of this ordinance, or to operate or have in his possession without a permit, any mash capable of being distilled into liquor.

5. *Illegal Purchase of Liquor.* It shall be a violation of this ordinance for any person within the boundaries of the Skokomish Indian Reservation to buy liquor from any person other than at a properly authorized tribal liquor store.

6. *Illegal Possession of Liquor—Intent to Sell.* It shall be a violation of this ordinance for any person to keep or possess liquor upon his person or in any place or on premises conducted or maintained by him as a principal or agent with the intent to sell it contrary to the provisions of this ordinance.

7. *Sales to Persons Apparently Intoxicated.* It shall be a violation of this ordinance for any person to sell liquor to a person apparently under the influence of liquor.

8. *Possession and Use of Liquor by Minors.* Except in the case of liquor given or permitted to be given to a person under the age of twenty-one (21) years by his parent or guardian, for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, it shall be a violation of this ordinance for any person under the age of twenty-one (21) to consumer, acquire, or have in his possession any alcoholic beverages except when such beverage is being used in connection with religious services.

9. *Furnishing Liquor to Minors.* It shall be a violation of this ordinance for any person to permit any other person under the age of twenty one (21) to consume liquor on his premises or on any premises under his control, except in those special situations set forth in Section 210(a)(8) above.

10. *Sales of Liquor to Minors.* It shall be a violation of this ordinance for any person to sell any liquor to any person under the age of twenty-one (21) years.

11. *Unlawful Transfer of Identification.* It shall be a violation of this ordinance for any person to transfer in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor. Provided, that corroborative testimony of a witness other than the minor shall be a requirement for conviction.

12. *Possession of False or Altered Identification.* It shall be a violation of this ordinance for any person to attempt to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of 21 years.

b. *Proof of Unlawful Sale—Intent.* In any proceeding under this ordinance, proof of one unlawful sale of liquor shall suffice to establish *prima facie* the intent or purpose of unlawfully keeping liquor for sale in violation of this ordinance.

c. *General Penalties.* Any person adjudged to be in violation of this ordinance shall be subject to a civil penalty of not more than Five Hundred Dollars ($500.00) for each such violation. The Board may adopt by separate rule or regulation a schedule of fines for each type of violation, taking into account its seriousness and the threat it may pose to the general health and welfare of tribal members. Such schedule may also provide, in the case of repeated violations, for imposition of monetary penalties greater than the Five Hundred Dollars ($500.00) limitation set forth above. The penalties provided for herein shall be in addition to any criminal penalties which may hereafter be imposed by separate chapter or provision of the Skokomish Tribal Code.

d. *Identification—Proof of Minimum Age.* Where they may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows correct age and bears his signature and photograph:
(1) liquor control authority card of identification of any state.
(2) Driver's license of any state or an identification card issued by any State Department of Motor Vehicles.
(3) United States Active Duty Military identification.
(4) Passport.
(5) Point-No-Point or other treaty area identification cards.

e. *Illegal Items Declared Contraband.* Alcoholic beverages which are possessed contrary to the terms of this section are declared to be contraband. Any tribal law enforcement officer who issues a citation under this section shall seize all contraband which he shall have the authority to seize consistent with the Skokomish Consititution and the applicable provisions of 25 U.S.C. § 1302.

f. *Preservation and Forfeiture.* Any tribal law enforcement officer seizing contraband shall preserve the contraband by placing it in a secured area provided for storage of impounded property and shall promptly prepare an inventory in accordance with Rule 16 of the Skokomish Tribal Court Rules. Upon entry of judgment, the person adjudged to be in violation of this ordinance shall forfeit all right, title, and interest in the items seized, which shall be disposed of in accordance with Rule 16(h) of the Skokomish Tribal Court Rules of Civil Procedure. Provided, however, that the items so forfeited shall not be sold to any person not entitled to possess them under applicable law.

Section 211. Abatement

a. *Declaration of Nuisance.* Any room, house, building, boat, vessel, vehicle, structure, or other place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or of any other tribal law relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and all property kept in and used in maintaining such place, are hereby declared to be a common nuisance.

b. *Institution of Action.* The Chairman of the Board shall institute and maintain an action in the Tribal Court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this title. The plaintiff shall not be required to give bond in the action, and restraining orders, temporary injunctions, and permanent injunctions may be granted in the cause as in other injunction proceedings, and upon final judgment against the defendant, the Court may also order the room, house, building, boat, vessel, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient surety to be approved by the Court in the sum of not less than One Thousand Dollars ($1,000.00), payable to the Tribe and conditioned that liquor will not be thereafter manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of thereof in violation of the provisions of this ordinance or of any other applicable tribal law, and that he will pay all fines, costs, and damages assessed against him for any violation of this ordinance or other tribal liquor laws. If any condition of the bond be violated, the whole amount may be recovered as a penalty for the use of the tribe. Any action taken under this section shall be in addition to any other penalties provided for in this ordinance.

c. In all cases where any person has been adjudged to be in violation of this ordinance or tribal laws relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, an action may be brought in Tribal Court to abate as a nuisance any real estate or other property involved in the commission of the offense, and in any such action a certified copy of the record of such judgment shall be admissible in evidence as *prima facie* evidence that the room, house, vessel, boat, building, vehicle, structure, or place against which such action is brought is a public nuisance.

Section 212. Profits

a. *Distribution of Profits.* The gross proceeds collected by the Board for all sales of alcoholic beverages on the Skokomish Indian Reservation shall be distributed as follows:
1. for the cost of goods;
2. for the payment of taxes provided in Section 209 of this ordinance;
3. for the payment of all necessary personnel, administrative costs, and legal fees for the Board and its activities;
4. the remainder shall be turned over to the General Fund of the Skokomish Indian Tribe on a monthly or other periodic payment schedule established by the Board and shall be expended by the Skokomish Tribal Council for the general governmental services of the Tribe.

Section 213. Severability and Effective Date

a. If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this ordinance or to render such provisions inapplicable to other persons or circumstances.

b. *Effective Date.* This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the Federal Register.

c. *Inconsistent Enactments Rescinded.* Any and all prior enactments of the Skokomish Tribal Council which are inconsistent with the provisions of this ordinance are hereby rescinded.

d. *Disclaimer.* Nothing in this ordinance shall be construed to require or authorize the criminal trial and punishment by the Skokomish Tribal Court of any non-Indian except to the extent allowed by any applicable present or future Act of Congress or any applicable decision of the United States Supreme Court.

e. *Application of 18 U.S.C. 1161.* All acts and transactions under this ordinance shall be in conformity with this ordinance and in conformity with the laws of the State of Washington as that term is used in 18 U.S.C. 1161.

[FR Doc. 80-39761 Filed 12-22-80; 8:45 am]
BILLING CODE 4310-02-M

Pueblo of Acoma, New Mexico; Transfer of Federally Owned Lands

December 8, 1980.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On April 29, 1976, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93-599 dated January 2, 1975 (88 Stat. 1954) the below-described three parcels of land at the former Acomita Day School site were transferred by the Director, Real Property Division, Fort Worth Regional Office of the General Services Administration, to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of the Pueblo of Acoma in New Mexico. That transfer of the former Acomita Day School site excepted therefrom a rectangular-shaped parcel containing 0.20 acre, more or less, which was erroneously described in Federal Register, Vol. 41, No. 128 page 27095, on July 1, 1976, as being at the east end of the school tract,

the actual location being on the west end of the tract.

On August 22, 1978, pursuant to the authority cited above, the office of the General Services Administration in Fort Worth, Texas, transferred to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of Pueblo of Acoma in New Mexico, the 0.20 acre tract excepted from the previous conveyance.

To correctly describe the former Acomita Day School site, all of which is now held in trust for the Pueblo of Acoma, the following description supersedes the description of the Acomita Day School site which was published in the above-cited Federal Register of July 1, 1976, and eliminates the exception on the remaining 0.20 acre portion of the site:

Acomita Day School Site

The site consists of the following described parcels of land in Valencia County, New Mexico:

In the NE¼ Section 33, T. 10 N., R. 7 W., New Mexico principal meridian, beginning at corner No. 1 whence the center of said Section 33 bears S. 81 degrees 34' W., 1219.5 feet, and the north quarter corner of said Section bears N. 25 degrees 19' W., 2729.3 feet; thence N. 60 degrees 24' E., 300 feet to corner No. 2; thence S. 29 degrees 36' E., 140 feet to corner No. 3; thence S. 60 degrees 24' W. 300 feet to corner No. 4; thence N. 29 degrees 36' W., 140 feet to corner No. 1, containing 0.96 acre.

In the NE¼ Section 33, T. 10 N., R. 7 W., New Mexico principal meridian, beginning at corner No. 1 of the original Acomita Day School site; thence S. 60 degrees 24' W., 50 feet to corner No. 2 of this additional tract; thence S. 29 degrees 36' E., 140 feet to corner No. 3; thence N. 60 degrees 24' E., 50 feet to corner No. 4; thence N. 29 degrees 36' W., 140 feet to corner No. 1 containing 0.16 acre more or less.

In the S½NE¼ and in the N½SE¼ Section 33, T. 10 N., R. 7 W., New Mexico principal meridian, beginning at a point designated as corner No. 1 of this tract from which corner No. 3 of the enlarged Acomita Day School tract bears N. 28 degrees 45' W., 55.0 feet; thence N. 77 degrees 45' E., 173.3 feet to corner No. 2 of this tract; thence S. 10 degrees 27' E., 97.0 feet to corner No. 3; thence S. 79 degrees 33' W., 143.5 feet to corner No. 4; thence N. 28 degrees 45' W., 97.9 feet to corner No. 1 which is its northwest corner, containing 0.35 acre.

These lands, totaling 1.47 acres, are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Pueblo of Acoma. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

Philip S. Deloria,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-39805 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Idaho Wilderness Inventory

The Interior Board of Land Appeals (IBLA) on November 26, 1980, issued an order suspending consideration of the appeal by the Owyhee Cattlemen's Association to the Idaho initial wilderness inventory decision in the Stateline area.

IBLA further instructed Idaho BLM to complete its intensive inventory of the eleven stateline units. These units are contiguous to BLM inventory units in Oregon, Nevada, or Utah. Release of the proposed decision on the intensive inventory is anticipated by late January.

The following Idaho units will be included in this inventory:

16-48a Spring Creek
16-48b Owyhee River
16-48c Little Owyhee River
16-53 South Fork Owyhee River
16-56a Upper Little Owyhee River
16-59 Juniper Basin
16-70e Oregon Butte
17-19 Upper Bruneau River
17-21 Jarbidge Addition
17-26 Salmon Falls Creek
22-1 Little Goose Creek

For further information, contact the Idaho State Office of the BLM—Idaho State Office, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Dated: December 11, 1980.

R. O. Buffington,

Idaho State Director, Bureau of Land Management.

[FR Doc. 80-39743 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-84-M

Intent To Prepare an Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Prepare an Environmental Impact Statement.

SUMMARY: The U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, will prepare an Environmental Impact Statement on a proposed coal gasification plant, the Rochelle coal mine and related facilities including water well fields, product pipelines, railroads and power lines among others. The Office of Surface Mining, Reclamation and Enforcement, Region V, the U.S. Forest Service, the Federal Energy Regulatory Commission, the Water Power Resources Service and the U.S. Department of Energy have indicated the desire to be recognized as cooperating agencies in the EIS undertaking. It is furthermore expected that additional agencies whose jurisdiction or interest is yet to be determined or whose involvement will result through additional analysis of alternatives will seek cooperative involvement as the EIS proceeds. The gasification complex proposed by WyCoalGas, Inc., a subsidiary of Panhandle Eastern Pipeline Company, would be located 16 miles northeast of Douglas, Wyoming in Converse County. A privately owned railroad would connect the plant to the proposed Rochelle coal mine owned and operated by Peabody Coal Company and located some 54 miles north of the plant in Campbell County south of Gillette, Wyoming. The permit area for the proposed mine includes Federal, State, and private lands totalling about 6,590 acres. OSM's involvement as a cooperating agency in the EIS preparation is predicated upon submission by Peabody Coal Company of a complete mine plan by February 1, 1981. The cooperative role of the U.S. Department of Energy is limited at this time to document review and technical analysis assistance to the BLM.

The purpose of the proposal is to provide the capability to ultimately convert coal into approximately 300 million cubic feet per day (MMSCF/SD) of synthetic pipeline gas (SPG). This $2.5 billion project is proposed to consist primarily of a coal gasification plant located northeast of Douglas, Wyoming utilizing coal from the Rochelle Mine site in southern Campbell County, Wyoming, and water supplied from the existing La Prele Dam reservoir, North Platte River and deep aquifer wells. Pipeline gas, as produced, would be transported by a 24-inch line to be constructed from the plant site to a point near Cheyenne where the gas would enter existing or proposed pipelines for shipment.

Ultimate development capacity will be considered as the proposed action. Support facilities enabling the transportation of coal to the plant and of processed synthetic pipeline gas will be considered with respect to cumulative impacts.

The IES will analyze the site specific and cumulative effects of developing, operating and maintaining the gasification plant, the Rochelle coal mine, appurtenant facilities and alternatives.

Alternatives to be considered include but are not limited to approval, disapproval with modifications, deferring action and no action on the proposal. The level of detail in the EIS

will be determined following the scoping process and will be equivalent to the level of anticipated impacts. The impact analysis will be complete enough to define how the components of the action interact with the surrounding environment. Impacts will be traced beyond the project boundary, where necessary, to the point where they are no longer significant as a part of the proposed action.

A series of scoping meetings will be held during the week of January 12, 1981. Tentatively, public meetings will be held in Douglas, Gillette, and Cheyenne, Wyoming during the scoping process. Notice of all meetings will be published at least two weeks prior to each meeting.

Supplemental meetings will be held to obtain state and federal participation and that of other public and interest groups.

In accordance with the final regulations of the Council on Environmental Quality for Implementation of Procedural Provisions of the National Environmental Policy Act, the scoping meetings will:

(1) Inform affected Federal, State, and local agencies, and other interested groups or individuals about the proposal.

(2) Define the scope and significant issues to be analyzed in the EIS. This includes identification and elimination from detailed study those issues which are not significant.

(3) Identify environmental reports which may be related to the proposals or may contain relevant data.

(4) Identify related consultation and review requirements which will be addressed in the EIS, including identification of mandated documentation.

The EIS will address, in depth, the environmental impacts of the construction, operation and maintenance of the gasification plant and its supporting facilities including the Rochelle coal mine.

Any federal agency having the potential or desiring to ultimately utilize the EIS in its decision process or which may have jurisdictional or resource management interest is invited to be designated as a cooperative agency by this notice.

FOR FURTHER INFORMATION CONTACT: James S. Lambert, WyCoalGas EIS Project Manager, Wyoming State Office, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,

State Director, Wyoming.

[FR Doc. 80-39739 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-84-M

Southern California Outer Continental Shelf Oil and Gas; Intent to Prepare an Environmental Impact Statement for Proposed OCS Oil and Gas Lease Sale No. 68

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior's Bureau of Land Management (BLM) intends to prepare an environmental impact statement for the purpose of considering the effects of the proposed Outer Continental Shelf (OCS) oil and gas lease Sale No. 68 offshore southern California scheduled for May 1982. A list of 221 tracts on the OCS, comprising 457,479 hectares (1,130,415 million acres), has been selected for further environmental study in this environmental impact statement.

Possible alternatives to this proposed sale include but are not limited to: (1) cancellation; (2) proceeding; (3) delaying, and (4) modifying the proposed sale.

The Pacific Outer Continental Shelf Office of BLM has invited affected Federal and State agencies, local communities, and other interested groups to participate in the process of scoping the significant actions, alternatives, and impacts which should be considered in the environmental impact statement.

In early August 1980, the Environmental Assessment Staff of the Pacific OCS Office conducted a series of scoping meetings in southern California on the preparation of a Draft Environmental Impact Statement (DEIS) for the Proposed Oil and Gas Lease Sale No. 68.

The scoping meetings were held on the following dates and at these locations:

August 4, 1980—Newport Beach, California
August 5, 1980—San Pedro, California
August 11, 1980—Ventura, California
August 12, 1980—Santa Barbara, California

The scoping meetings consisted of an overview of the OCS leasing program and history, the DEIS structure and format and lastly the major issues relative to proposed Sale No. 68. Special emphasis was given to receiving comments relative to the identification of issues and possible alternatives to the proposed action.

Scoping is an ongoing process. Additional comments are invited and should be sent to: Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 1340 W. 6th Street, Room 200, Los Angeles, California 90017.

Any questions concerning the proposed action and environmental impact statement may be directed to the Manager, Pacific Outer Continental Shelf Office, at (213) 688-7234.

Associate Director, Bureau of Land Management.

December 17, 1980.

ED Hastey

[FR Doc. 80-39753 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-84-M

New Mexico and Colorado; San Juan River Coal Region; Request for Public Comments and Recommendations for the Coal Activity Planning Schedule and for Future Development Plans of Federal Coal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the Federal coal management regulations (43 CFR 3400), the San Juan River Regional Coal Team will hold a meeting to obtain public comments related to the proposed development of Federal coal in Northwestern New Mexico and Southwestern Colorado. The Regional coal team is particularly interested in the existing activities and development plans of the coal industry. It would also like to hear from anyone else who is interested in or concerned about coal development in the San Juan River Region. Land use planning is currently underway in the region and coal activity planning is scheduled to begin in October 1981. New Federal coal leasing is scheduled to begin in New Mexico in September 1983. The region includes McKinley, San Juan, Sandoval, Rio Arriba, Bernalillo, Valencia, Catron, Socorro, and Lincoln Counties in New Mexico, and Montezuma, Archuleta, La Plata, San Juan and Dolores Counties in Colorado.

The regional coal team will consider information obtained from the public at this meeting to develop recommendations to guide coal activity planning for the region.

Anyone who wishes to speak at the meeting is requested to provide written copies of their remarks. Written material will also be accepted in lieu of or in addition to any oral presentation.

DATE: The regional coal team will meet at 9:00 a.m., on January 22, 1981.

ADDRESS: The meeting will be held at the Sheraton Old Town Inn, 800 Rio Grande N.W., Albuquerque, New Mexico 87104.

FOR FURTHER INFORMATION CONTACT: Bob Moore, Regional Coal Team Chairman, (202) 343-4636, or George Lasker, Albuquerque District Office, (505) 766-2455.

Dated: December 17, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 80-39799 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-84-M

Roseburg District Advisory Council; Meeting

Notice is hereby given that in accordance with Section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet January 28, 1981. The meeting will consist of two parts, an office session and a field trip. The office session will convene at 9:00 a.m. in the conference room at the Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, OR. The agenda is as follows:

—Discussion of the "planning criteria" which will have been completed in draft form and distributed to Council members in advance of the meeting.

—Discussion of reforestation backlog areas.

—Presentation by Roseburg District hydrologist.

—Public comments.

—Field trip to examine representative areas showing the kinds of conflicts that must be resolved in the planning process. It is expected that the field trip will last until approximately 4:30 p.m.

All Council meetings, including field trips, are open to the general public and news media. Interested persons or organizations may make oral statements to the Council between 10:45 and 11:00 a.m., or they may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by January 27, 1981. Depending upon the number or persons wishing to make statements, a per person time limit may be established by the District Manager. Persons desiring to make the field trip should arrange for their own transportation.

Summary minutes of each Council meeting will be maintained in the Roseburg District Office and will be available for public inspection and copying during regular business hours within 30 days following the meeting.

For additional information, contact Gary Majors, Public Information Officer, telephone (503) 672-4491.

James E. Hart,

District Manager.

December 12, 1980.

[FR Doc. 80-39806 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-84-M

[Formerly PET-4]

National Petroleum Reserve—Alaska; Call for Nominations and Comments on Oil and Gas Leasing

Pursuant to the authority prescribed in the Fiscal Year 1981 Interior Department Appropriations Act dated December 12, 1980 (Pub. L. 96-516), Nominations and Comments are hereby requested for areas in National Petroleum Reserve—Alaska (NPR-A) for competitive oil and gas leasing. Nominations will be considered for all public lands which are within the boundaries of NPR-A.

This Call for Nominations and Comments is an information-gathering component of the Department's leasing procedure.

Nominations must be described in conformance with the Bureau's NPR-A official nomination block diagrams listed below:

BLM Official Nomination Block Diagrams

1:250,000 scale (names and areas covered are the same as USGS Quadrangle sheets)

Barrow	Ikpikpuk River
Wainwright	Umiat
Meade River	Misheguk Mountain
Teshekpuk	Howard Pass
Harrison Bay	Killik River
Utukok River	Survey Pass
Lookout Ridge	

Block diagram maps may be purchased for $2.00 each from the Bureau of Land Management Offices located at Anchorage, Alaska: Department of the Interior, Bureau of Land Management, Alaska State Office, 701 C Street, Anchorage, Alaska 99513.

The minimum area to be nominated shall be a complete block, each of which is approximately one-quarter Township.

Each nominated block shall be identified by the nominator as being of high, medium, or low interest.

Although individual nominations to lease are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

Comments are also requested regarding specific areas which should receive special consideration because of environmental and other concerns. These comments will be part of an information-gathering process to assemble current information on localized environmental concerns within the Call area. Comments should be submitted by block numbers. This information is requested from Federal, State, and local governments, industry, universities, research institutes, special interest organizations, and members of the general public.

Nominations and comments must be submitted not later than February 6, 1981, in envelopes labeled "Nominations of Areas for Leasing in NPR-A", or "Comments on Leasing in NPR-A" to: Bureau of Land Management, Alaska State Director, Attention: NPR-A, 701 C Street, Box 30, Anchorage, Alaska 99513.

Notice of any areas to be offered for competitive bidding will be published in the Federal Register stating the conditions and terms for leasing, and the place, date, and hour at which bids will be received and opened.

For further information call: 907/271-3632 in Alaska; or 202/343-7722 in Washington, D.C.

Guy R. Martin,

Assistant Secretary for Land and Water Resources.

December 18, 1980.

[FR Doc. 80-43013 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with Public Law 92-464 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, January 16, 1981, at 1:30 pm at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established pursuant to Public Law 91-383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Advisory Commission are as follows:

Dexter M. Keezer, Truro
Francis R. King, Wellfleet
Nathan Malchman, Provincetown
Barbara S. Mayo, Provincetown
Joshua A. Nickerson, Chatham
David F. Ryder, Chatham
Sherrill B. Smith, Jr., Orleans
Clifford H. White, Wrentham
Elizabeth F. Worthing, Eastham

At the meeting at 1:30 pm the Commission considered the following matter: Review and recommendations on Analysis of Management Alternatives, Off-Road Vehicle Use.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663, Telephone 617-349-3785. Minutes of the meeting will be available for public information and copying four weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

December 11, 1980.

[FR Doc. 80-39787 Filed 12-22-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed with 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-127

Decided: Dec. 11, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 732 (Sub-17F), filed November 17, 1980. Applicant: ALBINA TRANSFER CO., INC., 4320 N. Suttle, RD, Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Transporting *roofing and roofing materials,* (1) between Portland, OR, on the one hand, and, on the other, points in CA, and (2) between points in Santa Clara County, CA, on the one hand, and, on the other, points in OR and WA.

MC 56213 (Sub-4F), filed November 21, 1980. Applicant: RICHARD L. KINARD, INC., 1100 West Locust Street, York, PA 17404. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street NW., Washington, DC 20005. Transporting (1) *coal tar dyes,* from Reading, PA, to points in OH, MI, IN, IL, WI, and MN, (2) *pulpboard boxes,* from York, PA, to points in IL, IN, OH, and MO, and (3) *component parts* for track-type tractors, and *materials and supplies* used in the manufacture of component parts, between York, PA, on the one hand, and, on the other, points in IL and OH.

MC 80443 (Sub-44F), filed October 17, 1980. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cleaners and sanitizers, between points in the U.S., restricted to traffic originating at or destined to the facilities used by Economics Laboratory, Inc.

MC 107012 (Sub-615F), filed November 26, 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 address as applicant). Transporting *general commodities,* between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Brunswick Corporation and its subsidiaries. Condition: Any certificate issued in this proceeding to the extent that it authorizes the transportation of classes A and B explosives shall be limited in term to a period expiring 5 years from its date of issuance.

MC 111812 (Sub-746F), filed November 29, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). Transporting *such commodities* as are dealt in or used by grocery stores (except commodities in bulk), between points in Cook, Du Page, and Lake Counties, IL, on the one hand, and, on the other, points in King County, WA.

MC 124692 (Sub-349F), filed November 21, 1980. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting *farm* and *industrial tractors and attachments* for farm and industrial tractors, from points in Hill County, MT, to points in the U.S.

MC 125403 (Sub-12F), filed December 1, 1980. Applicant: S.T.L. TRANSPORT, INC., 120 Grace Ave. P.O. Box 369, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in CT, DE, ME, NH, VT, RI, MA, NJ, NY, PA, MD, OH, and DC.

MC 126822 (Sub-109F), filed December 2, 1980. Applicant: WESTPORT TRUCKING COMPANY, a Missouri corporation, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). Transporting *baskets and hampers,* between points in Webb County, TX, on the one hand, and, on the other, points in the U.S.

MC 125433 (Sub-447F), filed November 21, 1980. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Rd., Salt Lake City, UT 84104.

Representative: John B. Anderson (same address as applicant). Transporting (1) *wood based building materials, lumber, forest products, wood, products, paper, and paper products, and materials, equipment, and supplies* used in the manufacture of the commodities in (1), between points in the U.S.

MC 135082 (Sub-116F), filed November 25, 1980. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, NM 87125. Representative: Robert G. Russell (same address as applicant). Transporting (1) *construction materials, equipment, and supplies,* (2) *contractors machinery, equipment, and supplies,* (3) *buildings,* and (4) *metal products,* between points in AR, KS, LA, MO, OK, and TX.

MC 138882 (Sub-375F), filed November 16, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy AL 36801. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07034. Transporting (1) *food or kindred products,* as defined in item 20 of the *Standard Transportation Commodity Code Tariff,* between points in Mecklenburg County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, UT, and AZ, and (2) (a) *Salt and salt products,* (b) *such commodities* as are used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, and (c) *materials, equipment, and supplies* used in the manufacture, packaging, sale, and distribution of the commodities named in (2)(a) above, between points in Van Zandt County, TX, on the one hand, and, on the other, points in AL, AR, FL, GA, KS, LA, MS, MO, NM, OK, SC, and TN, and between points in Iberia Parish, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, MO, MS, NC, OK, SC, TN, and TX.

MC 144682 (Sub-48F), filed November 21, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *paper and paper products,* and (2) *plastic film, plastic articles and plastic portable toilets,* between points in the U.S.

MC 149052 (Sub-2F), filed November 18, 1980. Applicant: FIRST FLIGHT AIR CHARTER, INC., P.O. Box 371, Romulus, MI 48174. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Transporting *general commodities,* between Detroit Metropolitan Airport, at Romulus, MI, Willow Run Airport, at Ypsilanti, MI; Toledo Express Airport, at Toledo, OH; Greater Pittsburgh Airport, at Pittsburgh, PA; Cleveland Hopkins Airport, at Cleveland, OH; and Detroit City Airport, at Detroit, MI.

MC 151182 (Sub-1F), filed November 20, 1980. Applicant: K.C.G.M. TRANSPORT, a corporation, Post Office Box 9636, Long Beach, CA 90810. Representative: Donald R. Hedrick, Post Office Box 88, Norwalk, CA 90650. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) in intermodal containers between points in Los Angeles, CA and its commercial zone, and points in CA, restricted to traffic having prior or subsequent movement by water.

MC 151843 (Sub-1F), filed December 2, 1980. Applicant: INLAND TRANSPORT, INC., 118 W. 19th, Ft. Scott, KS 66701. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) *furniture parts, metal components, and accessories* and (2) *materials and supplies* used in the manufacture and distribution of furniture parts, metal components and accessories (except in bulk, in tank vehicles), between the facilities of Leggett & Platt, Inc., in Carthage, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP2–129

Decided: December 12, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 103993 (Sub-1069F), filed December 5, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). 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 141523 (Sub-4F), filed December 5, 1980. Applicant: C. R. KIDD PRODUCE, INC., P.O. Box 364, Springdale, AR 72764. Representative: Connie R. Kidd (same address as applicant). Transporting *general commodities,* between Yolo Bypass, CA, Richmond, IL, Blocker, Deputy, LaCrosse, Lovett, Paris, Wanatah, and Wilders, IN, Ayrshire, Curlew, Garden Grove, Langdon, Leon, and Terrill, IA, Diamond Springs, Dunmor, Lewisburg, Pine Grove, and Rosewood, KY, Clifton and Franklinton, LA, Barto, Conerly, Davo, Fernwood, Kokomo, Lexie, Mesa, and Tylertown, MS, Albany, Bethany, Blythedale, Helena, King City, New Hampton, and Ridgeway, MO, Cheviott, Dent, Gerald, and Miamitown, OH, Hollister, Humphreys, and Tipton, OK, Alum Rock, Foxboro, Parker, St. Petersburg, and Turkey City, PA, and Genoa City, Lake Geneva, and Pell Lakes, WI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail carrier sevice.

Volume No. OP2–132

Decided: December 10, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 152873F, filed November 19, 1980. Applicant: RED SYSTEMS, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). 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. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 152882F, filed November 24, 1980. Applicant: DONALD JOSEPH AINSWORTH, d.b.a. PERISHABLES WITH A PEDIGREE, 114 South Roosevelt Ave., Cherokee, IA 51012. Representative: Donald Joseph Ainsworth (same address as applicant). Transporting *food and other edible products* (including edible by-products but excluding alcoholic beverages and drugs), intended for human consumption, *agricultural limestone and other soil conditioners, and agricultural fertilizers,* if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

Volume No. OP4–165

Decided: December 17, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 152917F, filed November 28, 1980. Applicant: J. HOOVER ENTERPRISES, INC., d.b.a. GO–FER EXPRESS, 903 East Lincolnway, LaPorte, IN 46350. Representative: Patrick H. Smyth, 19 S LaSalle St., Suite 401, Chicago, IL 60603. Transporting (1) *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. and (2) *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 152986F, filed December 2, 1980. Applicant: CONTINENTAL EXPRESS, INC., P.O. Drawer 429, Millbrook, AL 36054. Representative: L. N. Hubbard (same address as applicant). As a *broker* to arrange for the transportation of *general commodities* (except household goods), between points in U.S.

Volume No. OP4-166

Decided: December 17, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2607 (Sub-15F), filed December 5, 1980. Applicant: BERRY VAN LINES, INC., 747 No. Dupont Hwy., Dover, DE 19901. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 143377 (Sub-4F), filed December 8, 1980. Applicant: BARRY J. WEST, d.b.a. B. J.'S SERVICE, Lititz, PA 17543. Representative: Daniel W. Krane, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting (1) *general commodities* (except household goods, hazardous or secret materials, sensitive weapons and munitions), for the United States Government, and (2) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceed 100 pounds, between points in the U.S.

MC 150496 (Sub-7F), filed December 5, 1980. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Paul A. Maestri (same address as applicant). Transporting *general commodities*, between Richmond, IL, Genoa City, Lake Geneva and Pell Lakes, WI, Blocher, Deputy, La Crosse, Lovett, Paris, Wanatah, and Wilders, IN, Alum Rock, Foxboro, Parker, St. Petersburg, and Turkey City, PA, Terril, Ayrshire, Curlew, Langdon, Leon, and Garden Grove, IA, Cheviot, Dent, Miamitown, and Gerald, OH, Diamond Springs, Dunmor, Lewisburg, Pine Grove, and Rosewood, KY, Albany, Bethany, Blythedale, Helena, King City, New Hampton, and Ridgeway, MO, Hollister, Humphreys and Tipton, OK, Yolo Bypass, CA, Clifton and Franklinton, LA, Barto, Conerly, Davo, Fernwood, Lexie, Kokomo, Mesa, and Tylertown, KS, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Volume No. OP5-087

Decided: December 12, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Hill not participating.

MC 123788 (Sub-6F), filed December 3, 1980. Applicant: AMERICAN-WESTERN COMPANY, INC., P.O. Box 430, Dallas, OR 97338. Representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, OR 97201. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 152958F, filed December 2, 1980. Applicant: MARKETING SERVICES, INC., 4012 So. State St., Route 23, Marengo, IL 60152. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. W., Bradenton, FL 33507. To engage in operations as a *broker*, in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-39760 Filed 12-22-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-102

Decided: December 12, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 531 (Sub-458F), filed December 5, 1980. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *chemicals*, between points in AL, AZ, AR, CA, FL, GA, KY, LA, MS, NM, NC, OK, SC, TN, TX, VA, WV, Washington County, OH, and Pleasants County, WV.

MC 65941 (Sub-66F), filed December 8, 1980. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, WV 26003. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities of Colt Industries, Inc., and its

subsidiaries Central Moloney, Inc., Colt Industries Operating, Corp., Crucible, Inc., Garlock, Inc., Menasco, Inc., and Stemco, Inc.

MC 105350 (Sub-32F), filed December 2, 1980. Applicant: NORTH PARK TRANSPORTATION CO., a corporation, 5150 Columbine St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80216. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), (1) between Evanston, WY, and Provo, UT, from Evanston WY, over Interstate Hwy 80 to junction Interstate Hwy 15, then over Interstate Hwy 15 to Provo, UT, and return over the same route and (2) between junction Interstate Hwys 80 and 80N and junction Interstate Hwys 15 and 80, from junction Interstate Hwys 80 and 80N over Interstate Hwy 80N to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 80, and return over the same route, serving all intermediate points in (1) and (2) above, and serving Odgen, UT, as an off-route point.

MC 112520 (Sub-397F), filed November 19, 1980. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). Transporting *commodities in bulk*, (a) between points in AL, AR, GA, LA, OK, MS, NC, SC, TN, and TX, and (b) between points in AL, AR, FL, GA, LA, OK, MS, NC, SC, TN, and TX, on the one hand, and, on the other, points in the U.S.

MC 113611 (Sub-345F), filed December 2, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Rd., Suite 4, Omaha, NE 68154. Representative: James F. Crosby, Oak Park Office Bldg., 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *foodstuffs*, between Louisville, KY, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, CO, OK, and TX.

MC 116400 (Sub-8F), filed December 8, 1980. Applicant: LAWRENCE TRANSFER AND STORAGE CORPORATION, 2727 Hollins Road, NE., Roanoke, VA 24012. Representative: Weldon T. Lawrence, Jr., P.O. Box 13025, Roanoke, VA 24030. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Acme Visible Records, Inc., of Crozet, VA.

MC 119700 (Sub-74F), filed December 4, 1980. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *iron and steel articles*, from Harris County, TX, to points in AR, KS, MO, and OK.

MC 128021 (Sub-49F), filed December 8, 1980. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *stoves*, between points in the U.S., under continuing contract(s) with Alaska-Kodiak South, Inc., of Stockbridge, GA.

MC 133590 (Sub-34F), filed December 4, 1980. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Transporting *alcoholic beverages and cocktail mixes*, from points in the U.S. to points in FL and LA.

MC 135410 (Sub-114F), filed December 8, 1980. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St. Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *foundry supplies* (except commodities in bulk and those which because of size or weight require special equipment), between Rock Island, IL, Davenport, IA, and Baltimore, MD, on the one hand, and, on the other, points in IL, IA, MO, OH, and WI.

MC 135640 (Sub-13F), filed December 4, 1980. Applicant: STALEY EXPRESS, INCORPORATED, 2501 N. Brush College Road, Decatur, IL 62526. Representative: Charles Carnahan, Jr. (same address as applicant). Transporting *paper articles, plastic articles, toothpicks, ice cream cones, and ice cream wafers*, from points in Cook County, IL, to points in KY and OH.

MC 136100 (Sub-9F), filed December 5, 1980. Applicant: K & K TRANSPORTATION CORP., 4515 North 24th St., Omaha, NE 68110. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting (1) *plastic film*, (2) *materials and equipment* used in the manufacture of plastic film (except commodities in bulk), and (3) *flooring*, between points in the U.S., under continuing contract(s) with The Goodyear Tire & Rubber Company of Akron, OH.

MC 139391 (Sub-11F), filed December 5, 1980. Applicant: G & H TRANSPORTATION CO., INC., P.O. Box 157, Widener, AR 72394. Representative: Frank B. Hand, Jr., 521 South Cameron St., Winchester, VA 22601. Transporting *printed matter*, between points in the U.S., under continuing contract(s) with Select Magazines, Inc., of New York, NY.

MC 142920 (Sub-18D), filed November 20, 1980. Applicant: OLIVER TRUCKING CORP., 2203 W. Oliver Street, Indianapolis, IN 46221. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Queens Lithographing Corp.; Rutgers Packaging Corp.; Kaltman Press, Inc.; Communications Illustrated, Inc.; and Rec-O-Sleeve Packaging Corp., Polygram Distribution Corp., and CBS, Inc., all of New York, NY, (2) Pickwick International, Inc., of Minneapolis, MN, (3) RCA Corp., of Cherry Hill, NJ, and (4) MCA Distributing Corp., of Universal City, CA. Condition: Issuance of a permit in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Permits No. MC 142902 and Sub-Nos. 1, 2, 3, and 5.

MC 143701 (Sub-33F), filed December 4, 1980. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 20247, Kansas City, MO 64079. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. Transporting *food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code, between points in the U.S.

MC 143701 (Sub-34F), filed December 4, 1980. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 20247, Kansas City, MO 64079. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. Transporting *chemicals, cleaning supplies, and sanitation materials*, from Atlanta, GA, to Los Angeles and Santa Clara, CA, Denver, CO, Miami and Orlando, FL, Chicago, IL, Edmonston, MD, Boston, MA, Detroit, MI, St. Paul, MN, Kansas City and St. Louis, MO, Springfield, NJ, Albuquerque, NM, Cleveland, OH, Pittsburgh, PA, Dallas and Houston, TX, and Seattle, WA.

MC 146551 (Sub-12F), filed November 20, 1980. Applicant: TAYLOR TRANSPORT, INC., P.O. Box 285, Grand Rapids, OH 43522. Representative: Owen B. Katzman, 1828 L St. NW., Suite 1111, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of Purex Corporation.

MC 147851 (Sub-9F), filed December 8, 1980. Applicant: KWESVA, INC., Route 10, Benson Valley Rd., Frankfort, KY 40601. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602. Transporting *adhesives*, in drums, (1) between Blue Ash, OH, on the one hand, and, on the other, points in KY, and (2) between Louisville, KY, and Evansville, IN.

