11-12-80
Vol. 45 No. 220
Pages 74693-74894

federal register

Wednesday
November 12, 1980

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

74854 **Food Relief Programs** USDA/FNS sets forth requirements for types and quantities of foods provided under the Special Supplemental Food Program for Women, Infants and Children; effective 11-12-80 (Part V of this issue)

74777 **Grant Programs—Health** HHS/PHS/HRA announces that grants for Predoctoral Training in Family Medicine are now being accepted; apply by 11-21-80

74716 **Income Taxes** Treasury/IRS provides final rules defining term "reasonable actuarial method of valuation" for purposes of applying minimum funding standards for pension plans

74778 **Grant Programs—Health** HHS/PHS/HRA announces that grants for Physician Assistant Training Programs are now being accepted; apply by 12-8-80

74721 **Taxes** Treasury/IRS issues final rule relating to minimum participation standards for qualified retirement plans

CONTINUED INSIDE

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.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The Federal Register will be furnished by mail to subscribers, free of postage, for $75.00 per year, or $45.00 for six months, payable in advance. The charge for individual copies is $1.00 for each issue, or $1.00 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the Federal Register.

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.

Highlights

74778 **Grant Programs—Dental Health** HHS/PHS/HRA announces that grants are being accepted for Expanded Function Dental Auxiliary Training; apply by 11–28–80

74826 **Medicare** HHS/HCFA modifies current medicare regulations dealing with hospitals accredited by Joint Commission on Accreditation of Hospitals and the American Osteopathic Association (Part II of this issue)

74779 **Grant Programs—Dental Health** HHS/PHS/HRA announces that grants for Residency Training in the General Practice of Dentistry are now being accepted; apply by 12–12–80

74725 **Food Stamps** USDA/FNS proposes rule which further tightens criteria for authorizing wholesalers to accept and redeem food stamps; comments by 1–12–80

74846 **Air Pollution Control** EPA finalizes standards of performance for ammonium sulfate manufacturing plants; effective 11–12–80 (Part IV of this issue)

74836 **Blind** Committee for Purchase from the Blind and Other Severely Handicapped publishes Procurement List 1981 (Part III of this issue)

74693 **Nuclear Energy** NRC issues rules regarding licensing requirements for storage of spent fuel; effective 11–28–80

74884, 74893 **Environmental Protection** EPA finalizes listings of eighty hazardous wastes and proposes amendments; effective 11–19–80; comments by 1–12–81 (2 documents) (Part VII of this issue)

74728 **Surface Mining** Interior/SMO issues proposed rule regarding surface coal mining operations on Federal lands in Montana under the permanent regulatory program; comments by 12–17–80; hearing on 12–10–80

74742, 74743 **Leather and leather products** Commerce/ITA announces initiation of countervailing duty investigation concerning leather wearing apparel from Colombia, Mexico, and Uruguay; effective 11–12–80

74804 **Sunshine Act Meetings**

Separate Parts of This Issue

74826 **Part II HHS/HCFA**
74836 **Part III, Commitee for Purchase from the Blind and Other Severely Handicapped**
74846 **Part IV, EPA**
74854 **Part V, USDA/FNS**
74880 **Part VI, Interior/FWS**
74884 **Part VII, EPA**

Contents

Federal Register
Vol. 45, No. 220
Wednesday, November 12, 1980

Agricultural Marketing Service
PROPOSED RULES
Milk marketing orders:
74726 Inland Empire

Agriculture Department
See Agricultural Marketing Service; Food and Nutrition Service; Forest Service.

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings, advisory committees:
74776 December

Army Department
See also Engineers Corps.
NOTICES
Meetings:
74747 ROTC Affairs Advisory Panel

Blind and Other Severely Handicapped, Committee For Purchase From
NOTICES
74836 Procurement list, 1981, establishment

Bonneville Power Administration
NOTICES
Environmental statements; availability, etc.:
74748 Boardman coal-fired generating plant, Oreg.

Civil Aeronautics Board
NOTICES
Hearings, etc.:
74739 Airline Scheduling Committee agreements allocating take-off and landing slots at Washington National Airport
74741 Chicago-Texas/Midwest show cause proceeding
74740 Competitive marketing of air transportation; blanket exemptions
74741 Pan American World Airways, Inc., et al.
74742 Sun Pacific Airlines, fitness investigation
74741 Twin Falls-Boise/Pocatello/Salt Lake City Subpart Q proceeding

Civil Rights Commission
NOTICES
74804 Meetings; Sunshine Act

Commerce Department
See International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration; National Technical Information Service.

Conservation and Solar Energy Office
RULES
Residential conservation service program:
74712 Labeling, warranty, listing requirements and material standards; briefing

Consumer Product Safety Commission
NOTICES
Complaints issued:
74746 Don's Carpet Barn, Inc., et al.

Defense Department
See Army Department; Engineers Corps.

Drug Enforcement Administration
RULES
Importation and exportation of controlled substances:
74715 Address change for filing import and export documents
NOTICES
Registration applications, etc.; controlled substances:
74795 Micci, David Frank, M.D.; correction

Economic Regulatory Administration
NOTICES
Environmental statements; availability, etc.:
74749 Mt. Tom generating station unit 1, Holyoke, Mass.
Motor gasoline; multiple allocation fractions; applications, etc.:
74752 Tesoro Petroleum Corp.
Natural gas; fuel oil displacement certification applications:
74750 Phelps Dodge Corp.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
74751 Southern Indiana Gas & Electric Co.

Employment and Training Administration
NOTICES
Unemployment Tax Act; State certifications:
74796 Alabama and Nevada
74796 California et al.

Energy Department
See also Bonneville Power Administration; Conservation and Solar Energy Office; Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
Meetings:
74748 Electric Field Effects for Overhead Transmission Lines

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
74747 Avatar Properties, Inc., Orlando, Fla.; residential development
74748 Norfork Dam, North Fork River, Ark.; hydroelectric power generating capacity

Environmental Protection Agency
RULES
Air pollution; standards of performance for new stationary sources:
74846 Ammonium sulfate manufacturing

Hazardous waste:
74884 Identification and listing; final and interim rules
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
74737 Georgia
Hazardous waste:
74893 Identification and listing; sludges from petroleum refining industry
Hazardous waste programs, State; interim authorizations:
74737 Iowa, hearing, etc.; extension of time
NOTICES
Meetings:
74772 Science Advisory Board
Pesticide registration, cancellation, etc.:
74773 Rattex
Pesticides; experimental use permit applications:
74773 Zoecon Industries
Pesticides, temporary tolerances:
74773 Upjohn Co. et al.; correction

Environmental Quality Council
NOTICES
74804 Meetings; Sunshine Act

Federal Energy Regulatory Commission
RULES
Electric utilities:
74715 Annual reports (Form No. 1, class A and B); filing date suspended
NOTICES
Hearings, etc.:
74754 Blachly-Lane County Cooperative Electric Association
74755 Central Illinois Public Service Co.
74755 Central Vermont Public Service Corp.
74756 Georgia Power Co.
74756 Humboldt Bay Municipal Water District
74757, 74758 Hydro Corp. of Pennsylvania (2 documents)
74758 Hydroelectric Constructors, Inc.
74759 Keating, Joseph M.
74760 Louisville Gas & Electric Co.
74760 Massachusetts Municipal Wholesale Electric Co.
74761 Michigan Consolidated Gas Co. et al.
74761 Muskegon County Wastewater Management System
74762 National Fuel Gas Supply Corp.
74762, 74763 New England Power Co. (3 documents)
74763 Noah Corp. and Covington, Va., et al.
74764 Placer County Water Agency
74764 Puget Sound Power & Light Co.
74765 Southern California Edison Co.
74766 Southern Co. Services, Inc.
74766 Tennessee Gas Pipeline Co.
74771 Water Power Development Corp. (2 documents)
Natural Gas Policy Act of 1978:
74766 Transportation certificates for natural gas displacement of fuel oil

Federal Home Loan Bank Board
NOTICES
Applications, etc.:
74774 American Federal Savings & Loan Association
74775 Bell County Savings & Loan Association
74774 First Federal Savings & Loan Association of Chickasha
74774 First Federal Savings & Loan Association of Madison
74774 First Federal Savings & Loan Association of Pitt County
74775 Home Federal Savings & Loan Association
74775 Security Federal Savings & Loan Association of Richmond

Federal Reserve System
NOTICES
Applications, etc.:
74775 Bank of New York International, Inc.
74775 Bank shares, Inc.
74775 Blythedale Bancshares, Inc.
74776 Lawrence County Bancshares, Inc.

Federal Trade Commission
RULES
Prohibited trade practices:
74712 Atlantic Richfield Co.
74713 Benton & Bowles, Inc.
74714 Ford Motor Co.
74714 Smithkline Corp.

Fish and Wildlife Service
RULES
Endangered and threatened species:
74880 Manatee

Food and Nutrition Service
RULES
Child nutrition programs:
74854 Women, infants and children; supplemental food program
PROPOSED RULES
Food stamp program:
74725 Wholesalers; authorization criteria

Forest Service
NOTICES
Meetings:
74739 Gospel-Hump Advisory Committee
74739 Lincoln National Forest Grazing Advisory Board

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

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration; Health Care Financing Administration; Health Resources Administration; Human Development Services Office; Public Health Service

Health Care Financing Administration
RULES
Medicare:
74826 Hospitals; validation of accreditation surveys

Health Resources Administration
NOTICES
Grants; availability, etc.:
74778 Dental auxiliary training; expanded function
74779 Dentistry practice, residency
74778 Physician assistant training programs
74777 Predoctoral training in family medicine

Heritage Conservation and Recreation Service
NOTICES
Historic Places National Register; additions, deletions, etc.:
74779 Alabama et al.

Human Development Services Office
NOTICES
Meetings:
74776 White House Conference on Aging National Advisory Committee
74776, 74777 White House Conference on Aging Technical Committee (2 documents)

Interior Department
See Fish and Wildlife Service; Heritage Conservation and Recreation Service; Land Management Bureau; Surface Mining Reclamation and Enforcement Office.

Internal Revenue Service
RULES
Income taxes:
74716 Pension plans; minimum funding standards, asset valuation
74721 Retirement plans; minimum participation standards

International Communication Agency
NOTICES
Meetings:
74781 Public Diplomacy, U.S. Advisory Commission

International Trade Administration
NOTICES
Countervailing duty petitions and preliminary determinations:
74742 Leather wearing apparel from Colombia
74743 Leather wearing apparel from Mexico
74743 Leather wearing apparel from Uruguay

Interstate Commerce Commission
RULES
Railroad car service orders; various companies:
74723 Burlington Northern, Inc.
NOTICES
74782 Hearing assignments
Motor carriers:
74785 Finance applications
74786, 74788 Permanent authority applications (2 documents)
74795 Permanent authority applications; corrections (2 documents)
74795 Temporary authority applications; corrections (3 documents)
74789, 74792 Petitions, applications, finance matters (including temporary authorities), alternate route deviations, intrastate applications, gateways, and pack and crate (2 documents)
Reports:
74781 Quarterly freight loss and damage claim data (Form QL&D-R&M); annual filing

Justice Department
See Drug Enforcement Administraton.

Labor Department
See Employment and Training Administration; Pension and Welfare Benefit Programs Office

Land Management Bureau
RULES
Public land orders:
74722 Arizona et al.
NOTICES
Wilderness areas; characteristics, inventories; etc.:
74779 Oregon; correction

Legal Services Corporation
NOTICES
74804 Meetings; Sunshine Act

Metric Board
NOTICES
74704 Meetings; Sunshine Act

National Aeronautics and Space Administration
NOTICES
Meetings:
74797 Advisory Council
74797 Aeronautics Advisory Committee
74798 Space Science Steering Committee

National Bureau of Standards
NOTICES
Information processing standards, Federal:
74744 FORTRAN; correction

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
74744 New England Fishery Management Council

National Technical Information Service
NOTICES
74745 Inventions, Government-owned; availability for licensing

Nuclear Regulatory Commission
RULES
74693 Independent spent fuel storage installations; licensing requirements
NOTICES
74804 Meetings; Sunshine Act

Pension and Welfare Benefit Programs Office
PROPOSED RULES
Employee benefit plans, etc.:
74728 Individual benefit reporting and recordkeeping for single employer plans; hearing; republication
74727 Mutliple employer plans, individual benefit reporting and recordkeeping; hearing; republication

Postal Service
NOTICES
74798 Presorting Service Bureau Directory; intent to publish

Public Health Service
NOTICES
Technology evaluation:
74777 B-scan ultrasound for diagnosis of peripheral vascular disease

74777 Stereotaxic depth electrode implantation for localization of epileptic focus, etc.

Railroad Retirement Board
NOTICES
74798 Supplemental annuity program; determination of quarterly rate of excise tax

Securities and Exchange Commission
NOTICES
Hearings, etc.:
74799 Columbia Gas System, Inc., et al.
74799 1st Real Property Securities Fund
74800 Gradison Cash Reserves, Inc.
Self-regulatory organizations; proposed rule changes:
74798 American Stock Exchange, Inc.
74798 Midwest Stock Exchange, Inc.

Small Business Administration
NOTICES
Disaster areas:
74802 Alabama
74802 Mississippi
Meetings:
74803 Small and Minority Business Ownership Advisory Committee

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission; various States:
74728 Montana

Treasury Department
See Internal Revenue Service.

MEETINGS ANNOUNCED IN THIS ISSUE

AGRICULTURE DEPARTMENT
Forest Service—
74739 Gospel-Hump Advisory Committee, Grangeville, Idaho, 12–9–80
74739 Lincoln National Forest Grazing Advisory Board, Alamogordo, N. Mex., 12–9–80

CIVIL AERONAUTICS BOARD
74742 Sun Pacific Airlines Fitness Investigation, Washington, D.C., 11–20–80

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
74744 New England Fishery Management Council, Danvers, Mass., 12–3 and 12–4–80

DEFENSE DEPARTMENT
Army Department—
74747 Army Advisory Panel on ROTC Affairs, Washington, D.C., 12–2–80

ENERGY DEPARTMENT
74748 Electric Field Effects from Overhead Transmission Lines, Washington, D.C., 11–18 and 11–19–80
Conservation and Solar Energy Office—
74712 Residential conservation service program briefing, Washington, D.C., 11–20–80
Economic Regulatory Administration—
74749 Intent to prepare Environmental Impact Statement public scoping meeting, Holyoke, Mass., 12–4–80

ENVIRONMENTAL PROTECTION AGENCY
74772 Toxic Substances Subcommittee of the Science Advisory Board, Washington, D.C., 12–2 and 12–3–80

HEALTH AND HUMAN SERVICES DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
74776 National Advisory Mental Health Council, Rockville, Md., 12–1 and 12–2–80
Human Development Services Office—
74776 White House Conference on Aging, National Advisory Committee, Bethesda, Md., 11–19 and 11–20–80
74777 Technical Committee on Health Maintenance and Health Promotion, Washington, D.C., 12–8 and 12–9–80
74776 Technical Committee on the Social and Health Aspects of Long Term Care, Washington, D.C., 12–7 and 12–8–80

INTERNATIONAL COMMUNICATION AGENCY
74781 United States Advisory Commission on Public Diplomacy, Washington, D.C., 11–19–80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
74797 Aviation Safety Reporting System Subcommittee, Moffett Field, Calif., 12–2 and 12–3–80
74797 Materials and Structures Informal Advisory Subcommittee, Hampton, Va., 12–2 and 12–3–80

SMALL BUSINESS ADMINISTRATION
74803 Presidential Advisory Committee on Small and Minority Business Ownership, Las Vegas, Nev., 12–5–80

CANCELLED MEETINGS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
74798 Physical Science Spacelab and LDEF Ad Hoc Advisory Subcommittee of the Space Science Steering Committee, Greenbelt, Md., 11–17 through 11–19–80

HEARINGS

ENVIRONMENTAL PROTECTION AGENCY
74737 Iowa Application for Interim Authorization, Phase I, Hazardous Waste Management Program, 12–4–80 rescheduled for 12–16–80

INTERIOR DEPARTMENT
Surface Mining Office—
74728 Surface coal mining operations of Federal lands in Montana, 12–10–80

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
246.....74854
Proposed Rules:
271.....74725
278.....74725
1133.....74726

10 CFR
72.....74693
456.....74712

16 CFR
13 (4 documents).....74712–74714

18 CFR
141.....74715

21 CFR
1312.....74715

26 CFR
1 (2 documents).....74716, 74721

29 CFR
Proposed Rules:
2520 (2 documents).....74727, 74728
2530 (2 documents).....74727, 74728

30 CFR
Proposed Rules:
950.....74728

40 CFR
60.....74846
261.....74884
Proposed Rules:
52.....74737
123.....74737
261.....74893

42 CFR
405.....74826

43 CFR
Public Land Orders:
5774.....74722

49 CFR
1033.....74723

50 CFR
17.....74880

Rules and Regulations

Federal Register
Vol. 45, No. 220
Wednesday, November 12, 1980

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

Licensing Requirements for the Storage of Spent Fuel in an Independent Fuel Spent Storage Installation

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is adding a new Part to its regulations to cover the specific licensing requirements for the storage of spent fuel in an independent spent fuel storage installation (ISFSI). Such activities are currently licensed under the Commission's general regulation for the Domestic Licensing of Special Nuclear Material, 10 CFR Part 70. Experience with licensing actions under this regulation demonstrated the need for a more definitive regulation to cover spent fuel storage in an ISFSI. This new Part was developed to meet this need.

DATES: Effective date: November 28, 1980.

Note.—The NRC did not submit this rule to the Comptroller General for a review of its reporting and recordkeeping requirements because the projected number of licensees involved, fewer than 10, makes it exempt from the Federal Reports Act, as amended, 44 USC 3512.

FOR FURTHER INFORMATION CONTACT: Dennis W. Reisenweaver, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5910.

SUPPLEMENTARY INFORMATION: On October 6, 1978, the NRC published in the Federal Register (43 FR 46309) a notice of proposed rulemaking covering the storage of spent fuel in an independent spent fuel storage installation (ISFSI). In addition, copies of the proposed rule with a request for comments were sent to individuals, organizations, and government agencies thought to be potentially interested in this subject.

Seventy letters, containing more than 600 individual comments, were received in response to this request. Individual letters were submitted on behalf of several contributors. In addition, comments were received from interested NRC staff members. The comments covered generic subjects in addition to ones addressed to specific sections of the draft rule. After a careful consideration of all of the comments received, the Commission has adopted 10 CFR Part 72 in effective form. Major issues contained in these comments and resulting changes in the rule are discussed below. The detailed responses to individual comments are documented in NUREG–0587, "Analyses of Comments on 10 CFR Part 72." Copies of this report are available from the Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issues Addressed in Public Comments

1. *Need for a Rule at This Time.* Fifty commenters showed a broad recognition of the need for the proposed rule at this time and endorsed this action by the NRC, although exceptions were taken to some of the specific requirements. Twelve commenters were opposed to this rule and its promulgation at this time. For example, some of these commenters expressed a concern that the promulgation of a rule covering spent fuel storage would decrease pressures on both industry and government to solve the radioactive waste problem. Others advocated a halt to the generation of spent fuel, i.e., shut down nuclear power plants until the waste problem is solved.

Following the President's deferral of reprocessing of spent fuel in April 1977 came the general recognition that, regardless of future developments, spent fuel would have to be stored for a number of years prior to its ultimate disposition, and that the storage of spent fuel in an ISFSI would be a likely additional new step in the nuclear fuel cycle. The NRC expects a number of license applications covering this activity in the near future. Part 72 establishes specific regulatory requirements for this activity.

It is the judgment of the Commission that the promulgation of Part 72, which is designed to codify certain existing regulatory practices and better define licensing requirements covering the storage of spent fuel in an ISFSI, is consistent with the NRC objective of having applicable regulations in place to meet anticipated needs.

2. *Purpose and Scope of Part 72.* In the opinion of those commenters who consider spent fuel to be a high-level waste, the licensing of sent fuel storage is the de facto licensing of the temporary storage of high-level wastes. Others commented that Part 72 could be expanded to cover the temporary storage of high-level wastes in a facility like an ISFSI to allow further radioactive decay prior to placement in a repository.

Part 72 is limited in scope to the temporary storage (up to 20 years with renewal at the option of the Commission) of spent fuel (and radioactive materials associated with spent fuel storage) in facilities designed specifically for this purpose. The purpose of Part 72 is to prescribe the regulatory requirements for this activity.

The Commission has stated that spent fuel from power reactors is high-level waste for the purposes of Section 202(3) of the Energy Reorganization Act.[1] Thus an ISFSI that is operated by the Department of Energy must be licensed by NRC.

3. *De Facto Support of Nuclear Power.* Some commenters interpreted the promulgation of Part 72 as de facto support by the Commission of the continuing production of electricity by nuclear power (and its resultant waste generation) without a national waste management policy. The Commission's intent in promulgating Part 72 is simply to have applicable regulations in place for the protection of the health and safety of the public and of the environment if applications are received for the storage of spent fuel in an ISFSI. The Commission's position on the subject of waste management was addressed in the Federal Register notice on 10 CFR Part 51, published on August 2, 1979 (44 FR 45362) promulgating a final rule which sets out in Table S–3, Table of Uranium Fuel Cycle Environmental Data, revised environmental impact values for the

[1] Statement of Dr. Joseph R. Hendrie, then Chairman of the U.S Nuclear Regulatory Commission before the Committee on Energy and Natural Resources. U.S. Senate. May 10, 1979.

uranium fuel cycle including waste disposal and the notice of proposed rulemaking on 10 CFR Parts 50 and 51, "Storage and Disposal of Nuclear Wastes," published on October 25, 1979 (44 FR 61372).

4. *Adequacy of Technology Base.* A number of commenters questioned the adequacy and availability of the technology base for the development of a rule covering extended spent fuel storage. In fact, there is a very broad technology base for both wet and dry modes of spent fuel storage for the contemplated lifetime of an ISFSI.

Water basins are simple structures that have been used since the mid-1940s for the handling, transfer and storage of spent fuel and other highly radioactive sources such as ^{60}Co and for the shielding of research reactors, initially at government plants and later at commercial reactors. The engineering practices and procedures involved in their design and construction are well established. The operation of a water basin is also straightforward, the water chemistry is well established, and the maintenance of high quality basin water is readily achievable. These water conditions are essentially non-corrosive to both the materials involved in the basin itself and the components of spent fuel assemblies from commercial light water reactors. Both experience and theoretical analyses of basin storage conditions indicate that spent fuel can be stored underwater for several decades without serious degradation.

Although dry storage has not been used for commercial light water reactor (LWR) fuels, dry storage has been used for a number of years for other types of spent fuels and other highly radioactive materials, particularly at the Idaho Nuclear Engineering Laboratory. Dry storage is used for spent MAGNOX fuels at the Wylfa Power Station in Wales. Canada is developing dry storage for CANDU reactor fuels, and the U.S. Department of Energy (DOE) is evaluating the storage of high burnup LWR fuels both in concrete and steel canisters similar to the Canadian design and in near-surface dry well storage at the Nevada Test Site.

5. *Is Spent Fuel Storage a Low Risk Operation?* Some commenters questioned whether the extended storage of spent fuel is a low risk operation as stated in the preamble to the proposed rule.

Radiological risks to the public result from a release of radioactive materials and their dispersal to the environment. Once in place, spent fuel storage is a static operation and during normal operations the conditions required for the release and dispersal of significant quantities of radioactive materials are not present. There are no high temperatures or pressures present during normal operations or under design basis accident conditions to cause the release and dispersal of radioactive materials. This is primarily due to the low heat generation rate of spent fuel with more than the one year of decay before storage in an ISFSI required by the rule and with the low inventory of volatile radioactive materials readily available for release to the environs.