MC 148320 (Sub-4F), filed December 4, 1980. Applicant: MHB, INC., 204 E. North St., Warsaw, NC 28398. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Transporting (1) *malt beverages*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of malt beverages, between Detroit, MI and Toledo, OH, on the one hand, and, on the other, Fayetteville and Hamlet, NC, and Brunswick and Savannah, GA.

MC 152800F, filed December 18, 1980. Applicant: BUNCH TRUCKING CO., INC., Rt. 3, Box 618, Washington, DC 27889. Representative: James L. Bunch (same address as applicant). Transporting *Lumber, lumber products, flakeboard, and roofing*, between points in NC, SC, and VA.

Volume No. OP2-121

Decided: December 8, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 8973 (Sub-76F), filed December 2, 1980. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Ave., Fairview, NJ 07022. Representative: Donald E. Cross, 918 16th St., NW., Washington, DC 20006. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, NY.

MC 60253 (Sub-31F), filed November 26, 1980. Applicant: ARLINGTON TRUCK COMPANY, a corporation, 524 Oregon Road, Northwood, OH 43619. Representative: Richard A. Chase, 525 Security Bldg., Toledo, OH 43604. Transporting *glass and glassware and materials, supplies, and equipment* used in the manufacture and distribution of glass and glassware (except commodities in bulk), between points in the U.S., under continuing contract(s) with Libby-Owens-Ford Company, of Toledo, OH.

MC 87103 (Sub-87F), filed November 14, 1980. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Transporting (1) *air conditioning equipment, furnaces*, and *parts* for furnaces, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), between points in Warren, Davidson, and Rutherford Counties, TN, on the one hand, and, on the other, those points in the U.S. in and north of DE, MD, and PA.

MC 107002 (Sub-584F), filed November 25, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Jackson, MS 39204. Transporting *asphalt*, in containers, from points in MS, to points in AL, AR, LA, and TN.

MC 107162 (Sub-76F), filed December 1, 1980. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Edward Hines Lumber Co., Inc., of Chicago, IL.

MC 116132 (Sub-7F), filed November 21, 1980. Applicant: NATIONAL TANK TRUCK DELIVERY, INC., 85 East Gay St., Columbus, OH 43215. Representative: Earl N. Merwin, (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, Classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with International Harvester Company of Chicago, IL. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 123993 (Sub-87F), filed November 18, 1980. Applicant: FOGELMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Transporting (1) *non-alcoholic beverages* (except in bulk), and (2) *materials and supplies*, used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between points in Jefferson County, TX, on the one hand, and, on the other, points in LA.

MC 124383 (Sub-37F), filed November 25, 1980. Applicant: STAR LINE TRUCKING OF WISCONSIN, INC., 18460 West Lincoln Ave., New Berlin, WI 63151. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *salt products*, in bulk, from Chicago, IL, to points in WI.

MC 128633 (Sub-31F), filed November 25, 1980. Applicant: LAUREL HILL TRUCKING CO., a corporation, 614 New County Rd., Secaucus, NJ 07094. Representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, NY 11743. Transporting (1) *such commodities* as are dealt in by retail and chain grocery stores, hardware stores, variety stores, merchandising and drug stores, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with American Home Products Corporation, of New York, NY.

MC 144842 (Sub-10F), filed December 2, 1980. Applicant: RIGGINS TRUCKING, INC., 1004 West Maple St., Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th St. N.W., Washington, DC 20005. Transporting (1) *alcoholic beverages and fruit juices*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) between New York, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149043 (Sub-3F), filed December 2, 1980. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Dr., Dayton, OH 45414. Representative: H. Neil Garson, 3251 Old Lee Hwy., Suite 400, Fairfax, VA 22030. Transporting (1) *vegetable oils*, in bulk, in tank vehicles, and (2) *foodstuffs* (except vegetable oils), in bulk, in tank vehicles, from the facilities of Capital City Products Co., at Kearny, Bayonne, and West New York, NJ, to points in the U.S.

MC 150952 (Sub-2F), filed December 2, 1980. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant). Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 151653 (Sub-3F), filed December 2, 1980. Applicant: GLOSSON ENTERPRISES, INC., Route 15, Box 55, Lexington, NC 27292. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005.

Transporting (1) *institutional furniture and fixtures,* (2) *roll-out bleachers,* and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between points in NC, on the one hand, and, on the other, points in IL, Bell County, TX, York County, ME, Dubois County, IN, Chippewa and Clark Counties, WI, Union County, NJ, and Ottawa and Allegan Counties, MI.

MC 151953 (Sub-1F), filed November 26, 1980. Applicant: MOTOR CARRIER SERVICES, INC., Suite 89, 5311 Seventy-Seven, Center Dr., Charlotte, NC 28210. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with Universal Industries Corporation, of Columbus, MS. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary.

MC 152243 (Sub-1F), filed November 25, 1980. Applicant: DISTRIBUTORS, LTD., E. Forest Ave., Box 189, Antigo, WI 54409. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *meats, meat products, meat by-products, and articles distributed by meat-packing houses,* between points in the U.S., under continuing contract(s) with Carpenter-Cook, Inc., of Menominee, MI.

MC 152752 (Sub-1F), filed November 18, 1980. Applicant: GEORGIA WESTERN, INC., P.O. Box 1964, Dalton, GA 30720. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402. Transporting (1) *such commodities* as are dealt in or used by manufacturers of floor coverings, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between points in the U.S., under continuing contract(s) with (a) Colordyne, Inc., of Dalton, GA; (b) Cavalier Carpets, Inc., of Dalton, GA; (c) Lancer Enterprises, Inc., of Dalton, GA; (d) Modern Fibers, Inc., of Calhoun, GA; (e) Synthetic Industries, Inc., of Chickamauga, GA; and (f) Texture-Tex, Inc., of Dalton, GA.

Volume No. OP2-124

Decided: December 9, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 3753 (Sub-27F), filed November 26, 1980. Applicant: AAA TRUCKING CORP., 3630 Quaker Bridge Rd., P.O. Box 8042, Trenton, NJ 08650. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Philadelphia, PA and Salisbury, MD, over U.S. Hwy 13, serving all intermediate points and points in DE as off-route points.

MC 7573 (Sub-6F), filed November 25, 1980. Applicant: LEHMAN CARTAGE, INC., P.O. Box P, Elyria, OH 44035. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) between points in OH, on the one hand, and, on the other, points in IL, IN, and points in MI in and south of Huron, Tuscola, Saginaw, Bay, Midland, Isabella, Mecosta, Newaygo, and Oceana Counties, and (2) between those points in MI described in (1) above, on the one hand, and, on the other, points in IN and IL.

MC 107012 (Sub-606F), filed November 16, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). Transporting *bicycles and parts and accessories* for bicycles, from Chatsworth, CA, to Denver, CO, Detroit, MI, Sheboygan, WI, Dallas, TX, Louisville, KY, Jessup, MD, Comack, NY, and Tallahassee, FL.

MC 107012 (Sub-620F), filed November 28, 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 address as applicant). Transporting (1) *ranges, prefabricated fireplaces, and heaters,* from Perris, CA, to points in the U.S. (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction.

MC 107012 (Sub-621F), filed November 28, 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 address as applicant). Transporting (1) *spa and swimming pool filters and heaters,* and (2) *parts and accessories* for the commodities in (1) above, from Augusta, GA, to points in the U.S. (except AK and HI).

MC 113362 (Sub-410F), filed December 1, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Transporting (1) *freezers,* from St. Cloud, MN, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of freezers (except commodities in bulk), in the reverse direction.

MC 115212 (Sub-1F), filed November 28, 1980. Applicant: H.M.H. MOTOR SERVICE, a corporation, Route 130, Cranbury, NJ 08512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by department and apparel stores, between points in the U.S., under continuing contract(s) with K Mart Apparel Corp., of North Bergen, NJ.

MC 116712 (Sub-5F), filed December 2, 1980. Applicant: MID-AMERICAN COACHES, INC., Hwy 47 South, P.O. Box 335, Washington, MO 63090. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101. Transporting *passengers and their baggage,* in the same vehicle with passengers, in round trip charter and special operations, beginning and ending at points in Cole, Gasconade, Maries, Miller, Moniteau and Osage Counties, MO, and extending to points in the U.S. (including AK, but excluding HI).

MC 128543 (Sub-26F), filed August 22, 1980 (Correction), previously published in the FR issue of September 5, 1980, and republished this issue. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *titanium dioxide and metallic ores,* and (2) *machinery and supplies* used in the processing of metallic ores, between points in the U.S., under continuing contract(s) with (a) New Jersey Zinc Division and (b) Chemical Division of Natural Resources Group, a Division of Gulf & Western Industries, Inc., both of Nashville, TN.

Note:—This republication is to correct the commodity description in (1) above.

MC 128902 (Sub-11F), filed December 1, 1980. Applicant: SCHOENEGGE, INC., P.O. Box 525, Rt. 20, E, Norwalk, OH

44857. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting (1) *motor vehicle parts,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of motor vehicle parts, between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 135052 (Sub-35F), filed December 2, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster St., Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian St., Indianapolis, IN 46204. Transporting (1) *pipe, pipe fittings, couplings, insulating materials,* and *building materials,* and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 135803 (Sub-26F), filed December 2, 1980. Applicant: WALLACE TRANSPORT, a corporation; 9290 E. Hwy. 140, P.O. Box 67, Planada, CA 95365. Representative: Donald M. Fennel (same address as applicant). Transporting (1) *forest products,* (2) *building materials,* and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between points in CA, AZ, ID, NV, OR, UT, and WA.

MC 141252 (Sub-13F), filed November 26, 1980. Applicant: PAN WESTERN CORPORATION, 4105 Las Lomas, Las Vegas, NV 89102. Representative: Richard Truman (same address as applicant).Transporting *iron and steel articles, pipe, pipe fittings, and construction materials,* between points in CA and NV.

MC 142603 (Sub-35F), filed December 2, 1980. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: Stephen J. Habash, 100 E. Broad St., Columbia, OH 43215. Transporting (1) *electric storage batteries,* (2) *accessories and supplies* for electric storage batteries, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with ESB Incorporated Division of Exide Corporation, of Horsham, PA.

MC 151803 (Sub-1F), filed November 12, 1980. Applicant: SOUTHERN EXPRESS, INC., 860 W. Main St., Spartanburg, SC 29301. Representative: Joseph M. Epting, P.O. Box 11414, Columbia, SC 29211. Transporting *wearing apparel and materials, equipment, and supplies* used in the manufacture of wearing apparel, between New York, NY, points in GA, SC, and NC.

MC 152943 (Sub-1F), filed December 2, 1980. Applicant: NEW DIMENSION DISTRIBUTION TRUCKING, INC., P.O. Box 353, Florham Parks, NJ 07932. Representative: JoAnn Granato, 14 Elmwood Rd, Florham Parks, NJ 07932. Transporting (1) *vending machines, coin* operated phonographs, change making equipment, and coin operated amusement games, and (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture, installation, and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Rowe International, Inc., of Whippany, NJ.

MC 152982 (Sub-1F), filed December 2, 1980. Applicant: CLEVELAND TRANSPORTATION CORP., 3rd & Hubbard Sts., Sheldon, IA 51201. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with (a) Cleveland Distributing and (a) Henning Distributing Co., both of Sheldon, IA, and (c) Mix-Rite, Inc., of Sioux Centers, IA.

Volume No. OP2-126

Decided: Dec. 12, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 1753 (Sub-6F), filed December 1, 1980. Applicant: RENZ TRUCK LINES, INC., #4 Midwest Drive, Pacific, MO 63069. Representative: Charles A. Price (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Washington, MO, as an off-route point in connection with its otherwise authorized regular-route operations.

MC 8713 (Sub-4F), filed December 3, 1980. Applicant: BRAUN'S EXPRESS, INC., 1494 Main St. (Rear), Millis, MA 02054. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk), (a) between points in MA, and (b) between points in MA, on the one hand, and, on the other, points in ME, NH, VT, CT, RI, NJ, NY, and PA.

Note.—Issuance of a certificate is subject to the prior or coincidental cancellation, at applicant's written request, of the certificate of registration in MC-8713 Sub-No. 2, issued October 7, 1974.

MC 103993 (Sub-1068F), filed December 2, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *lumber, lumber products, lumber mill products, wood products, forest products, building materials, and fencing materials,* between points in the U.S. (except AK and HI).

MC 106223 (Sub-75F), filed December 4, 1980. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Rd., P.O. Box 667, Ashtabula, OH 44004. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting *Chemicals,* in bulk, between Ashtabula, OH, on the one hand, and, on the other, points in ND, SD, NE, KS, OK, TX, AR, LA, TN, MS, AL, FL, GA, SC, NC, VA, MD, DE, CT, RI, WV, NJ, MA, and those points in PA south and east of a line beginning at the OH-PA State line and extending over U.S. Hwy 422 to junction U.S. Hwy 22 at or near Edensburg, PA, then over U.S. Hwy 22 to junction U.S. Hwy 220 at or near Duncansville, PA, and then over U.S. Hwy 220 to the PA-NY State line.

MC 107012 (Sub-616F), filed November 21, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *speaker systems and parts and accessories* used in the manufacture, maintenance and distribution of speaker systems, from Los Angeles, CA, to points in GA and FL.

MC 107012 (Sub-618F), filed November 26, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West; P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *Storage tanks and sprayer tanks,* from Sioux City, IA, to points in CO, FL, IL, IN, KS, LA, MI, MN, MO, ND, NE, SD, TX, and WI.

MC 107012 (Sub-623F), filed December 4, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *bathtubs and shower units,* from Jacksonville, FL, to points in the U.S. (except AK and HI).

MC 111432 (Sub-9F), filed November 26, 1980. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *chemicals*, between points in the U.S., under continuing contract(s) with Air Products and Chemicals, Inc., of Allentown, PA.

MC 113843 (Sub-290F), filed November 20, 1980. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., 5th Floor, Boston, MA 02210. Representative: Lawrence t. Sheils (same address as applicant). Transporting (1) *plastic film, plastic sheeting, chemicals* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S. (except AK and HI).

MC 115162 (Sub-547F), filed December 2, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *refractories*, and (2) *materials, equipment and supplies* used in the manufacture, installation and distribution of refractories, between points in the U.S., restricted to traffic originating at or destined to the facilities used by Harbison Walker Refractories.

MC 115162 (Sub-548F), filed December 2, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities used by the United States Gypsum Company and its subsidiaries.

MC 125952 (Sub-52F), filed November 21, 1980. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango St., SW., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *such commodities* as are dealt in or used by manufacturers and converters of (1) paper and paper products and (2) plastics and plastic products, between points in the U.S., under continuing contract(s) with Weyerhaeuser Co., of Tacoma, WA, Western Kraft Group of Williamette Industries, Inc., of Beaverton, OR, Grays Harbor Paper Co., of Hoquiam, WA, Portco Corp., of Vancouver, WA, and St. Regis Paper Co., of Tacoma, WA.

MC 128273 (Sub-406F), filed November 25, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting general commodities, between points in the U.S. (except AK and HI). Condition: Any certificate issued in this proceeding to the extent it authorizes the transport of classes A and B explosives shall be limited in duration to a period expiring 5 years from its date of issuance.

MC 135653 (Sub-10F), filed December 1, 1980. Applicant: SPECIAL SERVICE TRANSPORTATION, INC., 1100 W. Smith, Medina, OH 44256. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Transporting (1) *paper, paper products, and containers*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in OH, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 140033 (Sub-93F), filed December 5, 1980. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *wearing apparel and supplies* used by retail clothing stores, between Arlington, TX, and points in Plymouth County, MA, on the one hand, and, on the other, points in the U.S.

MC 143002 (Sub-23F), filed November 26, 1980. Applicant: C.D.B., INCORPORATED, 155 Spaulding SE., Grand Rapids, MI 49506. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting (1) *Foodstuffs* and (2) *materials and supplies* used in the manufacture and distribution of foodstuff, between points in the U.S., under continuing contract(s) with Fearn International, Inc., of Franklin Park, IL.

MC 144603 (Sub-12F), filed December 1, 1980. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). Transporting *general commodities* (except commodities in bulk, those requiring special equipment, those of unusual value, classes A & B explosives, and household goods as defined by the Commission), between points in CA, MA, NH, NY, NJ, and PA, on the one hand, and, on the other, points in MO, IL, AR, and TN.

MC 148202 (Sub-8F), filed November 19, 1980. Applicant: K & W ENTERPRISES, INC., P.O. Box 19133, Greensboro, NC 27410. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with DiGiorgio Corporation of San Francisco, CA, and its subsidiaries.

MC 149043 (Sub-2F), filed November 28, 1980. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Drive, Dayton, OH 45414. Representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030. Transporting (1) *vegetable oils, vegetable oil shortenings, and foodstuffs*, in bulk, in tank vehicles, from the facilities of Capital City Products Co., at Columbus, OH, to points in the U.S. (except HI and AK), and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, in bulk, in tank vehicles, in the reverse direction.

MC 150073 (Sub-1F), filed December 1, 1980. Applicant: CHEROKEE TRUCK LINES, INC., 390 Merrimon Avenue, Asheville, NC 28804. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Transporting (1) *iron stovers, fireplaces, and hearing equipment*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Buncombe County, NC, on the one hand, and, on the other, points in the U.S.

MC 151533 (Sub-8F), filed November 21, 1980. Applicant: BESTWAY FREIGHT LINES LTD., 1749 Wilbur Cross Highway, Berlin, CT 060307. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (1) (a) *indistrial furnaces, and (b) pollution control equipment, and parts* for industrial furnaces and pollution control equipment, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities, in (1) above, between the facilities of Industronics, Inc., at South Windsor, CT, on the one hand, and, on the other, points in the U.S.

MC 151632 (Sub-3F), filed November 26, 1980. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Rd., Westfield, MA 01086. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *lumber and building materials*, between points in the U.S., under continuing contract(s) with Furman Lumber, Inc., of Boston, Ma.

MC 152912F, filed November 26, 1980. Applicant: TRANSPORTATION, INC, 666 11th Ave. Unit 102, Fairbanks, AK 99701. Representative: Verla R. Stallings (same address as applicant). Transporting (1) *construction equipment, materials and supplies and commodities* used in the maintenance of pipelines, (a) between points in CA, CO, MT, OK, OR, TX and WA, on the one hand, and, on the other, points in AK, and (b) between points in AK (except points in AK south and east of Haines, AK), and (2) *plumbing and heating materials and supplies,* between points in IL, MO, NE, ND, OH and WA, on the one hand, and, on the other, points in AK.

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Decided: December 15, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman. Member Eaton not participating.

MC 31462 (Sub-28F), filed December 10, 1980. Applicant: PARAMOUNT MOVERS, INC., 3164 Springfield, Lancaster, TX 75146. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036. Transporting *Household goods,* as defined by the Commission, (1) between points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, on the one hand, and, on the other, points in WA, OR, NV, CA, ID, UT, and AZ, and (2) between points in WA, OR, NV, CA, ID, UT, and AZ.

MC 121733 (Sub-5F), filed November 21, 1980. Applicant: SEA-RAIL TRUCKLOADS, INC., 1225 South Jellick, City of Industry, CA 91748. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission) moving on bills of lading of non-profit shipper associations as defined in 49 U.S.C. 10562(3), between points in the U.S.

MC 139482 (Sub-185F), filed December 5, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Transporting (1) *electric household applicances,* (2) *parts and accessories* for electric household appliances, and (3) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) and (2) above, between Guernsey, OH, and points in Beaufort, Sampson, and Pitt Counties, NC, on the one hand, and, on the other, points in the U.S.

MC 144693 (Sub-8F), filed December 4, 1980. Applicant: GLENN'S TRUCK SERVICE, INC., No. 1 Produce Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Transporting *woodburning stoves,* from Bradley, IL, to points in the U.S. (except AK and HI).

MC 145102 (Sub-70F), filed December 8, 1980. Applicant: FREYMILLER TRUCKING, INC., 1400 S. Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting (1) *food products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, from the facilities of George A. Hormel & Co., in WI, IA, MN, and NE, to points in CA.

MC 151522 (Sub-1F), filed December 5, 1980. Applicant: DIRECT MOTOR EXPRESS, INC., P.O. Box 142, Marion, AR 72364. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between Memphis, TN, on the one hand, and, on the other, points in IL, IN, OH, MI, and WI.

Volume No. OP4-160

Decided: December 15, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 1977 (Sub-51F), filed November 7, 1980. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in Spokane County, WA, on the one hand, and, on the other, points in AZ, CA, MT, NV, NM, TX, UT, and WY.

MC 26396 (Sub-383F), filed December 3, 1980. Applicant: THE WAGGONERS TRUCKING (a corporation), P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *iron and steel articles,* between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 42537 (Sub-66F), filed December 4, 1980. Applicant: CASSENS TRANSPORT COMPANY, a corporation, P.O. Box 468, Edwardsville, IL. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *motor vehicles,* from Chicago, IL, to points in MN, ND, and SD.

MC 51397 (Sub-1F), filed November 26, 1980. Applicant: ROBINSON's EXPRESS CO., INC., 70 State St., Lawrence, MA 01843. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Lawrence, MA and Hartford, CT, from Lawrence over Interstate Hwy 495 to junction Interstate Hwy 290, then over Interstate Hwy 290, to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 86, then over Interstate Hwy 86 to junction Interstate Hwy 84 then over Interstate Hwy 84, to Hartford, and return over the same route, serving all intermediate points, and off-route points in Hartford, Tolland, and Windham Counties, CT, (2) between Lawrence, MA and Livermore Falls, ME, from Lawrence over Interstate Hwy 405 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction ME Hwy 4, then over ME Hwy 4 to Livermore Falls, and return over the same route, serving all intermediate points, and off-route points in Androscoggin, Cumberland, and York Counties, ME, (3) between Lawrence, MA and Littleton, NH, from Lawrence over Interstate Hwy 93 to junction US Hwy 3, then over US Hwy 3 to junction MA Hwy 18, then over HN Hwy 18 to Littleton, and return over the same route, serving all intermediate points, and off-route points in Belknap, Carrol, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Stafford, and Sullivan Counties, NH, (4) between Lawrence, MA and Providence, RI, from Lawrence over Interstate Hwy 495 to junction Interstate Hwy 93, then over Interstate Hwy 93 to junction HA Hwy 128, then over MA Hwy 128 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Providence, and return over the same route, serving all intermediate points, and off-points in Bristol, Kent, and Providence Counties, RI, (5) between Lawrence, MA and Burlington, VT, from Lawrence over Interstate Hwy 93 over Interstate Hwy 93 to junction Interstate Hwy 89, then over Interstate Hwy 89 to Burlington, and return over the same route, serving all intermediate points, and off-route points in Chittenden, Orange, Washington, Windham, and Windson Counties, VT, and (6) between Salem, NH and Pittsfield, MA, from Salem over NH

Hwy 97 to junction Interstate Hwy 93, then over Interstate Hwy 93 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction US Hwy 20, then over US Hwy 20 to Pittsfield, and return over the same route, serving all intermediate points and off-route points in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk; and Worcestrer Counties, MA.

Note:—Applicant intends to tack with its existing authority and to interline with other carriers at Lawrence and Boston, MA.

MC 76266 (Sub-136F), filed November 25, 1980. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Rd., St. Paul, MN 55114. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Over *regular routes* transporting general commodities, except those of unusual value, classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and those requiring special equipment. Serving the facilities of Olin Corporation located approximately 5.5 miles northwest of Peru, IN, and approximately 3 miles west of US HWY 31, as an off-route point in connection with carrier's regular-route operations authorized herein. Serving the facilities of the Bethlehem Steel Corporation in Burns Harbor, Porter County, IN, as an off-route point in connection with said carrier's regular-route operations authorized herein from and to points in IL, IN, OH, and KY. Restriction: The authority granted under the route next above is restricted to the transportation of shipments originating at, or destined to, the plant site of Bethlehem Steel Corporation in Burns Harbor, Porter County, IN. General commodities, except those of unusual value, classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and commodities requiring special equipment. Serving Sharpsville, IN, as an off-route point in connection with said carrier's regular-route operations authorized herein at Kokomo, IN. Serving Upland, IN, as intermediate point in connection with carrier's regular-route operations authorized herein. Serving points in the Cincinnati, OH, Commercial Zone, as defined by the Commission, as intermediate of off-route points in connection with said carrier's regular-route operations authorized herein to and from Cincinnati, OH. General commodities: except those of unusual value, HHG as defined by the Commission, and commodities in bulk between Connersville, IN, and College Corner, OH, serving all intermediate points and the off-route point of Brownsville, IN: From Connersville over IN HWY 44 to Liberty, IN, thence over US HWY 27 to College Corner, and return over the same route. General commodities: except those of unusual value, and HHG as defined by the Commission, between Cincinnati, OH, and College Corner, OH, serving all intermediate points: From Cincinnati over US HWY 27 to College Corner, and return over the same route. Restriction: The operations authorized next above as restricted against the transportation of commodities in bulk, in tank vehicles. General commodities, except those of unusual value, classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and those requiring special equipment. Between Cincinnati, OH, and Hamilton, OH, serving no intermediate points: From Cincinnati over US Hwy 127 to Hamilton, and return over the same route. Between Hamilton, OH, and Millville, OH, serving all intermediate points: From Hamilton over OH HWY 129 to Millville, and return over the same route. Restriction: The service authorized under the commodity description next above is restricted against the transportation of traffic moving between Cincinnati, OH, and Hamilton, OH. Between Hamilton, OH, and Oxford, OH, serving all intermediate points: From Hamilton over OH HWY 177 to junction OH HWY 73, and thence over OH HWY 72 to Oxford, and return over the same route. Between junction OH Hwy 177 and unnumbered HWY (formerly OH Hwy 130) and McGonigle, OH, serving all intermediate points: From junction OH HWY 177 and unnumbered HWY (formerly OH HWY 130) over unnumbered HWY to McGonigle, and return over the same route. Between Oxford, OH, and Richmond, IN, serving all intermediate points, and the off-route points of Boston and Kitchell, IN: From Oxford over US HWY 27 to Richmond, and return over the same route. Between Marion, IN, and Chicago, IL, serving the intermediate points of Converse, Peru, Plymouth, and Kokomo, IN: From Marion over IN HWY 21 to Peru, IN, thence over US HWY 31 to Plymouth, IN, thence over US HWY 30 to Valparaiso, IN, thence over IN HWY 130 to junction US HWY 6, thence over US HWY 6 to junction Alternate US HWY 30 and thence over Alternate US HWY 30 to Chicago, and return over the same route. From Marion over IN Hwy 9 to junction US Hwy 35, thence over US Hwy 35 to Kokomo, IN, thence over US Hwy 31 to Peru, IN, and thence over the above-specified route to Chicago, and return over the same route. General commodities, except those of unusual value, classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and those requiring special equipment. Between Marion, IN, and Anderson, IN, serving the intermediate point of Alexandria, IN, and the off-route points of Gas City, Hartford City, and Jonesboro, IN: From Marion over IN Hwy 9 to Anderson, and return over the same route. Between Marion, IN, and Muncie, IN, serving the intermediate points of Alexandria, Anderson, Chesterfield, Daleville, and Yorktown, IN: From Marion over the above-specified route to Anderson, IN, and thence over IN Hwy 32 to Muncie, and return over the same route. Between Marion, IN, and Muncie, IN, serving no intermediate points, but serving the off-route points of Alexandria, Gas City, Harford City, and Jonesboro, IN: From Marion over IN Hwy 9 to junction IN Hwy 28, thence over IN Hwy 28 to junction US Hwy 35, and thence over US Hwy 35 to Muncie, and return over the same route. Between Marion, IN, and Muncie, IN, service the intermediate points of Gas City and Hartford City, IN, and the off-route points of Alexandria and Jonesboro IN: From Marion over IN Hwy 21 to junction IN Hwy 22, thence over IN Hwy 22 to Hartford City, IN, and thence over IN HWY 3 to Muncie, and return over the same route.

Between Richmond, IN, and Muncie, IN, serving no intermediate points: From Richmond over US Hwy 35 to Muncie, and return over the same route. Between Muncie, IN, and Connersville, IN, serving all intermediate points. From Muncie over IN Hwy 3 to junction IN Hwy 38, thence over IN Hwy 38 to New Castle, IN, thence over IN Hwy 103 to junction US Hwy 40, thence over US Hwy 40 to junction IN Hwy 1, thence over IN Hwy 1 to Connersville, and return over the same route. Between New Castle, IN, and Richmond, IN, serving all intermediate points: From New Castle over IN Hwy 38 to Hagerstown, IN, thence over IN Hwy 1 to Cambridge City, IN, and thence over US Hwy 40 to Richmond, and return over the same route. Alternate routes for operating convenience only: General commodities, except those of unusual value, classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and commodities requiring special equipment. Between Chicago, IL, and junction IN Hwy 49 and US Hwy 30, serving no intermediate points: From Chicago over the Calumet-Tri-State Expressway to junction US

Hwy 41 and IN Hwy 152, thence over US Hwy 41 to junction US Hwy 30, and thence over US Hwy 30 to junction IN Hwy 49, and return over the same route. Between Marion, IN, and Hartford City, IN, serving no intermediate points: From Marion over IN Hwy 18 to junction IN Hwy 3, and thence over IN Hwy 3 to Hartford City, and return over the same route. Between Anderson, IN, and junction IN Hwys 9 and 109, serving no intermediate points: From Anderson over IN Hwy 109 to junction IN Hwy 9, and return over the same route. Between Hagerstown, IN, and Richmond, IN, serving no intermediate points, in connection with said carrier's regular-route operations authorized herein between Richmond, IN and Muncie, IN, and between New Castle, IN, and Richmond, IN: From Hagerstown over IN Hwy 38 to Richmond, and return over the same route. Irregular routes: Building materials and supplies, and iron and steel articles. Between Oxford, OH, and points within 25 miles therof, on the one hand, and, on the other, points in OH, and that part of IN south of US Hwy 24 and east of US Hwy 41, including points on the indicated portion of Hwys specified. Prepared roofing and roofing material, from Joliet, IL, to Marion, IN, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the two commodity descriptions next above are restricted against the transportation of commodities in bulk, in tank vehicles. General commodities, except HHG as defined by the Commission, commodities in bulk, and those requiring special equipment. Between points in OH and IN between 40 miles of Oxford, OH. General commodities, except those of unusual value, HHG as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment. Between Oxford, OH, on the one hand, and, on the other points in OH within a radius of 50 miles of Oxford.

Iron and steel articles, from the plant site of Jones & Laughlin Steel Corporation located in Putnam County, IL, to points in IN and OH: and materials, equipment and supplies used in the manufacture and processing of iron and steel articles, from points in IN and OH, to the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, IL. Restrictions: The operations authorized under the two commodity descriptions next above are subject to the following conditions: Said operations are restricted to the transportation of traffic originating at or destined to the named origins and destinations. Said operations are restricted against the transportation of commodities in bulk. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operation right. Regular routes: General commodities, except articles of unusual value, HHG as defined by the Commission, classes A and B explosives, commodities in bulk and those requiring special equipment, between Richmond, IN and Dayton, OH: From Richmond over US Hwy 40 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction OH Hwy 49 then over OH Hwy 49 to Dayton and return over the same route. The regular route authority granted above shall not be severable by sale or otherwise from the carrier's retained pertinent irregular route authority. Regular routes: General commodities, except articles of unusual value, classes A and B explosives, HHG as defined by the Commission, commodities in bulk and those requiring special equipment, between Chicago, IL and Indianapolis, IN: From Chicago over Interstate Hwy 94 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Indianapolis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Regular routes: General commodities, except those of unusual value, and except those explosives, HHG (when transported as a separate and distinct service, in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Between Chicago, IL and South Haven, MI, with service to all intermediate points and the off-route points of Baroda, Derby and Three Oaks, MI: From Chicago, IL, over US Hwy 12 to junction of Interstate Hwy 94, then over Interstate Hwy 94 (formerly US Hwy 12) to St. Joseph, MI, then over US Hwy 31 to South Haven, and return over the same route. From Chicago, IL, over US Hwy 20 to junction IN Hwy 212, then over IN Hwy 212 to junction US Hwy 12, then over US Hwy 12 to junction interstate Hwy 94 then over Interstate Hwy 94 to St. Joseph, and then to South Haven as specified above, and return over the same route.

Between South Bend, IN and Kalamazoo, MI, with service at all intermediate points, and the off-route points of Berrien Center, Keeler, Lawton, Mattawan and Milburg, MI: From South Bend, IN, over US Hwy 31 to Benton Harbor, MI, then over Interstate Hwy 94 (formerly US Hwy 12) to Kalamazoo, MI, and return over the same route. Between Benton Harbor, MI and Kalamazoo, MI, with service at all intermediate points. From Benton Harbor, MI, over unnumbered Hwy via Sodus, MI, to Eau Claire, MI, MI Hwy 62 to Dowagiac, MI, MI Hwy 51 (formerly MI Hwy 40) to junction Interstate Hwy 94 (formerly Hwy 12), then over Interstate Hwy 94 to Kalamazoo, MI, and return over the same route. Between South Bend, IN and Gary, IN, as an alternate route for operating convience only, with no service between the termini or at intermediate points: From South Bend, IN, over US Hwy 20 to Gary, IN, and return over the same route. Irregular routes: General commodities, except those of unusual value, and except livestock, dangerous explosives, HHG as defined in Practices of Motor Common Carriers of HHG, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment. Between points and places in the Chicago, IL, Commercial Zone. Regular routes: General Commodities, except those of unusual value, dangerous explosives, HHG as defined in Practices of Motor Common Carriers of HHG, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment. Serving the site of Upjohn Company plant located approximately four and one-half miles southeast of Kalamazoo, MI, as an off-route point in connection with carrier's regular-routes to and from Kalamazoo. Serving points and places within two miles of Kalamazoo, MI, as intermediate or off-route points in connection with carrier's regular-route operations authorized in Certificate No. MC 1733 and Sub number thereunder. General Commodities, except those of unusual value, and except dangerous explosives, HHG as defined in Practices of Motor Common Carriers of HHG, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, over alternate routes for operating convenience only in connection with carrier's regular-route operations. Between Niles, MI and junction US Hwy 12 and Interstate Hwy 94, with no service at intermediate points: From Niles, MI, over US Hwy 12 (formerly MI Hwy 60) to junction US Hwy 12 and Interstate Hwy 94, and return over the same route. Between Niles, MI, and Dowagiac, MI, with no service at intermediate points: From Niles, MI, Over MI Hwy 51 (formerly MI Hwy 40) to Dowagiac, MI, and return over the same route. Between South Haven, MI, and Watervliet, MI, with no service at intermediate points: From

South Haven, MI, over MI Hwy 140 to Watervliet, MI, and return over the same route. Between Watervliet, MI, and Niles, MI, with service at intermediate points: From Watervliet, MI, over MI Hwy 140 to junction US Hwy 31 to Niles, MI, and return over the same route. Between Benton Harbor, MI and junction US Hwy 31 and MI Hwy 139, with no service at intermediate points: From Benton Harbor, MI, over MI Hwy 139 to junction US Hwy 31 and return over the same route. (Hearing site: St. Paul, MN.)

MC 76266 (Sub-139F), filed December 1, 1980. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Rd., St. Paul, MN 55114. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *furnaces*, and (2) *materials, equipment, and supplies* used in the manufacture of furnaces, between the facilities of Applied Air Systems, Inc., in Ramsey County, MN, on the one hand, and, on the other, points, in the U.S.

MC 79687 (Sub-36F), filed November 20, 1980. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1) *containers*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of containers, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 81346 (Sub-1F), filed December 1, 1980. Applicant: EATON TRANSFER, INC., 2201 W. Main St., Greenfield, IN 46140. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between Greenfield, IN, on the one hand, and, on the other, points in OH, MI, MO, WI, KY, and PA.

MC 91306 (Sub-32F), filed December 4, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue, NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Transporting *(1) ladders, and (2) materials and supplies* used in the manufacture and distribution of the commodities in (1) between points in Steuben County, NY, on the one hand, and on the other, points in NC and SC.

MC 115276 (Sub-7F), filed November 10, 1980. Applicant: HAROLD D. MILLER, INC., 385 Jones St., Shreve, OH 44676. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Transporting (1) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufactue, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *machinery, equipment, materials, and supplies* used in, or in connection, with, the construction, operations, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, (a) between points in MI, IN, IL, KY, TN, and VA, and (b) between points in MI, IN, IL, KY, TN, and VA, on the one hand, and, on the other points in PA, WV, OH, MD, and NY.

MC 121496 (Sub-49F), filed November 26, 1980. Applicant: CANGO CORPORATION, 2727 No. Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. Transporting *waste chemicals and waste solvents*, in bulk, in tank vehicles, from Norco, LA, to Odessa, TX.

MC 123387 (Sub-28F), filed December 4, 1980. Applicant: E. E. HENRY, INC., 1128 S. Military Hwy., Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in VA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 133296 (Sub-14F), filed December 1, 1980. Applicant: YULE TRANSPORT, INC., P.O. Box 56, Medford, MN 55049. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Sampco, Inc., of Chicago, IL. Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 133566 (Sub-168F), filed November 6, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Jack H. Blanshan, Suite 200, 205 W. Trouhy Ave., Park Ridge, IL 60068. Transporting (1) *tallow, lard shortening, vegetable, oil, cooking or salad oil, and margarine*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) between points in the U.S., restricted to traffic originating at or destined to the facilities of Bunge Edible Oil Corporation.

MC 138377 (Sub-4F), filed December 2, 1980. Applicant: BURRIS EXPRESS CO., a corporation, Harrington, DE 19952. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Transporting *malt beverages*, between points in the U.S., under continuing contract(s) with NKS Distributors, Inc., of New Castle, DE.

MC 142686 (Sub-51F), filed December 4, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Faizo (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., restricted to traffic originating at or destined to the facilities of Elixir Industries.

MC 143277 (Sub-4F), filed December 2, 1980. Applicant: PRINTERS EXPRESS, INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) Intermodal Consolidating Service, Inc., of Bridgewater, NJ.

MC 143406 (Sub-1F), filed December 2, 1980. Applicant: MICHEL PROPERTIES, INC., Stenersen Lane, Cockeysville, MD 21030. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. Transporting *general commodities* (Except classes A and B explosives and household goods as defined by the Commission), between Cockeysville, MD, on the one hand, and, on the other, points in DE, MD, NC, NY, OH, NJ, PA, VA, WV, and DC.