However, it is essential to maintain safe storage conditions. For water basins, this means that the pool structure, storage racks and possibly other items such as crane tiedowns, must be designed to withstand the maximum potential natural phenomena, including earthquakes, to which the ISFSI may be exposed. For this reason, the rule stresses the selection of sound sites and designing for the most severe natural phenomena reported for the site and surrounding area. The same considerations are applicable to ISFSI designs other than water basins.

6. *Coverage of Dry Storage and Existing Facilities.* A number of commenters suggested that the purpose and scope be written in more definitive language and specifically to cover dry storage and other radioactive materials associated with spent fuel, recognizing that this was intended in the proposed rule. The wording was changed for improved clarity in response to these suggestions. In addition, paragraph 72.2(c) was added to the scope to clarify the fact that this rule covers both wet and dry storage. Other appropriate changes were made in the body of the rule to further clarify this point.

7. *Types of Fuel Covered and Decay versus Fuel Characteristics.* Comments were received suggesting that the rule be broadened to cover other than LWR spent fuel, e.g., CANDU reactor fuel that might be received from abroad. In response, the definition of spent fuel was broadened to cover all types of power reactor fuels. An ISFSI would have to be designed to accommodate the types of spent fuel to be stored, and any restrictions on fuel types would be a subject of license conditions.

Some commenters questioned the one-year decay stipulation, preferring that this requirement be expressed in terms of specific power, burnup, or other pertinent fuel characteristics. In practice, specific power is important only for freshly discharged fuel as the power level prior to shutdown is the controlling factor for the concentration of short-lived radionuclides present in spent fuel. The long-lived radionuclides present in spent fuel are proportional to burnup; but within the limits of expected burnups, this is not a significant factor for spent fuel aged more than one year.

The one-year decay stipulation has been retained as this is a basis for the requirements of Part 72, i.e., the presumption is made that no short-lived radionuclides are present and the levels of volatile radioactive materials are very substantially reduced.

Inasmuch as the definition of spent fuel eligible for storage in an ISFSI [Section 72.3(v)] specifies that the fuel must have undergone at least a year's decay since its irradiation in a power reactor, any facility for temporary storage of fuel irradiated in a power reactor which has not undergone a year's decay would be licensed under Part 50 rather than Part 72.

8. *Definition of Temporary Storage.* In response to comments, a definition of temporary storage has been added as paragraph 72.3(x). Temporary storage, in the context of Part 72, means "interim storage of spent fuel for a limited time only, pending its ultimate disposal."

9. *Material Versus Facility License.* Some confusion and misunderstanding over the differences between a Part 70 "material" license and a Part 50 "facility" license was reflected by a number of commenters. Under Part 70, a licensee is authorized to receive title to, own, acquire, deliver, receive, possess, use, and transfer special nuclear material for a stated purpose, such as fuel manufacturing, to be carried out in an approved plant complex; however, the plant itself is not licensed but its operation is regulated. Under Part 50, a licensee is authorized to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess or use a production or utilization facility, as defined by the Atomic Energy Act; the license covers the facility, not the material. The possession of fuel by a reactor licensee is covered under a Part 70 license, which is incorporated into the Part 50 license. The licensing of spent fuel storage in an ISFSI under Part 72 is a material type of license; however, Part 72 includes requirements for an ISFSI that are conditions under which a license to possess spent fuel will be issued.

10. *One License Application and One Safety Analysis Report.* For some time the NRC has endeavored to simplify its regulations and licensing activities. As spent fuel storage in an ISFSI is a simple operation, does not require a complex plant and is subject to few controversial technical issues, a one step licensing procedure requiring only one application and one SAR was adopted in Part 72. This one step licensing procedure was

the subject of a number of comments. It is believed that the rewording of the text of the rule plus the discussions of individual comments in NUREG–0587 have clarified requirements and the one application and one SAR requirement has been retained in Part 72. However, it should be recognized that locating an ISFSI on a nuclear power plant site may require an amendment to the Part 50 license to take into account possible interactions with the ISFSI.

Section 2.764 of 10 CFR Part 2 has been amended by adding a new paragraph (c) which provides that an initial decision directing the issuance under 10 CFR Part 72 of an initial license for the construction and operation of an independent spent fuel storage installation (ISFSI) shall not become effective until review by the Commission has been completed and that the Director of Nuclear Material Safety and Safeguards shall not issue such an initial license until expressly authorized to do so by the Commission. This amendment does not affect and is not intended to alter in any way the previous action of the Commission temporarily suspending the immediate effectiveness rule (10 CFR 2.764 (a) and (b)) in certain proceedings as provided in Appendix B to Part 2 (44 FR 65049 November 9, 1979.)

11. *Accident Analyses.* A number of comments addressed the subject of accident analyses, particularly an apparent inconsistency between the 24-hour inhalation/ingestion dose addressed in paragraph 72.15(a)(13) and the 2-hour direct radiation dose used as a site evaluation factor in § 72.67.

In response to those comments and upon further consideration, paragraph 72.15(a)(13) was revised to require accident analyses to cover both immediate dose and long-term dose commitment based on the duration of the postulated event rather than on an arbitrary time limit. Accident criteria to be used in site evaluation were removed from §§ 72.65 and 72.67 and placed in a new § 72.68 which addresses the criteria for establishing the controlled area for an ISFSI.

12. *Decommissioning Plan.* The requirement in Part 72 that the license application include a plan for decommissioning of the proposed ISFSI and the financial arrangements therefore were the subject of many comments. The reason for this requirement is that the decommissioning plan provides design input (see § 72.76) and the basis for the costs of decommissioning. Part 72 makes it a requirement that adequate financial arrangements to cover the cost of decommissioning should be made before a license is issued.

Although decommissioning of an ISFSI should require only the removal of surface contamination, planning for decontamination and decommissioning is an essential element of design input. The value of a decommissioning plan being developed at the license application stage is that this plan demonstrates the extent to which the proposed ISFSI has been designed for decommissioning.

The provisions for financing the ultimate decommissioning of an ISFSI were also the subject of many comments reflecting that this is a problem yet to be resolved. This should not be a serious problem as the cost of decommissioning an ISFSI that is designed for decommissioning should be small compared to these costs for some other nuclear facilities.

13. *Prequalification of Part 50 Licensees.* Some commenters, particularly utilities, suggested that Part 50 licensees should be considered to be prequalified. This suggestion was not adopted, although no serious difficulty is anticipated in the qualification of a Part 50 licensee. A Part 50 licensee must satisfy the requirement in Part 72 that an applicant have an adequately trained staff committed to the design, construction and operation of the proposed ISFSI. The storage of spent fuel in an ISFSI is a low risk operation provided the ISFSI is designed, constructed and operated in accordance with required standards. A commitment to this effect on the part of an applicant is considered important.

14. *Required Detail and Updating of the SAR.* Questions were raised on the required detail in the SAR and its updating. The single license granted under Part 72 prior to the start of construction requires considerable detail in the license application, particularly in the SAR. There must be sufficient detail to: (1) Support the findings enumerated in § 72.31 for the issuance of a license, and

(2) Serve as the bases for both the license conditions applicable to design and construction and the license conditions, including technical specifications, applicable to operations.

The wording has been changed throughout the rule to clarify this point.

Updating the SAR during the design and construction phase of the project is required. However, such updating is limited to an elaboration or modification of the information in an approved SAR. Any changes involving an unreviewed safety question require an amendment to the license. An annual updating of the SAR after the ISFSI is built is required even if no changes have been made. The annual updating will also address the significance of any changes to codes, standards, regulations, or regulatory guides which the licensee has committed to meeting that are applicable to the design, construction, or operations of the ISFSI. Changes at an ISFSI after it is built are expected to be limited to support systems with only marginal safety significance. This requirement is comparable to that of the proposed amendment to § 50.71 of 10 CFR Part 50, commonly referred to as the "FSAR Update Rule."

15. *Content of Environmental Reports.* The content of the environmental report required by § 72.20 was the subject of a number of comments. The environmental report required for an ISFSI is an evaluation of the environmental impact of the ISFSI on the region in which it is located, including the transportation that is involved. Discussions of generic issues covered by DOE and NRC generic environmental impact statements may be incorporated by reference.

16. *Provision for Public Hearings and State and Local Participation in the Licensing Process.* A number of commenters expressed concern over the omission in proposed Part 72 of any reference to public hearings or other provisions covering state and local participation in the licensing process. In accordance with the requirements of Sec. 189a of the Atomic Energy Act, as amended, which provides in part ". . . the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding . . . ," the Office of Nuclear Materials Safety and Safeguards has established the practice of publicizing proposed spent fuel storage licensing actions and holding public hearings on a request by any person whose interest my be affected. A section based on the provisions of §§ 2.104 and 2.105 of 10 CFR Part 2, has been added to the rule (See § 72.34).

17. *Applicability of License Conditions.* Some commenters raised questions on the content and applicability of license conditions, recognizing that license conditions are an important aspect of the single preconstruction license issued under Part 72. In response to these comments, the wording of § 72.33 was changed to clarify the point that license conditions are applicable to design, construction, and operational activities. Since license conditions applicable to ISFSI operations are technical in nature, these have been identified by the more

familiar term "Technical Specifications."

18. *At-Reactor versus Away-From-Reactor Siting.* Some commenters favored restricting the siting of ISFSIs to reactor sites, with the thought that this might reduce perceived transportation risks and keep pressure on the nuclear industry to help solve the waste management problem. Others favored away-from-reactor siting, perceiving this to be safest solution even though transportation might be increased.

Also, some commenters interpreted the promulgation of Part 72 as reflecting an NRC bias favoring away-from-reactor siting. This conclusion is not correct. The NRC is not aware of any compelling reasons generally favoring either at-reactor or away-from-reactor siting of an ISFSI. There are many factors to be considered in each situation and in the licensing actions involved; accordingly, the rule permits either.

19. *The Use of New Site-Related Terms.* One subject of particular interest to many commenters was the use in Part 72 of new site-related terms ("controlled area," "neighboring area" and "region,") rather than the more familiar site-related terms used in 10 CFR Parts 20 and 100.

Several considerations went into the development of new terms for site-related areas around an ISFSI. While the terminology used in 10 CFR Part 20, specifically 'restricted' and 'unrestricted' areas, applies to all nuclear facilities, it is limited to radiation protection concerns associated with normal operations and the means used by the licensee to control the access to areas of potential radiation exposure. With the advent of as low as is reasonably achievable objectives and environmental radiation protection standards promulgated by the Environmental Protection Agency in 40 CFR Part 190, the term "unrestricted" used in 10 CFR Part 20 is too narrow in meaning for applications to areas beyond the boundaries of the licensee's property.

The current terminology used in 10 CFR Part 100, specifically 'exclusion area' and 'low population zone', is applicable to postulated radiological consequences to individuals beyond the site boundary from potential accidents in test and power reactors. Its applicability is limited to specific types of nuclear reactors, not other nuclear installations, and to well-defined reference dose guidelines and risks associated with such nuclear reactors. The terminology used in 10 CFR Part 100 is too restrictive in meaning for use at multi-purpose sites and was never intended to be used for other than reactor sites. The use of these terms from 10 CFR Part 100 for an ISFSI is inappropriate.

Furthermore, the "Report of the Siting Policy Task Force," NUREG–0625, has recommended several changes in the basic criteria of 10 CFR Part 100. Therefore using the current terminology of 10 CFR Part 100 in 10 CFR Part 72 is not appropriate due to the potential changes that may be made in Part 100. For example, it is proposed to change the term (and definition) of "low population zone" to "emergency planning zone" (EPZ). This terminology was used in the proposed revision of Appendix E (now titled "Emergency Planning and Preparedness for Production and Utilization Facilities") to 10 CFR Part 50, that was published for comment on December 19, 1979. Consistent with this proposed revision, the term "neighboring area" in 10 CFR Part 72 has been changed to "ISFSI Emergency Planning Zone" (ISFSI–EPZ) because these are comparable in concept. The size of an ISFSI–EPZ is expected to be much smaller than that of a reactor EPZ.

20. *Criteria for Establishing the Controlled Area, Neighboring Area,*[1] *and Region as Applied to the Site of an ISFSI.* A number of commenters expressed the need for criteria for establishing the controlled area, the neighboring area and the region for an ISFSI as these terms are used in Part 72 and noted that there was a potential conflict of terms in the proposed rule. In response to these comments, more definitive criteria have been incorporated in the pertinent sections of the rule and clarifying changes in the text and definitions have been made.

Another concern with the implementation of these defined areas for an ISFSI is the possible conflict in terminology for an ISFSI located on the same site with a nuclear power reactor licensed under 10 CFR Parts 50 and 100 requirements.

Part of this concern appears due to a misunderstanding and the impression that the controlled area for an ISFSI is the same as the exclusion area for a reactor and that the neighboring area (since changed to ISFSI–EPZ) for an ISFSI is the same as the low population zone for a reactor. In concept, these areas are similar but the bases for their establishment are different. The controlled area for an ISFSI is not the same as the exclusion area for a reactor because the design basis accidents are different. Reactor accidents involve a potential release of radioactive materials, including short-lived species such as ^{131}I. Design basis accidents of concern at an ISFSI primarily involve direct radiation from exposure to the spent fuel rather than releases of radioactive materials. The areas requiring control or protective action measures for the protection of the public are quite different and hence using different terminology for each avoids confusion.

The four site-related terms and their definitions, i.e., site, controlled area, neighboring area (now ISFSI–EPZ), and region, establish each of the geographical areas and the interrelationship that would exist between these areas and the need to protect public health and safety and the environment. The site means the real property on which the ISFSI is located. The controlled area, which may or may not be the same as the site, has the purpose of defining licensee control for meeting regulatory licensing requirements. The controlled area, in most cases, will be enclosed by some physical barrier such as a fence, to provide the needed control of activities within the area. Beyond the controlled area, the licensee does not necessarily exercise authority over activities.

The ISFSI-Emergency Planning Zone (ISFSI–EPZ) is that area in the immediate vicinity of an ISFSI upon which local and State governments should base their radiological response plans. The requirement to define a neighboring area in the proposed 10 CFR Part 72, in which State and local governments could take protective action in the event of an emergency, is comparable in concept to the emergency planning zones for reactors. The term ISFSI–EPZ has been adopted to differentiate this zone and its requirements from those of an EPZ for a reactor.

The regions around an ISFSI site will vary in geographical area and location depending upon the event being evaluated to determine its impact on the ISFSI. A region has the purpose of defining the area within which such an event can have an impact on the public health and safety or environment. This impact must be assessed from the consequences postulated for the events evaluated.

21. *Dose Limits for Normal Operations and Accidents.* A number of commenters addressed the subject of dose limits for normal operations and accidents. Although spent fuel storage is not specifically identified as a fuel cycle operation in 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power

[1] The term "neighboring area" has been changed to "ISFSI–EPZ."

Operations," the dose limits specified in this regulation are used in Part 72. Section 72.67 was rewritten to better clarify the requirements on effluents and direct radiation during normal operations and anticipated occurrences.

The accident dose limit of 5 rem was placed in a new § 72.68, that defines the criteria for establishing a controlled area for an ISFSI. The 2-hour criterion was deleted; the controlling design basis accident for the specific ISFSI covered in the application is to be evaluated. The 5 rem cumulative exposure limit is derived from protective actions recommended by EPA for projected doses to populations for planning purposes.[2]

The reference to 24 hours in paragraph 72.15(a)(13) was deleted; the requirements for the accident analysis section of the SAR were changed to call for the evaluation of a dose commitment due to the event that would take into account the total dose from a single exposure as well as dose reduction due to protective action.

In response to comments on the applicability of Appendix I to 10 CFR Part 50 and Part 100 to an ISFSI, Appendix I is applicable only to light water cooled power reactors and Part 100 is applicable only to power and test reactors. Neither of these regulations is applicable to an ISFSI.

22. *Geological and Seismological Investigations.* In the proposed rule, the geological and seismological investigation requirements for an ISFSI site were based on the reasoning that it should be possible to select sound sites for the few ISFSIs expected to be built. Seismologically, a sound site was considered one having potential ground motion of less than 0.25 g from earthquake with a return period of 500 years. This earthquake potential could be determined on a probabilistic basis; i.e., read from seismic zonation maps such as those published by the U.S. Geological Survey.[3] Uncertainties in such determinations could be offset by overdesign.

This use of probabilistic techniques was considered appropriate as a site selection criterion; it was not intended to be used for determining the design earthquake for structures. Assuming a sound site as defined above, the use of a standard design earthquake of 0.25 g (which has a return period that is much greater than 500 years) was considered conservative and adequate to offset uncertainties in an evaluation of a specific site on a probabilistic basis.

However, it was not possible to obtain a consensus among experts in the field on this approach. It was generally agreed that probabilistics techniques are adequate to determine potential seismicity on a regional basis, but these techniques are not yet adequately developed for application to a specific site.

As an alternative, the proposed rule allowed a site specific "g" value to be determined by the procedures of Appendix A to Part 100, "Seismic and Geologic Siting Criteria for Nuclear Power Plants." This provision was in Subpart E, "Siting Criteria," and was intended for use in the evaluation of site characteristics, such as potential soil liquefaction, under earthquake conditions in areas of low potential seismic activity where the use of the standard design earthquake of 0.25 g was considered to be unduly restrictive.

The final rule makes a differentiation between the regions east and west of the Rocky Mountain Front, approximately 104° west longitude, and in the east makes a further differentiation between areas of low seismic potential and areas of known seismic potential, including, but not limited to, New Madrid, Mo.; Charleston, S.C.; and Attica, N.Y.

In areas of low seismic potential in the eastern United States, a proposed site will be considered acceptable if the results from onsite foundation and geological investigation, literature review, and regional geological reconnaissance show no unstable geological characteristics, soil stability problems, or potential for vibratory ground motion at the site in excess of an appropriate response spectrum anchored at 0.2 g. Unstable geological characteristics are defined as capable faults, surface offset potential, subsidence or collapse features, uplight or downwarp, active tectonism, or landslide or mudflow potential. In the western United States and in regions of known seismic potential in the eastern United States, the seismicity at a proposed site must be evaluated by the criteria and level of investigations of Appendix A of 10 CFR Part 100, "Seismic and Geologic Siting Criteria for Nuclear Power Plants."

The conservatism reflected both in the use of a standard design earthquake of 0.25 g for the design of structures at sites in areas of low seismic potential or the alternative of developing a site specific design earthquake by the very thorough investigation required by Appendix A of Part 100 is considered necessary and appropriate for the protection of an ISFSI which could contain a large inventory of spent fuel. The Commission is considering a revision of Appendix A to Part 100. However, it is anticipated that such revision would be in the nature of a clarification of its requirements and that the rule would still be applicable to ISFSI siting.

The principle of selecting sound sites has been retained in the final rule. For example, floodplains and sites that lie within the range of strong nearfield ground motion from earthquakes on larger capable faults should be avoided. This principle is consistent with the recommendations in the "Report of the Siting Policy Task Force," NUREG–0625.

23. *The ISFSI Design Earthquake (ISFSI–DE).* The standardized ISFSI–DE of 0.25 g for massive structures, such as water basins, has been retained in the final rule for use at sites east of the Rocky Mountain Front that are in areas of low potential seismic activity and hence do not need to be evaluated by the criteria and level of investigations of Appendix A of 10 CFR Part 100.

For sites west of the Rocky Mountain Front and in regions in the eastern United States of known seismic activity, the ISFSI–DE must be determined using the level of investigations and the criteria of Appendix A of 10 CFR Part 100, including the requirement that it be no less than 0.10 g.

For an ISFSI that is located on a power plant site which has been evaluated by the criteria and level of investigations of Appendix A of 10 CFR Part 100, the ISFSI–DE for structures shall be equivalent to the safe shutdown earthquake (SSE) for a nuclear power plant.

For ISFSI's which do not involve massive structures, such as dry storage casks and cannisters, the required design earthquake will be determined on a case-by-case basis until more experience is gained with the licensing of these types of units.

24. *Probability Basis Used for Other Natural Phenomena.* Some commenters wanted to go one step further and use a probabilistic basis for other natural phenomena such as tornadoes and floods. It has been common practice in the United States to use probable maximum events as design bases for radiological safety-related structures, systems, and components. When a frequency or probabilistic analysis of historical data is used to estimate such a low probability event, there is generally too much uncertainty to make the estimate useful for design purposes. Therefore, the probable maximum flood, for example, is estimated using deterministic hydrologic models which

[2] EPA 520/1–75–001, "Manual of Protective Action Guides and Protective Actions for Nuclear Incidents," September, 1975.

[3] Such as Algermissen and Perkins, USGS, Open File Report 76–416, 1976, "A Probabilistic Estimate of Maximum Acceleration in Rock in the Contiguous United States."

utilize meteorological input that approaches the upper limit possible for that location, taking into account existing climate and time of year.

25. *Prequalification of Reactor Sites and Their Population Distributions.* Some commenters recommended that reactor sites be prequalified with no site specific investigations required for an at-reactor siting of an ISFSI. While a site that has undergone a full safety and environmental review and has been approved for a Part 50 facility is likely to be found acceptable for a properly designed ISFSI, the pre-qualification of sites licensed under Part 50 without review in relation to the proposed design of the ISFSI does not seem prudent. Information on a specific site that has been submitted to the NRC in connection with other licensing actions need not be repeated in a Part 72 license application. It can be incorporated by specific references to previous submissions.

26. *Transportation Considerations.* A number of commenters considered that the transportation involved in spent fuel shipments to an ISFSI could be an important consideration in an evaluation of site suitability. This might be particularly true of a large installation. The Commission agrees and a new § 72.70 has been added to the rule to specifically address this point.

27. *Missile Protection.* Part 72 requires protection from natural phenomena with the exception of tornado missiles. Tornado missile protection at reactors is of concern because rupture of recently discharged fuel at a reactor could cause the potential release of volatile short-lived radionuclides, particularly ^{131}I. Since the quantity of ^{131}I present in aged fuel at an ISFSI is reduced a factor of 10^9 due to radioactive decay in the first year after discharge, the potential risk from the rupture of aged fuel is orders of magnitude lower for an ^{131}I release. The radionuclides which could potentially be released as a result of a tornado missile event are long-lived ^{85}Kr and ^{129}I. However, an accident evaluation in NUREG–0575,[5] Section 4.2.3.2, using conservative assumptions demonstrates that the consequences from the release of the nuclides attributable to a tornado missile would not be significant. Hence, a requirement for protection from tornado missiles does not appear to be justified.

28. *Criticality.* A number of commenters expressed concern over the prospect of a criticality in an ISFSI.

[5] Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Reactor Fuel, August 1979.

Criticality has been a subject of study and experiment in the nuclear industry and has received much attention among nuclear engineers. The technology used in evaluating a given design for criticality potential is now highly developed with sophisticated computer codes. These codes have been benchmarked by actual measurements in various kinds of lattices and configurations of critical arrays of fuel elements. Because spent fuel storage racks are designed with a large safety factor to prevent criticality, the possibility of a significant criticality in ISFSI is very remote.

29. *Application of ALARA to Occupational Exposures.* Some commenters objected to the application of the ALARA principle to the design of a facility as this might affect occupational exposures. These objections were based on two points:

(1) The thought that ALARA applied only to public health and safety, and

(2) Occupational exposures are controlled by administrative procedures.

In response, the ALARA concept does apply to occupational health protection as specified in 10 CFR Section 20.1(c). Furthermore, although it is recognized that occupational exposures can be controlled to some extent by administrative procedures, design provisions such as adequate shielding of sources and proper equipment layout to minimize exposures are also important factors in keeping occupational exposures to a minimum. It is often impossible to fully compensate for a poor design using administrative procedures. ALARA (and its predecessor ALAP) has been a cornerstone of radiation protection for many years and it has always been considered to apply to all types of exposure, occupational and public.

30. *Broadened Applicability of Quality Assurance Program.* Some commenters took objection to what they interpreted as a broadening of the QA program, e.g., coverage of operations and the physical security system. It is the Commission's view that a licensee's QA program must cover not only design and construction, but all activities that are important to safety throughout the life of a facility.

31. *Certification versus Licensing of Operating Personnel.* The safety of an ISFSI is achieved by static means, primarily its configuration. Its safety is not dependent on dynamic reactions to the manipulation of controls like a reactor. It is necessary that operating personnel be adequately trained but not necessarily licensed by the NRC. A certification by the licensee of an individual's proficiency to operate equipment is considered adequate.

32. *Definition of the term "Independent".* The meaning of the term "Independent" as used in Part 72 when applied to an ISFSI that is located on the site of another licensed facility, was the subject of a number of comments and considerable staff discussion.

An ISFSI may be a free-standing, away-from-reactor, fully independent type of facility or it may be located on the site of an existing facility such as a nuclear power plant. Such a location could have the economic benefit of sharing some utilities, services and personnel between the ISFSI and an existing facility on the site.

The rule is applicable to either type of location and an ISFSI may be provided with services from an existing facility and still be considered "independent." The use of services from an existing facility (i.e., electricity, makeup water, waste treatment, etc.) is allowable provided the Commission finds there is reasonable assurance that the construction and operation of the ISFSI will provide adequate protection to the health and safety of the public from the standpoint of both facilities involved.

Any physical connection between facilities must be evaluated, but any penetration of the reactor storage pool walls will be considered a conclusive showing that the ISFSI is not "independent" and hence is not within the scope of Part 72 and should be covered by licensing action under Part 50.

33. *Licensing Actions Involving Previously Licensed Facilities.* There are now in existence three facilities for spent fuel storage that have been subject to previous licensing actions. These are:

G.E.—Morris, Ill.—built under a Part 50 Construction Permit authorization as a reprocessing plant; spent fuel storage now licensed under Part 70;

NFS—West Valley—now licensed under Part 50;

AGNS—Barnwell, S.C.—built under a Part 50 Construction Permit authorization as a reprocessing plant; but no operating license issued.

In the event of an application for use of one of the above facilities as an ISFSI, a license would be issued if the facility meets the requirements of Part 72. Such licensing actions will require the preparation of an environmental impact statement or appraisal under conforming amendments of Part 51. In this regard see § 51.5(a)(10) for issuance of an initial license for storage of spent fuel in an ISFSI at a site not occupied by a nuclear power reactor; § 51.5(b)(4) for issuance of certain amendments to a

license for storage of spent fuel in an ISFSI; § 51.5(b)(5) for issuance of a renewal license for storage of spent fuel in an ISFSI; and § 51.5(b)(9) for issuance of an initial license for storage of spent fuel in an ISFSI on the site of a nuclear power reactor. These environmental impact assessments will include an evaluation of feasible alternatives. However, since the site selection process for an existing facility has already been completed, no comparative review of alternative sites will be required unless there is new information which could alter the original site evaluation findings. In practice, this means that alternative sites need not be reviewed and that the existing facility would be rejected for siting considerations only if the site involved found to be unsuitable with respect to either safety or environmental impact considerations.

An application for renewal of the license for the G.E.—Morris facility under 10 CFR Part 70 was received on February 27, 1979 and has been under review since that time. As 10 CFR Part 72 has become effective prior to completion of this licensing action, such licensing action will proceed pursuant to 10 CFR Part 72 which is specifically designed to cover spent fuel storage in an ISFSI. This is expected to result in some procedural delays in the G.E.—Morris proceedings.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following new Part 72 and related conforming amendments of Parts 51, 70, 73 and 150 to Chapter I of Title 10, of the Code of Federal Regulations are published as a document subject to codification.

1. A new 10 CFR Part 72 is added to read as follows:

PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI)

Subpart A—General Provisions

Sec.

72.1 Purpose.
72.2 Scope.
72.3 Definitions.
72.4 Communications.
72.5 Interpretations.
72.6 License required; types of licenses.
72.7 Specific exemptions.
72.8 Denial of licensing by agreement states.

Subpart B—License Application, Form, and Contents

72.11 Filing of applications for specific licenses; oath or affirmation.
72.12 Elimination of Repetition.
72.13 Public Inspection of applications.
72.14 Contents of application: General and financial information
72.15 Contents of application: Technical information.
72.16 Contents of application: Technical specifications.
72.17 Contents of application: Applicants' technical qualifications.
72.16 Decommissioning plan, including financing.
72.19 Emergency plan.
72.20 Environmental report.
72.21 Required licensing documents

Subpart C—Issuance and Conditions of Licenses

72.31 Issuance of licenses.
72.32 Duration of license; Renewal.
72.33 License conditions.
72.34 Public hearings.
72.35 Changes, tests, and experiments.
72.36 Transfer of licenses.
72.37 Creditor regulations.
72.38 Applications for termination of licenses.
72.39 Application for amendment of license.
72.40 Issuance of amendment.
72.41 Modification, revocation, and suspension of licenses.
72.42 Backfitting.

Subpart D—Records, Reports, Inspections and Enforcement

72.50 Safety analysis report updating.
72.51 Material balance, inventory and records requirements for stored materials.
72.52 Reports of accidental criticality or loss of special nuclear material.
72.53 Material status reports.
72.54 Nuclear material transfer reports.
72.55 Other records and reports.
72.56 Inspections and tests.
72.57 Violation.

Subpart E—Siting Evaluation Factors

72.61 General Considerations.
72.62 Design basis external natural events.
72.63 Design basis external man-induced events.
72.64 Identifying regions around an ISFSI site.
72.65 Defining potential effects of the ISFSI on the region.
72.66 Geological and Seismological characteristics.
72.67 Criteria for radioactive materials in effluents and direct radiation from an ISFSI.
72.68 Controlled area of an ISFSI.
72.69 ISFSI emergency planning zone.
72.70 Spent fuel transportation.

Subpart F—General Design Criteria

72.71 General considerations.
72.72 Overall requirements.
72.73 Criteria for nuclear criticality safety.
72.74 Criteria for radiological protection.
72.75 Criteria for spend fuel and radioactive waste storage and handling.
72.76 Criteria for decommissioning.

Subpart G—Quality Assurance

72.80 Quality assurance program; records.

Subpart H—Physical Protection

Sec.

72.61 Physical security plan.
72.62 Design for physical protection.
72.83 Safeguards contingency plan.
72.84 Changes to physical security and safeguards contingency plans.

Subpart I—Training And Certification of ISFSI Personnel

72.91 Operator requirements.
72.92 Operator training and certification program.
72.93 Physical requirements.

Authority. The provisions of this Part 72 are issued under the Atomic Energy Act of 1954, as amended, secs, 51, 53 as amended, 57 as amended, 62, 63, 65, 69, 61 as amended, 161b, h, i, o, 162a as amended, 183 as amended, 184 as amended, 186, 167, Pub. L. 83–703, 68 Stat. 929, 930 as amended by 71 Stat. 576, 72 Stat. 632 and 79 Stat. 602, 932 as amended by 76 Stat. 605 and 88 Stat. 475, 933, 934, 935 as ameded by 88 Stat. 475 and 92 Stat. 3039, 948, 953 as amended by 70 Stat. 1069, 954 as amended by 76 Stat. 602, 955 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201(b), (h), (i), (o), 2232, 2233, 2234, 2236, 2237); sec. 234, Pub. L. 91–161, 83 Stat. 444 (42 U.S.C. 2282); sec. 274c, as amended, Pub. L. 86–273, 73 Stat. 688 as amended by Pub. L. 95–604, 92 Stat. 3036 (42 U.S.C. 2021(c)); under sec. 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332) and under the Energy Reorganization Act of 1974, as amended, sec. 201, as amended, 202, and 206, Pub. L. 93–438, 88 Stat. 1242, as amended by 69 Stat. 413, 1243, 1246 (42 U.S.C. 5841, 5842, 5846).

Subpart A—General Provisions

§ 72.1 Purpose.

The regulations in this part establish requirements, procedures, and criteria for the issuance of licenses to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage, in an independent spent fuel storage installation (ISFSI), and the terms and conditions under which the Commission will issue such licenses.

§ 72.2 Scope.

(a) Licenses issued under this Part are limited to the possession of power reactor spent fuel to be stored in a complex that is designed and constructed specifically for the temporary storage of power reactor spent fuel aged for at least one year, and to the possession of other radioactive materials associated with spent fuel storage.

(b) The regulations in this part apply to all persons in the United States, including persons in Agreement States.

(c) The requirements of this regulation are applicable, as appropriate, to both wet and dry modes of storage of spent fuel.

(d) Licenses covering the storage of spent fuel in an existing spent fuel storage facility shall be issued in accordance with the requirements of this part as stated in § 72.31.

§ 72.3 Definitions.

As used in this part: (a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto.

(b) "As low as is reasonably achievable" (ALARA) means as low as is reasonably achievable taking into account the state of technology, and the economics of improvements in relation to (1) benefits to the public health and safety, (2) other societal and socioeconomic considerations, and (3) the utilization of atomic energy in the public interest.

(c) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

(d) "Byproduct material" means any radioactive material (except special nuclear material) yielded in, or made radioactive by exposure to, the radiation incident to the process of producing or utilizing special nuclear material.

(e) "Commission" means the Nuclear Regulatory Commission or its duly authorized representatives.

(f) "Commencement of construction" means any clearing of land, excavation, or other substantial action that would adversely affect the natural environment of a site, but does not mean:

(1) Changes desirable for the temporary use of the land for public recreational uses, necessary borings or excavations to determine subsurface materials and foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental values;

(2) Construction of environmental monitoring facilities;

(3) Procurement of manufacture of components of the installation; or

(4) Construction of means of access to the site as may be necessary to accomplish the objectives of sections (1) and (2) above.

(g) "Confinement systems" means those systems, including ventilation, that act as barriers between areas containing radioactive substances and the environment.

(h) "Controlled area" means that area immediately surrounding an ISFSI for which the licensee exercises authority over its use and within which ISFSI operations are performed.

(i) "Design bases" means that information that identifies the specific functions to be performed by a structure, system, or component of a facility and the specific values or ranges of values chosen for controlling parameters as reference bounds for design. These values may be restraints derived from generally accepted "state-of-the-art" practices for achieving functional goals or requirements derived from analysis (based on calculation or experiments) of the effects of a postulated event under which a structure, system, or component must meet its functional goals. The values for controlling parameters for external events include: (1) estimates of severe natural events to be used for deriving design bases that will be based on consideration of historical data on the associated parameters, physical data, or analysis of upper limits of the physical processes involved and (2) estimates of severe external man-induced events to be used for deriving design bases that will be based on analysis of human activity in the region taking into account the site characteristics and the risks associated with the event.

(j) "Design capacity" means the quantity in metric tons of spent fuel, its maximum burnup in MWD/MTU, and the total heat generation in Btu per hour that an ISFSI is designed to accommodate.

(k) "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands. Areas subject to a one percent or greater chance of flooding in any given year are included.

(l) "Historical data" means a compilation of the available published and unpublished information concerning a particular type of event.

(m) "Independent spent fuel storage installation" (ISFSI) means a complex designed and constructed for the storage of spent fuel and other radioactive materials associated with spent fuel storage. An ISFSI which is located on the site of another facility may share common utilities and services with such a facility and be physically connected with such other facility and still be considered to be independent, *provided* that such sharing of utilities and services or physical connections does not (i) increase the probability or consequences of an accident or malfunction of components, structures or systems that are important to safety; or (ii) reduce the margin of safety as defined in the basis for any technical specifications of either facility."

(n) "ISFSI-emergency planning zone" (ISFSI–EPZ) means that area in the vicinity of an ISFSI within which protective action measures may be needed in the event of an accident at an ISFSI.

(o) "NEPA" means the National Environmental Policy Act of 1969 including any amendments thereto.

(p) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Nuclear Regulatory Commission or the Department of Energy (DOE), except that the DOE shall be considered a person within the meaning of the regulations in this part to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the Commission pursuant to Section 202 of the Energy Reorganization Act of 1974 (88 Stat. 1244); (2) any State; any political subdivision of a state, or any political entity within a State, (3) any foreign government or nation, or any political subdivision of any such government or nation, or other entity; and (4) any legal successor, representative, agent, or agency of the foregoing.

(q) "Population" means the people that may be affected by the change in environmental conditions due to the construction, operation, or decommissioning of an ISFSI.

(r) "Region" means the geographical area surrounding and including the site, which is large enough to contain (1) all the features related to a phenomenon or to a particular event that could potentially impact the safety of the ISFSI and (2) all measurable effects of environmental impact, both radiological and nonradiological, that are due to the construction, operation or decommissioning of an ISFSI.

(s) "Site" means the real property on which the ISFSI is located.

(t) "Source material" means (1) uranium or thorium, or any combination thereof, in any physical or chemical form or (2) ores that contain by weight one-twentieth of one percent (0.05%) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

(u) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing but does not include source material.

(v) "Spent fuel" as used in this Part means irradiated nuclear fuel that has undergone at least one year's decay since being used as a source of energy in a power reactor. Spent fuel includes the

special nuclear material, byproduct material, source material, and other radioactive materials associated with fuel assemblies.

(w) "Structures, systems, and components important to safety" means those features of the ISFSI whose function is (1) to maintain the conditions required to store spent fuel safely, (2) to prevent damage to the spent fuel during handling and storage, or (3) to provide reasonable assurance that spent fuel can be received, handled, stored and retrieved without undue risk to the health and safety of the public.

(x) "Temporary storage" means the interim storage, protection, and safeguarding of spent fuel and radioactive materials associated with spent fuel storage, for a limited time only, pending its ultimate disposal.

§ 72.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this Part and applications filed under them should be addresed to The Nuclear Regulatory Commission, Office of Nuclear Materials Safety and Safeguards, Division of Fuel Cycle and Material Safety, Washington, D.C. 20555. Communications, reports, and applications may be delivered in person at the Commission's Offices at 7915 Eastern Avenue, Silver Spring, Maryland, or at 1717 H Street, N.W., Washington, D.C.

§ 72.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission, other than a written interpretation by the General Counsel, will be recognized to be binding upon the Commission.

§ 72.6 License required; types of licenses.

(a) Licenses for spent fuel are of two types: general and specific. Any general license provided in this part is effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon applications filed pursuant to the regulations in this part.

(b) A general license is hereby issued to receive title to and own spent fuel without regard to quantity.

(c) No person may acquire, receive, or possess spent fuel or radioactive material associated with spent fuel for the purpose of storage in an independent spent fuel storage installation except as authorized in a specific license issued by the Commission in accordance with the regulations in this part.

§ 72.7 Specific exemptions.

The Commission may, upon application by any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this Part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

§ 72.8 Denial of licensing by agreement states.

Agreement States may not issue licenses covering the storage of spent fuel in an ISFSI.

Subpart B—License Application, Form, Contents

§ 72.11 Filing of applications for specific licenses; oath or affirmation.

(a) *Place of filing.* Each application for a license, or amendment thereof, under this Part should be filed with the Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Applications, communications, reports and correspondence may also be delivered in person at the Commision's offices at 7915 Eastern Avenue, Silver Spring, Maryland, or at 1717 H Street, NW., Washington, D.C.

(b) *Oath or affirmation.* Each application for a license or license amendment (including amendments to such applications) shall be executed in an original signed by the applicant or duly authorized officer thereof under oath or affirmation.

(c) *Number of copies of applications.* Each filing of an application for a license or license amendment under this Part (including amendments to such applications) shall include, in addition to the signed originals, the documents listed in § 72.21.

(d) *Fees.* The application, amendment, and renewal fees applicable to a license covering the storage of spent fuel in an ISFSI are those shown in § 170.31 of this chapter.

§ 72.12 Elimination of repetition.

In any application under this part, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the Commission: *Provided,* that such references are clear and specific.

§ 72.13 Public inspection of applications.

Applications and documents submitted to the Commission in connection with applications may be made available for public inspection in accordance with provisions of the regulations contained in Part 2 and Part 9 of this chapter.

§ 72.14 Contents of application: General and financial information.

Each application shall state:

(a) Full name of applicant;

(b) Address of applicant;

(c) Description of business or occupation of applicant;

(d) If applicant is: (1) an individual: citizenship and age;

(2) a partnership: name, citizenship, and address of each partner and the principal location at which the partnership does business;

(3) a corporation or an unincorporated association:

(i) the State in which it is incorporated or organized and the principal location at which it does business; and

(ii) the names, addresses, and citizenship of its directors and principal officers; or

(4) acting as an agent or representative of another person in filing the application: the identification of the principal and the information required under this paragraph with respect to such principal.

(e) Information sufficient to demonstrate to the Commission the financial qualifications of the applicant to carry out, in accordance with the regulations in this chapter, the activities for which the license is sought. This information shall state the place at which the activity is to be performed, the general plan for carrying out the activity, and the period of time for which the license is requested. The information shall show that the applicant either possesses the necessary funds, or that the applicant has reasonable assurance of obtaining the necessary funds; or that by a combination of the two, the applicant will have the necessary funds available to cover the following:

(1) Estimated construction costs;

(2) Estimated operating costs over the planned life of the ISFSI complex; and

(3) Estimated shutdown and decommissioning costs, and the necessary financial arrangements to provide reasonable assurance prior to licensing that shutdown, decontamination, and decommissioning will be carried out after the removal of spent fuel from storage.

§ 72.15 Contents of application: Technical information.

(a) Each application for a license under this part shall include a Safety Analysis Report describing the proposed ISFSI for the storage of spent fuel, including how the ISFSI will be operated. The minimum information to

be included in this report shall consist of the following:

(1) A description and safety assessment of the site on which the ISFSI is to be located, with appropriate attention to the design bases for external events. Such assessment shall contain an analysis and evaluation of the major structures, systems, and components of the ISFSI that bear on the suitability of the site when the ISFSI is operated at its design capacity. If the proposed ISFSI is to be located on the site of a nuclear power plant or other licensed facility, the potential interactions between the ISFSI and such other facility shall be evaluated.

(2) A description and discussion of the ISFSI structures with special attention to design and operating characteristics, unusual or novel design features, and principal safety considerations.

(3) The design of the ISFSI in sufficient detail to support the findings in § 72.31, including:

(i) The design criteria for the ISFSI pursuant to Subpart F of this Part, with identification and justification for any additions to or departures from the general design criteria;

(ii) The design bases and the relation of the design bases to the design criteria;

(iii) Information relative to materials of construction, general arrangement, dimensions or principal structures, and descriptions of all structures, systems, and components important to safety, in sufficient detail to support a finding that the ISFSI will satisfy the design bases with an adequate margin for safety; and

(iv) Applicable codes and standards.

(4) An analysis and evaluation of the design and performance of structures, systems, and components important to safety, with the objective of assessing the impact on public health and safety resulting from operation of the ISFSI and including determination of:

(i) the margins of safety during normal operations and expected operational occurrences during the life of the ISFSI; and

(ii) the adequacy of structures, systems, and components provided for the prevention of accidents and the mitigation of the consequences of accidents, including natural and man-made phenomena and events.

(5) The means for controlling and limiting occupational radiation exposures within the limits given in Part 20 of this chapter, and for meeting the objective of exposures as low as is reasonably achievable.

(6) The features of ISFSI design and operating modes to maintain low waste volumes.

(7) An identification and justification for the selection of those subjects that will be probable license conditions and technical specifications. Such subjects shall cover the design, construction, operation, and decommissioning of the ISFSI.

(8) A plan for the conduct of operations, including the planned managerial and administrative controls system, and the applicant's organization, and program for training of personnel pursuant to Subpart I of this Part.

(9) If the proposed ISFSI incorporates structures, systems, or components important to safety whose functional adequacy or reliability have not been demonstrated by prior use for that purpose or cannot be demonstrated by reference to performance data in related applications or to widely accepted engineering principles—an identification of such structures, systems, or components along with a schedule showing how such safety questions will be resolved prior to the initial receipt of spent fuel for storage at the ISFSI.

(10) The technical qualifications of the applicant to engage in the proposed activities, as required by § 72.17 of this Part.

(11) A description of the applicant's plans for coping with emergencies, as required by § 72.19 of this part.

(12) A description of the equipment to be installed to maintain control over radioactive materials in gaseous and liquid effluents produced during normal operations and expected operational occurrences. The description shall identify the design objectives and the means to be used for keeping levels of radioactive material in effluents to the environment as low as is reasonably achievable and within the exposure limits stated in § 72.67 of this part. The description shall include:

(i) An estimate of the quantity of each of the principal radionuclides expected to be released annually to the environment in liquid and gaseous effluents produced during normal ISFSI operations; and prior to the first receipt of spent fuel, a second estimate confirming the original estimate or, if the expected releases and exposures are significantly different from the original estimate;

(ii) A description of the equipment and processes used in radioactive waste systems; and

(iii) A general description of the provisions for packaging, storage, and disposal of solid wastes containing radioactive materials resulting from treatment of gaseous and liquid effluents and from other sources.

(13) An analysis of the potential dose or dose commitment to an individual outside the controlled area from accidents or natural phenomena events that result in the release of radioactive material to the environment or direct radiation from the ISFSI. The calculations of individual dose or dose commitment shall be performed for direct exposure, inhalation, and ingestion occurring as a result of the postulated design basis event.

(14) A description of the quality assurance program to be applied to the design, fabrication, construction, testing, and operation of the structures, systems, and components of the ISFSI important to safety, as required by § 72.80. The description of the quality assurance program shall identify structures, systems and components important to safety and shall show how the criteria in Appendix B to Part 50 of this chapter will be applied to those safety-related components, systems, and structures in a manner consistent with their importance to safety.

(15) A description for the detailed security measures for physical protection, including design features and the plans required by Subpart H of this Part.

(16) A description of the program covering preoperational testing and initial operations.

(17) A description of the decommissioning plan required under § 72.18 of this Part.

§ 72.16 Contents of application: Technical specifications.

Each application under this Part shall include proposed technical specifications in accordance with the requirements of § 72.33 and a summary statement of the bases and justifications for these technical specifications.

§ 72.17 Contents of application: Applicant's technical qualifications.

Each application under this Part shall include: (a) The technical qualifications, including training and experience, of the applicant to engage in the proposed activities.

(b) A description of the personnel training program required under Subpart I of this Part.

(c) A description of the applicants' operating organization, delegations of responsibility and authority, and the minimum skills and experience qualifications relevant to the various levels of responsibility and authority.

(d) A commitment by the applicant to have and maintain an adequate complement of trained and certified plant personnel prior to the receipt of spent fuel for storage.

§ 72.18 Decommissioning plan, including financing.

(a) Each application under this part shall include a proposed decommissioning plan that contains sufficient information on proposed practices and procedures for the decontamination of the site and facilities and for disposal of residual radioactive materials after all spent fuel has been removed, in order to provide reasonable assurance that the decontamination and decommissioning of the ISFSI at the end of its useful life will provide adequate protection to the health and safety of the public. This plan shall identify and discuss those design features of the ISFSI that facilitate its decontamination and decommissioning at the end of its useful life.

(b) The decommissioning plan shall include the financial arrangements made by the applicant to provide reasonable assurance that the planned decontamination and decommissioning of the ISFSI will be carried out.

§ 72.19 Emergency plan.

An application to store spent fuel in an ISFSI shall include plans for coping with emergencies. These plans shall contain the elements that are listed in Section IV, "Content of Emergency Plans," of Appendix E to Part 50 of this chapter.

§ 72.20 Environmental report.

Each application for a license under this part shall be accompanied by an Environmental Report which meets the requirements of Part 51 of this chapter.

§ 72.21 Required licensing documents.