MC 144027 (Sub-22F), filed December 3, 1980. Applicant: WARD CARTAGE & WAREHOUSING, INC., Route 4, Glasglow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting (1) *textiles and textile products*, and (2) *materials, equipment and supplies* used in the

manufacture and distribution of the commodities in (1) above, between points in the U.S., restricted to traffic originating at or destined to the facilities of Union Underwear Company, Inc.

MC 145247 (Sub-2F), filed December 5, 1980. Applicant: HERSHEL T. LAMB, d.b.a. CAROLINA SOUTHERN, 2816 So. Stratford Rd., Winston-Salem, NC 27103. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting (1) *meat, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), and (2) *foodstuffs,* when moving in mixed loads with the commodities in (1) above, between points in the U.S., under continuing contract(s) with District Hotel Supply Co., Inc., of Washington, DC.

MC 145836 (Sub-3F), filed November 26, 1980. Applicant: TYRCO TRUCKING CO., INC., 2508 Starita Rd., Charlotte, NC. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in CA, and those points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of Gulf Freight Association, Charlotte Freight Association, Greater Miami Shippers Association, Inc., Greater Atlanta Shippers Association, Inc., and Orlando Freight Association.

MC 146927 (Sub-18F), filed December 4, 1980. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *such commodities* as are dealt in or used by a processor of fruits, between points in Hidalgo County, TX, on the one hand, and, on the other, points in OK, AR, LA, TN, MS, AL, FL, KY, IN, IL, IA, NE, WI, MN, KS, and MO.

MC 147046 (Sub-3F), filed December 1, 1980. Applicant: SUNRISE DAIRY, INC., 1440 S.E. Cortina Dr., Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *ice cream and dairy products,* from Rochester MN, to points in IA, IL and WI and (2) *materials and supplies* used in the manufacture and distribution of commodities named in (1) above, (except liquids in bulk), from Kanasa City, MO and Kansas City, KS to points in IA and MN.

MC 147547 (Sub-11F), filed December 4, 1980. Applicant: R & D TRUCKING COMPANY, INC., Church Rd., Lauderdale Industrial Park, Florence, AL 35360. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37317. Transporting (1) *charcoal and charcoal products* and (2) *materials, equipment and supplies* used in manufacture and distribution of commodities in (1) above, between points in Lunenburg County, VA and Dent County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147636 (Sub-12F), filed December 4, 1980. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *canned foodstuffs,* between points in CA, on the one hand, and, on the other points in Cuyahoga County, OH, and (2) *frozen vegetables,* between points in Linn County, OR, on the one hand, and, on the other, points in Cuyahoga County, OH.

MC 150317 (Sub-1F), filed December 5, 1980. Applicant: BOSSHARDT TRANSPORT, INC., Redmond, UT 84652. Representative: Macoy A. McMurray, 800 Benefield Life Tower, 36 So. State St., Salt Lake City, UT 84111. Transporting *salt and salt products and clay and clay products,* between points in the U.S., under a continuing contract(s) with Redmond Clay & Salt Co., Inc. of Redmond, UT.

MC 151667 (Sub-2F), filed December 3, 1980. Applicant: J. F. LOMMA, INC., 1235 Adams St., South Kearny, NJ 07032. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *commodities* which because of their size or weight require special handling or the use of special equipment, between points in CT, DE, ME, MD, MA, NC, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC.

MC 151886 (Sub-1F), filed December 4, 1980. Applicant: BERGER TRANSPORT, INC., 3856 Knapp St., Rd., Oshkosha, WI 54901. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. Transporting *gasoline,* between points in the U.S., under continuing contract(s) with Consolidated Station, Inc., of Oshkosha, WI.

MC 152717F, filed November 3, 1980. Applicant: STEVECO, INC., P.O. Box 489, Dickson, TN 37055. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219.Transporting *general commodities* (except household goods as defined by the Commission and Classes A and B explosives), between points in Dickson County, TN, on the one hand, and, on the other, points in the U.S.

MC 152736 (Sub-1F), filed December 4, 1980. Applicant: LUCY MORNINGSTAR, d.b.a. MORNINGSTAR FREIGHT LINES, 897 Nandino Blvd., Lexington, KY 40505. Representative: Lucy Morningstar (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Fayette County, KY, on the one hand, and, on the other, points in the U.S.

MC 153027F, filed December 5, 1980. Applicant: SOUTH CENTRAL EXPRESS, INC., 160 N. Perkins Ave., Memphis, TN 38117. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Transporting (1) *material handling equipment and containters,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) between Memphis, TN, on the one hand, and, on the other, points in the U.S.

MC 153027 (Sub-1F), filed December 5, 1980. Applicant: SOUTH CENTRAL EXPRESS, INC., 160 N. Perkins Ave., Memphis, TN 38117. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Transporting (1) *pumps, pipes, tubing and parts,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities in (1) between Memphis, TN, on the one hand, and, on the other, points in the U.S.

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Decided: December 16, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 2507 (Sub-1F), filed November 20, 1980. Applicant: ROBERT C. MAGEE AND JAMES H. MAGEE, d.b.a. WM. J. MAGEE MOVING & STORAGE, 4199 W. 62nd St., Cleveland, OH 44144. Representative: J. A. Kuntz, 100 National City Bank Bldg., Cleveland, OH 44114. Transporting *household goods and office furniture,* between points in CT, DE, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI, and DC.

MC 14286 (Sub-6F), filed December 2, 1980. Applicant: MCO TRANSPORT, INC., 111 Cowan St., P.O. Box 611, Wilmington, NC 28402. Representative: Herbert Alan Dubin, 818 Connecticut Ave. NW., Washington, DC 20006.

Transporting *general commodities*, in containers or trailers (except classes A and B explosives), between the Ports of Richmond, Norfolk, Portsmouth and Newport New, VA, Morehead City and Wilmington, NC, Georgetown and Charleston, SC, Port Wentworth and Savannah, GA, on the one hand, and, on the other, points in VA, NC, SC, GA, TN and AL, restricted to traffic having a prior or subsequent movement by water or rail.

MC 31237 (Sub-12F), filed November 28, 1980. Applicant: DIGNAN TRUCKING, INC., P.O. Box 7463, Baltimore, MD 21227. Representative: Frank B. Hand, Jr., 521 S. Cameron St. Winchester, VA 22601. Transporting (1) *materials, equipment and supplies* used in the construction and maintenance of communications systems, and (2) *scrap metal*, (a) between points in MD, and (b) between points in MD, on the one hand, and, on the other, points in Arlington County, VA and D.C.

MC 59117 (Sub-80F), filed December 1, 1980. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, P.O. Box 1, Vinita, OK 74301. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *barite, drilling mud*, and *drilling mud additives*, between points in KS, LA, MO, NM, OK and TX.

MC 76266 (Sub-138F), filed December 1, 1980. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, MN 55114. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seek authority as a *common* carrier by motor vehicle, over irregular routes, transporting such commodities (1) Doors and window hardware, locks, latches and closures; and (2) Material, supplies and equipment used in the manufacture of commodities named in (1) above, between the facilities of Ideal Security Hardware Corporation in Ramsey County, MN on the one hand, and, on the other, points in the U.S. Hearing site: St. Paul, MN.

MC 107006 (Sub-12F), filed December 2, 1980. Applicant: THOMAS KAPPEL, INC., P.O. Box 1408, Springfield, OH 45501. Representative: John L. Alden, 1396 W. Fifth Ave., Columbis, OH 43212. Transporting (a) *paper, paper products and scrap paper*, (b) *plastic articles*, and (c) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (a) and (b) above, (except commodities in bulk), between Coshocton and Franklin, OH, Florence, SC, and Kansas City, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 110686 (Sub-67F), filed December 2, 1980. Applicant: McCORMICK DRAY LINE, INC., Avis, PA 17721. Representative: David A. Sutherland, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20036. Transporting (1) *metal buildings and metal building parts*, and (2) *materials, accessories and supplies* used in the manufacture, distribution, construction and installation of the commodities in (1) above, between points in Lebanon County, PA, and Knox County, IL, on the one hand, and, on the other points in the U.S.

MC 118776 (Sub-71F), filed December 2, 1980. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Ln., Quincy, IL 62301. Representative: L. F. Blackstun (same address as applicant). Transporting *dry fertilizer*, in bulk, from Fort Madison, IA to points in IL, MN, MO, NE, SD and WI.

MC 121236 (Sub-9F), filed November 16, 1980. Applicant: SERVICE TRANSPORTATION LINES, INC., 729 34th Ave., Rock Island, IL 61201. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Dyersville, IA, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

MC 121327 (Sub-2F), filed December 2, 1980. Applicant: FINK'S FAST FREIGHT, INC., Box 156, R.D. 3, Millersville, PA 17551. Representative: Maxwell A. Howell 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lancaster, PA, on the one hand, and, on the other, points in Adams, York, Lancaster, Lebanon, Dauphin and Cumberland Counties, PA.

MC 123476 (Sub-61F), filed November 26, 1980. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Transporting *oilfield equipment, machinery, materials and supplies*, between points in Tulsa County OK, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 123476 (Sub-62F), filed December 1, 1980. Applicant: CURTIS TRANSPORT, INC., No. 23 Grandview Industrial Center, P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Transporting (1) *chemicals, plastics, plastic products, and metal products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between those points in the U.S. in and east of MT, WY, CO, and NM, restricted to traffic originating at or destined to the facilities of Dow Chemical, Eastern and Central Divisions.

MC 128677 (Sub-4F), filed November 19, 1980. Applicant: PORTLAND EXPRESS, INC., P.O. Box 179 (Russell St.), Portland, TN 37148. Representative: J. R. St. John, Jr., 1220 Faydur Court, Nashville, TN 37210. Over regular routes, transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission) (1) between Nashville and Mitchell, TN, over U.S. Hwy 31-W, serving all intermediate points, and (2) between Nashville, TN and the KY State line (near Mitchell, TN), over Interstate Hwy 65, as an alternate route for operating convenience only, and serving all intermediate points.

MC 139127 (Sub-2F), filed November 26, 1980. Applicant: TODD TRANSIT, INC., P.O. BOX 6383, Rockford, IL 61125. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St. NW., Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in Winnebago, Boone, Stephenson, De Kalb, Ogle, Lake, McHenry, Cook, and Du Page Counties, IL, Rock County, WI, and Lake County, IN, restricted to traffic having a prior or subsequent movement by water, in foreign commerce.

MC 142686 (Sub-49F), filed December 1, 1980. Applicant: MIDWESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). Transporting (1) *plastic and plastic articles*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Mobil Chemical Co., Plastics Div., of Mecedon, NY.

MC 142686 (Sub-50F), filed December 1, 1980. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Ave., Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). Transporting *prefabricated metals and plastic*

articles, and *materials and supplies* used in the manufacture of prefabricated metals and plastic articles, between points in the U.S., under continuing contract(s) with H. H. Robertson Co., Inc., of Pittsburgh, PA.

MC 143956 (Sub-21F), filed November 18, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 3574 Piedmont Rd., Atlanta, GA 30305. Transporting *chemical compounds, gaseous compounds, and paint and paint products,* (except in bulk) between points in the U.S., restricted to traffic originating at or destined to the facilities used by PPG Industries, Inc.

MC 145517 (Sub-4F), filed November 28, 1980. Applicant: MANITO TRANSIT CO., a corporation, Box No. 8, Ashkum, IL 60911. Representative: Douglas G. Brown, The INB Center, Suite 55, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *fertilizer,* between points in IN, IL, IA, and WI.

MC 146047 (Sub-2F), filed December 2, 1980. Applicant: ENNIS CORP., Clarion, IA 50525. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *feed and feed ingredients,* from Riverside, ND, to points in IA and IL.

MC 146517 (Sub-2F), filed December 1, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with Phillips Petroleum Company, of Bartlesville, OK.

MC 146846 (Sub-2F), filed December 3, 1980. Applicant: LOUIS J. LANE, P.O. Box 148, Trego, WI 54888. Representative: Nancy J. Johnson, 103 East Washington St., P.O. Box 218, Crandon, WI 54520. Transporting (1) *paper, paper products, and paper byproducts,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Oneida County, WI, and Morrison County, MN on the one hand, and, on the other, points in WA, OR, CA, ID, NV, and AZ.

MC 148377 (Sub-4F), filed December 2, 1980. Applicant: R & W SERVICES, INC., 35301 Franham Dr., Newark, CA 94560. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting (1) *chemicals or allied products,* and (2) *petroleum or coal products,* as described in Items (28) and (29) respectively of the Standard Transportation Commodity Code, between points in the U.S., under continuing contract(s) with Union Chemicals Division, Petrochemical Group, Union Oil Company of California, of Schaumburg, IL, and J. T. Baker Chemical Company, of Phillipsburg, NJ.

MC 151437 (Sub-1F), filed October 21, 1980. Applicant: MOUNTAIN TRUCKING CO., INC., P.O. Drawer 5308, Capitol Station, Charleston, WV 25311. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Ray C. Call, Inc., and NEPCO, Inc., both of South Charleston, WV.

MC 151956 (Sub-1F), filed November 25, 1980. Applicant: CARSON L. PATTERSON, d.b.a. CANYON EXPRESS TRANSPORT SYSTEM, 2412 E. Isabella Ave., Mesa, AZ 85204. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. Transporting (1) *such commodities* as are dealt in by grocery and food business houses, (except commodities in bulk), and (2) *materials, equipment, and suplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in Los Angeles, Orange, Riverside, and San Bernardino Counties, CA, on the one hand, and, on the other, points in AZ.

MC 152127 (Sub-1F), filed November 24, 1980. Applicant: MIGLER, INC., 329 N. State St., Kendallville, IN 46755. Representative: Joseph P. Murdock, P.O. Box 40248, Indianapolis, IN 46240. Transporting *petroleum oils, greases and lubricants,* between points in the U.S., under continuing contract(s) with Polar, Inc. of Dayton, OH.

MC 152246 (Sub-2F), filed November 29, 1980. Applicant: SCHULD TRANS., INC., 774 Flanner Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting (1) *steel, aluminum and stainless bulk storage tanks, silos, buildings and accessories* and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities named in (1), (a) between points in Labette County, KS, Marion County, FL, and Knox County, IL, on the one hand, and, on the other, points in the U.S., and (b) between ports of entry on the international boundary line between the U.S. and Canada in MI, MN, NY and WI.

MC 152906F, filed November 21, 1980. Applicant: BILLIG TRUCKING SERVICE, INC., Box 136, Rt. 8, Allentown, PA 18104. Representative: Paul B. Kemmerer, 1620 N. 19th St., Allentown, PA 18104, Transporting (1) *fabricated metal products* (except ordinance, machinery and supplies and transportation equipment), as described in Item 34 of the Standard Transportation Commodity Code, (a) between points in Northampton County, PA, on the one hand, and, on the other, points in MN, WI, IL, TN, MS, AL, LA, MI, IN, OH, KY, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, MA, VT, NH and ME, and (b) between points in Montgomery County, PA, on the one hand, and, on the other, points in MN, WI, IL, TN, MS, AL, LA, MI, IN, OH, KY, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, MA, VT, NH, and ME, and (c) between points in Lehigh County, PA, on the one hand, and, on the other, points in MN, WI, IL, TN, MS, AL, LA, MI, IN, OH, KY, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, MA, VT, NH and ME, and (2) *primary metal products*; inc. galvanized, (except coating or other allied processing and waste or scrap materials not identified by industry producing), as described in Item 33 of the Standard Transportation Commodity Code, between points in Schuylkill County, PA, on the one hand, and, on the other, points in MN, WI, IL, TN, MS, AL, LA, MI, IN, OH, KY, GA, FL, SC, NC, VA, WV, MD, DE, PA, NJ, NY, CT, MA, VT, NH and ME.

MC 152927F, filed November 29, 1980. Applicant: HOLLEY ELECTRIC CORPORATION, 555 N. Ellis Rd., Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *hazardous waste,* between points in the U.S. (except AK and HI). Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 152956F, filed November 28, 1980. Applicant: COORDINATED DISTRIBUTION SYSTEMS, INC., Box 330, Mt. Holly, NJ 08060. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410. Transporting (1) *rubber and plastic products, and metal house couplings,* and (2) *materials, equipment, and supplies* used in the

manufacture of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Goodall Rubber Company, of Trenton, NJ.

MC 152947 (Sub-1F), filed December 1, 1980. Applicant: IDEAL TRANSPORTATION CO., INC., 2 Dooling Circle, Peabody, MA 01960. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), (1) between points in MA, RI, CT, NY, and NJ, and (2) between points in MA, RI, CT, NY, and NJ, on the one hand, and, on the other, points in ME, NH, VT.

MC 152957F, filed December 1, 1980. Applicant: TURK TRUCKING, INC., Fifth St., West Elizabeth, PA 15088. Representative: John A. Vuoro, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (a) *lumber and wood products,* and (b) *such commodities as are dealt* in by lumber, hardware and builders supply companies, and *materials, equipment and supplies* used in connection with conduct of such business, (1) between points in Allegheny, Cutler, and Erie counties, PA, on the one hand, and, on the other, points in NY, OH, and WV, and (2) between N. Jackson, Columbus, and Dayton, OH, on the one hand, and, on the other, points in Allen and Marion Counties, IN, and points in Hancock, Brooker, Pleasants, and Wood Counties, VA, and (b) *brick, lumber, and wood products,* between points on the international boundary line between the U.S. and Canada, at Niagara Falls, NY, on the one hand, and, on the other, points in IN, NJ, NY, OH, PA, and WV.

MC 152966F, filed December 2, 1980. Applicant: TULIP TRAVEL LTD., 1411 Newbridge Rd., Bellmore, NY 11710. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10017. To operate as a broker at Bellmore, NY, in arranging for the transportation by motor vehicle, of passengers and their baggage, in special or charter operations, between points in the U.S. (including AK and HI).

MC 152976F, filed November 20, 1980. Applicant: BURDICK, INC., Rt. 2, Box 1, Ortonville, MN 56278. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting (1) *food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Big Stone, Inc., of Chaska, MN.

Volume No. OP4-164

Decided: December 17, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. Member Hill dissenting.

MC 26396 (Sub-382F), filed December 2, 1980. Applicant: The WAGGONERS TRUCKING, a corporation, P.O.B. 31357, Billings, MT 59107. Representative: Barbara S. George (same address as applicant). Transporting (1) *chemicals, chemical additives, drilling mud and drilling mud additives, and* (2) *materials, equipment and* supplies used in the manufacture, and distribution of commodities named in (1) above, between points in the U.S.

Volume No. OP5-034

Decided: December 12, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. Member Hill not participating.

MC 2229 (Sub-248F), filed November 7, 1980. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Joseph S. Ruscetta (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S. (except AK and HI).

MC 7228 (Sub-47F), filed December 4, 1980. Applicant: COAST TRANSPORT, INC., 1906 S.E. 10th Ave., Portland, OR 97214. Representative: Jerry Cinnera (same address as applicant). Transporting (1) *frozen bakery goods,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S.

MC 15558 (Sub-10F), filed November 20, 1980. Applicant: WARWOOD TRANSFER CO., a corporation, 2233-41 Warwood Ave., Wheeling, WV 26003. Representative: James M. Burtch, 100 E. Board St., Columbus, OH 43215. Transporting *steel containers, and materials, equipment, and supplies* used in the manufacture of steel containers, between points in Brooke County, WA, on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 19778 (Sub-113F), filed November 18, 1980. Applicant: THE MILWAUKEE MOTOR TRANSORTATION COMPANY, a corporation, 10800 Franklin Ave., Franklin Park, IL 60131. Representative: Mr. Robert F. Munsell (same address as applicant). Transporting *lumber,* between points in Lake, Lincoln, Sanders and Flathead Counties, MT, on the one hand, and, on the other, points in CO, WY, ND, SD, MN, and IA.

MC 36788 (Sub-1F), filed December 4, 1980. Applicant: DILLON'S BUS SERVICE, INC., 8383 Elvaton Rd., Millersville, MD 21108. Representative: Steven L. Weiman, Suite 145, 4 Professonal Dr., Gaithersburg, MD 20760. Transporting *passengers and their baggage* in charter or special operations beginning and ending at points in Anne Arundel County, and Baltimore, MD, and extending to points in the U.S.

MC 48948 (Sub-23F), filed November 6, 1980. Applicant: THE HOCKING CARTAGE COMPANY, a corporation, 28424 Chieftain Dr., Logan, OH 43138. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting (1) *clay, clay products, brick, pipe, pipe fittings, chimney assemblies, chimney fittings,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between points in IN, OH, and PA, on the one hand, and, on the other, points in the U.S.

MC 63838 (Sub-13F), filed December 2, 1980. Applicant: BOLUS MOTOR LINES, INC., 700 N. Keyser Ave., Scranton, PA 18508. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *bicarbonate of soda, washing compounds, cleaning compounds and scouring compounds,* from points in Onondaga County, NY to those points in that part of the U.S. on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN to the international boundary line between the U.S. and Canada.

MC 64189 (Sub-10F), filed November 11, 1980. Applicant: TOPLIFF TRUCK LINE, INC., 746 North Santa Fe, Salina, KS 67401. Representative: Paul V. Dugan, 2707 West F Douglas, Wichita, KS 67213. Transporting *malt beverages, drums, barrels, and shipping containers,* between St. Louis, MO, and Salina, KS.

MC 90369 (Sub-5F), filed November 24, 1980. Applicant: ADKINS TRANSFER, INC., 2537 Eight Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting *household goods* as defined by the Commission, between points in Boyd, Lawrence, Greenup and Carter Counties, KY, Lawrence, Scioto and Gallia Counties, OH, and Cabell, Kanawha, Lincoln, Mason, Putnam, and Wayne Counties,

WV, on the one hand, and, on the other, points in KY, NC, OH, PA, VA, and WV.

MC 112908 (Sub-11F), filed December 1, 1980. Applicant: KINGSWAY TRANSPORTS LIMITED, 123 Rexdale Blvd., Rexdale, Ontario Canada M9W 1P3. Representative: Jeremy Kahn, 1511 K St. NW., Suite 733, Investment Bldg., Washington, DC 20005. In foreign commerce only, over *regular* routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the ports of entry on the international boundary line between the U.S. and Canada at Port Huron, MI and Detroit, MI, from the ports of entry on the international boundary line between the U.S. and Canada over city streets to Port Huron, then over Interstate Hwy 94 to Detroit and return over the same route, serving no intermediate points.

MC 114829 (Sub-24F), filed December 5, 1980. Applicant: GENERAL CARTAGE COMPANY, INC., P.O. Box 417, Sterling, IL 61081. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in by wholesale grocery houses, between points in the U.S., under continuing contract(s) with A.E. Staley Manufacturing Company, of Decatur, IL.

MC 118468 (Sub-68F), filed December 4, 1980. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *abrasives*, (2) *sand and sand additives*, (3) *clay*, (4) *refractories*, (5) *building materials*, and (6) *alloys*, between points in the U.S., under continuing contract(s) with The Marthens Company, of Moline, IL.

MC 119639 (Sub-21F), filed November 28, 1980. Applicant: INCO EXPRESS, INC., 3600 South 124th St., Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting *foods* between points in WA, restricted to traffic having a prior or subsequent movement by water.

MC 121718 (Sub-5F), filed December 2, 1980. Applicant: MURPHY BONDED WAREHOUSE, INC., 4002 Mansfield Road, Shreveport, LA 71103. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in AR in and south of Sevier, Howard, Pine, Clark, Dallas, Calhoun, Bradley, and Ashley Counties, and those points in TX in and east of Red River, Hopkins, Van Zandt, Henderson, Cherokee, Angelina, and Jasper Counties, to Shreveport, LA.

Volume No. OP5-085

Decided: December 12, 1980.

By the Commission, Review Board Number 3, members Parker, Fortier, and Hill. Member Hill not participating.

MC 124679 (Sub-131F), filed October 26, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address as applicant). Transporting *cleaning compounds, lubricants, chemicals, and such commodities* as are dealt in by wholesale and retail variety and grocery stores, (except commodities in bulk), restricted to traffic originating at or destined to the facilities of the Southland Corporation, its subsidiaries, and affiliates.

MC 125708 (Sub-211F), filed November 26, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Rd., P.O. Box 5216, Lake Station, IN 46405. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. Transporting *wood, wood products, and building materials*, from points in CA, ID, OR, and WA, to points in the U.S.

MC 126428(Sub-12F), filed December 8, 1980. Applicant: ZIBERT TRANSPORT CO., a corporation, P.O. Box 65, Peru, IL 61354. Representative: Robert T. Lawley 300 Reisch Bldg., Springfield, IL 62701. Transporting *petroleum products*, between points in IL, IA, IN, MI, and WI.

MC 133689 (Sub-350F), filed November 28, 1980. Applicant. OVERLAND EXPRESS, INC., 8651 Naples St., N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *gas and electric applicances and parts*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and repair of the commodities in (1), between the facilities of Whirlpool Corporation at points in Berrien County, MI, and Marion, Hancock, and Sandusky Counties, OH, on the one hand, and, on the other, points in ND, SD, NE, MN, IA, WI, IL, NJ, MA, RI, CT, NY, PA, MD, DE, and VA.

MC 133689 (Sub-352F), filed December 1, 1980. Applicant: OVERLAND EXPRESS, Inc., 8651 Naples St., NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *foodstuffs* (except commodities in bulk), from points in Mobile County, AL, Dade County, FL, Kane County, IL, Cumberland County, NJ, and Cuyahoga County, OH, and points in MA, to points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs, in the reverse direction.

MC 134838 (Sub-29F), filed November 20, 1980. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Rd., Smyrna, GA 30080. Representative: Walter S. Wallace (same address as applicant). Transporting (1) *cooling towers and cooling tower sections*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities named in (1), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Ecodyne Cooling Products Division, Ecodyne Corporation.

MC 143059 (Sub-146F), filed December 4, 1980. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Janice K. Taylor (same address as applicant). Transporting *primary metal products and fabricated metal products*, between points in Trumbull County, OH, and points in the U.S. (except AK and HI).

MC 144678 (Sub-22F), filed November 24, 1980. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th Street, Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant). Over regular routes, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), serving points in AL as off-route points in connection with applicant's otherwise authorized regular route operations.

MC 146348 (Sub-4F), filed December 4, 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 Street, Suite 102, Rockville, MD 20850. Transporting *chemicals*, and *containers*, between points in the U.S., under continuing contract(s) with Allied Chemical Corporation, of Morristown, NJ.

MC 146378 (Sub-7F), filed December 2, 1980. Applicant: PAUL HARPOLE TRUCK SERVICE, INC., 22 Wilshire Court, Belleville, IL 62223. Representative: Robert H. Shertz, 915 Pennsylvania Bldg., 425—13th

automotive and machine parts, and *materials, supplies and accessories* for automotive and machine parts, between points in CA, IL, OH, IN, KY, MI, MO, NJ, NY, PA, and WI.

MC 147959 (Sub-2F), filed November 25, 1980. Applicant: RON GARNER, Rt. 2, Box 405, Buckley, WA 98321. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting *building materials and wood fiber products,* from points in WA, ID, MT, and OR, to points in WA, OR, CO, ID, CA, NV, MT, UT, ND, SD, and WY.

MC 148018 (Sub-3F), filed December 2, 1980. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O. Box 921, Caldwell, ID. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with J. R. Simplot Company, and Ore-Ida Foods, Inc., both of Boise, ID.

MC 150339 (Sub-16F), filed November 21, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant). Transporting *cleaning scouring, washing, and buffing compounds, and sanitary pads,* between points in the U.S., under continuing contract(s) with Rochester Midland Company, of Rochester, NY.

Note.—The person or persons who appear to be engaged in common control with applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 150339 (Sub-17F), filed November 24, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant). Transporting *electric applicances,* between points in the U.S., under continuing contract(s) with General Electric Company, of Bridgeport, CT.

Note.—The person or persons who appear to be in common control with applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

Volume No. OP5-086

Decided: Dec. 12, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Hill not participating.

MC 150339 (Sub-19F), filed December 2, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Beecham Products Company, of Pittsburgh, PA.

MC 150499 (Sub-2F), filed December 1, 1980. Applicant: ENGELS TRUCK SERVICE, INC., RR 3, Box 58, Worthington, MN 56187. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses,* from points in Buena Vista and Cherokee Counties, IA, to points in WI, IL, KS, IN, MI, MN, NE, MO, CA, OR, WA, LA, MS, AL, FL, and GA.

MC 151089 (Sub-6F), filed December 2, 1980. Applicant: BLUE RIBBON TRUCKING, INC., Industrial Park Rd., Putanum, CT 06260. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting *paper and paper products,* and *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products, between points in the U.S.

MC 151228 (Sub-1F), filed December 5, 1980. Applicant: EARL PICKENS, d.b.a. P & M TRUCKING, 740 Iowa St., Norman, OK 73069. Representative: Earl Pickens (same address as applicant). Transporting *meats, meat products, meat by-products and articles distributed by meat-packinghouses* as described in Sections A and C of Appendix I to the *Report in Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Dodge City, KS to points in the U.S.

MC 151378 (Sub-5F), filed December 4, 1980. Applicant: BIG B TRUCK LINES, INC., P.O. Box 67, Jonesburg, MO 63351. Representative: John F. Clark (same address as applicant). Transporting *foodstuffs and paper products, and materias, equipment, and supplies* used in the manufacture and distribution of foodstuffs and paper products (except commodities in bulk), between points in Warren County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151788 (Sub-1F), filed November 25, 1980. Applicant: MEL JARVIS CONSTRUCTION COMPANY, INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66603. Transporting (1) *machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines (except the stringing and picking up thereof), from points in OK and TX to points in Rooks County, KS.

MC 151808 (Sub-1F), filed November 24, 1980. Applicant: SERVICE LINES, INC., 6316 Laurelwood Drive, Brentwood, TN 37027. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. Over *regular routes,* transporting *general commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Nashville, TN, and St. Louis, MO, from Nashville over Interstate Hwy 24 to junction Interstate Hwy 57 then over Interstate Hwy 57 to junction Interstate Hwy 64 then over Interstate Hwy 64 to St. Louis and return over the same route, serving no intermediate points. (Hearing site: Nashville, TN.)

MC 151938 (Sub-1F), filed December 4, 1980. Applicant: DULOIT FURNITURE SALES, INC., d.b.a. H & R SPAHN FURNITURE DISTRIBUTORS, 20 River Rd., Bogota, NJ 07603. Representative: Charles A. Moran, 80 First Ave., Nyack, NY 10960. Transporting *new furniture,* between points in the U.S., under continuing contract(s) with Allan Sales, of Bogota, NJ, Empire Sales, of Bogota, NJ, Frank & Son, Inc., of New York, NY, Roscot Sales, of Bogota, NJ, American Case; of Brooklyn, NY, Trico, of Bogota, NJ, Saleable Furniture, Inc., of Edison, NJ, and Beauti-Glide Corson Furniture, Inc., of Seymour, IN.

MC 152639 (Sub-1F), filed November 25, 1980. Applicant: HE & WI LEASING, INC., 20878 Burgandy Drive, Strongsville, OH 44136. Representative: Lynn R. Delnoce, 10576 Broadview Rd., Broadview, Heights, OH 44147.

Transporting *such commodities* as are used by foundries, between points in the U.S. under continuing contract(s) with Hickman Williams & Co., of Cincinnati, OH.

MC 152848F, filed November 21, 1980. Applicant: TIGER TRANSPORTATION, INC., 100 Jamison Ave., South Greensburg, PA 15601. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Transporting *metal articles, refractories, refractory products, lumber, lumber products, and commodities* which because of size of weight require the use of special equipment, between points in LA and TX and those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 152909F, filed November 25, 1980. Applicant: RAY FLETCHER, d.b.a. CITY MOVING & STORAGE CO., 2309 Jefferson Ave., Lawton, OK 73505. Representative: Jim Pitzer, 15 S. Grady Way—Suite 321, Renton, WA 98055. Transporting *used household goods,* between points in Comanche County, OK, on the one hand and, on the other, points in Oklahoma, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

MC 152979F, filed December 2, 1980. Applicant: HOWARD G. HAUGHABOO, d.b.a. JOHN C. HAUGHABOO TRUCKING CO., 81 Deerfield Village, Maysville, KY 41056. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Maysville, KY, on the one hand, and, on the other, points in GA, IL, IN, NC, OH, and VA.

MC 152988F, filed December 2, 1980. Applicant: LARRY E. RUHL, 60 Redwood Circle, R.D. #2, Ephrata, PA 17522. Representative: John W. Metzger, 49 No. Duke St., Lancaster, PA 17602. Transporting *agricultural limestone,* (a) from points in Lancaster County, PA, to points in NY, NJ, DE, MD, and VA, and (b) from points at or near Viola and Laurel, DE, to points in MD and VA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-39760 Filed 12-22-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Comprehensive Employment and Training Act; Youth Community Conservation and Improvement Projects (YCCIP) and Youth Employment and Training Programs (YETP) for Youth Who Are Members of Migrant and Other Seasonally Employed Farmworker Families

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Solicitation of Grant Applications.

SUMMARY: This notice sets forth the schedule by which the Employment and Training Administration plans to solicit applications for grants and allocate funds to operate Youth Community Conservation and Improvement Projects (YCCIP) and Youth Employment and Training Programs (YETP) for eligible youths who are members of migrant and other seasonally employed farmworker families. These programs are authorized under Title IV Part A, Subparts 2 and 3 of the Comprehensive Employment and Training Act (CETA), at Sections 423(b) and 433(a)(4).

FOR FURTHER INFORMATION CONTACT: Mr. Lindsay Campbell, Director, Office of Farmworker and Rural Employment Programs, U.S. Department of Labor, Employment and Training Administration, 601 D Street, N.W., Room 6308, Washington, D.C. 20213, Tel: (202) 376-6128.

SUPPLEMENTARY INFORMATION: Pursuant to the 1978 amendments to the Comprehensive Employment and Training Act (CETA) (29 U.S.C. 801 *et seq.),* the Office of Farmworker and Rural Employment Programs (OFREP) announces the availability of funds under Title IV of CETA to implement YCCIP and YETP projects for eligible youth who are members of migrant and seasonal farmworker families. These programs are designed to enhance the employability of these special youths groups, to help coordinate and improve existing career development and employment and training services and to experiment with approaches for meeting the employment problems of farmworker youth. Grants will be awarded on a competitive basis to grantees that are operating comprehensive employment and training programs under Section 303 of the Act and are funded by FY 1981 State allocations in accordance with 20 CFR 689.104(b)(1).

Approximately $13,920,000 is available for YETP programs, subject to the following conditions:

(1) $11,920,000 will be available only to those sponsors who currently operate farmworker YETP projects. The Department, however, does not guarantee continued funding to any current sponsor whose application is deemed unacceptable. Sponsors may apply for only those areas in which they currently operate YETP programs. Applications must not be for less than $150,000 and for not more than $1,000,000. However, the Department may allocate more than a million dollars to a single grant under special circumstances.

(2) $2,000,000 will be available to those current Section 303 sponsors which do not now operate YETP programs. Sponsors shall apply for only those areas in which there is no current farmworker YETP project and will be subject to the same funding limits as described above for sponsors who currently operate YETP programs. Due to limited resources, the Department expects to award no more than five (5) grants in this category.

Approximately $2,580,000 is available for YCCIP projects to all currently funded Section 303 program operators. Due to limited resources, the Department expects to award no more than seven (7) grants in this category.

Solicitation for Grant Application (SGA) packages for YCCIP and YETP projects will be mailed by OFREP to all eligible applicants on or about December 23, 1980. A list of eligible applicants is provided below. These packages will include all guidelines, specifications, dates and forms to which eligible applicants must adhere in preparing applications and will set forth the criteria by which applications will be reviewed. The SGA will also specify the date by which applications must be received by OFREP. Any deviation from this date shall result in the application being returned without consideration.

Eligible applicants are required to notify both the OFREP and the appropriate A-95 clearinghouse(s) by filing a Preapplication for Federal Assistance, Standard Form 424 by January 9, 1981, so that appropriate arrangements may be made for the prompt review of the grant application.

Grantees which are multi-State operators may submit one proposal covering more than one State; however each eligible applicant must submit three copies of the application(s) to the following address: U.S Department of Labor, Employment and Training Administration, Patrick Henry Building, 601 D Street, N.W., Room 6308, Washington, D.C. 20213, Attn: Mr. Lindsay Campbell.

Copies of the formal grant application(s) must also be sent to the appropriate A-95 clearinghouse(s) for comment at the same time the grant application(s) is mailed to the above address. The A-95 clearinghouses should send comments to the above address as well as to the applicants.

Grant applications will be subject to review by OFREP in accordance with the criteria set forth in the Solicitation for Grant Application (SGA). This competitive review, among other things, will take into account the extent to which the project will develop or has develop new information of innovative methods relating to the provision of services to migrant or farmworker youth. It is anticipated that grant awards will be made during the third quarter of FY '81 and that the programs will operate for a 12 month period.

Eligible Applicants: Please note that grantees operating multi-State programs are listed only once; however, all States under the grantee's sponsorship are considered as eligible applicants.