Section	Document	No. of copies	Signed originals
72.14	License Application	25	3
72.15	Safety Analysis Report [a].	70	
72.18	Decommissioning Plan [a].	25	
72.19	Emergency Plan [a]	25	
72.20	Environmental Report [a]	150	
72.35(b)	Report of ISFSI Design and Procedures Changes.	25	3
72.36(b)	Application for Transfer of License.	25	3
72.38	Application for Termination of License.	25	3
72.39	Amendment to License.	25	3
72.80	Quality Assurance Program [a].	25	
72.81	Physical Security Plan [a] [b].	10	
72.82	Design for Physical Protection [a] [b].	10	
72.83	Safeguards Contingency Plan [a] [b].	10	
72.84	Changes to Physical Security and Contingency Plans.	10	
72.92	Personnel Training Program [a].	25	

[a] Submitted with license application.
[b] Physical protection plans will be withheld from public disclosure by the NRC.

Subpart C—Issuance and Conditions of Licenses

§ 72.31 Issuance of licenses.

(a) Except as provided in paragraph (c) of this section, the Commission will issue a license under this Part upon a determination that the application for a license meets the standards and requirements of the Act and the regulations of the Commission, and upon finding that:

(1) The applicant's proposed ISFSI design complies with Subpart F of this part;

(2) The proposed site complies with the criteria in Subpart E of this Part;

(3) If on the site of a nuclear power plant or other licensed activity or facility, the proposed ISFSI would not pose an undue risk to the safe operation of such nuclear power plant or other licensed activity or facility;

(4) The applicant is qualified by reason of training and experience to conduct the operation covered by the regulations in this Part;

(5) The applicant's proposed operating procedures to protect health and to minimize danger to life or property are adequate;

(6) The applicant is financially qualified to engage in the proposed activities in accordance with the regulations in this Part;

(7) The applicant's quality assurance plan complies with Subpart G of this Part;

(8) The applicant's physical protection provisions comply with Subpart H of this Part;

(9) The applicant's personnel training program complies with Subpart I of this Part;

(10) The applicant's decommissioning plan and its financing pursuant to § 72.18 of this Part provide reasonable assurance that the decontamination and decommissioning of the ISFSI at the end of its useful life will provide adequate protection to the health and safety of the public;

(11) The applicant's emergency plan complies with § 72.19 of this Part;

(12) The applicable provisions of Part 170 of this chapter have been satisfied;

(13) There is reasonable assurance that (i) the activities authorized by the license can be conducted without endangering the health and safety of the public and (ii) such activities will be conducted in compliance with the applicable regulations of this Chapter; and

(14) The issuance of the license will not be inimical to the common defense and security.

(b) Grounds for denial for a license to store spent fuel in the proposed ISFSI may be commencement of construction prior to a conclusion or finding by the Director of the Office of Nuclear Materials Safety and Safeguards or his designee or after a public hearing, the Presiding Office, Atomic Safety and Licensing Board, or the Commission acting as a collegial body, as appropriate, on the basis of information filed and evaluations made pursuant to Part 51 of this chapter, and after weighing the environmental, economic, technical and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license with any appropriate conditions to protect environmental values.

(c) For facilities that have been covered under previous licensing actions including the issuance of a Construction Permit under Part 50 of this chapter, a reevaluation of the site is not required except where new information is discovered which could alter the original site evaluation findings. In this case, the site evaluation factors involved will be reevaluated.

§ 72.32 Duration of license; renewal.

(a) Each license issued under this Part shall be for a fixed period of time to be specified in the license but not to exceed 20 years from the date of issuance. Licenses may be renewed by the Commission at the expiration of that period upon application of the licensee.

(b) Applications for renewal of a license should be filed in accordance with the applicable provisions of Subpart B of this Part at least two years prior to the expiration of the existing license. Information contained in previous applications, statements, or reports filed with the Commission under the license may be incorporated by reference: *Provided,* that such references are clear and specific.

(c) In any case in which a licensee, not less than 2 years prior to expiration of his existing license, has filed an application in proper form for renewal of a license, such existing license shall not expire until a final decision concerning the application for renewal has been made by the Commission.

§ 72.33 License conditions.

(a) Each license issued under this part shall include license conditions. The license conditions may be derived from the analyses and evaluations included in the safety analysis report and amendments thereto submitted pursuant to § 72.15 of this part. License conditions pertain to design, construction and operation. The Commission may also include such additional license conditions as it finds appropriate.

(b) Every license issued under this Part shall be subject to the following conditions, even if they are not explicitly stated therein:

(1) Neither the license nor any right thereunder shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Atomic Energy Act and give its consent in writing.

(2) The license shall be subject to revocation, suspension, modification, or amendment in accordance with the procedures provided by the Atomic Energy Act and Commission regulations.

(3) Upon request of the Commission, the licensee shall, at any time before expiration of the license, submit written statements, signed under oath or affirmation, to enable the Commission to determine whether or not the license should be modified, suspended, or revoked.

(4) Prior to the receipt of spent fuel for storage at an ISFSI, the licensee shall have in effect an NRC-approved program covering the training and certification of ISFSI personnel that meets the requirements of Subpart I of this Part.

(5) The licensee shall permit the operation of the safety-related equipment and controls of the ISFSI only by personnel whom the licensee has certified as being adequately trained to perform such operations, or by uncertified personnel who are under the direct visual supervision of a certified individual.

(c) Technical specifications submitted pursuant to § 72.16 of this Part shall include requirements in the following categories:

(1) Functional and operating limits and monitoring instruments and limiting control settings. (i) Functional and operating limits for an ISFSI are limits on fuel handling and storage conditions that are found to be necessary to protect the integrity of the stored fuel, to protect employees against occupational exposures and to guard against the uncontrolled release of radioactive materials. (ii) Monitoring instruments and limiting control settings for an ISFSI are those related to fuel handling and storage conditions having significant safety functions.

(2) Limiting conditions. Limiting conditions are the lowest functional capability or performance levels of equipment required for safe operation.

(3) Surveillance requirements. Surveillance requirements include: (i) inspections of spent fuel in storage and monitoring; (ii) inspection, test and calibration activities to ensure that the necessary integrity of required systems, components and the spent fuel in storage is maintained; (iii) confirmation that operation of the ISFSI is within the required functional and operating limits; and (iv) a confirmation that the limiting conditions required for safe storage are met.

(4) Design features. Design features include items that would have a significant effect on safety if altered or modified, such as materials of construction and geometric arrangements.

(5) Administrative controls. Administrative controls include the organization and management procedures, recordkeeping, review and audit, and reporting necessary to assure that the operations involved in the storage of spent fuel in an ISFSI are performed in a safe manner.

(d) Each license authorizing the storage of spent fuels under this Part shall include technical specifications that, in addition to stating the limits on the release of radioactive materials for compliance with limits of Part 20 of this chapter and the "as low as is reasonably achievable objectives" for effluents, require that:

(1) Operating procedures for control of effluents be established and followed, and equipment in the radioactive waste treatment systems be maintained and used, to meet the requirements of § 72.67 of this Part;

(2) An environmental monitoring program be established to ensure compliance with the technical specifications for effluents; and

(3) An annual report be submitted to the appropriate regional office specified in Appendix D of Part 20 of this Chapter, with a copy to the Director, Office of Nuclear Material Safety and Safeguards, within 60 days after January 1 of each year, specifying the quantity of each of the principal radionuclides released to the environment in liquid and in gaseous effluents during the previous 12 months of operation and such other information as may be required by the Commission to estimate maximum potential radiation dose commitment to the public resulting from effluent releases. On the basis of such reports and any additional information the Commission may obtain from the licensee or others, the Commission may from time to time require the licensee to take such action as the Commission deems appropriate.

(e) The licensee shall make no change that would decrease the effectiveness of the physical security plan prepared pursuant to § 72.81 of this Part without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to the license pursuant to § 72.39 of this Part. A licensee may make changes to the physical security plan without prior Commission approval, provided that such changes do not decrease the effectiveness of the plan. The licensee shall furnish to the Commission a report containing a description of each change within two months after the change is made, and shall maintain records of changes to the plan made without prior Commission approval for a period of two years from the date of the change.

(f) A licensee shall follow and maintain in effect an emergency plan that is approved by the Commission. The licensee may make changes to the approved plan without Commission approval only if such changes do not decrease the effectiveness of the plan, and if the plan, as changed, continues to contain the elements of Section IV of Appendix E of 10 CFR Part 50. Within six months after any such change is made, the licensee shall submit a report containing a description of any changes made in the plan to the appropriate NRC regional office specified in Appendix D to Part 20 of this chapter with a copy to the Director, Office of Nuclear Material Safety and Safeguards. Proposed changes that decrease the effectiveness of the approved emergency plan shall not be implemented unless the licensee has received prior approval of such changes from the Commission.

§ 72.34 Public hearings.

(a) In connection with each application for a license or an amendment to a license under this Part, the Commission shall issue or cause to be issued a notice of hearing in accordance with § 2.104, or a notice of proposed action in accordance with § 2.105, of this chapter, as appropriate. Except as provided in paragraph (b) of this section, a hearing may not be held until after 30 days' notice and publication once in the **Federal Register**.

(b) In the absence of a request for hearing by any person whose interest may be affected, the Commission may

issue a license or an amendment to a license without a hearing upon 30 days' notice and publication once in the Federal Register of its intent to do so. The Commission may dispense with such 30 days' notice and publication with respect to an application for an amendment to a license issued under this Part upon a determination by the Commission that the amendment does not involve a significant hazards consideration or an unreviewed safety question.

§ 72.35 Changes, tests and experiments.

(a)(1) The holder of a license issued under this Part may, without prior Commission approval unless the proposed change, test or experiment involves a change in the license conditions incorporated in the license, an unreviewed safety question, significant increase in occupational exposure or a significant unreviewed environmental impact: (i) make changes in the ISFSI described in the Safety Analysis Report, (ii) make changes in the procedures described in the Safety Analysis Report, or (iii) conduct tests or experiments not described in the Safety Analysis Report.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the Safety Analysis Report may be increased; (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the Safety Analysis Report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced.

(b)(1) The licensee shall maintain records of changes in the ISFSI and of changes in procedures made pursuant to this section if such changes constitute changes in the ISFSI or procedures described in the Safety Analysis Report. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation that provides the bases for the determination that the change, test, or experiment does not involve an unreviewed safety question. The records of changes in the ISFSI and of changes in procedures and records of tests shall be maintained for the lifetime of the ISFSI.

(2) Annually, or at such shorter interval as may be specified in the license, the licensee shall furnish to the appropriate regional office, specified in Appendix D of Part 20 of this chapter, with a copy to the Director, Office of Nuclear Material and Safeguards, a report containing a brief description of such changes, tests, and experiments, including a summary of the safety evaluation of each. Any report submitted by a licensee pursuant to this paragraph will be made a part of the public record pertaining to this license.

(c) The holder of a license issued under this Part who desires (1) to change the license conditions, (2) to change the ISFSI or the procedures described in the Safety Analysis Report, or (3) to conduct tests or experiments not described in the Safety Analysis Report that involve an unreviewed safety question, a significant increase in occupational exposure, or significant unreviewed environmental impact, shall submit an application for amendment of the license, pursuant to § 72.39 of this Part.

§ 72.36 Transfer of licenses.

(a) No license or any right included in a license issued under this Part shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission gives its consent in writing.

(b)(1) An application for transfer of a license shall include as much of the information described in §§ 72.14 and 72.17 of this Part with respect to the identity and the technical and financial qualifications of the proposed transferee as would be required by those sections if the application were for an initial license. The application shall also include a statement of the purposes for which the transfer of the license is requested and the nature of the transaction necessitating or making desirable the transfer of the license.

(2) The Commission may require any person who submits an application for the transfer of a license pursuant to the provisions of this section to file a written consent from the existing licensee, or a certified copy of an order or judgment of a court of competent jurisdiction, attesting to the person's right—subject to the licensing requirements of the Act and these regulations—to possession of the spent fuel and the ISFSI involved.

(c) After appropriate notice to interested persons, including the existing licensee, and observance of such procedures as may be required by the Act or regulations or orders of the Commission, the Commission will approve an application for the transfer of a license, if the Commission determines:

(1) That the proposed transferee is qualified to be the holder of the license; and

(2) That transfer of the license is consistent with applicable provisions of the law, and the regulations and orders issued by the Commission pursuant thereto.

§ 72.37 Creditor regulations.

(a) Pursuant to section 184 of the Act, the Commission consents, without individual application, to the creation of any mortgage, pledge, or other lien on special nuclear material contained in spent fuel not owned by the United States that is the subject of a license or on any interest in such special nuclear material in spent fuel: *Provided:*

(1) That the rights of any creditor so secured may be exercised only in compliance with and subject to the same requirements and restrictions as would apply to the licensee pursuant to the provisions of the license, the Atomic Energy Act of 1954, as amended, and regulations issued by the Commission pursuant to said Act; and

(2) That no creditor so secured may take possession of the spent fuel pursuant to the provisions of this section prior to either the issuance of a license from the Commission authorizing such possession or the transfer of the license.

(b) Any creditor so secured may apply for transfer of the license covering such spent fuel by filing an application for transfer of the license pursuant to § 72.36(b). The Commission will act upon such application pursuant to § 72.36(c).

(c) Nothing contained in this regulation shall be deemed to affect the means of acquiring, or the priority of, any tax lien or other lien provided by law.

(d) As used in this section, "creditor" includes, without implied limitation, the trustee under any mortgage, pledge, or lien on spent fuel in storage made to secure any creditor; any trustee or receiver of such spent fuel appointed by a court of competent jurisdiction in any action brought for the benefit of any creditor secured by such mortgage, pledge, or lien; any purchaser of such spent fuel at the sale thereof upon foreclosure of such mortgage, pledge, or lien or upon exercise of any power of sale contained therein; or any assignee of any such purchaser.

§ 72.38 Applications for termination of licenses.

(a) The licensee shall apply to the Commission for authority to surrender a license voluntarily and to decommission the ISFSI and dispose of the materials stored therein. The Commission may

require information, including information as to proposed procedures for the disposal of radioactive material and decontamination of the site, to determine whether there is reasonable assurance that the decommissioning and disposal will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public.

(b) Upon a finding of reasonable assurance that the decommissioning of ISFSI and disposal of the materials stored therein will be performed in accordance with the regulations in this chapter and will provide adequate protection to the health and safety of the public, and after notice to interested persons, the Commission will authorize such decommissioning and disposal and terminate the license upon completion of such procedures in accordance with any conditions specified in the authorization.

§ 72.39 Application for amendment of license.

Whenever a holder of a license desires to amend the license, an application for an amendment shall be filed with the Commission fully describing the changes desired and the reasons for such changes, and following as far as applicable the form prescribed for original applications.

§ 72.40 Issuance of amendment.

In determining whether an amendment to a license will be issued to the applicant, the Commission will be guided by the considerations that govern the issuance of initial licenses.

§ 72.41 Modification, revocation, and supension of licenses.

(a) The terms and conditions of all licenses are subject to amendment, revision, or modification by reason of amendments to the Atomic Energy Act of 1954, or by reason of rules, regulations, or orders issued in accordance with the Act or any amendments thereto.

(b) Any license may be modified, revoked, or suspended in whole or in part for any of the following: (i) for any material false statement in the application or in any statement of fact required under Section 182 of the Act; (ii) conditions revealed by such application or statement of fact or any report, record, inspection or other means which would warrant the Commission to refuse to grant a license on an original application; (iii) failure to operate an ISFSI in accordance with the terms of the license; (iv) violation of, or failure to observe any of, the terms and conditions of the Act, or of any applicable regulation, license, or order of the Commission.

(c) Upon revocation of a license, the Commission may immediately cause the retaking of possession of all special nuclear material contained in spent fuel held by the licensee. In cases found by the Commission to be of extreme importance to the national defense and security or to the health and safety of the public, the Commission prior to following any of the procedures provided under sections 551–558 of title 5 of the United States Code, may cause the taking of possession of any special nuclear material contained in spent fuel held by the licensee.

§ 72.42 Backfitting.

(a) The Commission may require the backfitting of an ISFSI if it finds that such action will provide substantial additional protection to the environment, or occupational or public health and safety. As used in this section, "backfitting" means the addition, elimination, or modification of structures, systems, or components of an ISFSI after the license has been issued.

(b) The Commission may at any time require a holder of a license to submit such information concerning the backfitting or the proposed backfitting of the ISFSI as it deems appropriate.

Subpart D—Records, Reports, Inspections, and Enforcement

§ 72.50 Safety analysis report updating.

(a) The design, description of planned operations, and other information submitted in the Safety Analysis Report shall be updated by the licensee and submitted to the Commission at least once every six months after issuance of the license during final design and construction, until preoccupational testing is completed, with final completion and submittal to the Commission at least 90 days prior to the planned receipt of spent fuel. This final submittal shall include a final analysis and evaluation of the design and performance of structures, systems, and components that are important to safety taking into account any pertinent information developed since the submittal of the license application. Changes affecting safety margins will require Commission approval prior to the receipt of spent fuel.

(b) After the first receipt of spent fuel for storage, the Safety Analysis Report shall be updated annually and submitted to the Commission by the licensee. This submittal shall include the following:

(1) New or revised information relating to applicable site evaluation factors, including the results of environmental monitoring programs.

(2) A description and analysis of changes in the structures, systems, and components of the ISFSI, with emphasis upon (i) performance requirements, (ii) the bases, with technical justification therefor, upon which such requirements have been established, and (iii) evaluations showing that safety functions will be accomplished.

(3) An analysis of the significance of any changes to codes, standards, regulations, or regulatory guides which the licensee has committed to meeting the requirements that are applicable to the design, construction, or operation of the ISFSI.

§ 72.51 Material balance, inventory, and records requirements for stored materials.

(a) Each licensee shall keep records showing the receipt, inventory (including location), disposal, acquisition, and transfer of all spent fuel in storage.

(b) Each licensee shall conduct a physical inventory of all spent fuel in storage at intervals not to exceed twelve months unless otherwise directed by the Commission.

(c) Each licensee shall establish, maintain, and follow written material control and accounting procedures that are sufficient to enable the licensee to account for the spent fuel in storage.

(d) Records of spent fuel in storage shall be kept in duplicate. The duplicate set of records shall be kept at a separate location sufficiently remote from the original records that a single event would not destroy both sets of records. Records of spent fuel transferred out of an ISFSI shall be preserved for a period of five years after the date of transfer.

§ 72.52 Reports of accidental criticality or loss of special nuclear material.

Each licensee shall report immediately to the appropriate NRC regional Office specified in Appendix D of Part 20 of this chapter by telephone and telegram or teletype, any case of accidental criticality and any loss of special nuclear material.

§ 72.53 Material status reports.

Each licensee shall complete and submit Material Status Reports to the Commission on Form NRC–742, in accordance with printed instructions for completing the form. The reports shall provide information concerning the special nuclear material contained in spent fuel possessed, received, transferred, disposed of, or lost by the licensee. All such reports shall be made as of march 31 and September 30 of each year and shall be filed with the U.S.

Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830, within 30 days after the end of the period covered by the report. The Commission may, when good cause is shown, permit a licensee to submit Material Status Reports at other times.

§ 72.54 Nuclear material transfer reports.

Whenever the licensee transfers or receives spent fuel, the licensee shall complete and distribute a Nuclear Material Transaction Report on Form NRC–741. Each licensee who transfers spent fuel shall submit a copy of form NRC–741 to the U.S. Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830, and three copies to the receiver of the material promptly after the transfer takes place. Each licensee who receives spent fuel shall submit a copy of form NRC–741 to the Department of Energy and to the shipper of the material within 10 days after the spent fuel is received and unloaded and its identity is verified.

§ 72.55 Other records and reports.

(a) Each licensee shall maintain any records and make any reports that may be required by the conditions of the license or by the rules, regulations, and orders of the Commission in effectuating the purposes of the Act.

(b) Each licensee shall furnish a copy of its annual financial report, including the certified financial statements, to the Commission.

(c) Records that are required by the regulations in this part or by the license conditions shall be maintained for the period specified by the appropriate regulation or license condition. If a retention period is not otherwise specified, such records shall be maintained until the Commission authorizes their disposition.

(d) Any record that must be maintained pursuant to this Part may be either the original or a reproduced copy or microform provided that any reproduced copy or microform is duly authenticated by authorized personnel and that the microform is capable of producing a clear an legible copy after storage for the period specified by commission regulations.

§ 72.56 Inspections and tests.

(a) Each licensee under this part shall permit inspection by duly authorized representatives of the Commission of his records, premises, activities and of spent fuel in possession related to the specific license as may be necessary to effectuated the purposes of the Act, including Section 105 of the Act.

(b) Each licensee under this Part shall make available to the Commission for inspection, upon reasonable notice, records kept by the licensee pertaining to his receipt, possession, or transfer of spent fuel.

(c)(1) Each licensee under this Part shall upon request by the Director, Office of Inspection and Enforcement provide rent-free office space for the exclusive use of the Commission inspection personnel. Heat, air conditioning, light, electrical outlets and janitorial services shall be furnished by each licensee. The office shall be convenient to and have full access to the installation and shall provide the inspector both visual and acoustic privacy.

(2) For a site with a single storage installation the space provided shall be adequate to accommodate a full-time inspector, a part-time secretary and transient NRC personnel and will be generally commensurate with other office facilities at the site. A space of 250 sq. ft., either within the site's office complex or in an office trailer, or other on site space, is suggested as a guide. For sites containing multiple facilities additional space may be requested to accommodate additional full-time inspectors. The office space that is provided shall be subject to the approval of the Director, Office of Inspection and Enforcement. All furniture, supplies and Commission equipment shall be furnished by the Commission.

(3) Each licensee under this Part shall afford any NRC resident inspector assigned to that site, or other NRC inspectors identified by the Regional Director as likely to inspect the installation, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection and personal safety.

(d) Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part.

(e) A report of the preoperational test acceptance criteria and test results shall be submitted to the appropriate regional office specified in Appendix D of Part 20 of this chapter with a copy to the Director, Office of Nuclear Material Safety and Safeguards at least 30 days prior to the receipt of spent fuel.

§ 72.57 Violation.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Atomic Energy Act of 1954, as amended, or title II of the Energy Reorganization Act of 1974, as amended, or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Atomic Energy Act for violation of §§ 53, 57, 62, 63, 81, or 82 of the Atomic Energy Act, or section 206 of the Energy Reorganization Act of 1974, or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Atomic Energy Act. Any person who willfully violates any provision of the Atomic Energy Act, or any regulation or order issued thereunder, may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

Subpart E—Siting Evaluation Factors

§ 72.61 General considerations.

(a) Site characteristics that may directly affect the safety or environmental impact of the ISFSI shall be investigated and assessed.

(b) Proposed sites for the ISFSI shall be examined with respect to the frequency and the severity of external natural and man-induced events that could affect the safe operation of the ISFSI.

(c) Design basis external events shall be determined for each combination of proposed site and proposed ISFSI design.

(d) Proposed sites with design basis external events for which adequate protection cannot be provided through ISFSI design shall be deemed unsuitable for the location of the ISFSI.

(e) For each proposed site, pursuant to Part 51 of this chapter, the potential for radiological and other environmental impacts on the region shall be evaluated with due consideration of the characteristics of the population, including its distribution, and of the regional environs, including its historical and esthetic values.

(f) The facility shall be sited so as to avoid to the extent possible the long-term and short-term adverse impacts associated with the occupancy and modification of floodplains.

§ 72.62 Design basis external natural events.

(a) Natural phenomena that may exist or that can occur in the region of a proposed site shall be identified and assessed according to their potential effects on the safe operation of the ISFSI. The important natural phenomena

that affect the ISFSI design shall be identified.

(b) Records of the occurrence and severity of those important natural phenomena shall be collected for the region and evaluated for reliability, accuracy, and completeness.

(c) Appropriate methods shall be adopted for evaluating the design basis natural events based on the characteristics of the region and the current state of knowledge about such events.

§ 72.63 Design basis external man-induced events.

(a) The region shall be examined for both past and present man-made facilities and activities that might endanger the proposed ISFSI. The important potential man-induced events that affect the ISFSI design shall be identified.

(b) Information concerning the potential occurrence and severity of such events shall be collected and evaluated for reliability, accuracy, and completeness.

(c) Appropriate methods shall be adopted for evaluating the design basis external man-induced events, based on the current state of knowledge about such events.

§ 72.64 Identifying regions around an ISFSI site.

(a) The regional extent of external phenomena, man-made or natural, that are used as a basis for the design of the ISFSI shall be defined.

(b) The potential regional impact due to the construction, operation or decommissioning of the ISFSI shall be identified. The extent of such regional impacts shall be determined on the basis of potential measurable effects on the population or the environment, from ISFSI activities.

(c) Those regions identified pursuant to paragraphs (a) and (b) of this section shall be investigated as appropriate with respect to (i) the present and future character and the distribution of population, (ii) consideration of present and projected future uses of land and water within the region; and (iii) any special characteristics that may influence the potential consequences of a release of radioactive material during the operational lifetime of the ISFSI.

(d) If the distribution of population in any defined region is such that adquate protective action cannot be provided through emergency planning the proposed site shall be unsuitable for the location of an ISFSI.

§ 72.65 Defining potential effects of the ISFSI on the region.

(a) The proposed site shall be evaluated with respect to the effects on populations in the region resulting from the release of radioactive materials under normal and accident conditions during operation and decommissioning of the ISFSI; in this evaluation both usual and unusal regional and site characteristics shall be taken into account.

(b) Each site shall be evaluated with respect to the effects on the regional environment resulting from construction, operation and decommissioning of the ISFSI; in this evaluation both usual and unusual regional and site characteristics shall be taken into account.

§ 72.66 Geological and seismological characteristics.

(a) *Massive Water Basin and Air-Cooled Canyon Types of ISFSI Structures:*

(1) East of the Rocky Mountain Front (east of approximately 104° west longitude), except in areas of known seismic activity including but not limited to the regions around New Madrid, Mo., Charleston, S.C., and Attica, N.Y., sites will be acceptable if the results from onsite foundation and geological investigation, literature review, and regional geological reconnassiance show no unstable geological charactertisics, soil stability problems, or potential for vibratory ground motion at the site in excess of an appropriate response spectrum achored at 0.2 g.

(2) West of the Rocky Mountain Front (west of approximately 104° west longitude), and in other areas of known potential seismic activity, seismicity will be evaluated by the techniques of Appendix A of Part 100 of this chapter. Sites that lie within the range of strong near-field ground motion from historical earthquakes on large capable faults should be avoided.

(3) Sites other than bedrock sites shall be evaluated for their liquefaction potential or other soil instaility due to vibratory ground motion.

(4) Site-specific investigations and laboratory analyses must show that soil conditions are adequate for the proposed foundation loading.

(5) In an evaluation of alternative sites, those which require a minimum of engineered provisions to correct site deficiencies are preferred. Sites with unstable geologic characteristics should be avoided.

(6) The ISFSI design earthquake (ISFSI–DE) for use in the design of structures shall be determined as follows:

(a) For sites that have been evaluated under the criteria of Appendix A of 10 CFR Part 100, the ISFSI–DE shall be equivalent to the safe shutdown earthquake (SSE) for a nuclear power plant.

(b) For those sites that have not been evaluated under the criteria of Appendix A of 10 CFR Part 100, that are east of the Rocky Mountain Front, and that are not in areas of known seismic activity, a standardized ISFSI–DE described by an appropriate response spectrum anchored at 0.25 g may be used. Alternatively, a site-specific ISFSI–DE may be determined by using the criteria and level of investigations required by Appendix A of Part 100 of this chapter.

(c) Regardless of the results of the investigations anywhere in the continental U.S., the ISFSI–DE shall have a value for the horizontal ground motion of no less than 0.10 g with the appropriate response spectrum.

(b) *Other types of ISFSI Designs.* For ISFSI designs that do not use massive water basins or air-cooled canyons, such as canisters, casks, or silos, a site specific investigation is required to establish site suitability commensurate with the specific requirements of the proposed ISFSI.

§ 72.67 Criteria for radioactive materials in effluents and direct radiation from an ISFSI.

(a) During normal operations and anticipated occurrences, the annual dose equivalent to any real individual who is located beyond the controlled area shall not exceed 25 mrem to the whole body, 75 mrem to the thyroid and 25 mrem to any other organ as a result of exposure to (1) planned discharges of radioactive materials, radon and its daughters excepted, to the general environment, (2) direct radiation from ISFSI operations and (3) any other radiation from uranium fuel cycle operations within the region.

(b) Operational restrictions shall be established to meet as low as is reasonably achievable objectives for radioactive materials in effluents and direct radiation levels associated with ISFSI operations.

(c) Operational limits shall be established for radioactive materials in effluents and direct radiation levels associated with ISFSI operations to meet the limits given in paragraph (a) of this section.

§ 72.68 Controlled area of an ISFSI.

(a) For each ISFSI site, a controlled area shall be established.

(b) Any individual located on or beyond the nearest boundary of the controlled area shall not receive a dose greater than 5 rem to the whole body or

any organ from any design basis accident. The minimum distance from the spent fuel handling and storage facilities to the nearest boundary of the controlled area shall be at least 100 meters.

(c) The controlled area may be traversed by a highway, railroad or waterway, so long as appropriate and effective arrangements are made to control traffic and to protect the public health and safety.

72.69 ISFSI emergency planning zone.

(a) For each ISFSI site, an ISFSI Emergency Planning Zone (ISFSI–EPZ) shall be established. The ISFSI–EPZ shall provide reasonable assurance that protective actions beyond its outer boundary would not be necessary.

(b) The boundaries of an ISFSI–EPZ for a particular ISFSI will be determined on a case-by-case basis taking into account both the characteristics of the specific facility and local conditions such as demography, topography, land characteristics, access routes and local jurisdictional boundaries.

§ 72.70 Spent fuel transportation.

The proposed ISFSI shall be evaluated with respect to the potential impact on the environment of spent fuel being transported into the area.

Subpart F—General Design Criteria

§ 72.71 General Considerations.

Pursuant to the provisions of § 72.15 of this Part, an application to store spent fuel in an ISFSI must include the design criteria for the proposed storage complex. These design criteria establish the design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to safety as defined in § 72.3. The general design criteria identified in this section establish minimum requirements for the design criteria for an ISFSI. Any omissions in these general design criteria do not relieve the applicant from the requirement of providing the necessary safety features in the design of the ISFSI.

§ 72.72 Overall requirements.

(a) *Quality Standards.*—Structures, systems, and components important to safety shall be designed, fabricated, erected, and tested to quality standards commensurate with the importance to safety of the function to be performed.

(b) *Protection against environmental conditions and natural phenomena.*—(1) Structures, systems, and components important to safety shall be designed to accommodate the effects of, and to be compatible with, site characteristics and environmental conditions associated with normal operation, maintenance, and testing of the ISFSI; and to withstand postulated accidents.

(2) Structures, systems, and components important to safety shall be designed to withstand the effects of natural phenomena such as earthquakes, tornadoes, lightning, hurricanes, floods, tsunami, and seiches, without impairing their capability to perform safety functions. The design bases for these structures, systems, and components shall reflect (i) appropriate consideration of the most severe of the natural phenomena reported for the site and surrounding area, with appropriate margins to take into account the limitations of the data and the period of time in which the data have accumulated, and (ii) appropriate combinations of the effects of normal and accident conditions and the effects of natural phenomena. An ISFSI need not be protected from tornado missiles but should be designed to prevent massive collapse of building structures or the dropping of heavy objects on to the stored spent fuel as a result of building structural failures.

(3) Capability shall be provided for determining the intensity of natural phenomena that may occur for comparison with design bases of structures, systems, and components important to safety.

(4) If the ISFSI is located over an aquifer which is a major water resource, measures shall be taken to preclude the transport of radioactive materials to the environment through this potential pathway.

(c) *Protection Against Fires and Explosions.*

Structures, systems, and components important to safety shall be designed and located so that they can continue to perform their safety functions effectively under credible fire and explosion exposure conditions. Noncombustible and heat-resistant materials shall be used wherever practical throughout the ISFSI, particularly in locations vital to the control of radioactive materials and to the maintenance of safety control functions. Explosion and fire detection, alarm, and suppression systems shall be designed and provided with sufficient capacity and capability to minimize the adverse effects of fires and explosions on structures, systems, and components important to safety. The design of the ISFSI shall include provisions to protect against adverse effects that might result from either the operation or the failure of the fire suppression system.

(d) *Sharing of structures, systems, and components.*—Structures, systems, and components important to safety shall not be shared between an ISFSI and other facilities unless it is shown that such sharing will not impair the capability of either facility to perform its safety functions, including the ability to return to a safe condition in the event of an accident.

(e) *Proximity of sites.*—An ISFSI located near other nuclear facilities shall be designed and operated to ensure that the cumulative effects of their combined operations will not constitute an unreasonable risk to the health and safety of the public.

(f) *Testing and maintenance of systems and components.*—Systems and components that are important to safety shall be designed to permit inspection, maintenance, and testing.

(g) *Emergency capability.*—Structures, systems, and components important to safety shall be designed for emergencies. The design shall provide for accessibility to the equipment of onsite and available offsite emergency facilities and services such as hospitals, fire and police departments, ambulance service, and other emergency agencies.

(h) *Confinement barriers and systems.*—(1) The fuel cladding shall be protected against degradation and gross ruptures.

(2) For underwater storage of spent fuel in which the pool water serves as a shield and a confinement medium for radioactive materials, systems designed for maintaining water purity and the pool water level shall be designed so that any abnormal operations or failure in those systems from any cause will not cause the water level to fall below safe limits. The design shall preclude installations of drains, permanently connected systems, and other features that could by abnormal operations or failure cause a significant loss of water. Pool water level equipment shall be provided to alarm in a continuously manned location if the water level in the fuel storage pools falls below a predetermined level.

(3) Ventilation and off-gas systems shall be provided where necessary to ensure the confinement of airborne radioactive particulate materials during normal or off-normal conditions.

(i) *Instrumentation and control systems.*—Instrumentation and control systems shall be provided to monitor systems that are important to safety over anticipated ranges for normal operation and off-normal operation. Those instruments and control systems that must remain operational under accident conditions shall be identified in the Safety Analysis Report.

(j) *Control room or control areas.*—A control room or control areas shall be designed to permit occupancy and actions to be taken to monitor the ISFSI

safely under normal conditions, and to provide safe control of the ISFSI under off-normal or accident conditions.

(k) *Utility services.*—(1) Each utility service system shall be designed to meet emergency conditions. The design of utility services and distribution systems that are important to safety shall include redundant systems to the extent necessary to maintain, with adequate capacity, the ability to perform safety functions assuming a single failure.

(2) Emergency utility services shall be designed to permit testing of the functional operability and capacity, including the full operational sequence, of each system for transfer between normal and emergency supply sources; and to permit the operation of associated safety systems.

(3) Provisions shall be made so that, in the event of a loss of the primary electric power source or circuit, reliable and timely emergency power will be provided to instruments, utility service systems, the central security alarm station, and operating systems, in amounts sufficient to allow safe storage conditions to be maintained and to permit continued functioning of all systems essential to safe storage.

§ 72.73 Criteria for nuclear criticality safety.

(a) *Design for criticality safety.*—Spent fuel handling, transfer, and storage systems shall be designed to be maintained subscritical and to prevent a nuclear criticality accident. The design of handling, transfer, and storage systems shall include margins of safety for the nuclear criticality parameters that are commensurate with the uncertainties in the handling, transfer and storage conditions, in the data and methods used in calculations, and in the nature of the immediate environment under accident conditions.

(b) *Methods of criticality control.*—The design of an ISFSI shall be based on either favorable geometry (spacing) or permanently fixed neutron absorbing materials (poisons). Where solid neutron absorbing materials are used, the design shall provide for positive means to verify their continued efficacy. In criticality design analyses for underwater storage systems, credit can be taken for the neutron absorption of rack structures and the water within the storage unit.

§ 72.74 Criteria for radiological protection.

(a) *Exposure control.*—Radiation protection systems shall be provided for all areas and operations where onsite personnel may be exposed to radiation or airborne radioactive materials. Structures, systems, and components for which operation, maintnenance, and required inspections may involve such exposure shall be designed, fabricated, located, shielded, controlled, and tested so as to control external and internal radiation exposures to personnel. The design shall include means to:

(1) prevent the accumulation of radioactive material in those systems requiring access;

(2) decontaminate those systems to which access is required;

(3) control access to areas of potential contamination or high radiation within the ISFSI;

(4) measure and control contamination of areas requiring access;

(5) minimize the time required to perform work in the vicinity of radioactive components; for example, by providing sufficient space for ease of operation and designing equipment for ease of repair and replacement; and

(6) shield personnel from radiation exposure.

(b) *Radiological alarm systems.*—Radiological alarm systems shall be provided in accessible work areas to warn operating personnel of radiation and airborne radioactivity levels above a given setpoint and of concentrations of radioactive material in effluents above control limits. Such systems shall be designed with provisions for calibration and testing their operability.

(c) *Effluent and direct radiation monitoring.*—

(1) Effluent systems shall be provided with means for measuring the amount of radionuclides in effluents during normal operations and under accident conditions. A means of measuring the flow of the diluting medium, either air or water, shall also be provided.

(2) Areas containing radioactive materials shall be provided with systems for measuring the direct radiation levels in and around these areas.

(d) *Effluent Control.*

The ISFSI shall be designed to provide means to limit to levels as low as is reasonably achievable the release of radioactive materials in effluents during normal operations; and control the release of radioactive materials under accident conditions. Analyses shall be made to show that releases to the general environment during normal operations and anticipated occurrences will be within the exposure limits given in § 72.67. Analyses of design basis accidents shall be made, to show that releases to the general environment will be within the exposure limits given in § 72.68. Systems designed to monitor the release of radioactive materials shall have means for calibration and testing their operability.

§ 72.75 Criteria for spent fuel and radioactive waste storage and handling.

(a) *Spent Fuel and Radioactive Waste Storage and Handling Systems.*

Spent fuel storage, radioactive waste storage, and other systems that might contain or handle radioactive materials associated with spent fuel, shall be designed to ensure adequate safety under normal and accident conditions. These systems shall be designed with (1) a capability to test and monitor components important to safety, (2) suitable shielding for radiation protection under normal and accident conditions, (3) confinement structures and systems, (4) a heat-removal capability having testability and reliability consistent with its importance to safety, and (5) means to minimize the quantity of radioactive wastes generated.

(b) *Waste Treatment.*

Radioactive waste treatment facilities shall be provided. Provisions shall be made for the packaging of site-generated low level wastes in a form suitable for transfer to disposal sites.

§ 72.76 Criteria for decommissioning.

The ISFSI shall be designed for decommissioning. Provisions shall be made to facilitate decontamination of structures and equipment, minimize the quantity of radioactive wastes and contaminated equipment, and facilitate the removal of radioactive wastes and contaminated materials at the time the ISFSI is permanently decommissioned.

Subpart G—Quality Assurance

§ 72.80 Quality assurance program; Records.

(a) A quality assurance program based on the criteria in Appendix B to Part 50 of this chapter shall be established and implemented for the structures, systems, and components of an ISFSI that are important to safety. The application of the quality assurance program should be commensurate with the importance to safety of identified activities and individual structures, systems, and components.

(b) The quality assurance program shall cover all activities identified as being important to safety throughout the life of the licensed activity—from site selection through decommissioning—prior to termination of the license.

(c) Appropriate records of the design, fabrication, erection, testing, maintenance and occupation of structures, systems, and components important to safety shall be maintained by or under the control of the licensee throughout the life of the ISFSI.

Subpart H—Physical Protection

§ 72.81 Physical security plan.

A plan for detailed security measures for physical protection shall be established. This plan shall consist of two parts. Part I shall demonstrate how the applicant plans to comply with the applicable requirements of Part 73 of this chapter and during transportation to and from the proposed ISFSI and shall include the design for physical protection and the licensee's safeguards contingency plan and guard training plan. Part II shall list tests, inspections, audits, and other means to be used to demonstrate compliance with such requirements.

§ 72.82 Design for physical protection.

The design for physical protection shall show the site layout and ISFSI design features provided to protect the ISFSI from sabotage. It shall include:

(a) The design criteria for the physical protection of the proposed ISFSI;

(b) The design bases and the relation of the design bases to the design criteria submitted pursuant to paragraph (a) of this section; and

(c) Information relative to materials of construction, equipment, general arrangement, and proposed quality assurance program sufficient to provide reasonable assurance that the final security system will conform to the design bases for the principal design criteria submitted pursuant to paragraph (a) of this section.

§ 72.83 Safeguards contingency plan.

(a) The requirements of the licensee's safeguards contingency plan for dealing with threats and industrial sabotage shall be as defined in § 73.40(b) of this Chapter. This plan shall include Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix, the first four categories of information relating to nuclear facilities licensed under Part 50 of this chapter. (The fifth category of information, Procedures, does not have to be submitted for approval.)

(b) The licensee shall prepare and maintain safeguards contingency plan procedures in accordance with Appendix C to 10 CFR Part 73 for effecting the actions and decisions contained in the Responsibility Matrix of the licensee's safeguards contingency plan.

§ 72.84 Change to physical security and safeguards contingency plans.

(a) The licensee shall make no change that would decrease the safeguards effectiveness of the physical security plan or the first four categories of information (Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix) contained in the licensee safeguards contingency plan without the prior approval of the Commission. A licensee desiring to make such a change shall submit an application for an amendment to his license pursuant to § 72.39.

(b) The licensee may, without prior Commission approval, make changes to the physical security plan or the safeguards contingency plan, if the changes do not decrease the safeguards effectiveness of these plans. The licensee shall maintain records of changes to any such plan made without prior approval for a period of 2 years from the date of the change and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office specified in Appendix A to Part 73 of this chapter, a report containing a description of each change within 2 months after the change is made.

Subpart I—Training and Certification of ISFSI Personnel

§ 72.91 Operator requirements.

Operation of equipment and controls that have been identified as important to safety in the Safety Analysis Report and in the license shall be limited to trained and certified personnel or be under the direct visual supervision of an individual with training and certification in such operation. Supervisory personnel who personally direct the operation of equipment and controls that are important to safety must also be certified in such operations.

§ 72.92 Operator training and certification program.

The applicant for a license under this part shall establish a program for training, proficiency testing, and certification of ISFSI personnel. This program shall be submitted to the Commission for approval with the license application.

§ 72.93 Physical requirements.

The physical condition and the general health of personnel certified for the operation of equipment and controls that are important to safety shall not be such as might cause operational errors that could endanger other in-plant personnel or the public health and safety. Any condition which might cause impaired judgment or motor coordination must be considered in the selection of personnel for activities that are important to safety. Such conditions need not categorically disqualify a person, so long as appropriate provisions are made to accommodate such defect.

Conforming Amendments

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. Section 2.764 is amended by adding the phrase "Except as provided in paragraph (c) of this section," at the beginning of paragraphs (a) and (b), by adding a new paragraph (c) and by revising footnote 1 to read as follows:

§ 2.764 Immediate effectiveness of initial decision directing issuance or amendment of construction permit or operating license.[1]

(a) Except as provided in paragraph (c) of this section, an initial decision * * *

(b) Except as provided in paragraph (c) of this section, the Director of Nuclear Reactor Regulation or * * *

(c) An initial decision directing the issuance of an initial license for the construction and operation of an independent spent fuel storage installation (ISFSI) under 10 CFR Part 72 of this chapter shall not become effective until review by the Commission has been completed. The Director of Nuclear Material Safety and Safeguards shall not issue an initial license for the construction and operation of an independent spent fuel storage installation (ISFSI) under 10 CFR Part 72 of this chapter until expressly authorized to do by the Commission.

PART 54—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION.

2. In § 51.5(a) paragraph (10) is redesignated as paragraph (11) and a new paragraph (10) is added. In § 51.5(b) a new subparagraph (4)(iv) and paragraph (9) is added. Paragraph 51.5(b)(5) is changed to include the above additional subparagraph (4)(iv). As amended § 51.5 reads as follow:

§ 51.5 Actions requiring preparation of environmental impact statements, negative declarations, environmental impact appraisals; actions excluded.

(a) An environmental impact statement will be prepared and circulated prior to taking any of the following types of actions:

* * * * *

(10) Issuance of a license pursuant to Part 72 of this chapter for the storage of

[1] The temporary suspension of § 2.764 (a) and (b) in certain proceedings and related matters is addressed in Appendix B to this part.

spent fuel in an independent spent fuel storage installation (ISFSI) at a site not occupied by a nuclear power reactor.

(11) Any other action which the Commission determines is a major Commission action significantly affecting the quality of the human environment.

(b) Many licensing and regulatory actions of the Commission other than those listed in paragraph (a) may or may not require preparation of an environmental impact statement, depending upon the circumstances. In determining whether an environmental impact statement should or should not be prepared for such action, the Commission shall be guided by the Council on Environmental Quality Guidelines, 40 CFR 1500.6. Such other actions include:

* * * * *

(iv) The storage of spent fuel in an independent spent fuel storage installation (ISFSI) pursuant to Part 72 of the chapter.

(5) Renewal of licenses to conduct activities listed in paragraph (b)(4) (i)-(iv) of this section;"

* * * * *

(9) Issuance of a license pursuant to Part 72 of this chapter for the storage of spent fuel in an independent spent fuel storage installation (ISFSI) on the site of a nuclear power reactor.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

3. Section 70.1 is amended by inserting the following phrase in the beginning of paragraph (a) and by adding a new paragraph to read as follows:

§ 70.1 Purpose.

(a) Except as provided in paragraph (c) of this section, the regulations of this part * * *

* * * * *

(c) The regulations in Part 72 of this chapter establish requirements, procedures, and criteria for the issuance of licenses to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) and the terms and conditions under which the Commission will issue such licenses.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

§ 73.1 Purpose and scope.

4. In § 73.1(b) Scope, add a new paragraph as follows:

* * * * *

(b) *Scope.* This part prescribes requirements for the physical protection of spent fuel stored in an independent spent fuel storage installation (ISFSI) licensed under Part 72 of this Chapter.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

5. Section 150.15(a) is amended by adding a new paragraph (8) to read as follows:

§ 150.15 Persons not exempt.

(a) Persons in agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

* * * * *

150.15(a)(7) The storage of spent fuel in an independent spent fuel storage installation (ISFSI) licensed pursuant to Part 72 of this Chapter.

* * * * *

Dated at Washington, D.C., this 3rd day of November 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-34865 Filed 11-10-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 456

[Docket No. CAS-RM-79-101]

Residential Conservation Service Program; Briefing

AGENCY: Department of Energy.

ACTION: Notice of briefing.

SUMMARY: The Department of Energy is implementing the Residential Conservation Service (RCS) Program pursuant to Title II, Part I of the National Energy Conservation Policy Act (NECPA) (Pub. L. 95-619, Stat. 3206 *et seq.*). The purpose of the program is to encourage the installation of energy conservation measures and renewable resource measures in existing houses by residential customers of larger gas and electric utilities and home heating suppliers. On November 7, 1979, DOE issued a final rule for the RCS Program (44 FR 64602).

Under the RCS Program, DOE has established rules and guidelines that affect the energy conserving and renewable resource products manufactured, distributed or installed under the program. The rules address material and installation standards, product labeling, program listing, and warranty requirements.

In order to make manufacturers, suppliers, and contractors aware of the requirements for labeling, warranty, listing, and the material standards, we have scheduled a briefing for trade associations which represent manufacturers, contractors and distributors of energy conserving and renewable resource measures to address these guidelines.