New England Farmworkers Council, Inc., 6 Frost Avenue, Springfield, Massachusetts 01105.
Penobscot Consortium Training and Employment Administration, 333 Illinois Avenue, POB 1136, Bangor, Maine 04401.
Central Vermont Community Action Council, Inc., 15 Ayers Street, Barre, Vermont 05641.
Farmworkers Corporation, Inc., 1400 West Landis Avenue, Vineland, New Jersey 08360.
Rural New York Farmworker Opportunities, Inc., 339 East Avenue, Suite 305, Rochester, New York 14604.
Commonwealth of Puerto Rico, 414 Barbosa Avenue, Hato Rey, Puerto Rico 00917.
Migrant and Seasonal Farmworkers Association, Inc., 3939 Western Boulevard, POB 33315, Raleigh, North Carolina 27606.
Alabama Migrant and Seasonal Farmworkers Council, Inc., 1400 South Decatur Street, Montgomery, Alabama 36104.
Tennessee Opportunity Program for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37211.
Mississippi Delta Council for Farmworkers Opportunities, 1005 State Street, Clarksdale, Mississippi 38614.
Office of the Governor, CETA Division, 1800 St. Julian Place, Columbia, South Carolina 29204.
Illinois Migrant Council, 202 South State Street, Suite 1500, Chicago, Illinois 60604.
Indiana Office of Manpower Development, 150 West Market Street, 7th Floor, Indianapolis, Indiana 46204.
Michigan Economics for Human Development, 980 west Jefferson Street, Grand Ledge, Michigan 48837.
Minnesota Migrant Council, 35 Wilson Avenue, N.E., POB 1231, St. Cloud, Minnesota 56301.
LaRaza Unida de Ohio, 5340 E. Main Street, Suite 200, Oliver Building, Columbus, Ohio 43213.
United Migrant Opportunity Services, Inc., 809 West Greenfield Avenue, Milwaukee, Wisconsin 53204.
Arkansas Council for Farmworkers, Inc., 1200 Westpark Drive, Suite 400, POB 4241, Little Rock, Arkansas 72204.
Home Education Livelihood Program, 1203 Coal Avenue, S.E., Albuquerque, New Mexico 87103.
ORO Development Corporation, 1104 North Classen Drive—1st Floor, Oklahoma City, Oklahoma 73103.
Motivation, Education and Training, Inc., 107 North College, POB 1749, Cleveland, Texas 77327.
Wichita SER/Jobs for Progress, 2700 North Woodland, Wichita, Kansas 67204.
Rural Missouri, Inc., 1103 Missouri Boulevard, Jefferson City, Missouri 65101.
Nebraska Association of Farmworkers, 200 South Silber Avenue, POB 1459, North Platte, Nebraska 69101.
Colorado Council on Migrant and Seasonal Agricultural Workers and Families, 7805 West 44th Avenue, Wheatridge, Colorado 80033.
Motivation, Education and Training, Inc., POB 781, Jennings, Louisiana 70546.
State of Montana, DCA/Community Services Division, 1424 Ninth Avenue, Helena, Montana 59601.
North Dakota Migrant Council, 101 North Third Street, POB "Drawer X," Grand Forks, North Dakota 58201.
Utah Migrant Council, 12 East Center Street, Midvale, Utah 84047.
Northwestern Community Action Programs of Wyoming, Inc., POB 431, Worland, Wyoming 82401.
Migrant Opportunity Programs, 6611 South Central Avenue, Phoenix, Arizona 85040.
California Human Development Corporation, 9257 Windsor Road, POB 10, Windsor, California 95492.
Center for Employment and Training, 425 South Market Street, San Jose, California 95113.
Campensinos Unidos, Inc., POB 203, Brawley, California 92227.
Central Valley Opportunity Center, Inc., 1743 North Ashby Road—Suite 5, Merced, California 95340.
Porteus Adult Training, Inc., 321 South Bridge Street, POB 727, Visalia, California 93277.
Office of the Governor, Department of Labor Industrial Relations, 825 Mililani Street, Honolulu, Hawaii 96813.
Idaho Migrant Council, 715 South Capitol Boulevard, No. 403, Boise, Idaho 83702.
Northwest Rural Opportunities, 804 Decatur, Sunnyside, Washington 98944.

Signed at Washington, D.C., this 18th day of December 1980.

Lamond Godwin,

Administrator, Office of National Programs.

[FR Doc. 80-40011 Filed 12-22-80; 8:45 am]

BILLING CODE 4510-30-M

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area iin which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited

to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C., this 18th day of December 1980.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending December 20, 1980

Name of Applicant, Location of Enterprise, and Principal Product or Activity

Great Dominion Corporation, Cleveland County, North Carolina—Fabrication and welding of large steel plate.

International Moorings and Marine, Inc., New Iberia, Louisiana—Offshore servicing—dismantles, moves and relocates offshore oil rig moorings anchorings.

[FR Doc. 80-40036 Filed 12-22-80; 8:45 am]

BILLING CODE 4510-30-M

Bureau of Labor Statistics

Business Research Advisory Council's Committee on Economic Growth; Meeting

The BRAC Committee on Economic Growth will meet on Thursday, January 15, 1981, at 9:30 a.m., in Room 2433 A and B of the General Accounting Office Building, 441 G Street, NW., Washington, D.C. The agenda for the meeting is as follows:

1. Discussion of Alternative 1990 projections.
2. Discussion of proposed improvements in BLS Economic Growth Model.
3. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council, on Area Code (202) 523-1550.

Signed at Washington, D.C., this 15th day of December 1980.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 80-40009 Filed 12-22-80; 8:45 am]

BILLING CODE 4510-24-M

Labor Research Advisory Council; Committee on Occupational Safety and Health Statistics; Meeting and Agenda

The Committee on Occupational Safety and Health Statistics of the BLS Labor Research Advisory Council will meet at 1:30 p.m., January 13, 1981 in Room S-4215 B&C, Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The agenda for the meeting follows:

1. Annual survey
   (a) Results of 1979 survey
   (b) Fatality survey
   (c) Plans for 1980 and 1981
2. New approach for the anaylsis of Supplementary Data System data
3. Report on recordkeeping seminars
4. Work Injury Reports
   (a) Report on completed studies
   (b) Future plans
5. Impact of Congressional action
   (a) Rider to the 1981 Labor Appropriations bill
   (b) The role of statistics in the legislative process

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 523-1247.

Signed at Washington, D.C. this 15th day of December 1980.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 80-40010 Filed 12-22-80; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

New Personal Audio Dosimeter Accepted

AGENCY: Mine Safety and Health Administration, U.S. Department of Labor.

ACTION: Notice of MSHA acceptance of a new personal audio dosimeter.

SUMMARY: After testing and evaluation, the Mine Safety and Health Administration announces the acceptance of the DuPont Model D-376B Personal Audio Dosimeter for use in coal mines.

EFFECTIVE DATE: September 30, 1980.

FOR FURTHER INFORMATION CONTACT: R. W. Dalzell, Pittsburgh Technical Support Center, Mine Safety and Health Administration, 4800 Forbes Avenue, Pittsburgh, PA 15213 (412) 621-4500.

SUPPLEMENTARY INFORMATION: On September 12, 1978, the Mine Safety and Health Administration (MSHA) published a final rule which amended the mandatory health standards governing noise dosimeters (43 FR 40760) and became effective on October 1, 1978. The amendments to 30 CFR Part 70 permit the use of personal noise dosimeters to determine noise exposure in coal mines and set forth the procedures to be followed in taking such noise measurements. The rule stipulates that the noise exposure measurements and surveys required by Parts 70 and 71 may be taken by personal noise dosimeters that MSHA has found to be acceptable. The tests and criteria used by MSHA to determine acceptability of personal noise dosimeters are published in "MSHA Test Procedures and Acceptability Criteria for Noise Dosimeters," MSHA Informational Report IR-1072. The preamble to the final rule lists the dosimeters which MSHA found to be acceptable as of September 12, 1978.

MSHA has recently completed the testing and evaluation of the DuPont Model D-376B personal audio dosimeter. MSHA has determined that this model meets all of the criteria listed in MSHA Informational Report IR-1072 and gives notice that this dosimeter is acceptable for use under 30 CFR 70.505. Accordingly, operators may use the DuPont Model D-376B personal audio dosimeter to take the noise exposure measurements and surveys at underground coal mines as required by 30 CFR 70.503, 508, 509 and at surface coal mines as required by 30 CFR 71.301, 302, 303.

Dated: December 12, 1980.

Frank A. White,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 80-40008 Filed 12-22-80; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL CREDIT UNION ADMINISTRATION

Performance Review Board

AGENCY: National Credit Union Administration.

ACTION: Notice of appointments to performance review board.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

DATES: Effective September 25, 1980.

FOR FURTHER INFORMATION CONTACT: Dorothy W. Foster, Director, Division of Personnel, National Credit Union Administration, 1776 G St. N.W., Washington, D.C. 20456, Telephone (202) 357-1156.

SUPPLEMENTARY INFORMATION: Section 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.

The members of the Performance Review Board are:

1. Dr. Harold Black, Member of NCUA Board
2. Mr. Leonard Lapidus, President, Central Liquidity Facility
3. Mr. Barry Jolette, Regional Director, Region VI

Dated: December 5, 1980.

Lawrence Connell,

Chairman, National Credit Union Administration Board.

[FR Doc. 80-39762 Filed 12-22-80; 8:45 am]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

Privacy Act of 1974; Minor Amendments to Systems of Records

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Minor amendments of Systems of Records.

SUMMARY: The Nuclear Regulatory Commission has issued minor amendments to the NRC Systems of Records, NRC-1, 4, 7, 8, 9, 11, 15, 16, 18, 20, 22, 27, 31, 33, 34, 36, and 38. The amendments clarify and update the information contained in the NRC Systems of Records. The NRC has also issued minor amendments to the Prefatory Statement of General Routine Uses.

EFFECTIVE DATE: The amendments to the NRC Notices of Systems of Records become effective on January 22, 1981.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Phone: (301) 492-8133.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission published a notice of proposed minor amendments to the NRC Notice of Systems of Records in the Federal Register on October 22, 1980 (45 FR 70161). The notice invited public comment on the proposed minor amendments by November 21, 1980. No comments were received on the proposed amendments.

Notice is hereby given that the Commission has adopted the proposed amendments to the NRC Systems of Records. The text of the amendments set forth below is identical with the text of the amendments which were published on October 22, 1980 for public comment.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, the following amendments to the NRC Systems of Records are published as a document subject to publication in the annual compilation of Privacy Act Documents.

1. Paragraphs one through four of the Prefatory Statement of General Routine Uses are revised to read as follows:

Prefatory Statement of General Routine Uses

The following routine uses apply to each system of records notice set forth below which specifically references this Prefatory Statement.

* * * * *

1. In the event that a system of records maintained by the NRC to carry out its functions indicates a violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rules or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system or records may be disclosed, as a routine use, to a Federal, State, local or foreign agency if necessary to obtain information relevant to an NRC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, State, local or foreign agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed as a routine use, in the course of discovery and in presenting evidence to a court, magistrate, administrative tribunal, or grand jury, including disclosures to opposing counsel in the course of settlement negotiations.

* * * * *

2. The paragraphs of NRC-1, "Appointment and Promotion Certificate Records," entitled "Storage" and "Retention and disposal" are revised to read as follows:

NRC-1

SYSTEM NAME:

Appointment and Promotion Certificate Records.

* * * * *

STORAGE:

Paper records are maintained in file folders in the Records Retention Center, St. Louis, Missouri. Microfiche records are kept in the Division of Organization and Personnel.

* * * * *

RETENTION AND DISPOSAL:

Retained for 2 years from date of selection, then personal records are destroyed by shredding; nonpersonal records are destroyed through regular trash disposal system.

* * * * *

3. The paragraphs of NRC-4, "Conflict of Interest Files," entitled "Categories of records in the system" and "Authority for maintenance of the system" are revised to read as follows:

NRC-4

SYSTEM NAME:

Conflict of Interest Files.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

a. General biographical data (i.e., name, birthdate, home address, position title, home and business telephone, citizenship, educational history, employment history, professional society memberships, honors, fellowships received, publications, licenses, and special qualifications);

b. Financial status (i.e., nature of financial interests and in whose name held, creditors, character of indebtedness, interest in real property, monthly U.S. Civil Service Annuity, and status as Uniformed Services Retired Officer);

c. Certifications by employees that they and members of their families are in compliance with the Commission's stock ownership regulations;

d. Requests for approval of outside employment by NRC employees and NRC responses thereto;

e. Determination (i.e., no conflict or apparent conflict of interest, questions

requiring resolution, steps taken toward resolution); and

f. Information pertaining to appointment (i.e., proposed period of NRC service, estimated number of days of NRC employment during period of service, proposed pay, clearance status, description of services to be performed and explanation of need for the services, justification for proposed pay, description of expenses to be reimbursed and dollar limitation, and description of government-owned property to be in possession of appointee).

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 18 U.S.C. 201 (1976);
b. Executive Order 11222, May 8, 1965;
c. 10 CFR 0.735–29; 10 CFR 0.735–40.

* * * * *

4. The paragraphs of NRC–7, "Division of Document Control Workload Assignment and Production Records," entitled "System name," "System location," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," "Safeguards," and "System manager(s) and address" are revised to read as follows:

NRC–7

SYSTEM NAME:

Division of Technial Information and Document Control Workload Assignment and Production Records—NRC

SYSTEM LOCATION:

Primary system—Division of Technical Information and Document Control, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland:

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1(a), (b), (e), (f), and (g).

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used by the Division of Technical Information and Document Control for any of the routine uses specified in the Prefatory Statement.

* * * * *

SAFEGUARDS:

Files relating to comparative employee production and analysis thereof are maintained in locked desks. Budgetary and staffing projection data are maintained in locked and unlocked files. All files are under immediate control of the supervisory staff.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

* * * * *

5. The paragraph of NRC–8, "Employee Appeals, Grievances and Complaints Records," entitled "System location" is revised to read as follows:

NRC–8

SYSTEM NAME:

Employee appeals, grievances and complaints records.

SYSTEM LOCATION:

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at locations listed in Addendum I, Parts 1 and 2.

* * * * *

6. The paragraph of NRC–9, "Equal Employment Opportunity Records Files," entitled "Retention and disposal" is revised to read as follows:

NRC–9

SYSTEM NAME:

Equal Employment Opportunity Records File

* * * * *

RETENTION AND DISPOSAL:

Retained indefinitely.

* * * * *

7. The paragraphs of NRC–11, "General Personnel Records (Official Personnel Folder and Related Records)," entitled "System location," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," and "Retention and disposal" are revised to read as follows:

NRC–11

SYSTEM NAME:

General Personnel Records (Official Personnel Folder and Related Records)

SYSTEM LOCATION:

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2; and at the Department of Energy computer facility, Germantown, Maryland; and at the National Institutes of Health computer facility, Bethesda, Maryland. The duplicate systems maintained in a particular office, division or branch may contain information of specific application to employees in that organization in addition to that information contained in the primary system.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. By the Office of Personnel Management and Merit Systems Protection Board for making a decision when an NRC employee or former NRC employee questions the validity of a specific document in an individual's record;

b. To provide information to a prospective employer of a government employee. Upon transfer of the employee to another Federal agency, the information is transferred to such agency;

c. To update the Office of Personnel Management Systems concerning the Central Personnel Data File (CPDF), the Executive Inventory File and security investigations index hires, and to update adverse actions and terminations records of the Merit Systems Protection Board;

d. To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force;

e. To provide information to the Office of Personnel Management and Merit Systems Protection Board for review and audit purposes;

f. To provide members of the public with the names, position titles, grades, salaries, appointments (temporary or permanent), and duty stations of employees;

g. Medical records may be used for providing information to the Public Health Service in connection with Health Maintenance Examinations and to other Federal agencies responsible for Federal benefit programs adminstered by the Department of Labor (Office of Workmen's Compensation Programs) and the Office of Personnel Management; and

h. For any of the routine uses specified in the Prefatory Statement.

* * * * *

RETENTION AND DISPOSAL:

The Official Personnel Folder is sent to the National Personnel Records

Center within 30 days of the date of the employees separation from the Federal service. Some records such as letters of reprimand, indebtedness and vouchers are maintained for two years or destroyed by shredding when an individual resigns, transfers or is separated from the Federal service. SF-1, "Service Record Card," is retained indefinitely after separation or transfer.

* * * * *

8. The paragraph of NRC-15, "National Standards Committee Membership Files," entitled "Categories of records in the system" is revised to read as follows:

NRC-15

SYSTEM NAME:

National Standards Committee membership files.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is a comprehensive record of NRC personnel on the nuclear standards committees and contains members' names, the names of the committees to which they belong, and the names of the NRC offices in which the members work.

* * * * *

9. The paragraph of NRC-16, "Facility Operator Licensees Records Files," entitled "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," is revised to read as follows:

NRC-16

SYSTEM NAME:

Facility operator licensees records files.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To determine if the individual meets the requirements of 10 CFR Part 55 to take an examination or to be issued an operator's license;

b. For any of the routine uses specified in the Prefatory Statement, except paragraph number 3;

c. To provide researchers with information for statistical evaluations related to selections, training and examination of facility operators;

d. To provide for examination and testing material and obtain results from contractors; and

e. To provide facility managment with sufficient information to enroll the individuals in the licensed operator requalification program.

* * * * *

10. The paragraphs of NRC-18, "Office of Inspector and Auditor Index File and Associated Records" entitled "Authority for maintenance of the system," "Routine uses of records maintained in the system, including categories of users and the purposes of such uses," and "Safeguards" are revised to read as follows:

NRC-18

SYSTEM NAME:

Office of Inspector and Auditor Index File and Associated Records.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. Subsections 25(c) and 161(c) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2035(c) and 2201(c)(1976);

b. Subsection 201(f), Energy Reorganization Act of 1974, 42 U.S.C. 5841(f)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. A record in the system of records may be disclosed as a routine use to a Federal, State, local, or foreign agency or to an individual or organization, if the disclosure is reasonably necessary to elicit information or to obtain the cooperation of a witness or an informant.

b. A record in the system of records relating to a case or matter falling within the purview of the Office of Inspector and Auditor that has been referred for audit, inspection or investigation may be disclosed as a routine use to the referring agency, group, organization or individual to notify such agency, group, organization or individual of the status of the case or matter or of any decisions or determinations that has been made.

c. A record in the system of records relating to an individual held in custody pending arraignment, trial, or sentence, or after conviction, may be disclosed as a routine use to a Federal, State, local or foreign prison, probation, parole or pardon authority, or to any agency or individual concerned with the maintenance, transportation, or release of such an individual.

d. A record in the system of records relating to a case or matter may be disclosed as a routine use to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States.

e. A record in the system of records may be disclosed as a routine use to a Federal, State, local or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency.

f. A record in the system of records in the nature of an audit, inspection or investigation report relating to the integrity and efficiency of the Commission operation and management may be disseminated outside the Commission as part of the Commission's responsibility to inform the Congress and the public about Commission operations.

g. A record in the system of records may be disclosed for any of the routine uses specified in the Prefatory Statement.

* * * * *

SAFEGUARDS:

The index is maintained in unlocked file cabinets and the associated records are located in lockable metal filing cabinets or safes. All records are under visual control during normal working hours, available only to authorized personnel whose duties require access, and stored in a room that is locked after normal working hours.

* * * * *

11. The paragraph of NRC-20, "Official Travel Records," entitled "Retrievability" is revised to read as follows:

NRC-20

SYSTEM NAME:

Official Travel Records

* * * * *

RETRIEVABILITY:

Records are accessed by name, social security account number, authorization number, estimated travel start day, authorization process day, voucher process day, and voucher payment schedule number.

* * * * *

12. The paragraph of NRC-22, "Personnel Performance Appraisals," entitled "Retention and Disposal" is revised to read as follows:

NRC-22

SYSTEM NAME:

Personnel Performance Appraisals

* * * * *

RETENTION AND DISPOSAL:

Retained 1 year, or until subsequent rating is prepared, whichever is later, then destroyed by shredding.

* * * * *

13. The paragraphs of NRC-27, "Radiation Exposure Information and

Reports System (REIRS)," entitled "Categories of Individuals covered by the system" and "Categories of records in the system" are revised to read as follows:

NRC-27

SYSTEM NAME:

Radiation Exposure Information and Reports System (REIRS)

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals monitored for radiation exposure while employed by or visiting or temporarily assigned to certain NRC licensed facilities; individuals who were exposed to radiation or radioactive materials in incidents required to be reported pursuant to 10 CFR 20.403 and 20.405 by all NRC licensees; individuals who may have been exposed to radiation or radioactive materials off-site from a facility, plant, installation, or other place of use of licensed materials, or in unrestricted areas, as a result of an incident involving byproduct, source, or special nuclear material; as then required by NAVMED P-5055, Radiation Health Protection Manual, monitored individuals terminating their service with the Navy prior to 1977; and monitored employees of all the registrants of the State of Illinois.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to individual's name; sex; social security account number; date of birth; job category; period of employment; place and period date of exposure; name, address, and license number of individual's employer; licensee name and number reporting the incident; radiation doses or estimates of exposure received during this period; types of radiation; part(s) or organ(s) exposed; and nuclide(s) involved. Some reports will indicate whether the individual is a contractor or a utility employee. Between January 1972 and May 1974 the following information was also recorded for individuals over-exposed to radiation: sex, training experience, regular occupation of the exposed individuals; device or method used to determine dose(s); brief statement describing the incident and the causes; corrective actions taken; status of exposed individual (i.e., medical treatment); type, age, and manufacturer of malfunctioning equipment; and cumulative dose prior to incident.

* * * * *

14. The paragraphs of NRC-31, "Secretariat Records Facility Files," entitled "System name," "System location," "Categories of individuals covered by the system," "Categories of records in the system," "Authority for maintenance of the system," "Routine uses of records maintained in the system including categories of users and the purposes of such uses," "Storage," "Retrievability," "Safeguards," "Retention and disposal," and "Systems exempted from certain provisions of the act" are revised to read as follows:

NRC-31

SYSTEM NAME:

Correspondence and Records Branch, Office of the Secretary, NRC.

SYSTEM LOCATION:

Office of the Secretary, Correspondence and Records Branch, NRC, 1717 H Street, N.W., Washington, DC 20555.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The majority of records in this system consist of internal NRC memoranda between NRC employees and the Chairman, a Commissioner, or the Secretary in the ordinary course of carrying out the official business of the NRC. Records also include correspondence from Members of Congress and their staffs including constituent referrals, and White House correspondence referred to the NRC for response. Correspondence may identify an individual's social security number, date of birth, address, and employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information concerning all subjects which directly or indirectly relate to the fulfillment of NRC's statutory mandate. Records include information dealing with the policy, legal, administrative, and adjudicatory functions of the NRC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. Section 201, Energy Reorganization Act of 1974, 42 U.S.C. 5841 91976);

b. 44 U.S.C. 3101 (1970).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records may be used for any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Most records are accessed by subject matter headings and are not individually identifiable. Access to some correspondence by individual name is available through correspondence control documents.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Classified materials are maintained in approved safes, and unclassified records are maintained in rolling file equipment. Access to floor where records are held is controlled 24 hours per day by Federal Protective Officers.

RETENTION AND DISPOSAL:

Retained indefinitely.

* * * * *

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), the Commission has exempted portions of the system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). The exemption rule is contained in Section 9.95 of the NRC regulations (10 CFR 9.95).

15. The paragraphs of NRC-33, "Special Inquiry File," entitled "System location" and "Storage" are revised to read read as follows:

NRC-33

SYSTEM NAME:

Special Inquiry File

SYSTEM LOCATION:

a. Primary system: Special Inquiry Group, U.S. Nuclear Regulatory Commission, 7920 Norfolk Avenue, Bethesda, Maryland.

b. Duplicate system: A duplicate system exists, in whole or in part, at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

* * * * *

STORAGE:

Maintained in microfiche, disks, tapes, and paper in file folders. Documents are maintained in secured vault facilities.

* * * * *

16. The paragraph of NRC-34, "Advisory Committee on Reactor Safeguards (ACRS) Correspondence Index and Associated Records," entitled "System manager(s) and address" is revised to read as follows:

NRC-34

SYSTEM NAME:

Advisory Committee on Reactor Safeguards (ACRS) Correspondence Index and Associated Records

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technical Information Branch, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

17. The paragraphs in NRC-36, "Employee Locator Records Files," entitled "Storage," "Safeguards," and "System manager(s) and address" are revised to read as follows:

NRC-36

SYSTEM NAME:

Employee Locator Records Files

* * * * *

STORAGE:

Maintained on index cards.

* * * * *

SAFEGUARDS:

Maintained in controlled access room under 24-hour visual control of NRC operators. Access to and use of these records are limited to those persons whose official duties require such access.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Telecommunications Branch, Division of Facilities and Operations Support, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

18. The paragraphs of NRC-38, "Mailing Lists," entitled "System location" and "System manager(s) and address" are revised to read as follows:

NRC-38

SYSTEM NAME:

Mailing lists

SYSTEM LOCATION:

Primary system: Division of Technical Information and Document Control, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

* * * * *

Dated at Bethesda, Maryland, this 16th day of December 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 80-39755 Filed 12-22-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular, Public Debt Series—No. 37-80]

Series Z-1982 Notes; Interest Rate

December 17, 1980.

The Secretary announced on December 16, 1980, that the interest rate on the notes designated Series Z-1982, described in Department Circular—Public Debt Series—No. 37-80, dated December 11, 1980 will be 15⅛ percent. Interest on the notes will be payable at the rate of 15⅛ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-40030 Filed 12-22-80; 8:45 am]

BILLING CODE 4810-40-M

UNITED STATES RAILWAY ASSOCIATION

Future Funding of Conrail; Comments Invited

The United States Railway Association issued a report on December 17, 1980, entitled *"Federal Funding of Conrail: Rail Service Objectives and Economic Realities"*, and invites comments from interested parties.

The report is the Association's initial step in meeting the requirements to reexamine Conrail contained in the Staggers Rail Act of 1980. The report sets the stage for a statutory report to the Congress in April 1981 by providing a historic review of railroad problems in the Northeast and Midwest regions of the United States, including the bankruptcy of Conrail's predecessors; the Final System Plan which created Conrail pursuant to the Regional Rail Reorganization Act of 1973; the performance of Conrail since 1976, including economic and other reasons for its inability to reach self-sustainability; an answer to the Staggers Rail Act request regarding continued Federal funding of Conrail through 1985; and an outline of the Association's analytic approach to the remaining Staggers Rail Act requests regarding reduced Federal funding of Conrail and no further Federal funding of Conrail.

Copies of the report can be obtained from the Association's Public Information Officer, Alex Bilanow, at the following address: United States Railway Association, 955 L'Enfant Plaza North, S.W., Washington, D.C. 20595 or by telephoning 202/426-4250.

Due to the timetable established by the Staggers Rail Act of 1980, the Association requests that comments be submitted by January 23, 1981. Comments should be addressed to: Peter J. Gallagher, Esq., Secretary, United States Railway Association, 955 L'Enfant Plaza North, S.W., Washington, D.C. 20595.

Peter J. Gallagher,

Secretary.

[FR Doc. 80-40000 Filed 12-18-80; 8:45 am]

BILLING CODE 8240-01-M

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Trade Policy Staff Committee; Public Consultations on the President's North American Trade Agreement Report to the Congress

The Trade Policy Staff Committee (TPSC) is planning to hold public consultations on February 12, 1981 as part of its preparation of a Presidential report to Congress on North American trade agreements pursuant to Section 1104 of the Trade Agreements Act of 1979 (Pub. L. 96-39). The location of the planned session is Miama, Florida. Miami has been added to the list of cities mentioned in the Federal Register notice of October 28, 1980 (45 FR 71463). These public consultations are intended to facilitate an exchange of views between the U.S. Government and parties interested in U.S. trade and economic relationships with other North American countries.

The report will cover the countries in the northern portion of the western hemisphere (Canada, Mexico, and those of Central America and the Caribbean). It will address all aspects of U.S. economic relationships with those countries that bear upon U.S. trade including agricultural, industrial and trade policies, and energy, transportation, services and investment issues. The report will represent a comprehensive examination and analysis of North American trade policy issues, and will provide valuable

information for the development of U.S. policies concerning North American trade.

Presentations from the public providing information, problems, analyses, or proposals concerning any aspect of North American trade issues are invited at this session. Parties wishing to make a presentation should notify Carolyn Frank, TPSC Secretary (Office of the U.S. Trade Representative, Executive Office of the President, Washington, D.C. 20506) by January 23, 1981 of their intention, giving:

1. Their names, addresses, and telephone numbers:

Dated:2. A brief summary of their presentation.

Persons expressing an interest in the consultations will receive notice from the TPSC confirming the meeting and giving details of the time and place it is to be held.

Remarks should be limited to no more than 15 minutes, to allow time for possible questions from the TPSC members and adequate discussion. Participants also should provide 10 typed copies of their presentation at the time of the hearings.

For further information, please contact Harvey E. Bale, Jr., (202) 395-3510.

Ann H. Hughes,

Chairman, Trade Policy Staff Committee.

[FR Doc. 80-40266 Filed 12-22-80; 12:40 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 248
Tuesday, December 23, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Securities and Exchange Commission	5

1

[M-302, Amdt. 2, December 15, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., December 18, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

Deletion: 17. Docket EAS-336, EAS-338, Appeals of Kingman and Prescott, Arizona (Memo 087-A, OGC, BDA, OCCR)

Addition: 17a. Dockets 38962 and 38963, Republic Airlines' notice to suspend service at Athens, Georgia, and its application for exemption to suspend early (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-2342-80 Filed 12-19-80; 9:22 am]

BILLING CODE 6320-01-M

2

[M-302, Amdt. 1, December 15, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., December 18, 1980.

PLACE: Room 1012, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 20. Review of Aviation Relations with Colombia. (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-2344-80 Filed 12-19-80]

BILLING CODE 6320-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

December 17, 1980.

TIME AND DATE: 10 a.m., Wednesday, December 24, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Tazco, Incorporated, Docket No. VA 80-121. (Petition for Discretionary Review; issues include whether an administrative law judge has authority to suspend a civil penalty when a violation has occurred.)

CONTACT PERSON FOR MORE INFORMATION:
Jean Ellen, 202-653-5632.

[S-2345-80 Filed 12-19-80; 9:59 am]

BILLING CODE 6820-12-M

4

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1395 Filed July 21, 1980, 9:51 a.m.

The National Council on Educational Research hereby gives notice that the meeting scheduled for January 23, 1981, has been changed to *January 22, 1981*, at the NIE Offices, Room 823, 1200 19th Street, N.W., Washington, D.C. The agenda for that meeting will be published in the Federal Register at a later date.

PERSON TO CONTACT FOR MORE INFORMATION: Ella L. Jones, Administrative Coordinator; telephone 202/254-7900.

Peter H. Gerber,
Chief, Policy & Administrative Coordination, National Council on Educational Research.

[S-2343-80 Filed 12-19-80; 9:22 am]

BILLING CODE 4000-05-M

5

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 81922, December 12, 1980.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, December 9, 1980.

CHANGES IN THE MEETING: Rescheduling/additional items:

The closed meeting scheduled for Friday, December 19, 1980, at 10:00 a.m. has been rescheduled for Monday, December 22, 1980, at 9:30 a.m.

The subject matter of the closed meeting on Monday, December 22, 1980, at 9:30 a.m., will be:

Institution of injunctive action.

The following additional items will be considered at a closed meeting scheduled for Thursday, December 18, 1980, following the 2:30 p.m. open meeting:

Consideration of *amicus* participation.
Freedom of Information Act appeals.
Litigation matter.

Chairman Williams and Commissioners Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Art Delibert at (202) 272-2467.

December 18, 1980.

[S-2346-80 Filed 12-19-80; 10:52 am]

BILLING CODE 8010-01-M

Federal Register

Tuesday
December 23, 1980

Part II

Federal Emergency Management Agency

National Radiological Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents (Master Plan)

FEDERAL EMERGENCY MANAGEMENT AGENCY

National Radiological Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents (Master Plan)

AGENCY: Federal Emergency Management Agency.

ACTION: Publication of the Master Plan for Interim Use and Public Comment.

SUMMARY: This plan is in response to a legislative mandate for expeditious, efficient and coordinated action by appropriate Federal agencies to protect the public health and safety in case of accidents at commercial nuclear power plants. This Master Plan, prepared with assistance from the Systems Research and Applications Corporation under contract to FEMA, includes an overview of how the Federal response to such an accident would be managed, assigns responsibilities to Federal agencies expected to be involved, and provides guidance on the preparation of agency plans for carrying out their assigned responsibilities. In its present form, the Master Plan would be the basis for a Federal response to a nuclear power plant accident. It is, however, only the first step in the development of a comprehensive plan which will be achieved with the preparation of agency plans and their coordination and consolidation by FEMA. The Master Plan calls for the completion of these agency plans within four months from the date of this promulgation. During the development of the Master Plan, the contractor and FEMA staff members have sought the views and obtained concurrence on drafts from the staffs of agencies involved. It is, therefore, published here for interim use by these agencies and FEMA.

DATES: Comments on the Master Plan are encouraged. Such comments will be considered in any revision to the Master Plan and in the preparation of agency implementing plans. Comments are due February 6, 1981.

ADDRESS: Send comments to Rules Docket Clerk, Federal Emergency Management Agency, 1725 I Street, N.W., Room 801, Washington, D.C. 20472.

FOR ADDITIONAL INFORMATION CONTACT: Marshall E. Sanders, Assistant Director, Policy Planning, Radiological Emergency Preparedness Division, Federal Emergency Management Agency, 1725 I Street, N.W., Washington, D.C. 20472, telephone: (202) 523-1718.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission Appropriation Authorization (Pub. L. 96-295, June 30, 1980), Sec. 304, requires that the President prepare and publish a National Contingency Plan which would provide for an expeditious, efficient and coordinated Federal response to an accident at a commercial nuclear power plant. In Executive Order 12241, the President delegated responsibility for preparation of this plan to the Director, FEMA, and directed that the plan be published in the Federal Register periodically. In order to make the title more descriptive of the purpose and content, the plan is called the National Radiological Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents.

Dated: December 15, 1980.

John W. Macy, Jr.,

Director.

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National Radiological Emergency Preparedness/Response Plan For Commercial Nuclear Power Plant Accidents (Master Plan)

I. Purpose

An efficient and effective Federal response to a peacetime radiological accident at a commercial nuclear power plant will depend, in large measure, on the success of prior planning and preparedness. Such planning and preparedness requires a systematic, coordinated approach at the national level.

This Master Plan is the core of the National Radiological Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents. Its purpose is threefold:

- Provide a framework for Federal radiological emergency planning by describing the management of a coordinated Federal response to nuclear accidents at commercial nuclear power plants and by describing the necessary coordination and interface of the Federal response with that of State/local governments and the licensee.
- Assign responsibilities to Federal agencies for radiological emergency planning, preparedness and response.
- Provide policy and planning guidance for development of the detailed implementation plans required of each Federal agency assigned responsibilities in this Master Plan.

This Plan does not apply to:

- Accidents involving nuclear weapons;
- Accidents at Department of Defense (DoD) or Department of Energy (DOE) facilities;
- Acts of sabotage or terrorism; or,
- Transportation accidents involving radioactive material.

The promulgation of this Master Plan is the first step in developing an integrated National Radiological Emergency Preparedness/Response Plan For Commercial Nuclear Power Plant Accidents. The second step is the preparation of detailed agency implementation plans describing the procedures, organizations, capabilities and interfaces each Federal agency intends to use to fulfill its responsibilities assigned by this Master Plan. The completed agency implementation plans will be submitted to the Federal Emergency Management Agency (FEMA) within four months from the date of promulgation of this Master Plan. FEMA will review the agency implementation plans and, working with each agency, will integrate them and this Master Plan into a comprehensive National Radiological Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents.

II. Background and Assumptions

A. Background

On December 7, 1979, the President, in response to the recommendations of *The President's Commission on the Accident at Three Mile Island,* directed that FEMA assume lead responsibility for all Federal off-site nuclear emergency planning and response. Additionally, the President, in Executive Order 12241, delegated to FEMA the responsibility for the development and promulgation of this Plan, to be prepared in response to the provisions of Sec. 304 of the Nuclear Regulatory Commission (NRC) Appropriation Authorization (Pub. L. 96-295—June 30, 1980), which requires the President to prepare and publish a National Contingency Plan to provide for expeditious, efficient, and coordinated action by appropriate Federal agencies to protect the public health and safety in case of accidents at commercial nuclear power plants.

This Plan deals with Federal off-site preparedness for and response to an accident at a commercial nuclear power

plant. The Federal on-site response is the responsibility of the NRC and is not addressed here, except to the extent that on-site activities must be coordinated with the off-site response. The NRC Appropriation Authorization also directed the NRC to prepare an agency plan for responding to accidents at nuclear power plants.[1] This plan will be integrated into the National Radiological Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents.

B. Assumptions

The following major assumptions are basic to this Plan.

1. The Federal role in off-site response is one of assisting State officials who have asked for Federal aid because they have determined that they have insufficient technical and/or logistical resources to cope adequately with the off-site consequences of a nuclear accident at a commercial nuclear power plant in their State or in a neighboring State. Federal agencies can assume that State/local agencies have radiological emergency plans to cover their functional responsibilities and that the State/locality will assume the overall management of the off-site response.[2]

2. Legislative or executive authorities enabling the Federal Government to respond to a peacetime radiological emergency either currently exist or will be acquired. In addition, FEMA will assist Federal agencies in budgeting or seeking reimbursement for the costs of responding to accidents at commercial nuclear power plants.

3. The President, if requested by the Governor of the affected State, can declare an "Emergency" or "Major Disaster" under the provisions of the Federal Disaster Relief Act of 1974 (Pub. L. 93–288). However, the responsibilities and functions of the various Federal agencies as described in this Master Plan would be essentially the same whether or not such declaration is made.

III. Management Overview

This section describes the mangement of the Federal off-site response to radiological accidents at commercial nuclear power plants. It includes notification procedures and a generalized description of the interaction between the Federal response and that of the States. It does not, however, describe the management of the State response as that may vary substantially from State to State. Because the Federal off-site response is provided *to assist* the States as opposed *to managing* the off-site response to the accident, Federal agency plans must be sufficiently flexible to adapt to the needs of the individual States.

A. Response Management

Management of the Federal response requires the coordination of a number of Federal agencies with each other and with appropriate State and local authorities. It begins with the realization that a Federal response has two components: Technical (primarily radiological) and non-technical. No one Federal agency has the capability to effectively coordinate both components alone, hence, this responsibility will be shared by the NRC, DOE and FEMA. The NRC, with its responsibility for licensing and regulating the utility, is in the best position to understand conditions at the facility and to assimilate and interpret the vast amount of technical data derived from on- and off-site instrumentation. The NRC, therefore, will be responsbile for technical coordination of the Federal response. For the purposes of this Plan, "technical" refers to all aspects of radiological monitoring, evaluation, assessment and reporting, the application of sophisticated technology to control or predict the impact of radiological contamination, and the use of all available instrumentation to develop recommendations for protective measures for the affected population and the decontamination of property. The NRC will prepare appropriate recommendations for protective measures for State and local officials, including the governors and local chief executives. Such recommendations will reflect all substantive dissenting views from other Federal agencies and the licensee and will be presented jointly with FEMA. Direct contact between the NRC and State/local officials is to be expected if imminent peril to the public health and safety exists and time does not permit a coordinated recommendation.