DATES: The briefing will be held November 20, 1980, from 2:00 p.m., to 4:30 p.m. Request for attendence should be received before November 14, 1979. Direct all requests to Gloria Purnell at the address listed under the section entitled "For Further Information Contact:". The briefing will be held at the address listed below:

ADDRESSES: Quality Inn, 415 New Jersey Avenue, N.W., Federal Ballroom, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Gloria Purnell, Office of Conservation and Solar Energy, Room GH-068, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-9161.

SUPPLEMENTARY INFORMATION: Not available.

Issued in Washington, D.C. on November 7, 1980.

T. E. Stelson,

Conservation and Solar Energy.

[FR Doc. 80-35381 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9089]

Atlantic Richfield Company; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order, among other things, reopens the proceeding and modifies definition (h)(1) and (2) of the divestiture order issued on October 29, 1979, 44 FR 67643, 94 F.T.C. 1054, so that, upon prior Commission approval, Noranda Mines Ltd., INCO Ltd., the Anglo American Group, or any of their respective subsidiaries (previously designated as "ineligible"), may be considered as "eligible" to purchase properties to be divested or to engage in certain joint ventures with Atlantic Richfield.

DATES: Order issued October 29, 1979. Modifying order issued October 7, 1980.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580, (202) 523-3601.

SUPPLEMENTARY INFORMATION: In the Matter of Atlantic Richfield Company, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; § 13.5–20 Federal Trade Commission Act; § 13.7 Joint ventures. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–5 Arbitration; § 13.533–35 Employment of independent agencies.

The Order Reopening Proceeding and Modifying Consent Order is as follows:

By letter dated January 14, 1980, Noranda Mines Ltd. ("Noranda") requested that the Commission reopen this proceeding to reconsider the designation of Noranda as absolutely ineligible to purchase the properties subject to divestiture under the consent order issued in this proceeding on October 29, 1979.[1] One of the principal objectives of the consent order was to promote deconcentration of the copper industry through divestiture of the subject properties to firms that presently are not major producers. Atlantic Richfield may divest the properties to, or engage in certain joint ventures with, any person who is "eligible" under the terms of the order.[2] Because eligibility based solely on market share criteria could not meet the Commission's competition objectives in this instance, three major companies—Noranda, INCO Ltd. and the Anglo American Group—were designated by name as ineligible. Those companies' actual or potential competitive positions were believed to be inadequately reflected by reference solely to market share criteria.

Upon consideration of Noranda's request, the Commission determined that it would be in the public interest to reopen the proceeding for the purpose of modifying the consent order. The Commission was of the opinion that the public interest in improving competition in the copper industry may adequately be served by designating Noranda, INCO Ltd. and the Anglo American Group as eligible upon prior approval of the Commission.[3] On June 19, 1980, the Commission issued an order to show cause why the consent order should not be modified. The show cause order invited interested persons to comment on the proposed change.

Having carefully considered the comments received, [4] the Commission continues to believe that the competitive positions of Noranda, INCO Ltd. and the Anglo American Group are not adequately reflected by reference solely to market share criteria. The Commission has concluded that the public interest would adequately be served by giving each of the three firms an opportunity to present its views in the context of a specific request for prior Commission approval of a proposed divestiture transaction or a proposed joint venture subject to Paragraphs IX and X of the consent order.

Now, therefore, it is hereby ordered, pursuant to Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. § 45(b), and Rule 3.72(b) of the Commission's Rules of Practice, 16 CFR § 3.72(b) (1979), that the October 29, 1979 consent order be modified in part as follows: (Note: the text of the consent order was not printed in the Federal Register. The consent order was filed as part of the original document.)

For purposes of this Order, the following definitions shall apply:

(h) (1) Subject to the provisions of subparagraph (2) of this definition "h", "Eligible Person" means all Persons having *not* more than ten percent (10%) of the Copper Market for any of the three calendar years immediately preceding (i) an attempt by such Person to acquire a property or interest to be divested under the provisions of Paragraphs I through V of this Order, or (ii) an attempt by such Person to enter into a Joint Venture with Respondent which may be subject to the provisions of Paragraphs IX and X of this Order.

(2) *Noranda Mines Ltd., the INCO Ltd., Anglo American Group, and any of their respective subsidiaries, and any* Person otherwise eligible under subparagraph (1) of this definition "h" having between five percent (5%) and ten percent (10%) of the Copper Market for any of the three calendar years immediately preceding any of the events described in sections (i) and (ii) of subparagraphs (1) of this definition "h", shall be considered to be an "Eligible Person" only upon prior approval of the Commission. *The "Anglo American Group" means the Anglo American Corporation of South Africa Limited, Charter Consolidated Ltd., De Beers Consolidated Mines Ltd., Hudson Bay Mining and Smelting Co., Limited, Minerals and Resources Corporation Ltd., Anglo American Corporation of Canada Limited, and Inspiration Consolidated Copper Company and their respective subsidiaries.*

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-35135 Filed 11-7-80; 8:45 am]

BILLING CODE 6750-01-M

[1] The Commission has treated Noranda's correspondence as a request that the Commission reopen this proceeding on its own initiative, as authorized by §§ 3.71 and 3.72 of the Commission's Rules of Practice. Rules 3.71 and 3.72(b)(1), 45 FR 21,622 (Apr. 2, 1980).

[2] To determine eligibility, the October 29 consent order defines "Eligible Person" and "Ineligible Person." It designates as absolutely ineligible any person having more than ten percent (10%) of the United States copper market for any of the three calendar years preceding an attempt to purchase the subject properties or to engage in certain joint ventures with Atlantic Richfield. Any person having between five percent (5%) and ten percent (10%) of the United States copper market for any of the three calendar years is eligible to purchase the subject properties or to engage in certain joint ventures with Atlantic Richfield only upon prior approval of the Commission. Three companies, Noranda, INCO Ltd. and the Anglo American Group, are declared absolutely ineligible. Definitions (h) and (i) of the order.

[3] Although Noranda is the only one of the three companies that has requested a reopening of this proceeding, its position is not substantially different from that of INCO Ltd. or the Anglo American Group. Therefore, the Commission has concluded that it would be appropriate to modify the order with respect to all three firms.

[4] Comments were received from Noranda and from respondent Atlantic Richfield. Noranda proposed an alternative modification. Atlantic Richfield stated that it does not object to the Commission's proposed modification.

16 CFR Part 13

[Docket No. C-3044]

Benton & Bowles, Incorporated; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New York City advertising agency to cease depicting, in advertising, children eight years of age or younger operating non-motorized two- or three-wheeled vehicles in an unsafe or illegal manner. This includes representing children operating such vehicles in traffic thoroughfares without adult supervision, and performing stunts or similar acts which create an unreasonable risk of harm to person or property.

DATES: Complaint and order issued October 10, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PA, Linda J. Lacey, Washington, D.C. 20580 (202) 724–1481.

SUPPLEMENTARY INFORMATION: On Monday, August 4, 1980, there was published in the Federal Register, 45 FR

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

51596, a proposed consent agreement with analysis In the Matter of Benton & Bowles, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Negelecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1890 Safety.

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

Carol M. Thomas,

Secretary.

[FR Doc. 80-35136 Filed 11-7-80; 8:45 am]

BILLING CODE 6750-01-M

---

16 CFR Part 13

[Docket No. 9105]

Ford Motor Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Dearborn, Mich. motor vehicle manufacturer to cease failing to supply consumers, on request, with "Technical Service Bulletins" which clearly describe engine or transmission problems that could cost over $125; preventative maintenance steps to take; and the extent of any reimbursements or free repairs. The company would be required to establish a toll-free number, and mail to all requesting consumers bulletins that affect their cars. Each car owner must be notified by mail whenever warranty protection covering engine, transmission or other significant problems is extended. The firm would be further required to announce the existence of its automobile information program in various national publications, and copy test all ads before publication to ensure that the required information is communicated as effectively as their regular product advertising. Additionally, the order would require that consumers be advised of the availability of the repair information and possible post-warranty reimbursement for repairs through warranty and owner manuals, dealer showroom posters, and individual mailings to all 1979 and 1980 Ford car owners. Under the terms of the order, the company would be required to follow procedures to ensure reimbursement of each owner who incurred expenses for repairs prior to notification of adjustment programs; make replacement parts available to dealers; and pay all costs for parts and labor incurred by dealers in repairing specified conditions.

DATES: Complaint, Jan. 10, 1978. Decision issued Oct. 2, 1980.[1]

FOR FURTHER INFORMATION CONTACT: Paul E. Eyre, Director, 4R, Cleveland Regional Office, Federal Trade Commission, Suite 500—Mall Building, 118 St. Clair Ave., Cleveland, Ohio 44114. (216) 522-4207.

SUPPLEMENTARY INFORMATION: On Thursday, February 28, 1980, there was published in the Federal Register, 45 FR 13115, a proposed consent agreement with analysis In the Matter of Ford Motor Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-40 Furnishing information to media; 13.533-45 Maintain records; 13.533-53 Recall of merchandise, advertising material, etc.; 13.533-55 Refunds, rebates and/or credits. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions.

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

Carol M. Thomas,

Secretary.

[FR Doc. 80-35137 Filed 11-7-80; 8:45 am]

BILLING CODE 6750-01-M

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

---

16 CFR Part 13

[Docket No. C-3043]

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

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Philadelphia, Pa. manufacturer of prescription medicines, proprietary pharmaceuticals, and animal health products, to divest itself of the assets of Sea & Ski, except for its plant and equipment, within six months of the effective date of this order. Respondent is further required, upon request of the buyer, to furnish technical, market and quality control information for a one-year period specified in the order and to maintain the value of the products or assets of Sea & Ski and preserve it as a viable, ongoing business pending divestiture.

DATES: Complaint and order issued October 9, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: On Monday, August 4, 1980, there was published in the Federal Register, 45 FR 51593, a proposed consent agreement with analysis In the Matter of Smithkline Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 80-35138 Filed 11-7-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM81-3]

Statements and Reports (Schedules)

Issued: November 5, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order suspending filing requirement.

SUMMARY: By this Notice, the Federal Energy Regulatory Commission is suspending, until further notice, the 1980 filing and any future filings of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) (18 CFR 141.1) as it applies to Federal authorities. The current filing requirements are under Commission review and a rulemaking proceeding to revise these requirements is anticipated in the near future. Such filings are, therefore, suspended until the Commission review is completed.

DATE: November 5, 1980.

FOR FURTHER INFORMATION CONTACT: Ellen Brown, Office of Program Management, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Rm 3317, Washington, D.C. 20426, (202) 357-8182.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission's "Annual Report for Electric Utilities, Licensees, and Others", FPC Form No. 1, is required to be filed on or before the last day of the third month following the end of the calendar or established fiscal year (18 CFR 141.1).

The annual reporting requirements prescribed in § 141.1 for Federal entities which generate, transmit, distribute or sell electric energy—FPC Form Nos. 1 and 1002—are due on or before December 31, for the previous fiscal year.[1]

The Commission believes that a review of the reporting requirements for Federal entities subject to § 141.1 is necessary in order to reevaluate the regulatory need and justification for these annual reports.[2] The purpose of this review is to ascertain whether a reduction in future reporting burdens may be possible without reducing the effectiveness of our compliance program. Furthermore, it is likely that this review will soon culminate in a rulemaking proceeding—analogous to that now being undertaken in Docket RM80-55—that would seek to reduce unnecessary reporting burdens now imposed on these Federal entities.

In particular, the expeditious completion of this potential rulemaking could obviate the need for the full filing by Federal entities under the current regulations that is due by the end of the year.

Accordingly, in order to delay otherwise required filings until a review of the precise reporting requirements is completed, we find that good cause exists to suspend, until further notice, the 1980 filing and any future filings prescribed for Federal authorities by 18 CFR 141.1.

The Commission Orders

The 1980 filing and any future filings by Federal authorities of annual reports prescribed by 18 CFR 141.1 are suspended until further notice.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35199 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1312

Change of Address for Filing Import and Export Documents

AGENCY: Drug Enforcement Administration.

ACTION: Final rule.

SUMMARY: This action simply changes office designations and addresses which are currently listed in Part 1312 of Title 21 in order to accurately reflect changes in the DEA's structure. It contains no substantial change in Federal regulations pertaining to the import and export of controlled substances. In light of this no comments have been solicited and the action is being issued as a final rule.

EFFECTIVE DATE: November 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald W. Buzzeo, Chief, Compliance Division, Office of Compliance & Regulatory Affairs, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537, Telephone number (202) 633-1321.

SUPPLEMENTARY INFORMATION: Therefore, pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871(b) as delegated by 28 CFR 0.100 to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that Part 1312 of Title 21 of the Code of Federal Regulations be amended as follows:

Sections 1312.12(a) and 1312.22(a): Regulatory Investigations Section, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537, is changed to Drug Enforcement Administration, Compliance Division, 1405 Eye Street, N.W., Washington, D.C. 20537.

Sections 1312.14(a) and 1312.25: Distribution Audit Branch is changed to Compliance Division.

§§ 1312.19 and 1312.28 [Amended]

Section 1312.19(a) and 1312.28(c): Registration Branch is changed to Compliance Division.

§§ 1312.16, 1312.24, and 1312.31 [Amended]

Sections 1312.16(b), 1312.24(a) and 1312.31(b): Distribution Audit Branch, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537, is changed to Drug Enforcement Administration, Compliance Division, 1405 Eye Street, N.W., Washington, D.C. 20537.

§§ 1312.18, 1312.19, 1312.27, 1312.28, 1312.32 [Amended]

Sections 1312.18(b), 1312.19(b), 1312.27(a), 1312.28(d) and 1312.32(a): Registration Branch, Drug Enforcement Administration, Department of Justice, P.O. Box 28083 Central Station, Washington, D.C. 20537, is changed to Drug Enforcement Administration, Compliance Division, 1405 Eye Street, N.W., Washington, D.C. 20537.

[1] Modified versions of Form No. 1 are filed by a variety of Federal entities, including Power Marketing Administrations within the Department of Energy, and the Water and Power Resources Service and Bureau of Indian Affairs within the Department of Interior. FPC Form No. 1002 is an unofficial version of FPC Form No. 1 which is filed by numerous projects within the Army Corps of Engineers.

[2] A rulemaking proceeding to revise portions of Form No. 1 filed by non-Federal entities, is currently pending at the Commission. *See* Notice of Proposed Rulemaking, issued July 10, 1980, Docket No. RM80-55 [45 FR 47704, July 16, 1980].

Dated: November 3, 1980.

Peter B. Bensinger,

Administrator.

[FR Doc. 80-35139 Filed 11-10-80; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7734]

Income Tax; Taxable Years Beginning After December 31, 1953; Minimum Funding Standards—Asset Valuation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations which define the term "reasonable actuarial method of valuation" for purposes of applying the minimum funding standards for pension plans. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974. The regulations provide the public with guidance needed to comply with that Act and apply to all plans that are subject to the minimum funding standards.

EFFECTIVE DATE: Generally, the regulations apply to certain plan years beginning after December 31, 1975.

FOR FURTHER INFORMATION CONTACT: Harry Beker of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-6212, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On August 25, 1978, the Internal Revenue Service published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 412(c)(2) of the Internal Revenue Code of 1954 in the Federal Register, 43 FR 38027. The amendments were proposed to conform the regulations to section 1013(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 916) ("ERISA") and were also to apply for purposes of section 302 of ERISA.

A public hearing on the proposed amendments was held January 11, 1979. After consideration of all the comments, both written and oral, regarding the proposed amendments, those amendments are adopted, as revised, by this Treasury decision.

General Explanation of Provisions

Section 412 provides minimum funding requirements with respect to certain pension plans, including the maintaining of a funding standard account. The charges and credits to the funding standard account are generally based upon the assumption that the plan will be continued by the employer. Based upon that assumption, the general purpose of these regulations is to allow defined benefit plans to use reasonable asset valuation methods designed to mitigate the effect on the funding standard account caused by short-run changes in the fair market value of plan assets. This purpose is in accord with H. Rep. No. 93-807, 93d Cong., 2d Sess. 96 (1974).

The rules contained in these regulations provide general standards for acceptable asset valuation methods.

The regulations, as proposed and as adopted, establish a measure for testing actuarial valuation methods by taking into account fair market value as required by section 412(c)(2)(A). The regulations do this mainly by providing a corridor, within which the actuarial value of plan assets must fall under the method of valuation used by the plan, as described below under the headings "reflecting fair market value," "value consistently above or below market," and "corridor limits."

Bond Exception

The final regulations do not change the proposed amendment providing an exception from the valuation rules for certain bonds and other evidences of indebtedness. Questions raised in the comments regarding the application of this provision will be addressed in regulations to be proposed under section 412(c)(2)(B).

Defined Contribution Plan

As suggested in the comments, the final regulations make it clear that money purchase pension plans are the only defined contribution plans to which the rules of these regulations for determining the actuarial value of plan assets apply.

Characterization of Certain Changes

The proposed amendments characterized certain changes as changes in a plan's funding method. Any change in a required feature of an actuarial asset valuation method was treated as a change in funding method. Similar treatment was applied to a deviation from the required statement of a plan's actuarial valuation method and to a change in the date used for determining a plan's actuarial value.

The effect of this treatment would be that the change must first be approved by the Secretary of the Treasury under section 412(c)(5).

Many comments suggested that these changes should be treated as changes in actuarial assumptions. As such, they would not be subject to prior government approval.

In one respect, the final regulations follow the comments' suggestions. The final regulations have eliminated the provision which would have treated as a change in the plan's funding method a deviation from the statement of a plan's valuation method to include a new type or class of plan asset. Therefore, for example, a change in method to include bonds where no bonds had previously been held by the plan would not be subject to prior approval.

Prior approval will not necessarily continue to be required indefinitely in all other cases. As situations involving changes are identified for which prior approval would no longer serve a useful function, the Service may publish a revenue procedure waiving the prior approval requirement in these cases. Other questions regarding changes in funding method will be addressed in regulations to be proposed under section 412(c)(5).

Reporting Statement of Plan's Method

The proposed amendments required the filing of a statement of the actuarial valuation method in the plan's actuarial valuation report for the first plan year for which the method is used and for each later plan year for which the method is changed.

The comments suggested that this requirement is inconsistent with the instructions of Schedule B, Form 5500, the required actuarial report. The instructions require a statement of the actuarial valuation method with each report.

The final regulations change the proposed amendments to be consistent with the instructions for Schedule B, Form 5500.

Reflecting Fair Market Value

Under the proposed amendments, an actuarial valuation method reflects fair market value, as required by section 412(c)(2)(A), in either of two ways. Either it uses fair market value in the direct computation of the actuarial value of the plan's assets, or it uses fair market value indirectly in setting the maximum and minimum limits of the actuarial value. The comments reflected uncertainty regarding the application of this requirement.

The final regulations restructure the form, and alter the substance, of the proposed amendments.

Value Consistently Above or Below Market

Under the propsed amendments, a method did not properly reflect fair market value if it was designed to produce a result that was significantly and consistently above or below fair market value. To provide greater administrative certainty, the final regulations eliminate the "significantly" requirement. Thus, under the final regulations, a method does not properly reflect fair market value if it is designed to produce a result that is consistently above or below fair market value.

Also, the final regulations permit a valuation method, as was the case under the proposed amendments, to take fair market value into account either directly or indirectly. However, the final regulations add a significant element to the proposed amendments by providing that the use of average value, as prescribed under the regulations, also satisfies the requirement that the valuation method must take into account fair market value either directly or indirectly.

A few comments suggested that a valuation method should be permitted under certain circumstances to produce an actuarial valuation that is sometimes below, but never above, fair market value. One comment conceded that such a valuation method accelerates funding and thus also deductibility, but noted that such a conservative valuation method at the same time enhances the security of plan participants.

The final regulations do not alter the "consistently" requirement of the proposed rule. As noted in the preamble to proposed regulations relating to reasonable funding methods (44 FR 57423, 57424, October 5, 1979), it is necessary to strike a balance between the need to prevent underfunding in the interest of plan security and the need to prevent overfunding in the interest of safeguarding tax revenue. The regulations promote such a balance.

The inclusion of the average value concept in the final regulations adds an element of flexibility to the proposal regarding values above and below market. For example, average value or fair market value may serve as a ceiling or floor on the actuarial value produced by a particular method. If the method produces a value that falls between average value and fair market value, it is not treated as producing a result that is consistently above or below fair market value. An example in the regulations describes such a method.

Corridor Limits

Some comments suggested that the corridor limits of the proposed amendments were too narrow.

The final regulations broaden the 80–120 corridor, as stated in the proposed amendments, by integrating it with the use of average values. The corridor, as stated in the description of the plan's actuarial valuation method, may deviate from fair market value by up to 20 percent of fair market value and from average value by up to 15 percent of average value.

Examples in the regulation illustrate the operation of the corridor.

One group of comments emphasized the merits of a valuation method that adjusts systematically toward fair market value without the imposition of corridor limits. These comments suggested that such methods should not be subject to a corridor.

Another group of comments suggested a compromise between the corridor of the proposed regulation and no corridor at all. This would be a phased implementation of a corridor designed to permit the market to adjust itself after a year or two of sharp upward or downward swings in fair market value.

Both groups of comments offered considerable historical data suggesting problems with the proposed corridor when applied to this data. While the recommendations made in these comments were not accepted in their entirety, the historical data submitted with these comments was valuable for testing the operation of the expanded corridor of the final regulations. When evaluated in the context of this historical data, the expanded corridor accomplishes the stated goals of the regulation.

Average Value

The final regulations contain substantial new provisions relating to the computation of average value both for taking fair market value into account and for using the expanded corridor.

The comments favored the incorporation of an average value concept in the final regulations. However, there were different views as to how the average should be computed.

The final regulations adopt a uniform average value concept for evaluating the acceptability of an actuarial valuation method. This concept incorporates an adjustment for changes in the composition of plan assets from year to year.

However, the average value concept of the final regulations is flexible in two important respects. First, for determining average value on a particular valuation date, any number of points in time for performing a valuation within the five most recent plan years may be used. Second, an averaging concept that differs from that of the regulations is not prohibited. Such a different average would, however, be subject to corridor limits definable only in terms of fair market value and average value as prescribed under the regulations.

The examples in the regulations illustrate these principles.

Fair Market Value and Insurance Contracts

Many comments raised serious questions regarding the application of fair market value concepts to insurance contracts. The final regulations reserve the paragraphs that would apply to the valuation of certain contracts held by plans. It is likely that new proposed amendments regarding these provisions will be published at a later date.

Effective Date and Transition Rules

Under the proposed amendments, a plan required to change its asset valuation method to comply with the regulations had to make the change in the year after publication of final regulations. The proposed amendments also provided methods of adjustment for taking into account any difference in actuarial value under the old and new valuation methods.

Some comments questioned whether the prior approval of the Commissioner would be required for adjustments that comply substantively with the regulations, but that are made before a plan is required by the regulations to change methods.

The final regulations clarify the proposed amendments. The regulations now refer to changes made no later than when required. The final regulations also make it clear that prior approval is not necessary for changes made before the time required by the regulations if the method of adjustment satisfies the regulations.

Retroactive Recomputation

The comments suggested that the final regulations clarify the retroactive recomputation method used to account for the difference between an old and a new asset valuation method.

The final regulations make non-substantive clarifying changes in this provision.

Prospective Gain or Loss Adjustment

Under the proposed amendments, the treatment of a gain or loss created by the application of the prospective gain or loss adjustment method differed

under a spread gain type of funding method and an immediate gain type of funding method. (Methods of the spread gain type are the aggregate cost method, the frozen initial liability method, and the attained age normal method. Methods of the immediate gain type are the unit credit method, the entry age normal method, and the individual level premium method.) The proposed amendments required the spreading of gains and losses over future periods as a part of normal cost under a spread gain type of method. The proposed amendments required the amortization of gains and losses over a fixed number of years under an immediate gain type of method.

Many comments suggested that a uniform rule should apply to both broad types of funding methods. Some of these comments more specifically recommended that amortization under a uniform rule should not be based on treating the amount to be amortized as a gain or loss, but should only be based on treating the amount as arising from a change in actuarial assumptions.

The final regulations adopt the suggested uniform rule approach. Thus, regardless of whether a spread gain or immediate gain method is used, the regulations generally permit the difference in asset value as determined under the old and the new methods of valuing assets to be treated as a gain or loss arising from plan experience or from a change of actuarial assumptions. Whether the amount is to be amortized or spread over future periods as a part of normal cost depends on the particular funding method being used. For example, under the aggregate cost method, the amount could only be spread over future periods as a part of normal cost.

Drafting Information

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

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended by adding § 1.412 (c) (2)–1 immediately after § 1.412(b)–5 to read as follows:

§ 1.412(c)(2)–1 Valuation of plan assets; reasonable actuarial valuation methods.

(a) *Introduction*—(1) *In general.* This section prescribes rules for valuing plan assets under an actuarial valuation method which satisfies the requirements of section 412(c)(2)(A). An actuarial valuation method is a funding method within the meaning of section 412(c)(3) and the regulations thereunder. Therefore, certain changes affecting the actuarial valuation method are identified in this section as changes in a plan's funding method.

(2) *Exception for certain bonds, etc.* The rules of this section do not apply to bonds or other evidences of indebtedness for which the election described in section 412(c)(2)(B) has been made, nor are such assets counted in applying paragraphs (b) or (c) of this section. Also, an election under section 412(c)(2)(B) is not a change in funding method within the meaning of section 412(c)(5).

(3) *Money purchase pension plan.* A money purchase pension plan must value assets for the purpose of satisfying the requirements of section 412(c)(2)(A) solely on the basis of their fair market value (under paragraph (c) of this section).

(4) *Defined benefit plans.* (i) To satisfy the requirements of section 412(c)(2)(A), an actuarial method valuing assets of a defined benefit plan must meet the requirements of paragraph (b) of this section.

(ii) In general, the purpose of paragraph (b) of this section is to permit use of reasonble actuarial valuation methods designed to mitigate short-run changes in the fair market value of plan assets. The funding of plan benefits and the charges and credits to the funding standard account required by section 412 are generally based upon the assumption that the defined benefit plan will be continued by the employer. Thus, short-run changes in the value of plan assets presumably will offset one another in the long term. Accordingly, in the determination of the amount required to be contributed under section 412 it is generally not necessary to recognize fully each change in fair market value of the assets in the period in which it occurs.

(iii) The asset valuation rules contained in paragraph (b) produce a "smoothing" effect. Thus, investment performance, including appreciation or depreciation in the market value of the assets occurring in each plan year, may be recognized gradually over several plan years. This "smoothing" is in addition to the "smoothing" effect which results, for example, from amortizing experience losses and gains over 15 or 20 years under section 412(b)(2 (B)(iv) and (3)(B)(ii).

(b) *Asset valuation method requirements*—(1) *Consistent basis.* (i) The actuarial asset valuation method must be applied on a consistent basis. Any change in meeting the requirements of this paragraph (b) is a change in funding method subject to section 412(c)(5).

(ii) A method may satisfy the consistency requirement even though computations are based only on the period elapsed since the adoption of the method or on asset values occurring during that period.

(2) *Statement of plan's method.* The method of determining the actuarial value (but not fair market value) of the assets must be specified in the plan's actuarial report (required under section 6059). The method must be described in sufficient detail so that another actuary employing the method described would arrive at a reasonably similar result. Whether a deviation from the stated actuarial valuation method is a change in funding method is to be determined in accordance with section 412(c)(5) and the regulations thereunder. A deviation to include a type of asset not previously held by the plan would not be a change in funding method.

(3) *Consistent valuation dates.* The same day or days (such as the first or the last day of a plan year) must be used for all purposes to value the plan's assests for each plan year, or portion of plan year, for which a valuation is made. For purposes of this section, each such day is a valuation date. A change in the day or days used is a change in funding method.

(4) *Reflect fair market value.* The valuation method must take into account fair market value by making use of the—

(i) Fair market value (determined under paragraph (c) of this section), or

(ii) Average value (determined under paragraph (b)(7) of this section) of the plan's assets as of the applicable asset valuation date. This is done either directly in the computation of their actuarial value or indirectly in the computation of upper or lower limits placed on that value.

(5) *Results above and below fair market or average value.* A method will not satisfy the requirements of this paragraph (b) if it is designed to produce a result which will be consistently above or below the values described in paragraph (b)(4) (i) and (ii). However, a method designed to produce a result which consistently falls between fair market value and average value will satisfy this requirement. See Example (5) in paragraph (b)(9) of this section for

an illustration of a method described in the preceding sentence.

(6) *Corridor limits.* (i) Regardless of how the method reflects fair market value under paragraph (b)(4), the method must result in an actuarial value of the plan's assets which is not less than a minimum amount and not more than a maximum amount. The minimum amount is the lesser of 80 percent of the current fair market value of plan assets as of the applicable asset valuation date or 85 percent of the average value (as described in subparagraph (7)) of plan assets as of that date. The maximum amount is the greater of 120 percent of the current fair market value of plan assets as of the applicable asset valuation date or 115 percent of the average value of plan assets as of that date.

(ii) Under a plan's method, a preliminary computation of the expected actuarial value may fall outside the prescribed corridor. A method meets the requirements of paragraph (b)(6)(i) of this section is such a case only by adjusting the expected actuarial value to the nearest corridor limit applicable under the method. A plan may use an actuarial valuation method with a narrower corridor than the general corridor required under paragraph (b)(6)(i). The adjustment to the nearest corridor limit of such a method for purposes of this subdivision (ii) would be determined by the narrower corridor stated in the description of the plan's method.

(7) *Average value.* the average value of plan assets is computed by—

(i) Determining the fair market value of plan assets at least annually,

(ii) Adding the current fair market value of the assets (as of the applicable valuation date) and their adjusted values (as described in paragraph (b)(8) of this section) for a stated period not to exceed the five most recent plan years (including the current year), and

(iii) Dividing this sum by the number of values (including the current fair market value) considered in computing the sum described in subdivision (ii).

(8) *Adjusted value.* (i) the adjusted value of plan assets for a prior valuation date is their fair market value on that date with certain positive and negative adjustments. These adjustments reflect changes that occur between the prior asset valuation date and the current valuation date. However, no adjustment is made for increases or decreases in the total value of plan assets that result from the purchase, sale, or exchange of plan assets or from the receipt of payment on a debt obligation held by the plan.

(ii) In determining the adjusted value of plan assets for a prior valuation date, there is added to the fair market value of the plan assets of that date the sum of all additions to the plan assets since that date, excluding appreciation in the fair market value of the assets. The additions would include, for example, any contribution to the plan; any interest or dividend paid to the plan; and any asset not taken into account in a prior valuation of assets, but taken into account for the current year, in computing the fair market value of plan assets under paragraph (c) of this section.

(iii) In determining the adjusted value of plan assets for a prior valuation date, there is subtracted from the fair market value of the plan assets on that date the sum of all reductions in plan assets since that date, excluding depreciation in the fair market value of the assets. The reductions would include, for example, any benefit paid from plan assets; any expense paid from plan assets; and any asset taken into account in a prior valuation of assets but not taken into account for the current year, in computing the fair market value of plan assets under paragraph (c) of this section.

(9) *Examples.* This paragraph (b) may be illustrated by the following examples. In each example, assume that the pension plan uses a consistent actuarial method of valuing its assets within the meaning of paragraph (b)(1), (2), and (3) of this section.

Example (1). Plan A considers the value of its assets to be initial cost, increased by an assumed rate of growth of X percent annually. Under the circumstances, the X-percent factor used by the plan is a reasonable assumption. Thus, this method is not designed to produce results consistently above or below fair market value as prohibited by paragraph (b)(5) of this section. Also, the method requires that the actuarial value be adjusted as required to fall within the corridor under paragraph (b) (6) and (7) of this section. Therefore, the method reflects fair market value as required by paragraph (b)(4) of this section.

Example (2). Plan B computes the actuarial value of its assets as follows: It determines the fair market value of the plan assets. Then the fair market value is adjusted to the extent necessary to make the actuarial value fall within a "5 percent" corridor. This corridor is plus or minus 5 percent of the following amount: the fair market value of the assets at the beginning of the valuation period plus an assumed annual growth of 4 percent with adjustments for contributions and benefit payments during the period. This method reflects fair market value in a manner prescribed by paragraph (b)(4) of this section. If the 4 percent factor used by the plan is a reasonable assumption, this method is not designed to produce results consistently above or below fair market value, and thus it satisfies paragraph (b)(5). However, this method is unacceptable because in some instances it may result in an actuarial value outside the corridor described in paragraph (b)(6) of this section. This method would be permitted if a second corridor were imposed which would adjust the value of the total plan assets to the corridor limits as required by paragraph (b)(6).

Example (3). Plan C values its assets by multiplying their fair market value by an index number. The use of the index results in the hypothetical average value that plan assets present on the valuation date would have had if they had been held during the current and four preceding years, and had appreciated or depreciated at the actual yield rates including appreciation and depreciation experienced by the plan during that period. However, the method requires an adjustment to the extent necessary to bring the resulting actuarial value of the assets inside the corridor described in the statement of the plan's actuarial valuation method. In this case, the stated corridor is 90 to 110 percent of fair market value, a corridor narrower than that described in paragraph (b)(7) of this section. This method is permitted.

Example (4). Plan D values its assets by multiplying their fair market value by 95 percent. Although the method reflects fair market value and the results of this method will always be within the required corridor, it is not acceptable because it will consistently result in a value less than fair market value.

Example (5). Plan E values its assets by using a five-year average method with appropriate adjustments for the period. Under the particular method used by Plan E, assets are not valued below 80 percent of fair market value or above 100 percent of fair market value. If the average produces a value that exceeds 100 percent of fair market value, the excess between 100 and 120 percent is recorded in a "value reserve account." In years after one in which the average exceeds 100 percent of fair market value, amounts are subtracted from this account and added, to the extent necessary, to raise the value produced by the average for that year to 100 percent of fair market value. This method is permitted because it reflects fair market value under paragraph (b)(4) of this section by appropriately computing an average value, it satisfies paragraph (b)(5) by producing a result that falls consistently between fair market value and average value, and it properly reflects the corridor described in paragraph (b)(7).

Example (6). All assets of Plan F are invested in a trust fund and the plan year is the calendar year. The actuarial value is determined by averaging fair market value over 4 years. An actuarial valuation is performed as of December 31, 1988.

(i) The average value as of December 31, 1988, is computed as follows:

	1986		1987		1988	
Fair market value: Jan. 1		$150,000		$196,500		$238,000
Contributions	$65,000		$62,000		$66,000	
Benefit payments	(22,000)		(24,000)		(25,000)	
Expenses	(6,500)		(7,000)		(7,500)	
Interest and dividends	8,000	44,500	7,500	38,500	7,000	40,500
Net realized gains (losses)		(2,000)		6,000		(8,000)
Balancing item [1]		4,000		(3,000)		(42,000)
Fair market value: Dec. 31		196,500		238,000		228,000

[1] This equals the increase (decrease) in unrealized appreciation.

Adjusted values	1985	1986	1987	1988
Fair market value: Dec. 31	$150,000	$196,500	$238,000	$228,000
Net adjustments:				
1988	40,500	40,500	40,500	
1987	38,500	38,500		
1988	44,500			
Total	273,500	275,500	278,500	228,000
Average value: 1988 =	$273,500 + $275,500 + $278,500 + $228,000 ÷ 4 = $263,875			

(ii) Plan F properly determines an average value under paragraph (b)(7) of this section for use as an actuarial value. Therefore, the valuation method meets the requirements of this section.

Example (7). Plan G computes the actuarial value of the plan assets as follows: The current fair market value of the plan assets is averaged with the most recent prior adjusted actuarial value. This average value is adjusted up or down toward the current fair market value by 20 percent of the difference between it and the current fair market value of the assets. This value is further adjusted to the extent necessary to fall within the corridor described in the statement of the plan's actuarial valuation method. The lower end of the corridor is the lesser of 80 percent of the fair market value of the plan assets or 85 percent of the average value of the plan assets. The higher end of the corridor is the greater of 120 percent of the fair market value of plan assets or 115 percent of the average value of plan assets. Average value for purposes of the corridor is determined under paragraph (b)(7) of this section. Assuming the numerical data of Example (6), the application of the corridor is as follows. The actuarial asset value as of December 31, 1988, must not be less than $182,400 (80 percent of current fair market value, $228,000) nor greater than $303,456 (115 percent of average value, 263,875). This method is permitted because it reflects fair market value in a manner permitted by paragraph (b)(4) of this section, it produces an actuarial value which is neither consistently above nor consistently below fair market or average value to satisfy paragraph (b)(5), and it is appropriately limited by the corridor described in paragraph (b)(6).

(c) *Fair market value of assets*—(1) *General rules.* Except as otherwise provided in this paragraph (c), the fair market value of a plan's assets for purposes of this section is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts.

(2) [Reserved]

(d) *Methods for taking into account the fair market value of certain agreements.* [Reserved]

(e) *Effective date and transition rules*—(1) *Effective date.* This section applies to plan years to which section 412, or section 302 of the Employee Retirement Income Security Act of 1974, applies.

(2) *Special rule for certain plan years.* For plan years beginning prior to November 12, 1980, the amounts required to be determined under section 412 may be computed on the basis of any reasonable actuarial method of asset valuation which takes into account the fair market value of the plan's assets, even if the method does not meet all of the requirements of paragraphs (a) through (c) of this section.

(3) *Plan years beginning on or after November 12, 1980.* Paragraphs (a) through (c) of this section apply beginning with the first valuation of plan assets made for a plan year to which section 412 applies that begins on or after November 12, 1980. The statement of the plan's actuarial asset valuation method required by paragraph (b)(2) of this section must be included with the plan's actuarial report for that year, in addition to any subsequent reports.

(4) *Effect of change of asset valuation method.* A plan which is required to change its asset valuation method to comply with paragraphs (a) through (c) of this section must make the change no later than the time when the plan is first required to comply with this section under paragraph (e)(3). A method of adjustment must be used to take account of any difference in the actuarial value of the plan's assets based on the old and new valuation methods. The plan may use either—

(i) A method of adjustment described in paragraph (e)(5) or (e)(6) of this section without prior approval by the Commissioner, or

(ii) Any other method of adjustment if the Commissioner gives prior approval under section 412(c)(5).

(5) *Retroactive recomputation method.* (i) Under this method of adjustment, the plan recomputes the balance of the funding standard account as of the beginning of the first plan year for which it uses its new asset valuation method to comply with paragraphs (a) through (c) of this section. This new balance is recomputed by retroactively applying the plan's new method as of the first day of the first plan year to which section 412 applies.

(ii) Beginning with the first plan year for which it uses its new method, the plan computes the normal cost and amortization charges and credits to the funding standard account based on the retroactive application of its new method as of the first day of the first plan year to which section 412 applies.

(iii) If the recomputed aggregate charges exceed the recomputed aggregate credits to the funding standard account as of the end of the first plan year for which the plan uses its new method, an additional contribution to the plan may be necessary to avoid an accumulated funding deficiency in that year. The use of the retroactive recomputation method may also result in an accumulated funding deficiency for years prior to that first year. In such cases, the rules of section 412(c)(10), relating to the time when certain contributions are deemed to have been made, apply.

(6) *Prospective gain or loss adjustment method.* (i) Under this method of adjustment the plan values its assets under its new method no later than the valuation date for the first plan year beginning after [the publication date of this section]

(ii) Regardless of the type of funding method used by a plan, the difference in the value of the assets under the old and the new asset valuation methods may be treated as arising from an experience loss or gain; or alternatively it may be treated as arising from a change in actuarial assumptions.

(iii) The treatment of this difference as an experience gain or loss or as a change in actuarial assumptions must be consistent with the treatment of such gains, losses, or changes under the funding method used by the plan. Thus, if a plan uses a spread gain type funding method other than the aggregate cost

method, the difference in the value of assets under the old and the new asset valuation methods may be either amortized or spread over future periods as a part of normal cost. Examples of this type of funding method are the frozen initial liability cost method and the attained age normal cost method. With an aggregate method, the difference in the value of assets under the old and the new asset valuation methods must be spread over future periods as a part of normal cost.

This Treasury decision is issued under the authority of section 412(c)(2) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 916 and 68A Stat. 917; 26 U.S.C. 412(c)(2) and 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: October 10, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-35066 Filed 11-10-80; 8:45 am]

BILLING CODE 4830-01-M

---

26 CFR Part 1

[T.D. 7735]

Income Tax; Taxable Years Beginning After December 31, 1975; Minimum Participation Standards

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the minimum participation standards for qualified retirement plans. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974. These regulations provide necessary guidance to the public for compliance with the law, and affect all employees covered by those plans.

DATES: The regulations are effective at varying dates. Most of the effective date rules are dependent upon the time when a retirement plan came into existence. For plans in existence on January 1, 1974, the regulations are effective for plan years beginning after December 31, 1975. For plans not in existence on January 1, 1974, the regulations are effective for plan years beginning after September 2, 1974.

FOR FURTHER INFORMATION CONTACT: Richard J. Wickersham of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3250) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Backgound

On April 20, 1979, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 410 of the Internal Revenue Code of 1954 (44 FR 23541). A correction notice was published in the Federal Register on May 22, 1979 (44 FR 29679). The amendments were proposed to conform the regulations to section 1011 of the Employee Retirement Income Security Act of 1974 (88 Stat. 898).

Written comments were received. However, a public hearing was neither requested nor held. After consideration of all written comments regarding the proposed amendments, the amendments are adopted without change as final regulations.

The final regulations will complete the Income Tax Regulations under Code section 410, the bulk of which were published on September 20, 1977, in the Federal Register (42 FR 47192). In addition, the final regulations supersede § 11.410 (b)-1 (d) (2) of the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974.

Coverage Requirements for Certain Plans

Certain governmental plans, church plans, plans not providing for employer contributions after September 2, 1974, and plans established by Code section 501(c) (8) or (9) organizations are considered to satisfy the minimum participation standards if they meet coverage requirements of prior law. The proposed regulation under § 1.410 (a)-1 (c) (2) made it clear that these coverage requirements include regulations under certain provisions of section 410 of the Code that are substantially identical to the coverage provisions of prior law. The proposed regulation is adopted without change as a final regulation.

Nondiscriminatory Coverage Test

Section 1.410 (b)-1 (d) (2) of the final regulations relates to the nondiscriminatory coverage test. The proposed regulations provided that the nondiscrimination test of section 410 (b) (1) is basically a facts and circumstances test, allowing a reasonable difference between the percentage of prohibited group employees covered by the plan and the percentage of nonprohibited group employees covered by the plan.

The commentators suggested that the effect of including in proposed § 1.410 (b)-1 (d) (2) a comparison of the percentage of prohibited group employees participating in the plan with the percentage of nonprohibited group employees participating in the plan will unduly restrict the facts and circumstances test. Also, the commentators expressed concern that a new percentage test is established in the proposed regulations, one which compares the ratios of different groups of participating employees and results in a mathematical formula for qualification determinations.

After consideration of all the comments, § 1.410(b)-1(d)(2) of the proposed regulations is adopted without change as a final regulation. Under the final regulation the determination of whether a plan's coverage requirements discriminate in favor of employees who are officers, shareholders, or highly compensated is to be based on all the facts and circumstances. The final regulations do not establish a mathematical percentage test for satisfying the coverage test of section 410(b)(1)(B). The difference between the ratios of prohibited group employees participating in the plan and nonprohibited group employees participating in the plan is only one factor to be considered in determining whether a plan discriminates as to coverage. Thus, revenue rulings based on an examination of a plan's surrounding facts and circumstances are not intended to be changed by this regulation.

Eligibility Requirements

The dual eligibility requirements under proposed regulation § 1.410(b)-1(d)(7) made it clear most plans are not considered to be discriminatory solely because they have different age and service requirements for present and future employees. The proposed regulation is adopted without change as a final regulation.

Drafting Information

The principal author of this regulation is Kevin W. Cobb of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, the proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 410 of the Internal Revenue Code of 1954, as published in the Federal Register (44 FR 23541) on April 20, 1979, and corrected on May 22, 1979

(44 FR 29679), are adopted without change.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: October 22, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

Paragraph 1. Section 1.410(a)–1 is amended by adding two new sentences at the end of paragraph (c)(2) and by striking out "(other than § 11.410 (b)–1(d)(2))" in paragraph (d). The amended provision reads as follows:

§ 1.410(a)–1 Minumum participation standards: general rules.

* * * * *

(c) *Application of participation standards to certain plans.* * * *

(2) *Participation requirements.* * * * Such coverage requirements include the rules in § 1.410(b)–1(d) (special rules relating to minimum coverage requirements), that interpret statutory provisions substantially identical to section 401(a)(3) as in effect on September 1, 1974. In applying the rules of that paragraph (d) to plans described in this paragraph (c) employees whose principal duties consist in supervising the work of other employees shall be treated as officers, shareholders, and highly compensated employees.

* * * * *

Par. 2. Section 1.410(b)–1 is amended by adding a new paragraph (d)(2) and a new paragraph (d)(7) to read as follows:

§ 1.410(b)–1 Minimum coverage requirements.

* * * * *

(d) *Special rules.* * * *

(2) *Discrimination.* The determination as to whether a plan discriminates in favor of employees who are officers, shareholders, or highly compensated is made on the basis of the facts and circumstances of each case, allowing a reasonable difference between the ratio of such employees benefited by the plan to all such employees of the employer and the ratio of the employees (other than officers, shareholders, or highly compensated) of the employer benefited by the plan to all employees (other than officers, shareholders, or highly compensated). A showing that a specified percentage of employees covered by a plan are not officers, shareholders, or highly compensated, is not in itself sufficient to establish that the plan does not discriminate in favor of employees who are officers, shareholders, or highly compensated.

* * * * *

(7) *Different age and service requirements*—(i) *Application.* The rules of this subparagraph (7) apply to a plan which must satisfy the minimum age and service requirements of section 410(a)(1)(A) in order to be a qualified plan. Accordingly, the rules are inapplicable to plans described in section 410(c)(1) (see § 1.410(a)–1(c)(1)); plans satisfying the alternative minimum age and service requirements of section 410(a)(1)(B) but not satisfying the requirements of section 410(a)(1)(A); and plans which provide contributions or benefits for employees, some or all of whom are owner-employees (see section 401(a)(10)).

(ii) *General rules.* A provision for different age and service requirements for present and future employees either upon establishment or subsequent amendment is not, of itself, discriminatory under section 410(b)(1)(B) even though present employees who are officers, shareholders, or highly compensated cannot meet the age and service requirements for future employees at the time the plan is established or amended and even though present participants who are officers, shareholders, or highly compensated would not have satisfied the age and service requirements for future employees at the time they became participants in the plan. Furthermore, prohibited discrimination will be deemed not to arise in operation, solely because of such different requirements, when future employees are added to the employer's work force.

* * * * *

[FR Doc. 80-35087 Filed 11-10-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management 5774

43 CFR Public Land Order

Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming; Modification of Certain Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order modifies certain withdrawal orders to allow for the opening, on a definitive basis, of approximately 16,665,000 acres of land to the operation of the Geothermal Steam Act of 1970 and, as to specified minerals, the Mineral Leasing Act of 1920.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Keith Corrigall, 202–343–8693 or Evelyn Tauber, 202–343–6486.