FEMA will coordinate all non-technical aspects of the Federal response. For the purposes of this Plan, "non-technical" support refers to all types of assistance to Federal and State/local organizations, such as transportation, communications and housing, assistance to State/local agencies in implementing protective measures, and all other types of assistance not classified as technical. As shown in Figure 1, the NRC, DOE and FEMA have complementary roles and, therefore, require a close working relationship with each other during an emergency.

1. *Technical Support.* Federal technical support is a combination of the on- and off-site radiological monitoring and assessment activities and an evaluation of the conditions of the nuclear power plant. DOE will coordinate all off-site radiological monitoring, evaluation, asessment and reporting activities of participating Federal agencies. DOE will be responsible for supplying this information to the NRC's Director of Site Operations (DSO), other appropriate Federal agencies and to the appropriate State/local agency. Radiological data collected by the licensee for the NRC will be furnished to DOE's Off-Site Technical Director to be included in his evaluation of off-site radiological conditions.

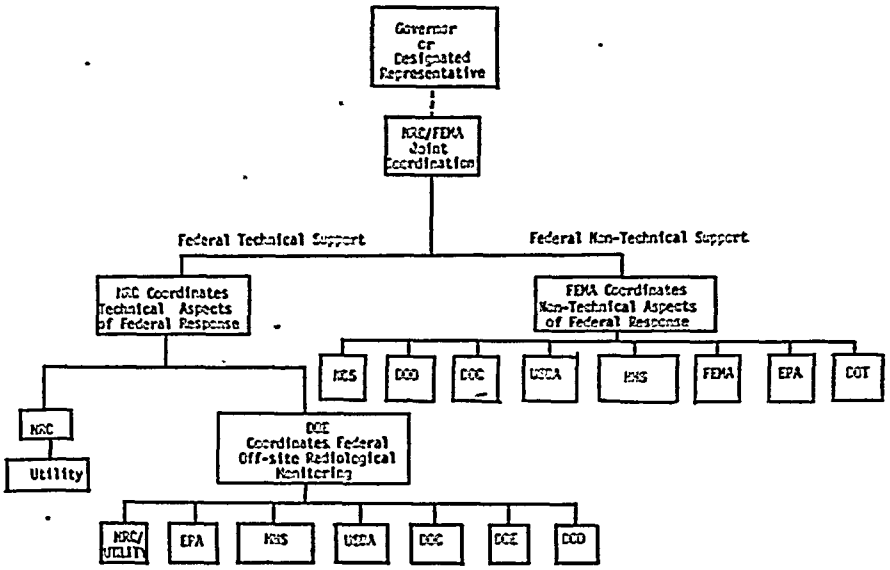

Figure 1: Federal Response Management Diagram

[1] *Report to Congress: NRC Incident Response Plan,* NUREG–0728, September 1980.

[2] Although Federal assistance will be requested by the State, it is recognized that in some States the local government has primary responsibility for managing the accident with the State assisting their efforts.

The NRC will integrate the off-site radiological data and evaluation provided by DOE with their evaluation of the on-site situation into an overall assessment of the accident. The NRC, in coordination with FEMA, will report this assessment to the Governor or the agency designated in the State plan. Included in this assessment will be any recommendations regarding protective measures required of the populace.

2. *Nontechnical Support.* Nontechnical Federal support, primarily logistical support, including telecommunications, will be required by participating Federal agencies and the States. This support will be coordinated by FEMA. All requests for resources from the Federal Government by the States will be channeled to FEMA, with the exception of requests for radiological monitoring assistance, which will go directly to DOE. The lead FEMA official[3] on the scene will notify the Federal agency most capable of meeting the State's needs. That agency will provide the requested support directly to the appropriate State agency in the most efficient manner. Any difficulties in furnishing the requested support will be reported to the lead FEMA official. Similarly, Federal agencies requiring assistance will work through the lead FEMA official in order to ensure that this official is kept apprised of all conditions and problems incurred in the Federal off-site response.

Figure 2 schematically depicts the flow of Federal assistance to State/local agencies. Requests for Federal support will flow into the State emergency management office (or other agency designated in the State plan).

- Requests for technical advice and recommendations on protective measures will be directed to the NRC.
- Requests for radiological monitoring support will be directed to DOE. DOE will call upon other Federal agencies having radiological monitoring capabilities as necessary.
- All other requests for support will be directed to FEMA. FEMA will then request the appropriate Federal agency(s) to provide the needed support directly to the State/local agency requiring assistance.

It is recognized that some Federal agencies have statutory responsibilities, which gives them the authority to act independently of any Federal or State agency. It is further acknowledged that relationships between Federal and State/local agencies currently exist on a daily basis and, therefore, requests for Federal assistance may come directly to an individual agency. There is no attempt in this Plan to usurp agency authorities or to deny existing relationships; however, to ensure a coordinated off-site response involving the cooperation of all Federal and State/local agencies, each Federal agency should develop procedures to permit it to function in accordance with the provisions of this Plan. A coordinated Federal response also requires that State/local agencies work with the Federal Government as specified in this Plan and as provided for in Section II.C. of NUREG 0654 FEMA-REP-1.

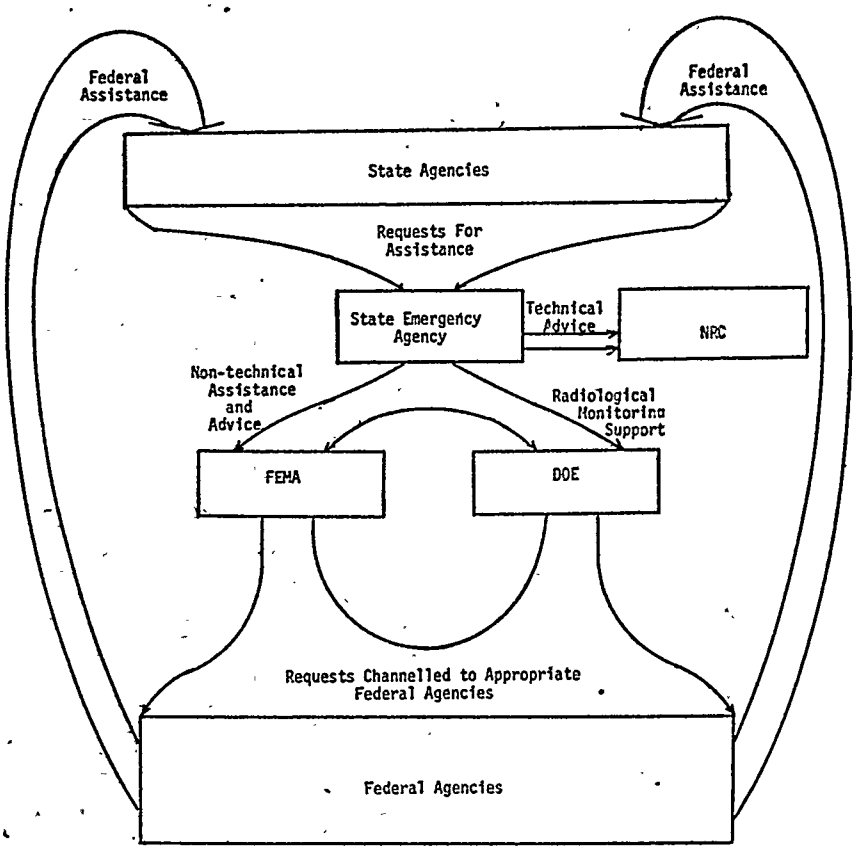

Figure 2: Flow of Federal Assistance To The States

B. Notification

Prior to notifying the Federal Government of an accident and pursuant to NRC regulations, the licensee has the responsibility for classifying the accident. The classification categories are based on the estimated severity of the accident.

[3] Note that the responsibilities of the lead FEMA official and the Federal Coordinating Officer (FCO) designated under a Declaration of Emergency or Major Disaster are identical to this Plan.

The four categories are:

- *Unusual Event*—Events are in process or have occurred which indicate a potential degradation of the level of safety of the plant.
- *Alert*—Events are in process or have occurred which involve an actual or potential substantial degradation of the level of safety of the plant.
- *Site Area Emergency*—Events are in process or have occurred which involve actual or likely major failures of plant functions needed for protection of the public.
- *General Emergency*—Events are in process or have occurred which involve actual or imminent substantial core degradation or melting with potential for loss of containment integrity.

Each category initiates a specific notification scheme which, in each case, includes the NRC. State and local agencies are to be notified by the licensee as well as by the NRC.

Once notified, the NRC will evaluate the situation and determine the appropriate NRC response. If the situation requires the activation of NRC's Executive Team (ET), the NRC will also notify:

- Headquarters, Department of Energy (DOE);
- Headquarters, Federal Emergency Management Agency (FEMA);
- Headquarters, Environmental Protection Agency (EPA); and
- Headquarters, Department of Health and Human Services (HHS).

This notification may be an alert or warning of a potential requirement for Federal action or it may specify immediate requirements for Federal assistance. Subsequent notification of other Federal agencies by FEMA and DOE will be determined by the situation (See Figure 3). Federal agencies notified of an accident and the potential requirement for their assistance should take all necessary preparatory steps to enable them to respond promptly and efficiently. Federal assistance will be sent to the affected State(s) when assistance is requested by the Governor or his designated representative.[4]

C. Emergency Facilities

Pursuant to the NRC's NUREG 0696 (Functional Criteria for Emergency Response Facilities), the licensee is required to provide and maintain two facilities to support emergency management of an accident.

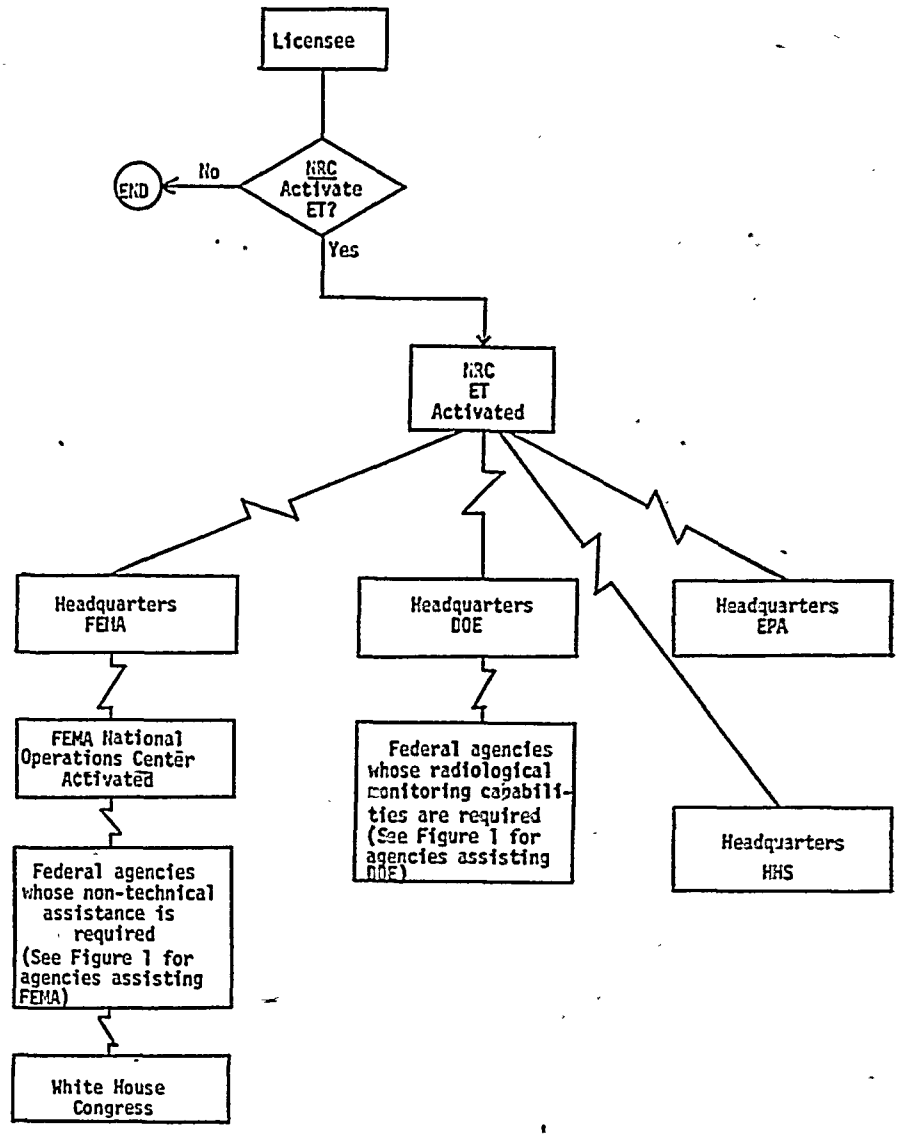

Figure 3: Federal Notification Scheme

- *Technical Support Center (TSC)*—The emergency response facility located at the plant will be used by plant management, technical support staff, plant operators and the NRC to manage their response to the accident. The TSC

[4] Any Federal activity, which is conducted outside of this Plan and without a State request, in response to statutory responsibilities should be coordinated with the appropriate State/local agencies.

will be activated upon the declaration of an Alert, Site Area Emergency or General Emergency.

- *Emergency Operations Facility (EOF)*—The Emergency Operations Facility, located apart from the reactor site at some reasonable distance, will be used to provide continuous coordination and evaluation of licensee activities during the emergency. The activation of the EOF is optional for notification of Unusual Events or Alerts, but is required for Site Area Emergency and General Emergency levels. The facility will have sufficient capability to evaluate all pertinent radiological, meteorological, and plant system data.

In order to provide for effective FEMA/NRC coordination, FEMA should maintain a liaison at the Emergency Operations Facility. The State may operate its own facility. This facility may be near the accident scene or at the State capitol.

The lead FEMA official and the Director of Site Operations may be separated geographically due to management considerations, because the NRC coordinated technical assistance will be mainly site oriented, whereas, the FEMA coordinated non-technical assistance will be mainly State oriented. The exchange of liaisons between FEMA and the NRC must be accomplished early to prevent problems caused by locational differences.

D. Communications

Once notification has taken place and Federal assistance has been requested by the State, communications between Federal agencies, their State/local counterparts, the licensee and the general public becomes a critical element in a coordinated and effective emergency response. Initially, communications will focus on the preparatory aspects of the Federal response, e.g., agencies will estimate how long it will take before their teams can be on the scene, they will report when they are on the scene and they will describe any problems encountered. Follow-on communciations will involve periodic status reports and a description of action taken. These are necessary for a coordinated Federal response. Liaisons between agencies should be established promptly and all requests for assistance should be funneled through the appropriate agency as described in Figure 2. Assistance to State/local agencies should be provided by direct liaison to the lead officials, this being best accomplished by locating the lead FEMA official at the State emergency command post (or other location requested by the State) along with establishing direct communications with the NRC's Director of Site Operations. The NRC should be prepared to provide a liaison to the lead State official, if so requested. The National Communications System (NCS) will provide telecommunications support as needed in accordance with the NCS National Plan for Communications Support in Emergencies and Major Disasters.

Support for Federal agencies at the scene will be coordinated in Washington, D.C., at the FEMA National Operations Center. Each participating Federal agency will have a representative at the Center to facilitate this support. This Master Plan is silent on the involvement of the regional offices of participating Federal agencies, either as intermediaries between the headquarters of Federal agencies and the State or as managers or coordinators of agency activity. This Master Plan assigns responsibilities to Federal agencies; it is left to the agencies to determine the appropriate role for their regional offices and to describe this role in their detailed implementation plans in accordance with the principles established for Federal assistance in this Plan.

E. Public Information

Public information about the off-site consequences of an accident must be accurate and easily understood. Recommendations and directions regarding protective measures should be closely coordinated and disseminated to the public from one official State/local source. Since the Federal Government is assisting the State in an accident at a commercial nuclear power plant, State officials are responsible for keeping their populace adequately informed. The public information offices of the responding Federal agencies will assist State information offices in preparing news releases and holding press conferences regarding recommended protective measures and the overall status of the accident. This should be coordinated through the interagency public affairs group to be established by FEMA. Close working liaisons between the public information offices of Federal agencies, their State/local counterparts and the licensee should be established promptly. The National Communications System will support Federal, State and local public information officials as required; requests for this support should be channeled through FEMA.

Public information concerning the Federal technical response, including the status of the reactor, radiological monitoring activities, and other Federal technical support, will be the responsibility of the NRC. Similarly, FEMA will be responsible for public information regarding all non-technical Federal support activities. The NRC and FEMA will coordinate public information releases with each other, other appropriate Federal agencies and State/local officials. The NRC and FEMA will report directly to the White House and the Congress on the status of the accident in their areas of responsibility. The public information officers of participating Federal agencies will assist their counterparts in the NRC and FEMA in satisfying these information requirements. *The Federal Government will coordinate with the appropriate State /local officials on any statements to the public which bear upon the responsibility of the State.*

IV. Assignment of Responsibilities

A. Introduction

The responsibilities of each Federal agency with a major role in a Federal response to a radiological accident with off-site consequences at a commercial nuclear power plant are listed in this section. Responsibilities that are applicable to all agencies are listed under "General Responsibilities"; responsibilities applicable to specific agencies are listed under "Agency Responsibilities." Coordination among Federal agencies and State and local authorities is implicit in most responsibilities listed; however, the most significant coordination and interface requirements are identified for each agency. Responsibilities of Federal agencies pertaining to State and local government planning and preparedness are delineated in FEMA regulation 44 CFR Part 351, and, hence, are not listed here.

The responsibilities listed here are intended to apply to all radiological accidents at commercial nuclear power plants in which there is a significant Federal involvement and are not a function of whether or not an emergency or a major disaster has been declared under the Disaster Relief Act of 1974 (Pub. L. 93-288).

FEMA and the NRC have the primary roles in coordinating the Federal response to a commercial nuclear power plant accident and the DOE has a major technical support function. FEMA is responsible for coordinating all non-technical response activities of the Federal Government. The NRC is responsible for coordinating the Federal technical response. DOE is responsible for coordinating the off-site radiological monitoring and evaluation activities of the Federal Government. The

responsibilities of these three agencies are listed first, and are followed in alphabetical order by the other major supporting Federal agencies.

A number of Federal agencies have responsibilities that are totally independent of the type of emergency, e.g., their role is the same for radiological emergencies as for hurricanes, earthquakes, etc. A prime example is the Small Business Administration (SBA). The SBA is responsible for providing low interest loans to cover loss of property or means of livelihood in a disaster. Because this National Radiological Emergency Preparedness/Response Plan For Commercial Nuclear Power Plant Accidents is focused on those responsibilities unique to an accident at a commercial nuclear power plant, it does not include responsibilities such as those of the SBA.

B. General Responsibilities

The following responsibilities are applicable to all Federal agencies identified in this Master Plan.

1. Ensure that the lead FEMA official coordinating the Federal response is kept informed of all Federal agency activities, including State and local interfaces.

2. Ensure that all radiological monitoring activities of those agencies possessing such capability are coordinated with DOE's Off-Site Technical Director.

3. Develop, evaluate and maintain detailed implementation plans which describe the procedures, organization, interfaces and capabilities that will be used to fulfill agency responsibilities assigned in this Master Plan. These plans should include communications and public information in accordance with this Master Plan.

4. Plan for and implement any response organizations or teams that may be required to execute radiological accident responsibilities.

5. Ensure that adequate resources are maintained to carry out agency responsibilities.

6. Coordinate detailed implementation plans with all Federal agencies with which interaction during an accident is likely.

7. Submit coordinated agency plans to FEMA for integration into the National Radiological Emergency Preparedness/Response Plan For Commercial Nuclear Power Plant Accidents.

8. Establish procedures and propose any legislation and emergency action documents required to execute detailed agency implementation plans.

C. Agency Responsibilities

Federal Emergency Management Agency (FEMA).—1. Serve as the primary point of contact for requests for Federal assistance from State and local officials and other Federal agencies.

2. Provide a lead official to coordinate and ensure the provision of appropriate non-technical assistance, including telecommunications support, requested by Federal, State and local agencies.

3. Serve at the primary point of contact and coordination between the NRC and other Federal agencies for non-technical response activities.

4. Coordinate the dissemination of all public information concerning Federal non-technical emergency response activities and ensure that public information releases are coordinated with State/local authorities and the NRC. Establish an interagency public affairs group.

5. Develop procedures to facilities reimbursement of Federal agencies for resources expended in responding to a radiological accident.

6. Review and integrate all Federal agency implementation plans to ensure that all required actions and interfaces are adequately addressed.

7. Prepare for and make arrangements with Canada and Mexico, in cooperation with the NRC and the State Department, for responding to radiological accidents which may occur in proximity to the Canadian and Mexican borders, respectively.

Nuclear Regulatory Commission (NRC).—1. Coordinate the technical response activities of the licensee, DOE and other Federal agencies.

2. Provide technical advice to State/local agencies.

3. Develop for State and local agencies a Federal technical recommendation on protective measures which reflects all substantive dissenting views of other Federal agencies and the licensee. Participate with the lead FEMA official in discussing Federal recommendations for protective measures with appropriate State/local officials, except in situations of imminent peril to the public health and safety where the NRC may be required to make direct contact with the appropriate State/local officials regarding recommendations for protective measures.

4. Ensure that the NRC's radiological monitoring activities are coordinated with DOE's Off-Site Technical Director.

5. Coordinate the release of public information concerning the Federal technical response, including the status of the reactor, radiological monitoring activities and other Federal technical support and ensure that such releases are coordinated with the State(s), FEMA and the licensee.

6. Assess the nature and extent of the radiological accident and the potential off-site consequences to the health and safety of the public.

Department of Energy.—1. Coordinate the off-site radiological monitoring, assessment, evaluation, and reporting activities of all Federal agencies during the initial phases of an accident, and maintain a technical liaison with State and local agencies with similar responsibilities. Ensure the orderly transfer of responsibility for coordinating the intermediate and long-term radiological monitoring function to EPA after the initial phases of the emergency at a mutually agreeable time.

2. Provide the personnel, including the Off-site Technical Director, and equipment required to coordinate and perform the off-site radiological monitoring and evaluation activities.

3. Assist the NRC in assessing the accident potential and in developing technical recommendations on protective measures.

4. Maintain a common set of all off-site radiological monitoring data and provide this data and interpretation to the NRC and to appropriate State and local agencies requiring direct knowledge of radiological conditions.

5. Provide consultation and support services to all other entities (e.g. private contractors) having radiological monitoring functions and capabilities.

6. Assist HHS and other Federal, State and local agencies by providing technical and medical advice concerning treatment of radiological contamination.

7. Provide telecommunications support and interface with Nuclear Emergency Search Team (NEST) capabilities as provided for by existing NRC/DOE agreements.

8. Assist other Federal agencies in developing and establishing guidelines on effective systems of emergency radiation detection and measurement, including instrumentation.

9. Review and integrate agency radiological monitoring plans into the Federal Radiological Monitoring and Assessment Plan.[5]

Department of Agriculture (USDA).—1. Assist the NRC, in coordination with HHS, in developing technical recommendations for State and local officials regarding protective measures related to food and animal feed.

2. Assist State and local officials, in coordination with HHS, on the

[5] This Plan, still in draft form, is intended to replace the Interagency Radiological Assistance Plan (IRAP).

implementation of protective measures to minimize contamination through food ingestion.

3. Estimate and provide advice to State and local officials on how to minimize losses to agricultural resources from radiation effects.

4. Monitor emergency production, processing, and distribution of food resources during a radiological accident.

5. Assure the safety and wholesomeness of agricultural products in establishments under Federal inspection and agricultural commodities and products owned by the Commodity Credit Corporation/USDA.

6. Assist in the provision of food animal feed to replace contaminated feed and pasture.

7. Provide advice on and assist State/local officials in the disposition of food animals affected by radiation in coordination with the EPA and HHS.

8. Provide a representative to State agricultural agencies to keep State/local officials informed of Federal efforts.

9. Provide a representative to HHS to facilitate cooperation between USDA and HHS.

10. Provide National Radio Fire Cache assistance under provision of NRC/Forestry Service Agreements.

Department of Commerce (DOC).—1. Estimate the damage to industrial resources and recommend measures to deal with problems of the industrial sector.

2. Provide current and forecast meteorological information about wind direction and speed, boundary layer mixing, precipitation, and any other meteorological and hydrological parameters affecting radiological contamination.

3. Provide gamma radiation level readings from National Weather Service offices as requested by DOE.

4. Provide a representative to both the on-site and off-site radiological monitoring agencies as required (i.e. DOE and NRC) to coordinate meteorological operations, provide meteorological and hydrological information, and arrange for supplemental meteorological measurements.

Department of Defense (DoD).—Provide military assistance, in the form of manpower, technical support, and logistical support, including airlift services and telecommunications support, as requested by FEMA.

Department of Health and Human Services (HHS).—1. Coordinate the Federal health service response.

2. Assist the NRC, in coordination with USDA, in developing technical recommendations for State and local officials regarding protective measures related to food and animal feed.

3. Provide assistance to State and local government officials on the use of prophylactic drugs to minimize the radiation doses of affected persons.

4. Provide advice and guidance to State and local officials in assessing the impact of the off-site consequences of radiological accidents on the health of persons in the affected area.

5. Provide advice to medical care personnel regarding proper medical treatment of people exposed to or contaminated by radioactive material.

6. Ensure the capability of Public Health Service Hospitals to respond to radiological accidents.

7. Provide resources, in coordination with the U.S. Department of Agriculture, to ensure that food and animal feeds are safe for consumption.

8. Conduct epidemiological surveys and implement communicable disease control measures.

Department of Transportation (DOT).—1. Coordinate the Federal transportation response in support of transportation plans and actions of State and local authorities.

2. Provide, through Regional Emergency Transportation Coordinators, representation to State and local transportation authorities.

3. Direct air traffic in and around the affected area.

Environmental Protection Agency (EPA).—1. Provide resources including personnel, equipment and laboratory support to assist DOE in monitoring radioactivity levels in the environment.

2. Assist the NRC, in coordination with HHS, in developing technical recommendations regarding measures to protect the public health and safety.

3. Assume responsibility from DOE for coordinating the intermediate and long-term radiological monitoring function after the initial phases of the emergency at a mutually agreeable time.

4. Provide guidance to Federal agencies and State and local governments, in coordination with DOE and HHS, on acceptable emergency levels of radioactivity and radiation in the environment.

5. Assess the nature and extent of the environmental radiation hazard.

National Communications System (NCS).—1. Provide and coordinate, in response to a FEMA request, the necessary communications for the Federal Government response in accordance with the National Plan for Communications Support in Emergencies and Major Disasters. Be prepared to provide this support prior to a formal declaration of an emergency or major disaster.

2. Provide technical representation to appropriate State agencies to assist in meeting their communications requirements.

V. Policy and Planning Guidance

This section provides policy and planning guidance to be used by each Federal agency in preparing its detailed implementation plan.

A. Policy Guidance

1. Plans should reflect the fact that the Federal Government will be acting in an assistance capacity and should not pre-empt State and local jurisdictions. Those agencies with regulatory responsibilities should perform their duties in accordance with this Plan to the maximum extent possible.

2. Plans should be sufficiently flexible to allow each agency to adapt to the State approach to emergency management, which may vary considerably from State to State.

B. Planning Guidance

Agency plans should:

1. Specify communications flow and method, including the identification and notification of key personnel.

2. Identify the role, if any, or regional offices in fulfilling agency's responsibilities.

3. Provide authority to personnel on the scene to make decisions and commit agency resources.

4. Identify all interfaces with other Federal agencies and State/local offices.

5. Cite authorities under which response activities will be conducted and identify to FEMA, under separate memo, any inadequacies in existing authorities.

6. Provide for internal exercises to test agency response capability, provide for National level interagency tests, and, to demonstrate Federal capability and State/local interfaces, participate in at least one full-scale radiological emergency test annually.

7. Provide adequate public information channels in accordance with the interagency public affairs group to be established by FEMA.

8. Include provisions for coordination with the Department of State on all aspects of a U.S. radiological accident having international implications.

9. Identify agency capabilities and anticipated response times to the maximum extent practical. (Identify, under separate memo to FEMA, any logistical or other support shortfalls.)

10. Identify the contact from whom FEMA and the NRC/DOE can request assistance to support an emergency response.

11. Provide for the identification, procurement, maintenance and storage of necessary equipment and supplies.

12. Ensure that emergency supplies, equipment and facilities developed or purchased are compatible with each other and that personnel are adequately trained to use them.

13. Identify an individual to be the point of contact regarding the National Radiological Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents and agency implementation plan development and maintenance.

VI. Development and Maintenance

The Federal Emergency Management Agency is responsible for the development and maintenance of the National Radiological Emergency Preparedness/Response Plan For Commercial Nuclear Power Plant Accidents. FEMA will consolidate the agency implementation plans into a comprehensive Plan. FEMA will identify all responsibilities that are not adequately addressed and all Federal and State/local interfaces that are not covered. Problems identified, such as gaps or overlaps, will be brought to the attention of the agencies concerned and will be resolved by mutual agreement.

It is anticipated that this planning effort will be highly iterative. From the beginning, as agency plans are being developed, it is expected that new interfaces will be identified and new responsibilities will be added, deleted, or transferred among agencies. Similarly, internal testing and annual Federal exercises will reveal problems in this Master Plan, in the individual agency plans and in the National Radiological Emergency Preparedness/Response Plan For Commercial Nuclear Power Plant Accidents as a whole, which will need to be addressed.

When a Federal agency participating in the National Radiological Emergency Preparedness/Response Plan For Commercial Nuclear Power Plant Accidents makes a change to its Plan, FEMA should be advised. FEMA will then advise affected agencies of the changes and assist in the resolution of any difficulties arising therefrom. Each agency, depending upon the extent of its involvement in radiological emergency planning should institute a periodic review of its interal organization and procedures. FEMA will conduct an annual review of the plans.

VII. Authorities

The authorities cited below are those laws that provide the basis for the National Radiological Emergency Preparedness/Response Plan For Commercial Nuclear Power Plant Accidents.

Public Laws

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
Disaster Relief Act of 1974, as amended (Pub. L. 93-288)
Defense Production Act of 1950 (50 U.S.C. 2251)
Public Health Service Act of 1944 (42 U.S.C. 241)
Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 241)
Federal Water Pollution Control Act of 1948 (22 U.S.C. 466) as amended (13 U.S.C. 1151)
Federal Food, Drug and Cosmetic Act of 1939, as amended (21 U.S.C. et seq.)
Energy Reorganization Plan of 1974 (42 U.S.C. 5801)
Federal Power Act of 1955 (16 U.S.C. 824 et seq.)
Federal Civil Defense Act of 1950 (50 U.S.C. 2251)
Clean Air Act of 1970, as amended (42 U.S.C. 1857)
Interstate Commerce Act of 1887, as amended (49 U.S.C. 303)
Agricultural Act of 1949, as amended (7 U.S.C. 1427)
Clean Water Act of 1977, as amended (33 U.S.C. 1251)
Air Pollution Research and Technical Assistance Act of 1955 (42 U.S.C. 1857)
National Security Act of 1947, as amended (Pub. L. 80-253)
Consolidated Farmers Home Administration Act of 1961, as amended (Pub. L. 87-128)
Explosives and Combustibles Act of 1948 (18 U.S.C. 831 et seq.)
Federal Radiation Protection Act of 1946 (42 U.S.C. 2021(a))
NRC Appropriation Authorization (Pub. L. 96-295—June 30, 1980)

Executive Orders

10014 Cooperation in Preventing Pollution of Surface and Ground Waters
10173 Safeguarding of U.S. Vessels, Harbors, Ports, and Water Front Facilities
10529 State and Local Civil Defense Pre-emergency Training Program
10779 Cooperation with State and Local Authorities in Prevention of Pollution of the Atmosphere
12127 Federal Emergency Management Agency
12148 Federal Emergency Management Agency
12241 National Contingency Plan

Reorganization Plan No. 1 of 1958
Reorganization Plan No. 3 of 1970
Reorganization Plan No. 1 of 1973
Reorganization Plan No. 3 of 1973
Reorganization Plan No. 4 of 1970
Reorganization Plan No. 3 of 1978
Reorganization Plan No. 1 of 1980

Code of Federal Regulations

Title
7 Agriculture
9 Animals and Animal Products
10 Energy
14 Coast Guard
15 Weather
18 Conservation of Power and Water Resources
21 Food and Drugs
23 Highways
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32A National Defense, Appendix
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42 Public Health
44 Federal Emergency Management and Assistance
45 Public Welfare
46 Shipping
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49 Transportation

Presidential Statement

Radiological Emergency Preparedness, 12-7-79

Formal Agreements

Memorandum of Understanding between NRC and FEMA for Incident Response, October 22, 1980

[FR Doc. 80-39[illegible] Filed 12-22-80; 8:45 am]
BILLING CODE 6718-01-M

federal register

Tuesday
December 23, 1980

Part III

Department of Energy

Amendments to Propane Pricing Regulations

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-80-43]

Amendments to Propane Pricing Regulations

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a proposed rulemaking and public hearing for the purpose of amending the Mandatory Petroleum Price Regulations regarding the wholesale and retail selling prices for propane.

The proposed amendments will:

(1) Revise Subpart K to allow independent gas processors to calculate increased marketing costs on the basis of average marketing costs incurred in the most recent twelve month period immediately preceding the current month, in a manner consistent with the calculations by independent resellers and retailers under Subpart F;

(2) Revise Subpart F to eliminate the requirement that butane and natural gasoline sales be included in the computation of the five million gallon ceiling that determines the eligibility of small independent resellers and retailers to use fixed non-product cost markups on sales of propane; and

(3) Incorporate the GNP deflator adjustment on a semiannual basis to the fixed cents-per-gallon markups (a) for non-product cost increases allowed small resellers and retailers under Subpart F, and (b) marketing cost increases allowed refiners under Subpart E.

The issuance of this proposed rulemaking should not be viewed as implying that the Department has decided not to decontrol propane. If propane is decontrolled prior to the issuance of a final rule in this rulemaking, the changes proposed here would apply to any standby pricing regulations that remain following decontrol.

DATES: Written comments due by February 17, 1981, 4:30 p.m. Public Hearing Date: January 7, 1981, Washington, D.C. Requests to speak by December 29, 1980, 4:30 p.m.

ADDRESS: All comments and requests to speak should be submitted to the Department of Energy, Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-80-43, Room B-210, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3971.

HEARING LOCATION: Room 2105, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Karene Walker (Hearing Procedures), Department of Energy, 2000 M Street NW., Room B-210, Washington, D.C. 20461, (202) 653-3971.

William L. Webb (Public Information), Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, (202) 653-4055.

Roger Miller (Office of Regulatory Policy), Department of Energy, 2000 M Street NW., Room 7121, Washington, D.C. 20461, (202) 653-4297.

William Funk or Christoper Was (Office of General Counsel), Department of Energy, 1000 Independence Avenue SW., Room 6A-127, Washington, D.C. 20585, (202) 252-6736 or 252-6744.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposed Amendments
A. Computation of Allowable Non-Product Cost and Marketing Cost Increases under Subparts F and K
1. The Period Used to Calculate Current Marketing Costs
2. Elimination of Sales of Butane and Natural Gasoline From the Ceiling on Sales Volumes Applicable to the Use of Fixed Cents-Per-Gallon Markups on Retail and Wholesale Sales of Propane Under Subpart F
B. Automatic Semi-Annual Adjustment of the Fixed Markups for Increased Non-Product and Marketing Costs
III. Procedural Requirements
IV. Written Comment and Public Hearing Procedures

I. Background

Effective January 1, 1980, the ERA adopted amendments to Subparts E, F and K of Part 212 of the Mandatory Petroleum Price Regulations that permitted increased non-product costs to be passed through in wholesale and retail sales of propane. 44 FR 77118 (December 28, 1979). The amendments, among other things, increased the fixed cents-per-gallon markups allowed (a) small independent retailers of propane, and (b) refiners for marketing cost increases on retail sales of propane.

Under Subpart F of the current regulations, independent resellers and retailers with sales of propane, butane and natural gasoline in excess of 5 million gallons per year must compute non-product cost increases for propane based on the actual costs incurred under specific cost categories. Independent resellers and retailers with sales of propane, butane and natural gasoline of less than 5 million gallons per year are given the option of computing non-product cost increases using the cost categories applicable to larger firms, or a fixed 7 cents-per-gallon markup on retail sales of propane (except retail sales of propane to the petrochemical industry, public utilities, and synthetic natural gas plants, where the non-product cost markup is limited to one cent-per-gallon, and except with respect to wholesale sales, where the markup is limited to one-half cent-per-gallon).

Refiners compute maximum lawful selling prices for propane pursuant to Subpart E of the regulations. Refiners are permitted to pass through cost-justified non-product cost increases under specific cost categories. Refiners are also permitted to recover cost-justified marketing costs up to a maximum of 7 cents-per-gallon on retail sales of propane (except retail sales of propane to the petrochemical industry, public utilities and synthetic natural gas plants, where the allowable marketing cost increase is limited to 1 cent-per-gallon, and except with respect to wholesale sales, where the markup is limited to one-half cent-per-gallon).

Independent gas processors calculate maximum lawful selling prices for propane pursuant to Subpart K. Subpart K requires them to calculate their increased processing and marketing costs under specific cost categories similar to those that exist for large resellers and retailers under Subpart F and refiners under Subpart E.

Comments received during the prior rulemaking proceeding identified additional propane pricing issues and recommended that ERA take action to address them. Commenters urged that (a) marketing cost increases be computed similarly under Subparts F and K, and (b) an automatic semi-annual adjustment of the fixed cents-per-gallon markups for marketing costs on sales of propane on the basis of the GNP deflator be incorporated, similar to the automatic adjustment incorporated in the gasoline pricing regulations. While we did not take action with respect to those issues because we considered them to be outside the scope of the earlier rulemaking, we indicated that we would give them further consideration and, if warranted, initiate a rulemaking proposing appropriate amendments to the price regulations. *See* 44 FR at 77119. Since adoption of the January 1, 1980 amendments to the propane price regulations, ERA has continued to receive comments urging amendment of the price regulations with respect to those issues. After reviewing the effect of the current regulations, we have determined to initiate this rulemaking to seek public comment on proposals that

address the issues raised in the prior rulemaking.

The amendments proposed in this rulemaking have been under consideration for some time. No inference should be drawn from their proposal at this time with respect to the possibility or timing of the decontrol of propane. A number of petitions for rulemaking to decontrol propane immediately have been filed with ERA, and these petitions are under consideration by the agency. These corrections are appropriate, we believe, whether the propane price rules are in an active or standby status.

II. Proposed Amendments

A. Computation of Allowable Non-Product Cost and Marketing Cost Increases under Subparts F and K

1. *The Period Used to Calculate Current Marketing Costs.* The existing reseller and retailer price rule applicable to sales of propane under Subpart F permits the use of *average costs over a recent 12 month period* to determine the amount of non-product cost increases incurred since the twelve month base period in 1972–1973. *See* 10 CFR § 212.93 (b)(4)(iii)(B) and the computation of the E^T factor. However, under Subpart K, independent gas processors are only permitted to use marketing costs in a single current month to determine the amount of increased marketing costs incurred since the identical twelve month base period as used in Subpart F. *See* 10 CFR § 212.166(b)(1).

The different method of calculation provided for in Subpart K results in disparities in retail prices for propane in local markets. By allowing the use of only the marketing costs in the current month rather than *average costs* over the most recent 12 month period to determine the amount of increased costs since the base period, the Subpart K calculation is subject to seasonal variation as sales volumes fluctuate between summer and winter.[1]

This occurs because a propane marketer's fixed marketing costs are relatively constant over the entire year. In the summer, when demand is low and fewer gallons of propane are sold, the Subpart K calculation based only on the current month's costs results in a high per-gallon marketing cost. It is unlikely, however, that the higher per-gallon marketing cost increases that are incurred in the summer months can be recovered by independent gas processors on sales of propane because of market conditions and the lower prices of competitors that calculate prices pursuant to Subpart F. In the winter, when demand is high and increased volumes of propane are sold, the Subpart K calculation results in a low per-gallon marketing cost for gas processors. Notwithstanding the banking provisions for unrecovered increased marketing costs, it appears that in the winter some independent gas processors may be required to undersell competitors that calculate prices pursuant to Subpart F, because of their lower marketing cost increases.

Comments received during the prior rulemaking concerning this issue indicated that the different treatment of the increased marketing cost calculations under Subparts F and K was the cause of price disparities at the retail level between large independent retailers and independent gas processors with retail marketing operations. Requests for rulemakings and correspondence received by the agency appear to confirm that market distortions with respect to retail prices of propane have resulted primarily because of the different regulatory treatment under Subparts F and K.

Accordingly, we propose to revise the method by which independent gas processors calculate increased marketing costs under Subpart K to make it conform with the calculation of increaed non-product costs by large resellers and retailers under Subpart F. We believe that allowing costs in the current period to be averaged over the most recent 12 months promotes the objectives of the Emergency Petroleum Allocation Act of 1973, as amended, by eliminating economic distortion in accordance with section 4(b)(1)(I) and enhancing the competitive viability of all marketers in accordance with section 4(B)(1)(D).

Specifically, we propose to modify the calculation of increased marketing costs set forth in 10 CFR § 212.166(b)(1). The amendment would require firms to average the total amount of allowable costs incurred in the most recent twelve month period ending on the last day of the month immediately preceding the current month. Total allowable marketing costs over the recent twelve month period would be divided by the volume of natural gas liquids and natural gas liquid products sold by the firm during the same period to determine the marketing costs for the "current" month on a cents-per-gallon basis. Marketing costs during the base period calculated on a cents-per-gallon basis would be subtracted from the "current" marketing costs to determine the amount of increased marketing costs permitted to be passed through on a proportionate basis on sales of propane.

2. *Elimination of Sales of Butane and Natural Gasoline From the Ceiling on Sales Volumes Applicable to the Use of Fixed Cents-Per-Gallon Markups on Retail and Wholesale Sales of Propane under Subpart F.* We propose to amend section 212.93(b)(4) of Subpart F of the regulations to eliminate the requirement that independent resellers and retailers include exempt butane and natural gasoline sales in the computation of the five million gallon ceiling that determines their eligibility to use fixed nonproduct cost markups on retail and wholesale sales of propane. Currently, only sellers with annual sales of less than five million gallons of propane, *butane and natural gasoline* are permitted to use the fixed cents-per-gallon non-product cost markups on sales of propane under section 212.93(b)(4)(iii)(A).

In view of the fact that butane and natural gasoline have been decontrolled since January 1, 1980 and little butane and natural gasoline is marketed at retail by small independent retailers, we believe that it is no longer appropriate to include sales of those products to determine the eligibility of sellers to use the fixed non-product cost markups on sales of propane. We also believe that the proposed amendment will provide more firms with the option of using the fixed markups on sales of propane. The proposal provides sellers with the opportunity to make a one-time election 30 days from the effective date of a final rule to use the fixed non-product cost markups allowed under section 212.93(b)(4)(iii)(A). Once an election is made to calculate the passthrough of increased non-product costs on a cost justified basis pursuant to subparagraph (B) of that section, however, a seller may not thereafter elect to use the fixed non-product cost markups permitted pursuant to subparagraph (A).

B. Automatic Semi-Annual Adjustment of the Fixed Markups for Increased Non-Product and Marketing Costs

We propose to amend the regulations to incorporate a semi-annual adjustment to the fixed cents-per-gallon markups for increased marketing costs on wholesale and retail sales of propane allowed refiners, and increased non-product costs on sales by small independent resellers, and retailers to reflect increases in the GNP deflator. Specfically, we propose to modify the fixed cents-per-gallon markups on sales of propane contained in Subparagraph

[1] Under both Subparts F and K, the total amount of allowable costs are divided by the sales volume in the appropriate current and base periods of measurement to yield costs on a cents-per-gallon basis. Costs in the current period are compared with costs in the base period to determine the cents-per-gallon increase.

VI of the F_t factor in section 212.83(c)(2)(iii)(E) and section 212.93(b)(4)(iii)(A) based on the percentage increase in the GNP deflator from the date of adoption of the existing nonproduct cost allowance applicable to the type of sale involved to the projected fourth quarter of 1980. The proposed adjustment would affect all categories of sales of propane, including retail sales, retail sales to the petrochemical industry, public utilities, and synthetic natural gas plants, and all other sales. Based on the proposed method of calculating the intital adjustment, the fixed cents-per-gallon markups applicable for the current six month period would be 8.0 cents-per-gallon for retail sales, 1.5 cents-per-gallon for retail sales to the petrochemical industry, public utilities and synthetic natural gas plants, and 0.8 cents-per-gallon for all other sales. We propose to adjust these markups semi-annually, consistent with the time and method of adjustment of the fixed markups applicable to gasoline marketers. Our proposal would ensure that these propane marketers are treated the same as other marketers of controlled products.

ERA invites comments on the merits of this proposed modification, including the appropriateness of the inflation index proposed.

III. Procedural Requirements

A. Section 404 of the DOE Act

Pursuant to the requirements of Section 404(a) of the Department of Energy Organization Act (DOE Act), we have referred this proposed rule to the Federal Energy Regulatory Commission for a determination whether the proposed rule would significantly affect any matter within the Commission's jurisdiction. The Commission will have until the close of the public comment period to make this determination.

B. Section 7 of the FEA Act and NEPA Considerations

Pursuant to Section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787 *et seq.*, Pub. L. No. 93-275, as amended), the requirements of which remain in effect under Section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the Administrator of the Environmental Protection Agency (EPA) may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published together with publication of notice of the proposed action.

A copy of the notice was sent to the EPA Administrator. The Administrator indicated that he does not foresee these actions having an unfavorable impact on the quality of the environment as related to the duties and responsibilities of the EPA.

The Assistant Secretary for Environment has determined, after consultation with the Office of the General Counsel, that these amendments would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321, *et seq.*). Therefore, neither an environmental assessment nor an environmental impact statement will be necessary.

C. Executive Order 12044

In accordance with Executive Order No. 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978) and DOE's implementing Order 2030.1, "Procedures for the Development and Analysis of Regulations, Standards, and Guidelines" (44 FR 1032, January 3, 1979), an analysis of the economic impact of the proposed amendments has been prepared and is attached as an appendix to this notice. The analysis concludes that the potential price increases resulting from the proposed amendments will be less than $100 million per year. Accordingly, the proposed amendments are not likely to have a major impact and a Regulatory Analysis has not been prepared.

You are invited to submit comments on the analysis at the same time you submit comments on the proposed rule. All comments will be taken into account before the preparation of any final rule that may be adopted.

IV. Written Comments and Public Hearings Procedure

A. Written Comments

You are invited to participate in this proceeding by submitting data, views, or arguments with respect to the matters set forth in this notice. All comments should be submitted by 4:30 p.m., e.s.t., on the date set forth in the "DATES" section of this notice. Comments should be submitted to the appropriate address indicated in the "ADDRESSES" section of this preamble and should be identified on the outside envelope and on documents submitted with the designation "Amendments to Propane Pricing Regulations" Docket No. ERA-R-80-43. Ten copies should be submitted. All comments received by the ERA will be available for public inspection in the DOE Freedom of Information Office, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., and in the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedure for request to make oral presentation.* The time and place for the hearing is indicated in the "DATES" and "ADDRESSES" sections of this preamble. If necessary to present all testimony, the hearing will resume at 9:30 a.m. on the next business day following the scheduled date of the hearing.

You may make a written request for an opportunity to make an oral presentation at the hearing. The requests should contain a telephone number where you may be contacted during the day before the hearing.

If you are selected to be heard at the hearing, we will notify you before 4:30 p.m., December 31, 1980. You will be required to submit 100 copies of your statement to Room B-210, 2000 M Street, N.W., Washington, D.C. 20461, by 4:30 p.m., January 6, 1981.

2. *Conduct of the Hearing.* We reserve the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based upon the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements have been made and will be subject to time limitations.

You may also submit questions, to be asked by the presiding officer of any person making a statement at the hearing, to the addresses indicated above for requests to speak before 4:30

p.m. on the day before the hearing. If you wish to ask a question at the hearing, you may submit the question, in writing, to the presiding officer. The ERA or, if the question is submitted at the hearing, the presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made. The entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection in the DOE Freedom of Information Office, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., and in the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 96-30; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91, Pub. L. 95-509, Pub. L. 95-619, Pub. L. 95-620, and Pub. L. 95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended as set forth below.

Issued in Washington, D.C., December 12, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

10 CFR Part 212 is amended as follows:

1. Subparagraph VI of the F_I^t factor in § 212.83(c)(2)(iii)(E) is amended to read as follows:

§ 212.83 Price rule.

* * * * *

(c) *Allocation of increased costs.* * * *

(2) *Formulae.* * * *

(iii) *Definitions.* * * *

(E) *The "N" Factor.*

* * *

$F_I^t =$

* * *

(VI)(aa) Allow an increase in the price of propane, in sales after December 31, 1980 above the prices otherwise permitted to be charged for propane pursuant to the provisions of this part by an amount not in excess of 8.0 cents-per-gallon with respect to all retail sales except those to the petrochemicals industry, to public utilities and to synthetic natural gas plants; 1.5 cents-per-gallon with respect to retail sales to the petrochemical industry, to public utilities, and to synthetic natural gas plants; and 0.8 cents-per-gallon with respect to all other sales (beginning June 15, 1981 DOE shall adjust semi-annually the fixed cents-per-gallon amounts on retail and other sales to reflect the GNP deflator); (bb) notwithstanding the provisions of subparagraph (aa) of this paragraph (VI), if a refiner has records which document the increased marketing costs actually incurred with respect to one or more particular retail sales of propane, except those to the petrochemical industry, to public utilities, and to synthetic natural gas plants, such marketing costs may be recouped in such sales in lieu of the marketing costs that would otherwise be permitted by this paragraph, provided that such costs are not included in any calculations of increased costs made pursuant to any other provisions of this Part; and * * *

* * * * *

2. Subparagraph (b)(4) in § 212.93 is amended to read as follows:

§ 212.93 Price rule.

* * * * *

(b) * * *

(4) With respect to sales of propane beginning with January, 1981: (i)(A) a seller, which sold fewer than five million gallons of propane in the immediately preceding fiscal year, may charge a price in excess of the amount otherwise permitted to be charged for propane pursuant to the provisions of this section to reflect increased non-product costs which the seller incurred since 1973, provided that the amount of increased non-product costs may be calculated only pursuant to either subparagraph (A) of § 212.93(b)(4)(iii), which permits computation and passthrough of increased non-product costs for propane (and not for butane and natural gasoline), or subparagraph (B) of § 212.93(b)(4)(iii), which permits computation and passthrough of increased non-product costs for propane, butane and natural gasoline.

(B) Within 30 days from ——— [the effective date of the final rule], a seller may elect on a one-time basis to change its calculation of the increased non-product cost passthrough for propane from subparagraph (B) to subparagraph (A). However, any seller which elects to pass through increased non-product costs on sales of propane pursuant to subparagraph (B) of § 212.93(b)(4)(iii), in subsequent months may not pass through increased non-product costs pursuant to subparagraph (A) of § 212.93(b)(4)(iii).

(ii) A seller with total sales of propane of five million gallons or more during the immediately preceding fiscal year may charge a price in excess of the amount otherwise permitted to be charged for propane to reflect increased non-product costs which the seller has incurred since 1973 provided that the seller calculates non-product cost increases pursuant to § 212.93(b)(4)(iii)(B).

(iii) *Maxium allowable amounts of increased non-product costs.* The maximum amounts of increased non-product costs which may be reflected in prices charged for propane pursuant to § 212.93(b)(4)(i) and (ii) are either:

(A) 8.0 cents-per-gallon with respect to all retail sales of propane except those to the petrochemicals industry, to public utilities, and to synthetic natural gas plants; 1.5 cents-per-gallon with respect to retail sales of propane to the petrochemicals industry, to public utilities and to synthetic natural gas plants; and 0.8 cents-per-gallon with respect to all other sales of propane. (Beginning June 15, 1981, DOE shall adjust semi-annually the fixed cents-per-gallon amounts on retail sales and other sales to reflect the GNP deflator.)

* * * * *

3. Paragraph (b) of section 212.166 is amended to read as follows:

§ 212.166 Increased marketing costs.

* * * * *

(b) *Calculation of increased marketing costs.* (1) For any firm, marketing costs for any current month are calculated by taking the total amount of costs incurred by that firm in the twelve month period ending on the last day of the month immediately preceding the current month with respect to sales of natural gas liquids and natural gas liquid products, divided by the total volume of those products sold by that firm in that same twelve month period. Base period marketing costs are the total amount of allowable costs incurred by the firm with respect to sales of natural gas liquids and natural gas liquid products in the base period, divided by the total volume of those products sold by the firm in the base period. In calculating current and base period maketing costs, a firm shall follow the rules hereinafter set forth in this paragraph (b) and in paragraph (c) of this section. Increased marketing costs are the difference between marketing costs for the current month, calculated as indicated above, and base period marketing costs, multiplied by the volume of natural gas liquids and natural gas liquid products sold by the firm in the current month. For purposes

of this section the base period is the 9 month period beginning January 1, 1973, and ending September 30, 1973, plus the result of adding the 3-month period beginning October 1, 1972, and ending December 31, 1972, and the 3-month period beginning October 1, 1973, and ending December 31, 1973, and dividing that sum by 2. * * *

* * * * *

Appendix—Analysis of the Economic Impact of the Proposed Amendments to the Propane Pricing Regulations

A. Computation of Allowable Marketing Cost Increases on A Similar Basis Under Subparts F and K

Under the proposed regulation, the calculation of current month marketing costs under Subpart K would be amended so that independent gas processors would be allowed to average their allowable marketing costs over a recent twelve month period, rather than being limited to increased marketing costs computed in a single current month. This proposed change will permit gas processors to utilize a method of calculating increased marketing costs similar to that used by independent resellers and retailers under Subpart F. We believe that this modification will reduce the price disparities at the retail level between independent retailers and independent gas processors that may have been caused by these different methods of calculation.

We do not believe that the amount of additional costs that could possibly be passed through by gas processors as a result of this proposed amendment would be significant. This conclusion is based upon the fact that gas processors currently have substantial amounts of banked costs that are not being passed through because of competitive market conditions. Accordingly, we have not computed a possible economic impact for this amendment because we have no means of determining to what extent propane prices will increase, and if there is an increase, what portion of the increase would be attributable to this proposal rather than the passthrough of banked costs previously incurred.

B. Elimination of Butane and Natural Gasoline From the Sales Volume Ceiling Applicable to Use of Fixed Non-Product Cost Markups on Propane Sales

The proposed amendment would eliminate the requirement that butane and natural gasoline sales be included in the computation of the five million gallon ceiling that determines the eligibility of sellers to use fixed non-product cost markups in sales of propane under Subpart F. This amendment would allow eligible firms to use fixed non-product cost markups in lieu of computing actual non-product cost increases incurred. We do not anticipate any overall increases in propane prices will result, because we do not believe any small propane marketers that currently calculate actual non-product cost increases pursuant to subparagraph (B) of section 212.93(b)(4)(iii) but would become eligible to use the fixed markups under subparagraph (A) have increased non-product costs less than the permissible fixed markups. The proposed amendment will have the effect of allowing more firms to use the simplified method of computing the non-product cost passthrough.

Allowing more propane marketers to use the fixed non-product cost markups is anticipated to reduce the administrative burden on those forms that select this option. We are unable at this time to estimate the possible cost savings that could result due to a lack of information regarding the extent of the savings that would be realized and the number of firms that would select this option.

C. Adjustment of Fixed Markups for Increased Marketing and Non-Product Costs

For purposes of determining the economic impact of the amendment to incorporate the GNP deflator adjustment to the fixed markups for non-product and marketing cost increases under Subparts E and F, data on total propane sales to ultimate consumers for 1978, the most recent year for which data was available, was compiled from published reports of the Energy Information Administration, as follows:

Retail Sales of Propane

Principle	Current fixed markup (cents)	Independents		Gas processors		Refiners		Total	
		(Percent)[1]	Billion gallons	(Percent)[2]	Billion gallons	(Percent)[2]	Billion gallons	(Percent)	Billion[3] gallons
Residential and commercial	7	(97)	6.4	(1)	0.1	(2)	0.1	(100)	6.6
Industrial	7	(25)	.3	(19)	.2	(56)	.7	(100)	1.2
Chemical	1	(0)	0	(4)	.1	(96)	1.3	(100)	1.4
Internal combustion	7	(90)	.8	(4)	(4)	(6)	.1	(100)	.9
Utility gas	1	(20)	.1	(1)	(4)	(79)	.4	(100)	.5
Miscellaneous	7	(60)	1.0	(6)	.1	(34)	.5	(100)	1.6
Total		(70)	8.6	(4)	.5	(26)	3.1	(100)	12.2

[1] National LP Gas Association estimates.
[2] ERA estimates.
[3] Includes 40 percent of butane-propane mixtures.
[4] Under 50 million gallons.

Retail Sales

The current fixed markup of seven cents-per-gallon for increased non-product and marketing costs on retail sales of propane by small independent marketers and refiners respectively, which became effective January 1, 1980, represents costs incurred through June, 1979. From July, 1979 through the projected fourth quarter of 1980 the GNP deflator has increased from 163.8 to 187.55, an increase of over fourteen percent. When this increase is applied to these current retail markups, a 1.0 cent increase results.

The retail sales volume of small independent marketers that is subject to the fixed markup was estimated based on the following calculations. It is estimated by DOE that 40 percent of all propane sales are by small independent marketers with sales of less than five million gallons per year. *See* preamble to amendments to recordkeeping requirements, adopted 43 FR 27777 (June 27, 1978). The National LP Gas Association estimates that 35 percent of the small propane retailers will utilize the actual cost approach rather than the fixed markup per gallon permitted under Subpart F of the regulations. Therefore, we estimate that 26% of the propane sales of independent marketers will be subject to the fixed non-product cost markup. [40%— (40% × 35%)].

Independent marketers' retail sales of propane that will be subject to the fixed markup are estimated to be 2.2 billion gallons per year (8.5 billion gallons × 26%). Added to sales by refiners at the retail level of 1.4 billion gallons per year,[1] total retail sales that are subject to fixed markups are estimated to be 3.6 billion gallons. An increase of $.01 in the fixed retail markups applied to this volume of retail sales results in an estimated annual increase of $36.0 million in costs permitted to be passed through in retail prices for propane, market conditions permitting.

Retail Sales to the Petrochemical Industry, Public Utilities and Synthetic Natural Gas Plants

The current one cent fixed markup on retail sales by independent marketers and refiners to the petrochemical industry, public utilities or synthetic natural gas plants became effective on October 1, 1975. From that date through the projected fourth quarter of 1980, the GNP deflator has increased from 128.3 to 187.55, an increase of approximately 46 percent. Applying this 46 percent increase to the current one cent-per-gallon fixed markup, a .5 cent increase in the fixed markup results.

We estimate that no retail sales made by independent marketers to the petrochemical industry, public utilities and synthetic natural gas plants will be subject to the fixed non-product cost markup for two reasons: (1) most of the propane sales to these customers are made by refiners; and (2) sales by any

[1] Refiners have the option of recouping increased marketing costs actually incurred with respect to individual retail sales of propane pursuant to subparagraph VI(bb) of the F_1 factor in section 212.83(c)(2)(iii)(E). Since our analysis assumes that all retail sales by refiners are made pursuant to the permissible fixed markup at retail, it represents a "worst case" analysis of the economic impact of the proposed amendment.

independent marketers to these customers would probably be made by large independent marketers whose sales volumes of propane exceed five million gallons per year, and therefore would be required to be cost-justified pursuant to section 212.93(b)(4)(iii)(B). 1.7 billion gallons of propane sold by refiners to these customers will be subject to the fixed markup for increased marketing costs. Multiplying the $.005 per gallon increase by the total refiner sales volume of 1.7 billion gallons results in an estimated annual increase of $8.5 million in costs permitted to be passed through on sales of propane to these customers, market conditions permitting.

Wholesale Sales

The current fixed markup for increased non-product and marketing costs on wholesale sales of propane by independent marketers and refiners is .5 cent-per-gallon. The fixed markup became effective on April 1, 1974 for independent marketers, and on October 1, 1975 for refiners. In order that the regulations provide for a consistent markup for both independent marketers and refiners, April 1, 1974, was used as the date of the last increase. From April 1, 1974 through the projected fourth quarter of 1980, the GNP deflator has increased from 111.3 to 187.55, an increase of approximately 68 percent. Applying this percentage increase to the current fixed markup of .5 cent-per-gallon results in a .3 cent per gallon increase in the fixed markups.

To compute a "worst case" economic impact for wholesale sales, it is assumed that the total retail sales volume of independent marketers will be subject to the fixed wholesale markups. However, although we are unable to quantify the volumes involved, to the extent that independent marketers buy propane from gas processors, some portion of the 8.6 billion gallons would not be subject to the increased non-product cost markup. Multiplying the $.003 per gallon increase by total sales of propane of 8.6 billion gallons results in an estimated annual increase of $25.8 million in costs permitted to be passed through on wholesale sales of propane, market conditions permitting.

Summary

The total economic impact resulting from the proposed amendments is estimated to be an annual increase of $70.3 million in costs permitted to be passed through in propane prices, market conditions permitting.

This economic impact is calculated as follows:

	Economic impact (millions)
Marketing costs computed on similar basis	0
Elimination of butane and natural gasoline from the sales volume ceiling applicable to use of fixed markups	0
GNP increase of fixed markups:	
Retail sales	$36.0
Retail petrochemical gas utility and SNG sales	8.5
Wholesale sales	25.8
Total	70.3

When the estimated annual increased costs of $70.3 million are divided by the total of 18 million users of propane,[2] the net impact per user is estimated to be $3.91 per year. Estimated annual increased costs divided by the 12.2 billion gallons of propane sold results in an estimated net increase per gallon of 0.6 cent.

[FR Doc. 80-39739 Filed 12-22-80; 8:45 am]
BILLING CODE 6450-01-M

[2] Estimate provided by National LP Gas Association.

Federal Register

Tuesday
December 23, 1980

Part IV

Department of Energy

Coal Leasing; Final Rulemaking Regarding Coal Bidding Systems

DEPARTMENT OF ENERGY

10 CFR Part 378

Coal Leasing; Final Rulemaking Regarding Coal Bidding Systems

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This final regulation establishes a cash bonus bidding system to be used in Federal coal lease sales. This system uses a cash bonus as the bid variable and has as fixed components a royalty rate and annual rental which are set by the Department of the Interior.

This final rule differs from the Department of Energy's proposed regulation which was published in the Federal Register on July 10, 1980 (45 FR 46742) in that two of the three bidding systems in the initial notice and the intertract competition bidding procedure are not being finalized at this time.

The cash bonus bidding system finalized by this regulation establishes the method by which interested parties will compete for Federal coal leases. This regulation is issued pursuant to DOE's rulemaking authorities under sections 302(b) and 303(c) of the Department of Energy Organization Act, sections 2(a), 7(a) and 32 of the Mineral Lands Leasing Act, as amended; and sections 3 and 10 of the Mineral Leasing Act for Acquired Lands.

EFFECTIVE DATE: This regulation shall be effective January 22, 1981.

FOR FURTHER INFORMATION CONTACT:

Diane P. Menefee, Leasing Policy Development, Department of Energy, Washington, D.C. 20461 (202) 633-8240

James G. Beste, Office of General Counsel, Department of Energy, 1000 Independence Avenue., N.W., Washington, D.C. 20585 (202) 252-2900

Fredrick C. Appel, Public Affairs—Resource Applications, Department of Energy, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461 (202) 633-9418

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I. Introduction

Sections 302 and 303 of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91, 91 Stat. 578-580 (42 U.S.C. 7152, 7153)) transferred to the Secretary of Energy certain authorities previously held by the Secretary of the Interior to promulgate regulations under five statutes, including the Mineral Lands Leasing Act (MLLA, Act of February 25, 1920, ch. 85, 41 Stat. 437 (30 U.S.C. 181 *et seq.*)) and the Mineral Leasing Act for Acquired Lands (MLAAL, Act of August 7, 1947, ch. 513, 61 Stat. 913 (30 U.S.C. 351 *et seq.*)). Specifically, section 302(b) of the DOE Act authorizes the Secretary of Energy to promulgate regulations which relate to the: (1) fostering of competition for Federal leases; (2) implementation of alternative bidding systems authorized for the award of Federal leases; (3) establishment of diligence requirements for operations conducted on Federal leases; (4) setting rates of production for Federal leases; and (5) specifying the procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind (42 U.S.C. 7152(b)(1)-(5)). In addition, section 303(c)(1) of the DOE Act (42 U.S.C. 7153(c)(1)) authorizes the Secretary of Energy to review and to disapprove any term or condition of a Federal lease that relates to any matter with respect to which the Department of Energy (DOE) has authority to promulgate regulations under section 302(b) of the DOE Act.

On July 1, 1980, DOE issued a proposed regulation (45 FR 46742, July 10, 1980) to establish three bidding system alternatives and an intertract competition bidding procedure to be used in Federal coal lease sales. The three bidding systems proposed were: (1) cash bonus bid with a fixed royalty; (2) royalty bid with a fixed cash bonus; and (3) cash bonus bid with a sliding scale royalty. DOE's stated objectives in establishing these bidding systems were to: (1) enhance competition for Federal coal leases; (2) provide a fair return to the public for its resources; and (3) develop new coal resources in an efficient and timely manner.

The Department of the Interior (DOI) published regulations (44 FR 42584, July 19, 1979) which established competitive leasing provisions as part of a new Federal coal management program. In accordance with those regulations, DOI will publish a Notice of Sale in the Federal Register and local newspapers prior to each lease sale. Each Notice will include the time, place, and type of sale; the bidding system to be utilized; the minimum acceptable bid; an indication of the maximum economic recovery by coal bed; a description of the tracts being offered; and an identification of the place where a detailed statement of the terms and conditions of the lease may be obtained. The bidding system or systems to be used would be selected by DOI, in consultation with DOE, prior to the lease sale from the bidding systems established by DOE. Bidders would then compete for Federal coal leases in accordance with the method described by the bidding system that is chosen for these particular tracts.

Under the DOI regulations, after all bids are submitted, the highest bid for each tract is announced. A sale panel would then convene to determine whether the bid was submitted properly and by a qualified bidder and whether it is at least equal to the market value of the tract, as established by DOI. Panel recommendations are made to a DOI official who then makes the final decision whether to accept or reject bids. Bids that represent less than fair market value are rejected. Prior to lease issuance, the Attorney General is afforded a 30-day period within which to review each proposed lease and to advise the Secretary of the Interior of any possible conflicts with the antitrust laws. If antitrust considerations are found to exist, the Secretary of the Interior may (1) reject all bids; (2) notify the Attorney General that consideration is being given to issuing the lease to the second highest bidder; or (3) issue the lease to the original highest bidder after a public hearing is conducted on the record. If the third option is chosen, it must be shown that issuance to the original highest bidder is necessary to meet the objectives of the Federal Coal Leasing Amendments Act of 1975 (FCLAA, Pub. L. 94-377, 90 Stat. 1083 (30 U.S.C. 201)); that issuance is in the public interest; and that there are no reasonable alternatives to issuance.

A copy of DOE's proposed regulation was submitted for review to the Department of Justice which offered no objection to its promulgation. DOE has consulted with DOI in the preparation of this regulation and DOE's comments have been given careful consideration in the development of this final regulation.

II. Analysis of Public Comments

A. General

The proposed regulation was issued on July 1, 1980 (45 FR 46742, July 10, 1980). Public comments were solicited by the Federal Register notice and were due by September 10, 1980. The public was invited and encouraged to participate in public hearings originally scheduled to be held in Denver, Colorado, on August 5, 1980, and in

Washington, D.C., on August 7, 1980. Although DOE received no requests to speak at those hearings by the dates specified in the Federal Register Notice, the Department received numerous requests to reschedule the hearings. Because DOE believed the reasons given for the lack of public response were valid enough to warrant reconsideration of the hearing cancellations, and because there was considerable interest expressed in the proposed regulation, a decision was made to reschedule the Washington, D.C., hearing. DOE believed that it was important to provide all interested parties every feasible opportunity to participate in a public hearing. For the above reasons, the hearing was rescheduled and held on September 23, 1980. Six organizations requested the opportunity to speak and all gave oral statements at the hearing. Because several parties indicated that it would be useful to them to have an opportunity prior to the hearing to review written comments submitted by others, the due date for written comments (September 10, 1980) remained unchanged. However, the Notice announcing the rescheduled hearings also provided that the record would be held open until September 30 for inclusion of testimony and any amended or supplemental comments which parties might wish to submit in light of statements made at the public hearing.

B. Detailed Summary of Comments and Testimony

Comments were received from a total of 18 coal companies, more than half of which classified themselves as "small producers." In addition, four private associations submitted comments on behalf of their coal-producing members, and two Federal agencies responded to DOE's request for comments. An analysis of the written comments received and the oral testimony given during the hearing is set forth below, according to each component of the regulation.

1. *Cash bonus bid with a fixed royalty.* Of all the systems and procedures proposed, the cash bonus bid with a fixed royalty is the only bidding system to receive no negative comments. With only one exception, the commentors believed this system to be the one that would result in the most efficient and timely development of Federal coal resources. They believe that the cash bonus system is the easiest system to administer, both from an industry and from a Federal agency viewpoint. They stated that the cash bonus bidding system would minimize the risks of increased speculation or decreased production that the other proposed systems would tend to encourage. While there were many suggestions that DOE go a step further and establish a deferred bonus payment regulation, there were no outright criticisms of the cash bonus system. The majority of commentors did not feel that a large cash bonus actually acted as a deterrent to participation to smaller, less capital-rich companies for two reasons. First, most of the commentors believed that a cash bonus would not bar a company which had sufficient resources to develop a coal tract from competing for Federal coal leases. Second, those companies that might find it difficult to generate a large, initial cash payment could benefit from the deferred bonus payment system. While DOI is required by statute (FCLAA, 30 U.S.C. 201(a)(1)) to lease not less than 50 percent of the total acreage offered for lease in any one year all coal leases under a deferred bonus payment system, in actuality have been issued on this basis.

One commentor stated that the proposed cash bonus bidding system does not address the FCLAA provision that upon default or cancellation of a coal lease any remaining unpaid bonus payments become immediately due. As the commentor noted, this is a statutory requirement and, as such, need not be included in this regulation. Such a provision may more appropriately be included in the terms and conditions of the coal lease itself.

Another commentor felt that provision should be made for a refund of the cash bonus if the mining plan was not approved. It is DOE's position that such a provision would not encourage development of coal leases and, indeed, might tend to increase speculation. If a bidder knows it is possible to recapture a cash bonus with an unacceptable mining plan, he could be encouraged to overbid for a lease. A bidder would have an opportunity, through submission of an unacceptable mining plan, to recover or avoid payment of a bonus which became overly burdensome. In the usual course of events, if a mining plan is not accepted, it is reworked and resubmitted for approval. This process continues until an acceptable plan is developed. If, for whatever reason, an acceptable plan is not arrived at, the lease is relinquished and the cash bonus payment becomes immediately due under section 2 of the FCLAA.

Some of those who recommended promulgation of deferred bonus payment regulations suggested that bonus payments should be deferred until after production and made from production revenues. Several others recommended that payments be deferred throughout the life of the initial lease or at least for a period in excess of four years.

DOE will consider these recommendations carefully prior to proposal of any deferred bonus payment regulation. One of the issues to be considered will be the length of time over which bonus payments will be extended. Whether that period will extend into production or to the end of the initial lease term is uncertain at this point; but such proposals will be given consideration.

Some of the commentors recommended that DOE establish a royalty rate lower than 12½ percent for surface mining operations. Section 7(a) of the FCLAA requires a minimum royalty of 12½ percent, except that a lower rate may be allowed in the case of underground mining. Because this is a statutory requirement it is beyond the scope of DOE's authority to change the royalty rate by regulation. It should be noted, however, that section 39 of the MLLA does provide for a reduction in the royalty rate in certain circumstances. DOE considers the recommendation for the establishment of a royalty rate below 12½ percent to be beyond the scope of this regulation.

2. *Royalty bid with a fixed cash bonus.* The royalty bidding system uses the royalty rate as the bid variable and has as fixed components the cash bonus payment and the annual rental. Participants compete with each other by bidding on the royalty rate to be paid to the Federal Government. There was a considerable degree of opposition to this bidding system. Commentors generally felt that the royalty bidding system is inappropriate for coal leasing, and generally for the same resons.

One of the major concerns expressed was that this bidding system would raise royalties to an unacceptably high level. This would be particularly true if bidding were to be done on an oral basis and if competition were particularly intense. Commentors felt that resultant high royalties would render the coal uneconomic to develop, particularly as seams became thinner or overburden increased. Many companies also pointed out that a Federal royalty is only one of several royalties they must pay. There may also be state or private royalties that firms must pay. In addition, many private leases contain a "trigger" clause that would escalate private royalties to the level of the highest Federal royalty in the area. Thus a developer with both private and Federal leases could not be assured that even if the Federal royalty on a particular tract were inordinately high, the private lease royalties would at least remain at a lower level. DOE

shares these concerns and feels they reflect serious difficulties presented by the proposed royalty bidding system.

The second most commonly expressed concern centered around the possibility that royalty bidding could lead to increased speculation and, as a result, some coal tracts would not be developed. According to this argument, speculators might be willing to bid a relatively high royalty in order to obtain a lease in the expectation that coal prices will increase sufficiently to render the coal economic to develop. If this does not occur or if costs of development rise proportionately the coal is unlikely to be recovered.

To the extent that extremely high royalty payments might result in non-development of Federal coal leases, DOE shares the concerns of the commentors. However, it is also probable that serious bidders analyze carefully the tracts on which they wish to bid. They would, therefore, be in a position to judge the value of the coal with some degree of accuracy after analyzing the amount of the resource, the current market value, and the estimated increase in resource value. Under these circumstances, bidders would not be likely to bid an overly burdensome royalty rate. To the extent that not all parties in a lease sale are serious bidders and would complete such careful analyses, however, DOE agrees that royalty bids could be driven to an unacceptably high level by bidders more interested in speculating on the potential increased value of coal than on actually developing the coal in a timely manner.

A third reason given for opposition to this system stems from the position of many companies that the royalty bidding system could potentially cause a significant increase in the cost of energy. According to this argument, relatively high royalties decrease the amount of coal available for sale, thereby raising the cost per unit of production for recoupment of aggregate costs. These costs will eventually be passed on to the consumer, either directly or, if the coal is purchased by a utility company, through increased utility rates charged by those companies in order to recapture the increased costs they must pay for the coal. DOE agrees that the royalty bidding system could result in increased costs as the expense of the increased royalty rates is passed through to the purchaser.

A fourth comment received took exception to DOE's statement that production costs do not go up as the coal is developed. Many felt increases in variable costs were quite possible, especially as deeper, thinner seams were mined. In response, DOE would note that comments were specifically solicited in the introduction to the proposed regulations as to the impact any increase in development costs resulting from deeper or thinner seams or increased overburden would have on production. DOE is aware that such increases may occur. However, if the extent of the coal resource is fairly well-known by the bidders at the time of the lease sale such increases would be expected, and their impact should, therefore, be taken into account and be less severe.

In addition to the comments discussed above, a concern was also expressed that speculators would be more likely to bid and obtain royalty bid leases than serious developers. A company which planned to develop the coal expeditiously would be more likely to complete a reasonable economic analysis and tend to submit a lower, but more accurate royalty bid, in terms of the estimated resource. In contrast, companies speculating on increased coal prices would be less likely to complete as thorough an analysis and would tend to bid higher royalties, regardless of the true economic value of the tract. Speculators would tend to bid a higher royalty and perhaps obtain the lease, but coal would remain undeveloped. As expressed above, DOE shares the concern and feels there is some potential for such situations to occur.

3. *Cash bonus bid with a sliding scale royalty.* This system retains the cash bonus as the bid variable but has as a fixed component a sliding scale royalty which would increase as the value of the coal produced increases.

Many of the comments on the sliding scale royalty system paralleled those received on the royalty bidding system. Briefly, the comments indicated that the sliding scale system would inflate the costs of recovery and result in non-development of coal resources. In addition, most commentors felt that sliding scale royalties would actively work toward discouraging any increase in production. These commentors argued that if royalties increase with the value of coal produced during a production period, there is a disincentive to increase production. Companies would, therefore, limit production to avoid the higher royalty payments. DOE agrees that under certain circumstances, this might happen. However, the Department also believes that it is possible to ensure that production continues in an expedient manner by enforcing regulations for the diligent development of coal leases. DOE is currently in the process of developing diligence regulations for coal, but would note that DOI's current regulations call for cancellation of a lease if diligent development requirements are not met. The system as currently proposed may be unworkable; however, DOE believes it may be possible to fashion a sliding scale royalty bidding system in such a way that it will not deter accelerated production. DOE is not convinced by its own analysis, nor persuaded by the comments received, that a sliding scale bidding system is unworkable in any form.

Several of the parties commenting raised the problem of how such a system would be implemented and requested examples of the proposed sliding scale formula or schedule. They expressed a concern that such a system would be difficult to administer and could substantially increase administrative costs. They also felt that such a system would make selling the coal from such a tract to a utility impossible. They believe that an unknown but increasing royalty rate could be passed on to the utility, but an unknown royalty might make negotiation of a contract difficult. DOE believes that while a sliding scale royalty rate on one coal tract may complicate contract negotiations, it is unclear to what degree this will affect a company's ability to obtain a utility contract. It is unlikely in most cases that only one tract would be involved in a utility contract. The impact of a sliding scale royalty rate on only one of these tracts is, therefore, lessened. Also, while it may complicate negotiations, it does not necessarily follow that such negotiations will be rendered impossible. If the contract negotiation process is made somewhat more difficult for producers, that is an effect of using the sliding scale system that must be considered. A situation which DOE would be particularly concerned with is that of a new coal-producing company which might have only one tract initially. The impact of a sliding scale royalty on such a company would obviously be more severe and would require special consideration.

An association representing members who own and lease their own coal preferred the sliding scale royalty proposal. The basis for this preference stemmed from its stated perception that this system would take into account the inevitable increase in the value of coal.

Another concern expressed by several parties was that this system would discourage the formation of Logical Mining Units (LMU), because an increase in production of any part of an

LMU would increase the royalty in all Federal leases in the unit. This concern is not well-founded. Royalty and rental rates of leases within an LMU are not readjusted to match any new tract added to the LMU. Lease terms such as diligence and continuous operation requirements are adjusted so that development on any one tract would require all tracts within the LMU to be developed in the same manner. Rental and royalty payments on all LMU tracts may be combined, but are not readjusted so as to be equal.

4. *Intertract Competition Bidding Procedures.* In the intertract competition bidding procedure, a greater number of tracts are offered for lease sale than are to be leased. Bids are received on all the tracts offered for lease sale and are evaluated and ranked based on a standard measure of value, *e.g.,* dollars per ton. Leases are then awarded to the highest qualified bidders in terms of the standard measure of value, until the desired level of leasing is achieved, *e.g.,* one hundred million tons or some other prespecified volume. Because only a percentage of the total tracts offered will be leased, bidders are placed in competition not only with each other for a tract, but also with the highest bidders on all tracts that are part of the lease sale.

While the comments received on the intertract bidding procedure were generally negative, the reasons for this opposition varied somewhat.

There was a general concern expressed which DOE believes may be a valid one. Companies may feel compelled to complete an extensive analysis of all tracts offered in order to estimate what value other bidders might place on other tracts. Most commentors felt that smaller companies would be at a particular disadvantage if this procedure were to be followed because of the cost of such an undertaking.

Many commentators raised questions as to how the detailed data from various coal tracts would be reduced to a common, dollars-per-ton basis and how tracts would be grouped for sale. DOE stated in the proposed regulations that these and other questions remained unresolved and solicited specific comments on these issues. While many commentors restated the existence of the problems, there were no suggested solutions. DOE will undertake further analyses and address these issues prior to promulgation of another proposed intertract bidding procedure regulation.

Additionally, commentors felt that the bids received would not represent the true economic or fair market value of the tracts. Rather, they will represent estimates of the value to other bidders of the most desirable tracts. This procedure would necessitate an increased expenditure of time and money by both DOI and the bidders, with no assurance that the tracts most likely to be developed will be leased. DOE is sensitive to these concerns and will consider in its further analysis to what extent, if any, such a procedure might contribute to the likelihood that tracts most likely to be developed will remain unleased. DOE will also consider carefully the conclusions reached by the Intertract Competition Task Force, an interdepartmental group currently being established to study the intertract bidding procedure.

In addition to the comments on the four components of the proposed regulations, various "miscellaneous" comments were received. Several parties commented that the calculation of fair market value is faulty and should be reconsidered. Determination of fair market value is not the responsibility of DOE. This comment would be more properly addressed to DOI. DOE would note, however, that comments were also received that the fair market value is too conservative. As mentioned previously, many companies felt DOE should formulate deferred bonus payment regulations. One party recommended that DOE include provision for a net profit share bidding system for coal leasing. Both deferred bonus payment and net profit share bidding system regulations are being considered by DOE.

Comments submitted by members of the coal industry as well as those submitted by other Departments or agencies of the Federal government were carefully analyzed and taken into consideration in the formulation of the final regulation.

C. Basis for the Final Regulation

After completing its analysis of all comments received and giving further consideration to the proposed regulations and their objectives, DOE has determined that the cash bonus bid with a fixed royalty rate is the only bidding system whose issuance is warranted at this time. Although the bidding system to be used in a particular Federal coal lease sale is described in DOI's Notice of Lease Sale, such bidding systems are not set out in DOI's regulations. DOE believes there is a need to establish, by regulation, each bidding system to be used and to set out clearly the components of each system. Parties interested in participating in Federal coal lease sales should have the opportunity prior to the issuance of the Notice of Lease Sale to familiarize themselves with the bidding system or systems which might be used. This is particularly true in the case of companies with little or no prior experience in Federal lease sales. DOE is, therefore, finalizing a regulation which establishes the cash bonus/fixed royalty bidding system.

The proposed royalty bidding system with fixed cash bonus is not being finalized at this time, as discussed above. If, at some future date, it appears that the royalty biddding system would be appropriate for coal lease sales, DOE will conduct whatever further analyses are required and issue another proposed rule.

While DOE appreciates the concerns expressed by commentors in their discussions of both the fixed cash bonus/sliding scale system and the intertract bidding procedure, DOE is not convinced that these are without merit. DOE expects to conduct further studies of the cash bonus/sliding scale system and the intertract bidding procedure and, if appropriate issue another Notice of Proposed Rulemaking.

With regard to a cash bonus/sliding scale system DOE believes it may be possible to fashion such a bidding system and, at the same time, address the concerns expressed by the commentors and discussed above, in section II(B)(3) of the preamble. Whether such a system would use the value of coal produced during a production period to establish the sliding scale royalty or whether the system would operate in some other manner is uncertain at this time. However, once DOE completes its analysis and more information becomes available the public will receive adequate opportunity to respond to any such proposed regulation.

Issuance of an intertract competition bidding procedure would be inappropriate at this time in light of the fact that the Intertract Competition Task Force is currently being established. The Task Force will consist of members from both DOI and DOE and will address issues similar to those raised in the comments received by DOE. It would be premature to finalize the intertract competition regulations prior to issuance of the final report by the Task Force.

In addition, DOE notes that two of the other suggestions of the commentors are now under consideration by the Department. The first is a regulation that would implement a net profit share bidding system for coal. DOE has initiated studies that will address the efficiency of utilizing a net profit share bidding system for Federal coal lease sales.

Secondly, in regard to the need for a deferred bonus payment regulation,

DOE agrees that such a rule may be of value in encouraging competition for Federal coal leases, particularly among smaller companies. Although all coal leasing has been done on a deferred bonus payment basis, DOE believes there may be ways in which additional deferred bonus payment systems could be developed which would enhance the attractiveness of Federal coal leases.

III. Changes in the Final Regulation

As discussed above, the royalty bidding system, the cash bonus with a sliding scale royalty system, and the intertract competition bidding procedure are not being finalized at this time. The royalty bidding system, in which the royalty rate paid to the government is the bidding variable, has been determined to be inappropriate at this time for coal leasing. Should it appear at some future date that a royalty bidding system is useful for Federal coal lease sales, DOE will conduct further studies and repropose it for use. The second system, the cash bonus bidding system with a sliding scale royalty, is not being finalized at this time but will undergo further analysis and redrafting prior to its being reproposed.

If an intertract bidding procedure is to be issued this will occur after the Intertract Competition Task Force has issued its final report and DOE has had an opportunity to study the conclusions. This Task Force is in the process of being established and will include members from both DOI and DOE. If DOE concludes that an intertract bidding procedure is appropriate for coal leasing then another Notice of Proposed Rulemaking will be issued. This will be done in conjunction with the Notice for the sliding scale royalty system, barring any unforeseen difficulties in the analyses and redrafting of either of the regulations that might render their joint proposal impossible or impractical.

In addition to the Notices of Proposed Rulemaking discussed above, DOE anticipates issuing a Notice of Proposed Rulemaking in the near future pursuant to section 302(b)(1) of the DOE Act regarding a deferred cash bonus payment system.

Other than the deletion of those components of the proposed regulation outlined above, the only other changes are the deletion of any definitions which are no longer appropriate in light of the material deleted.

IV. Environmental Analysis and Significance Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA, Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321, *et seq.*)), DOE has reviewed this regulation and has determined that it does not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of NEPA. Accordingly, no environmental impact statement is required to support this action.

Because DOE determined that the proposed rule was a significant regulation having a major impact within the meaning of the DOE procedures to implement Executive Order 12044 on "Improving Government Regulations" (DOE order 2030.1, 44 FR 1032, January 3, 1979), a draft regulatory analysis was prepared for the proposed regulation. Because the regulatory analysis focused primarily on aspects of the regulation which are not being issued at this time, the analysis has not been finalized. DOE has determined that the final rule is not a significant regulation within the meaning of Executive Order 12044, and as such does not require a regulatory analysis. Mineral Lands Leasing Act, ch. 85, 41 Stat. 437 (30 U.S.C. 181 *et seq.*), as amended by ch. 66, 44 Stat. 1058, ch. 916, 60 Stat. 950, Pub. L. 86–705, 74 Stat. 790, Pub. L. 94–377, 90 Stat. 1083, and Pub. L. 95–554, 92 Stat. 2072; Mineral Leasing Act for Acquired Lands, ch. 513, 61 Stat. 913 (30 U.S.C. 351 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*), E.O. 12009, 42 FR 46267.

In consideration of the foregoing, Chapter II, Title 10, Code of Federal Regulations, is amended as set forth below.

Issued in Wasington, D.C., December 16, 1980.

R. D. Langenkamp,

Acting Assistant Secretary, Resource Applications.

Chapter II of Title 10, Code of Federal Regulations, is amended by adding a Part 378 to read as follows:

PART 378—COAL LEASING

Subpart A—General Provisions

Sec.
378.001 Purpose and scope.
378.002 Definitions.

Subpart B—Bidding Systems

378.101 Purpose and scope.
378.102 Definitions.
378.110 Bidding systems and procedures.
378.111 Review of lease terms and conditions.

Authority: Act of February 25, 1920, ch. 85, secs. 2, 7, and 32, 41 Stat. 43, 439, 450 (30 U.S.C. 201, 207, and 189), as amended by sec. 1, 62 Stat. 289, sec. 2., Pub. L. 86–252, 73 Stat. 490, sec. 2, Pub. L. 88–526, 78 Stat. 710, secs. 2, 3, 4, and 7, Pub. L. 94–377, 90 Stat. 1083, 1084, 1085, 1087, sec. 2, Pub. L. 95–554, 92 Stat. 2073; Act of August 7, 1947, ch. 513, sec. 3 and 10, 61 Stat. 914, 915 (30 U.S.C. 352 and 359); secs. 302 and 303, Pub. L. 95–91, 91 Stat. 578, 579 (42 U.S.C. 7152 and 7153).

Subpart A—General Provisions

§ 378.001 Purpose and scope.

Part 378 implements DOE's authority under sections 302(b) and 303 of the DOE Act with respect to the leasing of Federal lands for coal exploration and development under the MLLA and the MLAAL.

§ 378.002 Definitions.

For the purposes of this Part 378—

"Coal" means coal of all ranks, from lignite to anthracite, and all grades.

"Coal lease" means a Federal lease for coal issued under the MLLA or the MLAAL.

"MLLA" means the Mineral Lands Leasing Act of 1920, as amended (Act of February 25, 1920, ch. 85, 41 Stat. 437 (30 U.S.C. 181 *et seq.*)).

"MLAAL" means the Mineral Leasing Act for Acquired Lands, as amended (Act of August 7, 1947, ch. 513, 61 Stat. 913 (30 U.S.C. 351 *et seq.*)).

Subpart B—Bidding Systems

§ 378.101 Purpose and scope.

(a) This subpart establishes the bidding system to be utilized in connection with the offering and sale of Federal leases for the exploration, development, and production of coal located on Federal lands pursuant to the MLLA and the MLAAL.

(b) Only the bidding system established by this subpart shall be utilized in any competitive coal lease sale.

§ 378.102 Definitions.

For purposes of this Subpart B—

"Coal lease sale" means the DOI process by which leases on certain coal tracts are offered for sale.

"Logical Mining Unit" or LMU means an area of coal land that can be developed and mined in an efficient, economical, and orderly manner with due regard for the conservation of coal reserves and other resources. An LMU may consist of one or more leases and may include intervening or adjacent non-Federal lands; but all lands in an LMU must be contiguous, under the effective control of a single operator, and capable of being developed and operated as a unified operation with complete extraction of the LMU reserves within 40 years from the date of final approval of the mining plan for the LMU. No LMU approved after August 4, 1976, shall exceed 25,000 acres, including both Federal and non-Federal coal deposits.

"Notice of Sale" means the notice to the public and interested parties of a Federal coal lease sale published in the Federal Register by DOI. This Notice is published a minimum of 30 days prior to the sale and contains all information relevant to the sale and the manner in which it is to be conducted.

"Tract" means Federal land that is offered for lease through a coal lease sale and is described and identified in a Notice of Sale.

"Value of coal" means the worth of the coal removed and sold during a production period from a tract or, if the tract is part of an LMU, the worth of all coal removed, sold and credited to the tract under the agreement creating the unit, as determined in accordance with 30 CFR 211.63.

§ 378.110 Bidding systems and procedures.

(a) The bidding system described in this paragraph shall be applied to each tract included in a competitive coal lease sale, including those tracts reserved and offered for lease to public bodies and small businesses. The bidding system shall be published by DOI in the Notice of Sale that appears in the Federal Register.

(1) Cash bonus bid with a fixed royalty and a fixed annual acreage rental.

(i) The cash bonus is the bid variable and is determined by the bidder. If a sale is to be held on a deferred bonus basis, this fact shall be stated in the Notice of Sale published in the Federal Register.

(ii) The royalty to be paid by the successful bidder shall be an amount equal to the royalty rate times the value of coal from that lease. The royalty rate shall not be less than 12½ per centum, except that a lesser royalty rate may be allowed in the case of coal recovered by underground mining operations. The royalty rate shall be specified in the Notice of Sale published in the Federal Register.

(iii) The annual acreage rental to be paid by the successful bidder shall be the amount specified in the Notice of Sale published in the Federal Register. However, the minimum annual rental per acre or fraction thereof shall be $3 for each and every year during the continuance of the lease.

§ 378.111 Review of lease terms and conditions.

(a) In reviewing lease terms and conditions prior to determining whether to exercise its disapproval authority under section 303(c)(1) of the DOE Act, DOE may, in its discretion, consider the following purposes and policies, recognizing that each of the purposes and policies may not be specifically applicable to a given lease and that the order of listing does not denote a ranking:

(1) Providing fair return to the Federal Government;

(2) Insuring competition;

(3) Avoiding undue speculation;

(4) Avoiding unnecessary delays in exploration, development, and production;

(5) Discovering and recovering coal;

(6) Developing coal resources in an efficient and timely manner;

(7) Limiting administrative burdens on government and industry;

(8) Providing an opportunity to experiment with various bidding systems to enable the identification of those that are the most appropriate for the satisfaction of the objectives of the United States in coal lease sales;

(9) Increasing national coal supply;

(10) Minimizing the prices of mined and unmined coal; and

(11) Minimizing the cost to the Nation of meeting national coal production objectives.

(b)(1) In considering the potential disapproval of lease terms and conditions and in performing the analysis and review referred to in § 378.111(a), DOE may, in its discretion, consider the following in relation to their impact upon the purposes and policies enumerated in paragraph (a) of this section:

(i) A projection of the number and characteristics of persons who would be interested in and capable of participating in the sale;

(ii) The relationship between economic rent and government revenue;

(iii) The incentives and disincentives for exploration, development and production;

(iv) The projected level of total production and expected production profile;

(v) The estimated number, size and thickness of potential seams, ranks and grades of coal, estimated size and thickness of overburden, availability of water, climatic region, proximity of transportation, proximity to leased and/or developed tracts and leasing history;

(vi) Location of potential logical mining units and unitization considerations;

(vii) Risk sharing between lessor and lessee;

(viii) Administrative burden on the lessor and lessee;

(ix) Concentration of holdings in the persons who would be interested in and capable of participation in the sale; and

(x) Uncertainty created by ownership patterns.

[FR Doc. 80-39731 Filed 12-22-80; 8:45 am]
BILLING CODE 6450-01-M

Tuesday
December 23, 1980

Part V

Department of Energy

Economic Regulatory Administration

Voluntary Guideline for the Master Metering Standard Under the Public Utility Regulatory Policies Act of 1978; Proposed Guideline and Public Hearing

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-80-40]

Voluntary Guideline for the Master Metering Standard Under the Public Utility Regulatory Policies Act of 1978, Proposed Guideline and Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed guideline and public hearing.

SUMMARY: Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA) establishes certain Federal purposes and policy standards for the regulation of electric utilities and imposes a set of obligations upon State regulatory authorities and certain nonregulated utilities with respect to the standards established by sections 111 and 113.

Pursuant to section 131 of PURPA, the Secretary of Energy may prescribe voluntary guidelines respecting consideration of the standards for electric utilities. The Appendix to this Notice is the proposed voluntary guideline respecting the master metering standard established by section 113(b)(1) of PURPA. Written comments will be received and a public hearing will be held with respect to the proposed guideline.

DATES: Written comments must be received by February 23, 1981 4:30 p.m., e.s.t. A public hearing will be held beginning at 9:30 a.m., local time, on the date and location specified below:

City	Hearing date	Request to testify to be received by	Submit request to testify to	Hearing location
Washington, D.C.	Jan. 27, 1981	Jan. 19, 1981	Karene Walker, DOE/ERA, Room B210, 2000 M St. NW., Washington, D.C. 20461, telephone 202/653-3986.	Room 2105, 2000 M St., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Skjei, Division of Rates and Energy Management, Office of Utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 4016D, Washington, D.C. 20461, telephone (202) 653-3913. William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B110, Washington, D.C. 20461, telephone (202) 653-4055. Arthur Perry Bruder, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Room 6B-128, Washington, D.C. 20585, telephone (202) 252-9516. Cynthia Ford, Office of Public Hearings Management, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B210, Washington, D.C. 20461, telephone (202) 653-3971.

SUPPLEMENTARY INFORMATION:

I. Background

Master metering is the use of a common meter to measure the electrical consumption of more than one unit in a multiunit building. The meter is owned and maintained by the utility and the building owner/manager is responsible to the utility for paying the monthly energy bills. The building owner/manager recoups electric energy costs from each tenant as part of the monthly rent or fee.

Section 113(b)(1) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*) establishes a standard for master metering. This standard, which must be considered by State regulatory authorities and certain nonregulated electric utilities in a manner specified by PURPA, requires:

> To the extent determined appropriate under section 115(d), master metering of electric service in the case of new building shall be prohibited or restricted to the extent necessary to carry out the purposes of this title.

Section 115(d) provides that separate metering shall be determined appropriate for any new building for purposes of section 113(b)(1) if—

> (1) there is more than one unit in such building,
>
> (2) the occupant of each such unit has control over a portion of the electric energy used in such unit, and
>
> (3) with respect to such portion of electric energy used in such unit, the long-run benefits to the electric consumers in such building exceed the costs of purchasing and installing separate meters in such buildings.

The PURPA Conference Report indicates that the States and covered nonregulated electric utilities should be guided in prohibiting master metering by the balance between the cost of purchasing and installing individual meters in new multiunit buildings and the value of the electric energy to be saved over the anticipated useful life of the building. The Conferees concluded that the case for prohibiting master metering is strong where the occupants of a building use significant amounts of electric energy and control their individual use of electricity. In general, building occupants will most likely consume less electricity when faced with paying individually for their consumption than if such expenditures are not directly their responsibility.

Experience has shown that the percentage of energy conservation to be expected when comparing residential individual metering to master metering is 10 percent to 35 percent for cooling, lighting and appliances; 5 percent to 25 percent for total electric; and zero to 20 percent for space heating and hot water.

II. Guideline Issues

DOE encourages State regulatory authorities and nonregulated electric utilities to prohibit master metering for new buildings which meet the requirements set forth in PURPA section 115(d).

Three major issues should be addressed in considering the master metering standard. These issues include (a) impact on the three purposes of PURPA, (b) economic factors, and (c) building categories and restrictions on master metering.

A. Impact on the Three Purposes of PURPA.— The master metering standard provides that master metering shall be prohibited or restricted to the extent necessary to carry out the purposes of Title I of PURPA. These purposes are to encourage (1) the conservation of energy supplied by electric utilities; (2) the efficient use of utility facilities and resources; and (3) equitable rates to consumers. DOE's position, as set forth in the proposed guideline, is that prohibiting master metering in new buildings, in accordance with PURPA section 115(d), furthers the three purposes of Title I.

When occupants of multiunit buildings are responsible for paying for their own consumption of electric energy, they are motivated to use electricity more prudently. End-use conservation will be encouraged since building occupants will have a clearer signal of the cost of providing electric service and will tend to reduce "wasteful" consumption. Utility efficiency, which relates to the conservation of all resources used in the generation, transmission, and

distribution of electric power, will also be promoted. Building occupants will determine their consumption, and indirectly the utility's need for new facilities, in accordance with the costs of providing such service. Finally, since occupants will be responsible for paying for the costs of their own consumption, equity among the building occupants, relative to electric energy costs, will be advanced.

B. Economic Factors.—Section 115(d) of PURPA sets forth three conditions for determining if individual metering is appropriate. Of these, the first two conditions are self explanatory, while the third, which requires a cost/benefit analysis of individual metering, deserves some discussion. To determine whether individual metering is cost beneficial, and thus appropriate, the present value of the avoided costs of the electric energy conserved over the useful life of the building should be compared to the present value of additional costs associated with individual metering. This analysis should be the responsibility of a utility or other party which is asserting that individual metering is not appropriate for a multiunit building. In making these calculations, the marginal costs of electricity should be used to determine the value of electric energy to consumers. Marginal costs provide a price which reflects the resource cost of producing one more or one less kilowatt-hour or kilowatt of electricity.

C. Building Categories and Restrictions on Master Metering.—In general, the standard should apply to all new buildings and existing buildings which are renovated to such an extent that the electrical systems could be modified to accommodate individual metering. The decision to use a master meter for any building should be made on the basis of the requirements set forth in section 115(d) of PURPA. Master metering may be considered appropriate to a limited extent in certain buildings such as those having an accurate submetering arrangement under the master meter or those having a combination of individual metering and master metering based on a cost/benefit analysis of each. In addition, the master metering standard may not be cost beneficial for certain building categories, e.g., hotels, motels, hospitals and schools, and other buildings used for transient occupancy.

III. The Proposed Guideline

Comments are invited on all aspects of the proposed guideline. The guideline, when promulgated in final form, will be advisory in nature and not legally binding. It will, however, constitute DOE policy respecting consideration of the Federal standard for master metering.

IV. Written Comments and Public Hearing Procedures

A. Written Comments.—The public is invited to participate in this proceeding by submitting to DOE's Economic Regulatory Administration (ERA) information, views or arguments with respect to the proposal set forth in the Appendix to this Notice. Comments should be submitted by 4:30 p.m. (60 days from date of publication), to the Public Hearings Division, Economic Regulatory Administration, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461, and should be identified on the outside of the envelope and on documents submitted with the designation: "Proposed Voluntary Guideline on Master Metering, Docket No. ERA-R-80-40". Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, 1E-190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, and the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Pursuant to the provisions of 10 CFR 1004.11 (44 FR 1908, January 8, 1979), any person submitting information which he or she believes to be confidential and which may be exempt by law from public disclosure should submit one complete copy and ten copies from which information claimed to be confidential has been deleted. In accordance with the procedures established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

B. Public Hearing—(1) *Procedures for Request to Make Oral Presentation.* The time and place for the hearing are indicated in the "DATES" section of this Notice. Any person who has an interest in this proposed guideline or represents a person, group or class of persons that has an interest, may make a written request for an opportunity to speak at the public hearing. Requests to speak should be sent to the address shown in the "DATES" section and be received by January 19, 1981. The request should include a telephone number where the speaker may be contacted through the day before the hearing.

All persons participating in the hearing will be so notified on or before January 22, 1981. Speakers should submit 100 copies of their hearing testimony for distribution at the hearing by 4:30 p.m., January 26, 1981, to the Office of Public Hearings Management, U.S. Department of Energy, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461.

(2) *Conduct of the Hearing.* DOE reserves the right to select the persons to be heard at these hearings (in the event there are more requests to be heard that time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based upon the number of persons requesting to be heard.

A DOE official will be designated to preside at each of the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person at the hearings who wishes to ask questions may submit the questions, in writing, to the presiding officer. The presiding officer will determine whether these questions are relevant and whether time limitations permit them to be presented for answers. Any further procedural rules neded for the proper conduct of a hearing will be announced by the presiding officer.

A transcript of the hearing will be made, and the entire record of the hearings, including the transcripts, will be retained by DOE and made available for inspection at the Freedom of Information Office, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, and at the Office of Public Information, Economic Regulatory Administration, Room B-110, 2000 M Street, N.W. Washington, D.C. 20461.

In the event that it becomes necessary to cancel a hearing, every effort will be made to publish advance notice of the cancellation in the Federal Register, and DOE will notify all persons scheduled to testify at the hearing.

Since it is generally not possible to give actual notice of cancellations or changes to persons not participants, persons desiring to attend a hearing are advised to contact DOE on the last working day before the hearing to confirm that it will be held as scheduled.

Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101 *et seq.*)]

Issued in Washington, D.C. on December 12, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Appendix—PURPA Voluntary Guideline Number 6: Master Metering

A. Introduction

On November 8, 1978, the President signed into law the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*) as one part of the National Energy Act.

Section 113(b)(1) of PURPA establishes a standard for master metering which State regulatory authorities and certain nonregulated electric utilities must consider in a manner specified by PURPA. The standard provides that, to the extent determined appropriate under section 115(d), master metering of electric service in the case of new buildings shall be prohibited or restricted to the extent necessary to carry out the purposes of Title I. Master metering, as used in this guideline, means the use of a common meter to measure the electrical consumption of more than one unit in multiunit buildings.

Under section 115(d) of PURPA, master metering shall be prohibited or restricted for any new building for purposes of section 113(b)(1) if:

(1) there is more than one unit in such building,

(2) the occupant of each such unit has control over a portion of the electric energy used in such unit, and

(3) with respect to such portion of electric energy used in such unit, the long-run benefits to the electric consumers in such building exceed the costs of purchasing and installing separate meters in such building.

B. Coverage of the Guideline

This guideline covers the PURPA standard on master metering for covered electric utilities.

C. Definitions

As used in this guideline, except as otherwise specifically provided—

"Avoided costs" means the incremental costs to a consumer of electric energy or capacity or both which, but for conservation, such consumer would purchase from the electric utility.

"Electric consumer" means any person, State agency or Federal agency to which electric energy is sold other than for purposes of resale.

"Electric utility" means any person, State agency, or Federal agency which sells electric energy.

"Individual metering" means the use of a separate meter to measure the electrical consumption of an individual unit in multiunit residential, commercial or industrial buildings.

"Nonregulated electric utility" means any electric utility other than a State regulated electric utility.

"Present value" means the current equivalent of a future amount of money which, if invested at a given rate of interest, will exactly equal the future amount at a stated future time. For example, at 10 percent interest, $110 one year from now has a present value of $100. Thus, the present value of $110 one year from now is $100.

"Rate" means (a) any price, rate, charge, or classification made, demanded, observed, or received with respect to sale of electric energy by an electric utility to an electric consumer, (b) any rule, regulation, or practice respecting any such rate, charge, or classification, and (c) any contract pertaining to the sale of electric energy to an electric consumer.

"Rate schedule" means the designation of the rates which an electric utility or nonregulated electric utility charges for electric energy.

"State agency" means a State, political subdivision thereof, and any agency or instrumentality of either.

"State regulatory authority" means any State agency which has ratemaking authority with respect to the sale of electric energy by any electric utility (other than such State agency), and in the case of an electric utility with respect to which the Tennessee Valley Authority has ratemaking authority, such term means the Tennessee Valley Authority.

"Ultimate consumer" means the end-user of electric energy.

D. DOE Guidance

This guideline is organized around three major issues which should be addressed in the consideration of the master metering standard. The second issue is especially relevant for utility determinations regarding the applicability of the standard to a particular building. The issues are the following:

(1) impact on the three purposes of PURPA,

(2) economic factors, and

(3) building categories and restrictions on master metering. Each of these issues is discussed below:

1. *Impact on the three purposes of PURPA.* The master metering standard provides that master metering shall be prohibited or restricted to the extent necessary to carry out the purposes of Title I of PURPA. These purposes are to encourage (1) the conservation of electric energy; (2) the efficient use of utility facilities and resources; and (3) equitable rates to consumers.

In general, individual metering promotes the three purposes of PURPA by providing consumers with information about the costs of their energy usage. Individual metering affords consumers an opportunity to lower their electric energy costs by prudently using electric energy during the utility's peak usage periods and by implementing other conservation measures. As a consequence, end-use conservation and efficient use of utility resources may be promoted. Equity may also be promoted because individual users will pay rates which reflect the costs of the electricity they consume in any time period. The impacts of individual metering on the three purposes of PURPA should be addressed by State regulatory authorities and covered nonregulated electric utilities in the consideration of the standard.

2. *Economic Factors.* Section 115(d)(3) of PURPA provides that individual metering is appropriate if the long-run benefits to the electric consumers exceed the additional costs associated with individual metering. Long-run benefits should be evaluated in terms of the avoided costs of electric energy conserved by the ultimate consumer over the useful life of the building involved. This analysis should be the responsibility of a utility or other party which is asserting that individual metering is not appropriate for a multiunit building. In performing this analysis, the following should be addressed:

(a) The present value of electric energy consumed by all units with master metering;

(b) The present value of electric energy consumed by all units with individual metering;

(c) The present value of metering costs to the ultimate consumers of electric energy with master metering; and

(d) The present value of metering costs to the ultimate consumers of electric energy with individual metering.

In making these calculations the marginal costs of electricity should be used to determine the value of electric energy to consumers. Marginal costs provide a price which reflects, to the maximum extent practicable, the resource cost of producing one more or one less kilowatt-hour or kilowatt. In this way, consumers will receive pricing signals that inform them of the cost effect of an alteration in their electricity consumption and permit them to make consumption decisions based on the actual cost incurrence such consumption will entail for the system. Scarce resources should be used to produce a good, only if consumers are willing to pay a price for it which equals or exceeds the value of the resource needed to produce it.

Where additional costs are incurred to accommodate individual metering, e.g., increased investment in wiring or conduit, these may be passed on by the building owner/manager, through rents or fees, to the building occupants. These costs should also be considered in arriving at the net present value of the decision.

The amount of electric energy expected to be used per unit with master metering compared to individual unit metering will vary depending on the electrical loads under the control of the ultimate consumer. Limited empirical data in this area for residential buildings may be obtained through the office of Utility Systems, Economic Regulatory Administration, DOE. The data compares individually metered multiunit buildings relative to master metered multiunit buildings of similar construction and using similar electrical systems.

Although, for purposes of this guideline, benefits to the ultimate consumer generally mean financial benefits, the national benefits of energy conservation in general and a reduction in the use of scarce fossil fuels in particular, are also important considerations in implementing this standard.

3. *Building Categories and Reductions on Master Metering.* In general, the standard

should apply to new residential, commercial and industrial buildings. In addition, DOE recommends that it also apply to existing buildings which are renovated to such an extent that the electrical systems, especially wiring, could be modified to accommodate individual metering.

Due to the nature of some types of buildings, individual metering may not be cost effective. Among the types of buildings for which a prohibition of master metering may not be cost effective are those having a submetering arrangement for accurately distributing electric energy costs among building occupants in direct proportion to their consumption. For other buildings, it may be necessary to include a combination of individual metering and master metering based on the cost/benefits of each.

In some other instances it may be possible to determine that certain building categories are not covered by the standard based on a cost/benefit analysis for that category. Such determinations will most likely apply to buildings primarily used for transient occupancy, e.g., hotels, motels, hospitals and schools.

The decision to prohibit master metering in commercial and industrial buildings is more complex than for residential buildings since individual units (walls or partitions) in such buildings may not be permanent or well defined. In addition, commercial and industrial building owners/managers may be better able to conserve energy by taking advantage of interruptible rates or using load management techniques than would individual unit occupants. Therefore, in determining whether the master metering standard should apply to a particular building, the permanence of individual units within the building as well as the conservation potential of individual metering relative to master metering should be considered. DOE recommends that utilities be given the authority to determine the applicability of the standard to individual buildings.

[FR Doc. 80-39715 Filed 12-22-80; 8:45 am]
BILLING CODE 6450-01-M

federal register

Tuesday
December 23, 1980

Part VI

Environmental Protection Agency

Removal of Oil and Hazardous Substance Discharges

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 111

[WH-FRL 1669-4]

Removal of Oil and Hazardous Substance Discharges

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: This regulation proposes a new Part 111 in Title 40 of the Code of Federal Regulations. It sets forth the methods and procedures for the removal of oil and hazardous substances from inland waters of the United States and provides for civil penalties for violation of mandatory portions of the removal regulations. Key elements of the regulation are voluntary removal guidelines for the proper removal and disposal of oil and hazardous substance discharges and mandatory provisions governing use of chemical agents applied to discharges.

The Clean Water Act provides that discharge cleanup is optional on the part of the discharger. The regulation is designed to encourage prompt cleanup action by the discharger with the Federal Government assuming responsibility for removal of discharged substances only where the discharger refuses to take action or fails to comply with the regulations. Early action by the discharger should normally result in lower cleanup costs to the discharger and less environmental damage. The principal thrust of this regulation is to create an incentive for rapid mitigation and cleanup of discharges. This would be accomplished by providing technical guidelines together with mandatory provisions. The voluntary guidelines are established to assist the discharger in effecting proper containment, removal, treatment and disposal of discharged material. It includes guidance on the use of mechnical removal methods and sorbents as well as clearly stating restrictions on the use of chemical agents. The mandatory provisions address use limitations for chemical agents, if used, when the discharger opts for cleanup.

DATES: Comments on this proposal will be received on or before February 23, 1981. After consideration of the comments received in response to this proposal, a notice of final rulemaking will be issued.

ADDRESS: Comments may be sent to Mr. Joseph I. Lewis, Chief, Marine Activities Branch, Criteria and Standards Division, WH-585, Environmental Protection Agency, Washington, D.C. 20460.

Copies of all public comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. The Environmental Protection Agency information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph I. Lewis (202) 245-3036.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency proposes a new Part 111 pursuant to section 311 of the Clean Water Act (33 U.S.C. 1251 *et seq.*), hereinafter, referred to as "the Act". Section 311(j)(1)(A) of the Act requires the President to issue regulations establishing methods and procedures for removal of discharged oil and hazardous substances from waters of the United States that are consistent with maritime safety and with marine and navigation laws. The Act states in section 311(c)(1) that whenever oil or a hazardous substance is discharged, the President is authorized to remove or arrange for the removal of such material unless the owner or operator (discharger) takes action to properly remove such material. Further, section 311(c)(2) requires the President to prepare a National Oil and Hazardous Substances Pollution Contingency Plan. By Executive Order 11735, dated August 1973, the President delegated his authority to the Environmental Protection Agency and the Secretary of the Department containing the Coast Guard to carry out the provisions of section 311(j)(1)(A) and responsibilities under the National Oil and Hazardous Substances Pollution Contingency Plan. However, the authority for preparation, publication, revision and amendment of this Congingency Plan was given to the Council on Environmental Quality in Executive Order 11735. The Contingency Plan, through the delegation of authority from the President, gives the responsibility for removing discharged oil or hazardous substances from inland waters to EPA. This responsibility includes designation of the On-scene Coordinator (OSC), who is directly in charge of removal or mitigation. The Administrator is required to promulgate regulations under section 311(j)(1)(A) for the removal of oil or hazardous substances discharged into or upon inland waters of the United States. The Removal of Discharged Oil Regulation (33 CFR Part 153, Subpart C) for coastal waters was promulgated by the U.S. Coast Guard on March 25, 1976, 41 FR 12632.

In the event of a discharge, the discharger must provide prompt notification (33 CFR Part 153) that a reportable quantity of oil (40 CFR Part 110) or hazardous substance (40 CFR Part 117) was discharged. Then the discharger should take immediate action to contain the material and prevent further discharge. In order to contain, treat and remove or mitigate the discharged material, mechanical removal methods and sorbents can be used without prior approval by the OSC. However, the OSC can request specific mechanical removal methods and sorbents if he determines that the circumstances require such an approach.

The designated OSC is the key person responsible for insuring that the cleanup is carried out in accordance with the removal guidelines and mandatory provisions of this regulation. For medium and minor discharges or prior to the arrival of the OSC on the scene, the OSC can approve, by telephone, the containment and removal of the material or delegate his authority to local, State, or Federal officials by prior agreement in the regional contingency plan.

Since timeliness in the detection and response to a discharge of oil or a hazardous substance is a major factor in minimizing the environmental impact of a discharge, and because the discharger is usually the first on the scene, the discharger is encouraged to take prompt, reasonable action to mitigate and/or minimize the effects of such a discharge. An owner/operator of a facility is encouraged to study the guidelines, to prepare himself for a potential discharge event and to have appropriate removal equipment available.

In order to encourage the discharger to clean up his own discharge voluntarily and in a prescribed manner, the regulation provides the following incentives for taking positive steps toward mitigation: (a) lower cleanup cost as a result of prompt response; (b) adjusted penalty assessments levied under section 311(j)(2) and section 311(b)(6)(B), as amended; and (c) conditional reimbursement amounts to which the discharger may be entitled to recover under section 311(i). The penalty assessments will consider the care and extent of mitigation efforts manifested by the discharger (see 40 CFR 117.22) and the conditional reimbursement amounts will be dependent upon demonstrated compliance with the removal guidelines and mandatory provisions contained in this regulation.

If the discharger refuses to take any action, or if, in the judgment of the OSC, the discharger fails to comply with these

regulations, then the OSC is authorized to initiate removal actions. When the OSC assumes responsibility for removing the discharged substance, the discharger will be held liable for expenses incurred by the Federal Government in cleaning up the discharge. Additionally, under 311(j)(2) the discharger is subject to a civil penalty of not more than $5,000 per day if the discharger (1) uses chemical agents without prior approval from the OSC or (2) fails to comply with the restrictions for use of chemical agents in accordance with Annex X to the National Oil and Hazardous Substance Pollution Contingency Plan (40 CFR 1510, 40 FR 6298–6301).

In those instances where the OSC has authorized the use of chemical agents, a discharger will be held liable for civil penalty for noncompliance with Annex X if he: (1) uses chemical agents which have not been accepted by the Environmental Protection Agency (as provided in 40 CFR Part 1510, Annex X section 2003.3 2004.3, 2005.3), except as authorized under emergency conditions, (40 CFR 2003.2); (2) applies chemical agents not in compliance with the application rates specified by the OSC; (3) fails to keep records on dispersant types, brands, application rates, methods and effectiveness; (4) applies surface collecting agents in the absence of adequate removal equipment to recover the collected material; or (5) uses biological additives which have not been approved by State and local public health and pollution control officials or fails to seek approval from the OSC for the use of primary nutrients or nutrient additives in conjunction with biological additives. In § 111.7 of this regulation, the procedure for assessing a civil penalty under section 311(j)(2) of the Act is set forth.

Disposal of the discharged material, whether temporary or permanent, needs to guarantee protection against further harm to human health or the environment. If hazardous substances are suspected of being present in discharged oil, the guidelines recommend analyzing the recovered oil. The presence, or absence, of such materials is a key factor in selecting the best treatment or disposal method.

Fire Department Exemptions

Fire departments are exempt from having to obtain OSC approval before using chemical agents if the fire department official in charge determines that without their use there is a substantial hazard to human health, substantial threat of explosion, or a substantial threat of fire hazard to property. The preferred method is to remove oil or hazardous substances by physical means. Fire departments are discouraged from flushing oil or hazardous substances into inland waters of the United States and from using dispersants unless there is a significant danger to public health or welfare if such flushing action or use of dispersants is not taken. Whenever a reportable quantity of oil (40 CFR Part 110) or hazardous substance (40 CFR Part 117) is flushed into inland navigable waters by the fire department official in charge, he is required to give notice (33 CFR Part 153, Subpart B), to the U.S. Coast Guard, immediately, via the 24-hour, toll-free 800-number (800–424–8802). The Coast Guard will then notify the OSC designated in the Regional Contingency Plan whenever chemical agents are used in accordance with the exemption provision.

Note.—EPA invites specific comments on how this reporting requirement might be reduced or whether other reporting alternatives exist.

Relationship With the Hazardous Waste Management Regulations Recently Promulgated Under Subtitle C of the Resource Conservation and Recovery Act

On May 19, 1980, EPA promulgated regulations under Subtitle C of the Resource Conservation and Recovery Act (see 45 FR 33066 through 33588). These regulations identify certain materials as hazardous wastes and govern the transportation, storage, treatment and disposal of these hazardous wastes. Some of the oil and hazardous substances that would be governed by this proposed regulation are subject to regulation under those regulations. The Agency is currently investigating ways to amend the hazardous waste regulations to allow a temporary waiver of certain Subtitle C Requirements during Emergency Response Activities. In particular, the Agency is examining the manner and extent to which Federal OSCs responding to emergency situations involving hazardous wastes should be subject to the Subtitle C regulations when acting under emergency response conditions.

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 has determined that this regulation is "specialized" rather than "significant" because it is administrative and procedural in nature. It does not alter the degree of compliance, and may increase the environmental (health) benefits of the 311 program.

Dated: December 12, 1980.

Douglas M. Costle,

Administrator.

Part 111 is added to 40 CFR to read as set forth below:

PART 111—REMOVAL OF OIL AND HAZARDOUS SUBSTANCE DISCHARGES

Sec.
111.1 General applicability.
111.2 Definitions.
111.3 Removal guidelines.
111.3–1 Discovery, identification and notification.
111.3–2 Containment and/or collection.
111.3–3 Removal or mitigation.
111.3–4 Disposal.
111.4 Mandatory provisions.
111.5 Violations.
111.6 Civil penalty.
111.7 Procedure for penalty assessment.
111.8 Cost recovery.
111.9 Fire department exemptions.

Reference: Annex X of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 1510.

Authority: Section 311(j)(1)(A), 501(a), Clean Water Act of 1977 33 U.S.C. 1251 *et seq.* [Public Law 95–217, Public Law 95–576]; E.O. 11735.

§ 111.1 General applicability.

(a) This Part establishes methods and procedures for the removal of oil or hazardous substances from inland waters of the United States, excluding the Great Lakes.

(b) This Part applies to any owner or operator hereafter also referred to as a discharger, of a vessel or onshore or offshore facility from which oil or hazardous substances could be discharged on or into inland waters in quantities defined in the Discharge of Oil Regulation, 40 CFR Part 110 or the Hazardous Substance Regulation 40 CFR Part 117. The owner or operator is responsible for the actions of agents/contractors whom he may hire to remove the discharged material or mitigate the effects of the discharges.

(c) Nothing in this Part shall be deemed to preempt any State laws, regulations or written policies with respect to the removal of oil or hazardous substance discharges, unless such laws, regulations or policies are in conflict with the provision of this Part.

§ 111.2 Definitions.

For the purposes of this Part:

(a) "Oil" means oil of any kind or in any form, inlcuding, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil. "Oil" means oil of non-petroleum as well as petroleum origin.

(b) "Hazardous substance" means any substance designated in accordance with 40 CFR Part 116, as amended.

(c) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, or dumping but excludes (1) discharges in compliance with a permit under section 402 of this Act, (2) discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit or modified under section 402 of this Act, and subject to a condition in such permit or modified under section 402 of this Act, and (3) continuous or anticipated intermittent discharges from a point source identified in a permit or permit application under section 402 of this Act which are caused by events occurring within the scope of relevant operating or treatment systems.

(d) "Onshore facility" means any facility (including, but not limited to motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land.

(e) "Offshore facility" means any facility of any kind located in, on or under, any of the inland waters of the United States other than a vessel or public vessel.

(f) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(g) "Public vessel" means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(h) "Owner or operator" means (1) in the case of a vessel, any person owning, operating, or chartering such vessel; and (2) in the case of an onshore facility, or an offshore facility, any person owning or operating such onshore or offshore facility; and (3) in the case of an abandoned onshore or offshore facility, the person who owned or operated such a facility immediately prior to such abandonment.

(i) "Person" includes an individual, firm, corporation, association or a partnership.

(j) "Remove or removal" refers to the removal of oil and/or hazardous substances from the water or shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including but not limited to fish, shellfish, wildlife and public and private property, shorelines, and beaches.

(k) "On-scene Coordinator" (OSC) means the Federal Official designated by the Environmental Protection Agency in the Regional Contingency Plans to monitor, coordinate and direct the removal efforts of owners and operators of vessels or onshore or offshore facilities subject to this regulation.

(l) "Minor discharge" means a discharge to the inland waters of less than 1,000 gallons of oil; or a discharge of a hazardous substance in a quantity less than that defined as reportable by regulation [40 CFR Part 117].

(m) "Medium discharge" means a discharge of 1,000 to 10,000 gallons of oil to the inland waters; or a discharge of a hazardous substance equal to or greater than a reportable quantity as defined by regulations [40 CFR Part 117].

(n) "Major discharge" means a discharge of more than 10,000 gallons of oil to the inland waters; or a discharge of hazardous substance that poses a substantial threat to the public health or welfare, or results in critical public concern.

(o) "Discharger" means the owner or operator of a vessel, onshore or offshore facility, or that individual designated by the owner or operator who has the responsibility for initiating and directing removal of oil or hazardous substances in the event of a discharge, and who performs those responsibilities of the owner or operator under the Act and the National Oil and Hazardous Substances Pollution Control Plan.

(p) "Chemical agents" are those elements, compounds, or mixtures that disperse, dissolve, emulsify, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, gell, make the mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water. "Chemical agents" include dispersing agents, surface collecting agents, biological additives, and burning agents, as defined in Annex X to the National Oil and Hazardous Substances Pollution Contingency Plan. "Chemical agents" does not include "sorbents" as defined in Part 111.2(q)

(q) "Sorbent" means inert and insoluble materials used to remove oil and/or hazardous substances from water through the sorptive action of the material. Examples include: straw, expanded perlite, polyurethane foams, reclaimed paper fibers, peat moss, and activated carbon.

(r) "Inland waters" are defined in each EPA Region by the Regional Contingency Plan. In those cases where such a determination has not been made, inland waters are those waters not affected by the ebb and flow of the tide.

(s) "Fire Department" means a fire-fighting organization established by or on behalf of Federal, State, or local government for the protection of the public from fire or threat thereof.

(t) "Mechanical removal methods" means the use of pumps, skimmers, booms, earthmoving equipment, and other mechanical devices including plugs or patches, to contain and recover discarges on land or from the water environment.

(u) "United States" means the States, the District of Columbia, the Commonwealth of PUrto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(v) "Regional Administrator" means the Regional Administrator of the Environmental Protection Agency, or his designee, in and for the Region in which the discharge occurred.

(w) "Contingency plans" include the National Oil and Hazardous Substances Pollution Contingency Plan and the local and regional contingency plans mandated by the Clean Water Act of 1977. The local and regional plans are to follow and be consistent with the criteria established in the National Plan and are to use the format of the National Plan in their prepartion.

§ 111.3 Removal guidelines.

Section 111.3 establishes the guidelines for discovery, identification and notification, containment and/or collection, removal or mitigation and disposal. These guidelines should be followed in the event of a reportable discharge into inland waters of oil and/or hazardous substances as defined in 40 CFR Parts 110 and 117. In addition to the guidance given in § 111.3, the discharger, when he elects to clean up the discharge, should be responsible for establishing cooperation and coordination with local authorities, safety at the handling site, and education of the participants regarding the hazards of the situation, pertaining to both containment and operation.

§ 111.3-1 Discovery, identification and notification.

(a) In the event of a discharge, the discharger should determine what type of discharge is involved and locate its source. In determining the type, the discharger should record as available:

(1) Time of discharge;

(2) Information from markers, placards, plates or color codes;

(3) Owner or distributor;

(4) Nearest highway number, mile marker and distance to highway;

(5) Location of nearest waterway or waterbody; and

(6) Nearest town, distance and direction to it.

(b) In the event identification of discharged material is not possible from paragraph (a)(2) of this section, physical properties should be used by the discharger to assist in identifying the materials involved. Properties such as physical state, type of odor emitted, color, turbidity, behavior in water, irritability to eyes, fuming, flaming, foaming, gas emitting or reactions occurring can identify class of chemicals and suggest specific chemical designation. Samples should be taken where possible or necessary.

(c) Concomitant with substance identification, the discharger should determine the rate of material spread to the extent practical, any endangered waterbodies or public areas, the status of the discharge or leak, meteorological conditions, and, in the case of more than one material, the compatibility among the chemicals discharged.

(d) Upon identifying a discharge, the discharger will notify the U.S. Coast Guard via the 800-number (800-424-8802) in compliance with 33 CFR Part 153, Subpart B, who will in turn notify the OSC. The OSC will then be responsible for implementing the provisions of this regulation in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan. For medium and minor discharges or prior to arriving on scene, the OSC can approve mitigation actions by telephone or delegate his authority to a local official designated in the Regional Contingency Plan. The OSC will encourage the use of mechanical mitigation methods and sorbents to the maximum extent possible. Upon identifying himself to the discharger, the OSC will notify him of the Agency's desire to have removal performed in accordance with this Part and the National Oil and Hazardous Substances Pollution Contingency Plan. The OSC will inform the discharger of his reimbursement liability for removal of the discharge in accordance with section 311(f) of the Act, if the government performs the removal or cleanup operation.

(e) Upon identifying the material discharged, an assessment of the discharge's magnitude for human danger and the potential for environmental damage should be established by the discharger in conjunction with the OSC. In performing the assessment, the discharge should provide the OSC with the following information:

Identity of material
Time discharge began
Where discharge occurred
How much material was originally present
Wind speed and direction
Cloud cover
Current speed and direction, if applicable
Condition of container
Type and size of container

The OSC will utilize this information to predict the effect of the hazard on downwind or downstream population and environment. Information inferred from the predictions will be relayed by the OSC to appropriate authorities, the Civil Defense Agency or police department, so that necessary safeguards can be taken. Where practical, the information supplied to the OSC will be utilized in one of the existing computer models which are used to predict the effect of the hazards on downwind or downstream populations. Safety is of prime importance and all precautions should be taken. Appropriate local officials should be notified immediately when any risk to humans has been established. The discharger should warn users of the water or others who might be adversely affected by the discharge; seeking of assistance from State and local officials in this effort is encouraged. Operators of water intakes should be notified in a timely manner to preclude the contamination of municipal and industrial water supplies. Likewise, publicly-owned wastewater treatment plants should be notified if the discharge enters the municipal wastewater collection system.

§ 111.3-2 Containment and/or collection.

(a) Once the identity and danger of the discharge has been assessed, various methods of remedial action might be appropriate. To prevent further discharge, the discharger should make a reasonable effort to stop and contain the discharge at its source by the effective use of mechanical collection and/or containment methods and/or sorbents. These actions are recommended unless they would endanger life or property or another more effective and readily available method is more feasible. If containment of a volatile, caustic, etiologic or highly flammable substance causes a safety hazard, other alternatives for isolating and removing the discharged material should be considered. Harmful effects of materials deposited in marsh and swamp areas, are difficult to mitigate by either physical removal or by dispersion. Consequently, the discharger should give high priority to the protection of these areas from contamination by means of containment booms and sorbent materials. Waterfowl and other wildlife must be protected from the effects of discharges. The discharger should immediately implement the use of defensive booms or barriers to protect designated wildlife areas. Waterfowl and wildlife cleaning and rehabilitation activities and installation of devices to discourage birds and animals from entering affected areas can be recommended by the OSC or appropriate local, State and Federal officials. Early action taken to contain the discharge can greatly simplify cleanup and greatly mitigate the discharge's impacts. Due to the importance of early containment, the discharger should utilize the information gathered for section 111.3-1 to determine the extent of needed containment or collection activities. The discharger should also refer to the appropriate discharge response handbook for handling suggestions, if it is available. After considering all the pertinent information, appropriate methods of containment should be evaluated until a feasible method of containment is determined.

(b) If the discharger determines from the evaluation that collection, rather than, or in addition to, containment is more feasible, consideration will first be given to the more readily available collection equipment such as suction skimmers, vacuum skimmers, sorbents, and dredging. For discharges occurring on land the discharger should consider using earthen dikes, foamed polyurethane or concrete, excavation or dikes and sorbents in any practical combinations for containment or collection. If the discharge occurs in water and the material is more dense than water, excavations and dikes would be feasible. For those soluble or miscible substances that are discharged into water, sealed booms, diversion of either the contaminated or uncontaminated flow, or containment of the entire waterbody might be feasible. Booms, weirs, pneumatic barriers and sorbents should be considered for containing or collecting materials that float on water. If the discharged material is escaping to the atmosphere, mist knock down, fans or blowers should be considered. Containment or collection alternatives should not be limited to the above items. If mechanical removal methods or sorbents are inappropriate, discharged materials might be readily mitigated by the application of other specific substances, such as OSC approval chemical agents. Under no circumstances can chemical agents be used without prior approval by the OSC.

(c) The OSC is authorized to approve or deny the use of specific mitigation methods on a case-by-case basis since the OSC has the responsibility for insuring their proper utilization. When

sorbents are used, selection considerations should include hydrographic and meteorological conditions, characteristics of the sorbent, and availability of mechanical removal methods for containment and recovery of the sorbent. The discharger should use sorbents only when adequate removal equipment is available to recover the sorbent material.

§ 111.3-3 Removal or mitigation.

(a) Physical removal of discharged material may be initiated or carried out concurrently with containment. The discharger should select mechanical removal methods and sorbents that are most effective in expeditiously removing the discharged material, mitigating related damages, and minimizing secondary pollution effects from the removal operation. Although selection of mechanical removal methods and sorbents does not require prior approval by the OSC, he can request alternative methods when other considerations such as hazards to human life and health, threat of explosion and fire hazard to property outweigh environmental concerns. After containment or collection, the discharger, OSC and other responsible agencies collectively should select the most feasible method for handling the discharged material giving consideration to logistics and start-up time of the treatment scheme, power requirements, and the system's flexibility. The treatment system chosen should be capable of integration into a parallel batch system which would allow the flexibility and simplified operation of a batch process and yet permit continuous operation. Consideration should be given, but not limited to:

(1) Treatment *"in situ"* with a makeshift or commercial process;

(2) Treatment in an on-site, but off-stream treatment system;

(3) Transfer to another site for disposal or treatment;

(4) Dilution and dispersion into the natural environment.

In determining what removal or mitigation method is the most feasible, consideration should be given to whether the discharge is containable, and whether it is contained and whether the discharge can be treated within a reasonable time limit.

(b) If treatment is to be *"in situ"* or on-site, consideration should be given to methods available for field treatment, availability and accessibility of the site for treatment, availability of supplies, and potential of remote transporting in the event that on-site or *"in situ"* treatment is not feasible.

(c) When transfer of the removed material to another site for disposal or treatment is necessary, the following considerations are needed:

(1) Availability of a remote treatment or disposal site;

(2) Feasibility of handling discharged material in this manner;

(3) Compatibility of the volume of removed material with the capacity of the remote site;

(4) Permission for use of the site from local, State and Federal officials;

(5) Availability of suitable vehicles for transporting removed material;

(6) Transportability of removed material within a reasonable time limit; and

(7) Feasibility of transporting removed material from a political economic and technical standpoint.

(d) Dilution and/or dispersion are candidate processes for mitigation only after all other approaches are determined to be infeasible. Dilution and dispersion should only be utilized where reduction of local hazards from the discharges is of maximum importance. When dilution and dispersion approaches are selected, complete mixing must occur, with waterbody assimilation limited to a certain area and without formation of undesirable side reactions or by-products.

(e) In all environmentally significant discharge episodes, the OSC will make the final determination when cleanup actions taken by the discharger can be terminated or when all material, which can reasonably be cleaned up, has been removed. The discharger should document the sequence of events and actions that he has taken.

§ 111.3-4 Disposal.

(a) For cleanup of major discharges where the discharger assumes responsibility, all disposal procedures, methods and sites need prior approval by the OSC. In all disposal cases, any permits needed must be obtained from Federal, State and local authorities. The techniques and regulations established under the Resource Conservation and Recovery Act (Pub. L. 94-580) except where the OSC has been specifically exempted under the RCRA regulations. For proper disposal of the discharged material the discharger should immediately initiate a sample collection and analysis program, if the material is suspected of being contaminated with hazardous substances.

(b) If the discharged material is an oil, free of hazardous substances, then there are certain techniques which should be followed for the disposal of the recovered oil. Stockpiling of the oily debris may be permitted by the OSC as a temporary means of storage, while determining the suitability of all available disposal options. When this occurs, it should be performed in a manner that precludes the threat of pollution or potential for pollution of nearby surface or ground water. The preferred method for disposing of oil is reclamation or reprocessing. When reclamation is not feasible, combustible sorbent and oil-soaked debris should be incinerated in a well designed operating municipal or industrial facility with the necessary emission control equipment, but only if such incineration is permitted and the facility meets State and local air pollution regulations. Although incineration in permanent, well designed facilities is desired, use of on-site temporary facilities may be approved by the proper authorities including the OSC.

Another low-cost disposal alternative is direct burning in an open pit. When transportation of recovered oil from a remote area poses additional risks of discharge and burning does not affect inhabited areas or other valuable resources, open pit burning might be considered. Because of the severe air pollution consequences and restrictions imposed on open burning, permits must be obtained in all cases from State and local authorities. Oil-soaked debris may be applied on land only after the suitability of the site for land application has been determined. In all cases, the proper local or State officials and the OSC must be contacted for approval and specific guidance. Factors which should be considered for such a determination are: climatological conditions, hydrogeological conditions, site location, soil characteristics, surrounding land use, etc. With heavier oils, non-combustible sorbents or sorbents which emit noxious fumes upon incineration or burning, or when land application is not feasible, disposal in a chemical waste landfill may be employed after obtaining permission of local and State authorities and the OSC.

(c) If the discharged material contains a hazardous substance, the disposal procedures should:

(1) Isolate and concentrate the hazardous constituents in the material by such methods as coagulation, settling, etc.;

(2) Recover potentially useful substances, energy or materials;

(3) Incinerable hazardous organic substances in a well designed facility with proper emission control devices;

(4) Detoxify and neutralize to the greatest extent possible other nonburnable substances through

physical, chemical and biological means, and

(5) Secure land disposal for those hazardous substances not amenable to recovery, treatment or destruction. The disposal site (chemical waste landfill) must provide long-term protection to the quality of surface and ground water from the hazardous substances and prevent hazards to public health and the environment.

§ 111.4 Mandatory provisions.

(a) The use of chemical agents for controlling oil and/or hazardous substance discharges is prohibited unless such use is approved by the OSC.

(b) Chemical agents approved for use by the OSC must be applied on inland waters only in accordance with the provisions contained in Annex X to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 1510). Sinking agents, as defined in Annex X to the National Oil and Hazardous Substances Pollution Contingency Plan, must not be applied to inland waters of the United States.

(c) When responsibility for handling a discharge situation is assigned by the discharger to another person or company, the discharge shall be responsible for actions taken by the assignee.

§ 111.5 Violations.

Owners or operators of vessels, onshore or offshore facilities or any other person or discharger subject to Part 111 shall be liable for a civil penalty for:

(a) Using chemical agents, without approval from the OSC, as required in § 111.3(a) of this Part.

(b) Failure to comply with the restrictions for use of chemical agents in accordance with Annex X to the National Oil and Hazardous Substances Pollution Contingency Plan as required in § 111.3(b) of this Part and §§ 2003.2–1, 2003.2–3, 2004.2–1, 2004.2–2, 2005.1–1, 1005.2–1 and 2005.2–2 of the National Contingency Plan.

§ 111.6 Civil Penalty.

(a) Any person who violates the provisions of subsections 111.5 of this Part shall be liable for a civil penalty of not more than $5,000 per day. Each day will be a separate offense.

(b) In determining the amount of such penalty to be assessed, the following factors shall be considered:

(1) Gravity of the violation; and

(2) Demonstrated good faith efforts in rapidly complying with §§ 111.3 and 111.4 after notification of a violation.

c. The amount of the civil penalty to be assessed may be settled by compromise at any stage of the proceedings.

(d) Civil penalties may be assessed by the Regional Administrator or his designee. The person who has been assessed any penalty under his subsection may appeal that assessment to the Administrator of the Environmental Protection Agency.

§ 111.7 Procdure for penalty assessment.

No penalty shall be assessed unless the owner or operator charged shall have been given notice and an opportunity for a hearing. The procedures for assessment of a penalty shall be those published in 40 CFR 114, Civil Penalties for Violation of Oil Pollution Prevention Regulations.

§ 111.8 Cost recovery/fine reduction.

In any action to recover costs under section 311(i) or obtain reduced fines under 311(b(6)(B) and (j)(2) of the Clean Water Act with respect to a discharge of oil and/or a hazardous substance into inland waters, the owner or operator must demonstrate (a) compliance with mandatory provisions of this Part and (b) a sincere effort to follow the procedures set forth in 111.3 of this regulation.

§ 111.9 Fire department exemptions.

(a). Fire departments are exempt from the mandatory provisions when the fire official in charge determines that there is a significant threat of explosion or fire, or hazard to human life of limb, which could be substantially reduced by the application of chemical agents affecting inland waters.

(b). Whenever chemical agents are utilized in accordance with paragraph 111.9(a), the fire official in charge needs to notify the U.S. Coast Guard as soon as possible. Where possible such notification should be made prior to the application of such agents via the toll-free 800-number (800-424-8802).] The Coast Guard will, in turn, notify the OSC designated in the Regional Contingency Plan.

[FR Doc. 80-39703 Filed 12-22-80; 8:45 am]
BILLING CODE 6560-29-M

federal register

Tuesday
December 23, 1980

Part VII

Department of Education

College Library Resources Program (Title II-A HEA)

DEPARTMENT OF EDUCATION

34 CFR Part 773

College Library Resources Program (Title II-A HEA)

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations for the College Library Resources Program.

The regulations are being amended to reflect the statutory changes in Title II of the Higher Education Act of 1965, enacted by the Education Amendments of 1980, and to reflect program experience.

The proposed regulations establish an alternative method of satisfying the maintenance of effort requirement, amend the waiver provision, and add a new program purpose—the establishment and maintenance of networks for sharing library resources.

DATES: Comments must be received on or before January 22, 1981.

ADDRESSES: Comments should be addressed to Frank A. Stevens, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3622, ROB-3, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Frank A. Stevens (202) 245-9530.

SUPPLEMENTARY INFORMATION: The College Library Resources Program has provided institutions of higher education and private and nonprofit library institutions with funds to assist in the development of their library collections. In recent years the College Library Resources Program has awarded approximately 2,600 grants annually.

The changes proposed in these regulations are based on the Education Amendments of 1980, Pub. L. 96-374, and experience gained through the administration of the program.

Significant changes include:

(a) Revising the maintenance of effort requirement to allow computation on either a total expenditure or expenditure per full-time equivalent student basis;

(b) Revising the maintenance of effort requirement so that it includes only expenditures for materials;

(c) Permitting a waiver of the maintenance of effort requirement only in the case of very unusual circumstances, and

(d) Adding a new purpose for Title II-A grants—to include the establishment and maintenance of networks for sharing library resources.

These regulations will be codified in Title 34 of the Code of Federal Regulations along with other Department of Education Programs.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding the proposed regulations. The Department particularly requests comments on whether the proposed regulations in this document would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before the 30th day after publication of this document will be considered in the development of the final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3622, ROB-3, 7th and D Streets, SW., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance No. 84.005, College Library Resources. Part I of OMB Circular A-95 does not apply to this program)

(20 U.S.C. 1021, 1029)

Dated: December 19, 1980.

Shirley M. Hufstedler,

Secretary of Education.

The Secretary proposes to amend Park 773 of 34 CFR to read as follows:

PART 773—COLLEGE LIBRARY RESOURCES PROGRAM

Subpart A—General

Sec.
773.1 College Library Resources Program.
773.2 Eligible applicants.
773.3 Eligibility limitations.
773.4 Regulations that apply to the College Library Resources Program.
773.5 Definitions that apply to the College Library Resources Program.

Subpart B—Kinds of Projects the Department of Education Assists Under This Program

773.10 Authorized activities.
773.11 Project duration.

Subpart C—How to Apply for a Grant

773.20 Limitations on number of applications.
773.21 Application requirements.

Subpart D—How a Grant Is Made

773.30 How the Secretary judges applications.

Subpart E—Conditions That Must Be Met by Grantee

773.40 Fiscal requirements.
773.41 Waiver of maintenance of effort.
773.42 Amount of grant.
773.43 Coordination with other groups.

Authority: Part A of Title II of the Higher Education Act of 1965, as amended by the Education Amendments of 1980, 94 Stat. 1383 (20 U.S.C. 1021).

Subpart A—General

§ 773.1 College Library Resources Program.

The purpose of the College Library Resources Program is to assist institutions of higher education and other public and private nonprofit library institutions to improve the quality of their labrary resources, including law library resources, and to share their library resources through the establishment and maintenance of networks.

(Sec. 201, 211 of the Act; 20 U.S.C. 1021, 1029)

§ 773.2 Eligible applicants.

An application may be submitted by:

(a) An institution of higher education;

(b) A branch of an institution of higher education;

(c) A combination of institutions of higher education;

(d) A public or private nonprofit library institution.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.3 Eligibility limitations.

(a) A departmental library or a professional school within an institution of higher education may not apply separately as a branch.

(b) A grantee under Section 231 of the Act is ineligible to receive a grant under this part for the same fiscal year.

(Sec. 211, 231 of the Act; 20 U.S.C. 1029, 1041)

§ 773.4 Regulations that apply to the College Library Resources Program.

The following regulations apply to the College Library Resources Program:

(a) The Education Division General Administrative Regulations (EDGAR) in 34 CFR 75 and 34 CFR 77. (General); and

(b) The regulations in this Part 773.

(20 U.S.C. 3474)

§ 773.5 Definitions that apply to the College Library Resources Program.

(a) Definitions in EDGAR. The following terms used in this Part are defined in 34 CFR 77.

Applicant	Award
Application	Department

Fiscal Year	Private
Grant	Public
Grant Period	Secretary
Nonprofit	

(b) Definitions that apply to this Part. The following definitions apply to this Part:

"Act" means the Higher Education Act of 1965, as amended by the Education Amendments of 1980.

"Acquisition of books and other library materials" means the purchase, lease-purchase, or straight lease of books and other materials such as periodicals, documents, magnetic tapes, phonograph records, and audio-visual materials. It includes the necessary costs of ordering, processing, and cataloguing books and other materials, including necessary first binding and delivery to their initial place of use.

"Branch" means a campus of an institution of higher education that is—

(1) Located in a community in the United States different from that of the parent institution;

(2) Not within a reasonable commuting distance from the main campus; and

(3) Offering college level programs for which library facilities, services and materials are necessary.

"Combination of Institutions of Higher Education" means—institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective. It includes a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

"Expenditures for total library purposes" means expenditures for the maintenance and operation of libraries, including salaries, wages, supplies, materials, and equipment. It does not include expenditures for construction, the acquisition, expansion or improvement of buildings, site acquisition, or other related capital expenditures.

"Institution of higher education" means an educational institution in any State which—

(1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(2) Is legally authorized within such State to provide a program of education beyond secondary education;

(3) Provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;

(4) Is a public or other nonprofit institution, and

(5) Is accredited by a nationally recognized accrediting agency or association or, if not so accredited;

(i) Is an institution with respect to which the Secretary has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time; or

(ii) Is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (a), (b), (d), and (e).

For purposes of this definition, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which the Secretary determines to be reliable authority as to the quality of training offered. This term also includes a public or nonprofit private educational institution in any State which, in lieu of the requirement in clause (a), admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution.

"Library institution" means an institution which is not part of an institution of higher education, and whose primary function is to provide library and information services to institutions of higher education on a formal cooperative basis. An institution meets this requirement if—

(1) It demonstrates that it provides over 50% of its library and information services to students, faculty, or other researchers at an institution of higher education.

(2) It provides these services on a cooperative basis under a formal written agreement with one or more institutions of higher education.

"Library material expenditures" means expenditures for books, periodicals, documents, magnetic tapes, phonograph records, audio-visual materials, cataloging materials, and other printed and published materials which are suitable for inclusion in the library resources and law library resources of institutions of higher education and other eligible library institutions and which (with the exception of periodicals and newspapers) with reasonable care and use may be expected to last for more than one year. It includes expenditures for the necessary first binding of such printed and published materials, but not the acquisition of equipment or supplies.

"Network" means a cooperative organization formed to share library resources and to provide services (such as computer services and telecommunications) to its members. Its members may include institutions of higher education and public or private nonprofit library institutions.

"Resource Development Grant" means a grant made pursuant to section 211 of the Act.

"School or department of divinity" means an institution of higher education or a department or a branch of such an institution whose program is specifically for the education of students to prepare them to:

(1) Become ministers of religion;

(2) Enter upon some other religious vocation; or

(3) Prepare them to teach theological subjects.

"State Agency" means the State agency designated under Section 1203 of the Act.

(20 U.S.C. 3474)

Subpart B—Kinds of Projects the Department of Education Assists Under This Program

§ 773.10 Authorized activities.

(a) Funds awarded under this Part may be used only—

(1) For the acquisition of books and other library materials;

(2) To support the activities of a network, including, but not limited to, computer time, network membership and user fees;

(3) Or both.

(b) Funds awarded under this Part may not be used—

(1) To acquire library materials to be used primarily in connection with any medical library or similar facility which receives assistance for expanding or improving medical library resources under the Medical Library Assistance Act of 1965, as amended, in the same fiscal year;

(2) To acquire books, periodicals, documents or other related materials to be used for sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.11 Project duration.

The Secretary awards resource development grants under this part for the fiscal year following the fiscal year in which assistance is sought.

(Sec. 211 of the Act; 20 U.S.C. 1029)

Subpart C—How To Apply For a Grant

§ 773.20 Limitations on number of applications.

An applicant may submit no more than one application in a fiscal year.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.21 Application requirements.

(a) An applicant must demonstrate, on the application from furnished by the Secretary, that the proposed project meets the requirements of the Act and all applicable regulations.

(b) An applicant must provide the information about itself and its library resources requested in the application.

(20 U.S.C. 3474)

Subpart D—How a Grant Is Made

§ 773.30 How the Secretary judges applications.

The Secretary awards a grant to each eligible applicant that demonstrates its compliance with the Act and these regulations.

(Sec. 211 of the Act; 20 U.S.C. 1029)

Subpart E—Conditions That Must Be Met by a Grantee

§ 773.40 Fiscal requirements.

Each application must contain an assurance that the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part), for all library materials expenditures, an amount that equals or exceeds either:

(a) The average annual aggregate amount it expended for such materials during the two fiscal years preceding the fiscal year for which assistance is being sought; or

(b) The average amount per full-time equivalent student it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is being sought. For the purposes of this section, the number of full-time equivalent students means the sum of the number of students enrolled full time at an institution, plus the full-time equivalent of the number of students enrolled part time (determined by dividing the sum of the credit hours of all part-time students by twelve) at the institution.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.41 Waiver of maintenance of effort.

(a) If the applicant requests a waiver of the maintenance of effort requirement, it shall provide in its application a detailed description of the circumstances that the applicant believes justifies the request.

(b) If the Secretary determines that there are very unusual circumstances which prevent the applicant from making the assurance required in § 773.40, the Secretary may waive the maintenance of effort requirement.

(c) A waiver of the maintenance of effort requirement may be granted for very unusual circumstances that either temporarily reduce the level of library material expenditures and expenditures for total library purposes or result in unusually high library material expenditures and expenditures for total library purposes. Very unusual circumstances include:

(1) Theft, vandalism, fire, flood, earthquake, or other exceptional and unforeseen occurrences;

(2) The establishment of a basic program of library service in the first five years of institutional operation;

(3) Sudden and substantial increases in enrollment; or

(4) Sudden and substantial increases in activities (e.g., library materials expenditures) due to an unusual, one-time receipt of funds.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.42 Amount of grant.

(a) The amount of a resource development grant, for any fiscal year, may not exceed $10,000.

(b) The amount of a resource development grant is determined annually by dividing the amount of available funds by the number of applicants.

(c) In the case of an application from a combination of institutions of higher education, the combination may apply for:

(1) Its own grant and

(2) If its members do not apply on their own behalf, a grant on behalf of each of its members.

For example, combination A is composed of three institutions of higher education, X, Y, and Z. The combination A may apply for one resource development grant for itself, and it may apply for separate grants on behalf of X, Y, and Z. However, X, Y, and Z may not apply separately if the combination A applies on their behalf.

(Sec. 211 of the Act; 20 U.S.C. 1029)

§ 773.43 Coordination with other groups.

Grantees under this part shall annually inform the State agency designated pursuant to section 1203 of the Act of its project activities.

(Sec. 202 of the Act; 20 U.S.C. 1022)

[FR Doc. 80-40089 Filed 12-23-80; 8:45 am]

BILLING CODE 4000-01-M

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Vol. 45, No. 248
Tuesday, December 23, 1980

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of Rules Going Into Effect Today.

List of Public Laws

Last Listing December 23, 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. 1972 / Pub. L. 96-549 To authorize the Secretary of the Interior to reimburse certain purchasers of subleases from, and creditors of, the Sangre de Cristo Development Company, Incorporated, and for other purposes (Dec. 18, 1980; 94 Stat. 3219) Price $1.

H.R. 8198 / Pub. L. 96-550 To designate certain National Forest System lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes (Dec. 19, 1980; 94 Stat. 3221) Price $1.25.

H.R. 8235 / Pub. L. 96-551 To grant the conset of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created (Dec. 19, 1980; 94 Stat. 3233) Price $1.50

H.R. 3351 / Pub. L. 96-552 To amend chapter 55 of title 10, United States Code, to authorize dependents of members of the uniformed services serving on active duty to use CHAMPUS inpatient cost-sharing rates for certain surgery performed on an outpatient basis (Dec. 19, 1980; 94 Stat. 3254) Price $1.

S. 2318 / Pub. L. 96-553 To revise the boundary of Crater Lake National Park in the State of Oregon, and for other purposes (Dec. 19, 1980; 94 Stat. 3255) Price $1.

S. 1996 / Pub. L. 96-554 Wood Residue Utilization Act of 1980 (Dec. 19, 1980; 94 Stat. 3257) Price $1.

H.R. 5182 / Pub. L. 96-555 To amend the Chesapeake and Ohio Canal Development Act to change the termination date of the Chesapeake and Ohio Canal National Historical Park Commission from the date ten years after the effective date of such Act to the date twenty years after such effective date (Dec. 19, 1980; 94 Stat. 3260) Price $1.

H.J. Res. 570 / Pub. L. 96-556 To provide for a temporary increase in the public debt limit. (Dec. 19, 1980; 94 Stat. 3261) Price $1.

H.R. 7147 / Pub. L. 96-557 To provide that certain land of the United States shall be held by the United States in trust for certain communities of the Mdewakanton Sioux in Minnesota. (Dec. 19, 1980; 94 Stat. 3262) Price $1.

S. 2069 / Pub. L. 96-558 To authorize the Architect of the Capitol to contract for personal services with individuals, firms, partnerships, corporations, associations, and other legal entities. (Dec. 19, 1980; 94 Stat. 3263) Price $1.