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, 43 U.S.C. 1714, it is ordered as follows:

1. To the extent that any withdrawal order referenced in the general description contained in Paragraph 2 of this order, and not excepted pursuant to Paragraphs 3 or 4 of this order, operates or may operate to prevent any licensing, leasing or permitting to authorize exploration for, or extraction or utilization of, geothermal resources, coal, phosphate, sodium, potassium, oil, gas, native asphalt, potash or sulphur, in accordance with the provisions of the Geothermal Steam Act of 1970, 30 U.S.C. 1001 *et seq.*, or the Mineral Leasing Act of 1920, as amended and supplemented, 30 U.S.C. 181 *et seq.*, each such order is hereby modified so that, henceforth, it shall not operate to withdraw or reserve any public lands included in the order from the operation of the Geothermal Steam Act of 1970, or the Mineral Leasing Act of 1920, as amended and supplemented, with respect to the geothermal resources, or any of the above specified minerals, in such lands. In all other respects, each such order shall remain in full force and effect.

2. Except as otherwise provided in Paragraphs 3 and 4 of this order, Paragraph 1 of this order applies to each withdrawal order currently in force and made during the period from January 1, 1900 through December 31, 1939, if the withdrawal order withdrew, in aid of legislation or for classification, public lands from the operation of the mineral and nonmineral public land laws, because the lands were considered at the time of the withdrawal to be valuable for, or as having potential value for, mineral development, or if the withdrawal order reserved public lands as coal, petroleum, phosphate, sodium, potassium, oil, gas, asphalt, potash or sulphur lands.

3. Paragraph 1 of this order shall not apply to any withdrawal order, the making of which was mandated by an act of Congress, or the modification of which is barred by statute or which may not be ordered by the Secretary of the Interior without obtaining the consent of the head of any Federal department or agency other than the Secretary of the Interior.

4. The public lands that currently are subject to the oil shale withdrawals in

the States of Colorado, Nevada, Utah, Montana, and Wyoming, established by Executive Order No. 5327 of April 19, 1930, as modified, and the public lands exempted from leasing in Section 1 of the Mineral Leasing Act of 1920, 30 U.S.C. 181, including but not limited to Naval Petroleum Reserves No. 1–3, the National Petroleum Reserve in Alaska, and the Naval Oil Shale Reserves, and with respect to geothermal resources the public lands exempted from leasing in Section 15(c) of the Geothermal Steam Act of 1970, 30 U.S.C. 1014(c), are excepted from and shall not be affected by this order.

5. Subject to valid existing rights, other existing withdrawals, existing classification orders and the requirements of applicable law, at 10 a.m. on January 1, 1981, the public lands affected by Paragraph 1 of this order shall be open to the operation of the Geothermal Steam Act of 1970, and, as to the mineral resources listed in Paragraph 1, the Mineral Leasing Act of 1920, as amended and supplemented. These lands shall be subject to the filing of applications and offers under the mineral and geothermal leasing laws and the regulations thereunder at 10 a.m. on January 1, 1981. January 1981 shall be considered the first application filing period for geothermal resource leasing under 43 CFR 3210.2–2. All oil and gas lease offers and all applications for prospecting permits filed over the counter during January 1981 shall be considered simultaneously filed under 43 CFR 1821.2–3(a)(2) for the purpose of determining who is the first qualified applicant for a lease, prospecting permit, or coal exploration license for such lands. Because of the general nature of this withdrawal order, all interested persons should contact the various Bureau of Land Management State Offices identified in the last paragraph of this order to ascertain the current status of the lands of interest.

Inquiries concerning this order in relation to any public lands of interest should be addressed to the respective State Directors, Bureau of Land Management at Phoenix, Arizona 95073; Sacramento, California 95825; Denver, Colorado 80202; Boise, Idaho 83724; Billings, Montana 59107; Reno, Nevada 89520; Santa Fe, New Mexico 87501; Salt Lake City, Utah 84111; and Cheyenne, Wyoming 92001.

Guy R. Martin,

Assistant Secretary of the Interior.

November 5, 1980.

[FR Doc. 80-35193 Filed 11-10-80; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1489]

Car Service; Burlington Northern Inc. Authorized To Operate Over Tracks of Union Pacific Railroad Company at Sterling, Colorado

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1489, and Notice of Modified Hearing Procedure for extension beyond 30 days.

SUMMARY: This order authorizes Burlington Northern Inc. to operate over tracks of Union Pacific Railroad Company at Sterling, Colorado, and establishes a modified hearing procedure to consider extension of the order beyond its initial 30-day period.

Under 49 U.S.C. 11123(a) the Commission may issue a service order for up to 30 days when it finds that a "failure in traffic movement exists which creates an *emergency situation of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States,"* (emphasis added). Extension of the order requires that the full Commission, after a hearing, certify the continued existence of the emergency.

DATES: This order shall become effective at 12:01 a.m. on November 7, 1980, and shall remain in effect for 30 days unless otherwise modified, amended, or vacated by order of this Commission. Any interested party may file statements providing information and argument relating to the necessity and appropriateness of continuing this order in effect beyond the initial 30-day period by filing an original and 5 copies of a statement in affidavit form with the Railroad Service Board, by November 13, 1980. Rebuttal statements in affidavit form (original and 5 copies) may be filed by November 20, 1980.

ADDRESS: All filings should be addressed to Joel E. Burns, Chairman, Railroad Service Board, Interstate Commerce Commission, Room 7115, Washington, D.C. 20423; and in the lower left hand corner in large letters, should have printed RSB–7115. Interested parties wishing to review the docket file may do so in Room 7225 of the Commission in Washington, D.C.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decision

Section 226 of the Staggers Rail Act of 1980 (P.L. 96–448) revised 49 U.S.C. 11123(a) by limiting the Commission's authority to act in emergency situations to those where it finds that a "failure in traffic movement exists which creates an emergency situation of such magnitude as to have substantial adverse effects on rail service in the United States or a substantial region of the United States." The initial period for the service order may not exceed 30 days and the order may be extended only after the full Commission, after a hearing, certifies the continued existence of the transportation emergency. This initial issuance contains the Notice of the modified hearing procedures (set forth in the Summary) to be followed with respect to any extension of the order.

It is the opinion of the Commission that the statutory criteria of Section 11123(a) for the issuance of a service order has been met, and more particularly that:

The operation of the Burlington Northern Inc. (BN) between Northport, NE, and Brush, CO, includes a twenty-three mile segment over the Union Pacific Railroad Company (UP) between Sterling and Union, CO, which is operated under trackage rights. This line carries BN's general freight and a substantial amount of BN's coal traffic for export and domestic use, as well as the returning empties. BN estimates this coal traffic at 1,900 unit-coal-trains annually, carrying over 16,000,000 tons of coal.

The connection with the UP at Sterling, CO, has been extended approximately 3,000 feet to accommodate these unit-coal-trains, by reducing the curve which connects the two lines from 13 degrees to five degrees. This reduction permits the operation of BN trains at normal lengths and speeds. The original line of the BN, for which the UP line now substitutes, has been removed.

BN and UP are currently seeking Commission approval of a modification to their existing trackage rights agreement under Finance Docket No. 29357–F. The interim operation, pending Commission decision, was authorized by Service Order No. 1289, which expired October 31, 1980. Continued interruption of BN's operation will significantly affect coal consumption and availability in the midwest, as well as the availability of coal regionally for export.

It is the opinion of the Commission that this emergency situation requires BN to operate over tracks of UP at Sterling, Colorado; that prior notice of this action and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

(a) *Authority. It is ordered, § 1033.1489 Service Order 1489, Burlington Northern Inc. authorized to operate over tracks of Union Pacific Railroad Company ot Sterling, Colorado:* Burlington Northern Inc. (BN) is authorized to operate over tracks of the Union Pacific Railroad Company (UP) between UP milepost 56 plus 236 feet and UP milepost 56 plus 3,128 feet, a distance of approximately 2,892 feet, all at Sterling, CO.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates.* Inasmuch as this operation by BN is deemed to be due to carrier's disability, the rates applicable to traffic moved by BN over this line shall be the rates which were applicable on the traffic when originally routed.

(d) Nothing herein shall be considered as a prejudgement of the application of BN seeking modification of its authority to operate over UP.

(e) *Effective date.* This order shall be effective at 12:01 a.m. on the day following its date of service.

(f) *Expiration date.* The provisions of this order shall expire 30 days following its effective date unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under authority of 49 U.S.C. 10304, 10305, and 11123(a), and 49 CFR 1011.6(c)(6).

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Decided: November 5, 1980.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35396 Filed 11-10-80; 9:14 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 45, No. 220
Wednesday, November 12, 1980

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271 and 278

[Amdt. No. 173]

Food Stamp Program—Authorizing Wholesalers

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule further tightens the criteria for authorizing wholesalers to accept and redeem food stamps, based on the Food Stamp Act of 1977. It lists the factors that will allow a wholesaler to be authorized.

The Food Stamp Act of 1977 states that "*no wholesale food concern may be authorized to accept and redeem coupons* unless the Secretary determines that its participation is required for the effective and efficient operation of the Food Stamp Program." (Emphasis added.) This wording contrasts sharply with the language of the Food Stamp Act of 1964, which treats retailers and wholesalers as equally necessary to the program. The new wording was clearly meant to exclude from participation all wholesalers except those needed to operate the program. The regulations which implemented this requirement took effect January 1, 1979. They stated that a wholesaler may be authorized if "the FNS Officer In Charge determines that the firm is needed as a redemption outlet for authorized retail food stores."

Experience has shown that, without clearly defined criteria, FNS officials are not able to apply this judgment uniformly. As a result, in some areas there has been virtually no limit on wholesaler authorization while in others there have been few wholesalers authorized. To correct this defect, the proposed rules specify the kinds of firms that need a wholesaler in order to redeem food stamps, and clarify the need factor expressed in the earlier rules as being a lack of access to a bank.

DATES: Comments should be received by January 12, 1981.

ADDRESS: Comments should be submitted to: Alberta Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written comments will be open to public inspection at the offices of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) in Room 650, 500 12th Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael Rowe, Federal Operations Division, Food and Nutrition Service, Washington, D.C. 20250, 202–447–8969. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Mr. Rowe.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "significant".

The proposed rule states that a wholesaler, to be authorized, must be needed as a redemption outlet by either:

- A drug addiction or alcoholism treatment program (treatment program), or a group living arrangement for the blind or disabled (group living arrangement) (which are not allowed by the Food Stamp Act of 1977, as amended, to redeem food stamps at a bank); or
- A retailer who cannot redeem his/her food stamps through a bank, because the retailer has no access to a bank.

Also, to prevent authorized wholesalers from gaining an advantage over their unauthorized competitors, the proposed rule states that a wholesaler authorized to accept food stamps from a treatment program, group living arrangement or retailer because that organization needs the wholesaler as an outlet through which to redeem food stamps, may only accept food stamps from the treatment program, group living arrangement, or retailer which the wholesaler has been authorized to serve. This does not mean that a wholesaler could serve only one treatment program, group living arrangement, or retailer. Rather, it means that a wholesaler would be able to accept food stamps only from those specific retailers, group living arrangements, and treatment programs that FNS had determined needed the wholesaler as a redemption outlet for food stamps. Nor would this mean that only one wholesaler could be authorized to serve as a redemption outlet for a retailer, group living arrangement, or treatment program. FNS would authorize as many wholesalers as a particular retailer, group living arrangement, or treatment program needed to redeem its food stamps.

FNS has received reports that some banks have charged retailers wholesalers fees for accepting food stamps for deposit. Some banks are reported to have required that food stamps be deposited in bundles of 100 food stamps. FNS invites comments on the extent of these practices, and whether any retailers need wholesalers to cushion them from the effects of the practices.

The rule states that all current wholesaler authorizations expire on *(end of month at least 120 days after publication in the* Federal Register). The Department plans to notify all authorized wholesalers of this on (*date of publication in the* Federal Register), and will try to process all applications for wholesaler reauthorization by *(end of month at least 120 days after publication).* This will ensure equity in putting into effect the more restrictive authorization criteria for wholesalers. Ending all current wholesaler authorizations at one time will avoid situations in which some wholesalers surrender their authorizations and lose business to other who under normal procedures for handling reveiws of withdrawals of authorization would continue to accept food stamps during the review of their authorizations.

Finally, the proposed rule states that an authorized wholesaler may accept food stamps from a treatment program or a group living arrangement in exchange for eligible food only. The House Report[1] shows that Congress, in drafting the Act, did not intend treatment programs to be able to convert their residents' food stamps to cash.

The Department believes, in retrospect, that to carry out the intent of Congress, the rules must prevent

[1] House Committee on Agriculture (H. Rept. 95–464; June 24, 1977), p.337

treatment programs from redeeming food stamps for anything but food. There is no similar indication of Congress' intent to prevent group living arrangements from redeeming food stamps for cash or nonfood items. However, since Congress restricted group living arrangements, as it did treatment programs, from redeeming through banks, the Department has generalized the policy to restrict group living arrangements to using their residents' food stamps to buy only food.

FNS is concerned that this rule, in restricting participation in the Food Stamp Program by wholesalers, might cause an unanticipated hardship for nonprofit cooperative food-buying organizations, which are not heavily capitalized as a rule and depend on taking their members' food stamps directly to wholesalers to buy food, or on drug addict and alcoholic treatment programs and group living arrangements, which are not allowed to redeem food stamps through banks. Wholesalers which serve these organizations could be authorized to accept food stamps in exchange for eligible food. However, it may be that the organizations would still be injured by the restrictions on wholesaler authorization. It may also be that treatment programs and group living arrangements will be injured by the restriction that wholesalers may give them only eligible food in exchange for foods stamps. FNS would like comments on problems the rules would cause these organizations.

The Department is modifying the definition of accessory foods (in the definition of staple foods) to make it clear that the definition applies to wholesalers as well as to retailers. This has historically been the Department's policy. However, it has been suggested that the current definition of staple and accessory foods appears to apply only to retailers. The amendment makes it clear that the definition also applies to wholesalers.

Accordingly, 7 CFR Parts 271 and 278 are amended as follows:

Part 271—GENERAL INFORMATION AND REGULATIONS

7 CFR part 271 is amended as follows:

§ 271.2 [Amended]

The definition of staple foods in § 271.2 is amended by adding the phrase "or as a wholesale food concern." to the end of the last sentence of the paragraph.

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND BANKS

7 CFR Part 278 is amended as follows:

1. Paragraph 278.1(c) is revised to read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(c) *Wholesalers.* A wholesale food concern may be authorized to accept coupons from a specified customer or customers if it meets the requirements of paragraphs (a) and (b) of this section, and FNS determines it is required as a redemption outlet (1) for one or more specified authorized drug addict or alcoholic treatment programs, (2) for one or more specified authorized group living arrangements, or (3) for one or more specified authorized retail food stores which are without access to a bank which will redeem their coupons. No firms may be authorized to accept and redeem coupons concurrently as both a retail food store and a wholesale food concern.

Authorizations of wholesale food concerns granted prior to *(date of publication of amendment to regulations)* shall expire on *(end of month at least 120 days after publication of amendment).* Wholesale food concerns desiring to participate in the program after that date must apply for a new authorization.

* * * * *

2. Paragraph 278.3(a) is revised to read as follows:

§ 278.3 Participation of wholesale food concerns.

(a) *Accepting coupons.* An authorized wholesale food concern may accept coupons from one or more specified authorized retail food stores, from one or more specified authorized group living arrangements, or from one or more specified authorized drug addict or alcoholic treatment programs if the coupons are accompanied by a properly filled-out and signed redemption certificate, and are not marked "paid," "canceled," or "specimen." A wholesaler authorized to accept coupons from an authorized drug addict or alcoholic treatment program, or from an authorized group living arrangement may accept coupons from that treatment program or group living arrangement only in exchange for food.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Programs No. 10.551 Food Stamps)

Dated: October 17, 1980.

Carol Tucker Foreman,

Assistant Secretary.

[FR Doc. 80-35208 Filed 11-10-80; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 1133

Milk in Inland Empire Marketing Area; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. Suspension of the provisions was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and to maintain producer status under the order for its dairy farmer members regularly associated with the market. The proposed suspension would remove the limit on such movements of milk during the months of November 1980 through February 1981 and would continue a suspension that was in effect during September and October 1980.

DATE: Comments are due not later than November 19, 1980.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202–447–7183.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultureal Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered for the months of November 1980 through February 1981:

In § 1133.13(c) (1) and (2), the words "70 percent in any of the months of September through February, and ".

All persons who want to comment on the proposed suspension should send two copies of their views to the Hearing Clerk, U.S. Department of Agriculture,

Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the **Federal Register.** The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include November 1980 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27(b)).

Statement of Consideration

The proposed action would continue through February 1981 a similar suspension that was applicable during September and October 1980. The suspension would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 70 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 80 percent during all other months. Similarly, the operator of a pool plant may divert up to 70 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of September through February and 80 percent during all other months.

Continuation of the suspension was requested by a cooperative association that supplies the market with a substantial part of its fluid needs and handles much of the market's reserve milk supplies. The basis for the request is that the same marketing conditions prevail now, and are expected to prevail through February 1981, that prompted the initial request. The cooperative indicated that a substantial increase in milk production over last year by producers supplying the market coupled with a decline in fluid milk will make it necessary for the cooperative to divert to nonpool plants more reserve milk supplies during November 1980 through February 1981 than would be permitted under the order. Unless the suspension is continued, the cooperative expects that some of the milk of its member producers who have regularly supplied the fluid market would have to be moved in an uneconomical manner. The cooperative indicated that milk that needs to be moved to nonpool plants for manufacturing would have to be moved to such plants by way of pool plants rather than directly from farms in order for the milk to remain eligible for pooling under the order.

Signed at Washington, D.C., on: November 5, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-35072 Filed 11-10-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Parts 2520 and 2530

Proposed Regulations Relating to Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans

Note.—The following document was originally published in the issue of Monday, November 10, 1980. It is being published twice because Tuesday, November 11, 1980, the agency's regular day to publish, was a Federal holiday.

AGENCY: Department of Labor.

ACTION: Notice of hearing.

SUMMARY: The Department of Labor (the Department) will hold a hearing on proposed regulations relating to individual benefit reporting and recordkeeping under the Employee Retirement Income Security Act of 1974 (ERISA). These regulations, applicable to certain multiple employer pension plans, deal with reports that must be furnished to individual participants and beneficiaries regarding their benefit entitlements, and with records that must be maintained to provide the information necessary for these reports. The proposed regulations were set forth in a notice of proposed rulemaking published in the **Federal Register** at 45 FR 52824 (August 8, 1980).

DATES: The hearing will be held on December 4, 1980, beginning at 10 a.m. e.s.t.

ADDRESSES: The hearing will be held in the Auditorium of the Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary O. Lin, Esq., Office of the Solicitor, U.S. Department of Labor, Washington, D.C. (202) 523-9595.

SUPPLEMENTARY INFORMATION: By notice published in the **Federal Register** on August 8, 1980 (45 FR 52824), the Department proposed regulations relating to individual benefit reporting and recordkeeping. In the notice, the Department invited all interested persons to submit written data, views or arguments concerning the proposed regulations.

The Department has received a number of comments concerning the proposed regulations, some of which requested a public hearing. In view of the importance of these regulations, the Department has decided to hold a public hearing on December 4, 1980, beginning at 10 a.m. e.s.t., in the Auditorium of the Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

Any interested person who wishes to be assured of the opportunity to present oral comments at the hearing should submit by 3:00 p.m. e.s.t., December 1, 1980: (1) a written request to be heard, and (2) outline (preferably five copies) of the topics to be discussed, indicating the time to be allotted to each topic. The request to be heard and accompanying outline should be submitted to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N-4508, Washington, D.C. 20216, Attention: Multiple Employer Individual Benefit Reporting and Recordkeeping Hearing. Individuals who do not file written comments regarding the proposed regulations may nonetheless request to made oral comments at the hearing.

The Department will prepare an agenda indicating the order of presentation of oral comments and the time allotted to each person making oral comments. In the absence of special circumstances, each commentator will be allocated ten minutes in which to complete his presentation. Information about the agenda may be obtained on or after December 3, 1980 by telephoning Mary O. Lin, Esq., Washington, D.C. (202) 523-9595 (not a toll free number). Individuals not listed in the agenda will be allowed to make oral comments at the hearing to the extent time permits. Those individuals who make oral comments at the hearing should be prepared to answer questions regarding their comments.

A written record of the hearing will be made.

Signed at Washington, D.C., this 6th day of November, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-35086 Filed 11-6-80; 11:06 am]

BILLING CODE 4510-29-M

29 CFR Parts 2520 and 2530

Proposed Regulations Relating to Individual Benefit Reporting and Recordkeeping for Single Employer Plans

Note.—The following document was originally published in the issue of Monday, November 10, 1980. It is being published twice because Tuesday, November 11, 1980, the agency's regular day to publish, was a Federal holiday.

AGENCY: Department of Labor.

ACTION: Notice of hearing.

SUMMARY: The Department of Labor (the Department) will hold a hearing on proposed regulations relating to individual benefit reporting and recordkeeping under the Employee Retirement Income Security Act of 1974 (ERISA). These regulations, applicable to single employer pension plans (defined to include plans maintained by groups of employers under common control), deal with reports that must be furnished to individual participants and beneficiaries regarding their benefit entitlements, and with records that must be maintained to provide the information necessary for these reports. The proposed regulations were set forth in a notice of proposed rulemaking published in the Federal Register at 45 FR 51231 (August 1, 1980).

DATES: The hearing will be held on November 25, 1980, beginning at 10 a.m. e.s.t.

ADDRESSES: The hearing will be held in Room S–4215A and B of the Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary O. Lin, Esq., Office of the Solicitor, U.S. Department of Labor, Washington, D.C. (202) 523–9595.

SUPPLEMENTARY INFORMATION: By notice published in the Federal Register on August 1, 1980 (45 FR 51231), the Department proposed regulations relating to individual benefit reporting and recordkeeping. In the notice, the Department invited all interested persons to submit written data, views or arguments concerning the proposed regulations.

The Department has received a number of comments concerning the proposed regulations, some of which requested a public hearing. In view of the importance of these regulations, the Department has decided to hold a public hearing on November 25, 1980, beginning at 10 a.m. e.s.t., in Room S–4215A and B of the Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

Any interested person who wishes to be assured of the opportunity to present oral comments at the hearing should submit by 3:00 p.m. e.s.t., November 21, 1980: (1) a written request to be heard, and (2) outline (preferably five copies) of the topics to be discussed, indicating the time to be allotted to each topic. The request to be heard and accompanying outline should be submitted to the Office of Reporting and Plan Standards, Pension and Welfare Benefit Programs, Room N–4508, Washington, D.C. 20216, Attention: Single Employer Individual Benefit Reporting and Recordkeeping Hearing. Individuals who do not file written comments regarding the proposed regulations may nonetheless request to make oral comments at the hearing.

The Department will prepare an agenda indicating the order of presentation of oral comments and the time allotted to each person making oral comments. In the absence of special circumstances, each commentator will be allocated ten minutes in which to complete his presentation. Information about the agenda may be obtained after 3:00 p.m. e.s.t., November 24, 1980 by telephoning Mary O. Lin, Esq., Washington, D.C. (202) 523–9595 (not a toll free number). Individuals not listed in the agenda will be allowed to make oral comments at the hearing to the extent time permits. Those individuals who make oral comments at the hearing should be prepared to answer questions regarding their comments.

A written record of the hearing will be made.

Signed at Washington, D.C., this 6th day of November, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80–35087 Filed 11–6–80; 11:06 am]

BILLING CODE 4510–29–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Surface Coal Mining and Reclamation Operations on Federal Lands Under the Permanent Program; State-Federal Cooperative Agreements; Montana

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) previously published notice of its intent to propose rulemaking to adopt a permanent program cooperative agreement between the Department of the Interior and the State of Montana for the regulation of surface coal mining operations on Federal lands in Montana under the permanent regulatory program. 45 FR 58377–81, September 3, 1980. Such a cooperative agreement is provided for by Section 523(c) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1273(c). This notice of proposed rulemaking provides additional information on the terms of the proposed cooperative agreement and other issues which have arisen during the rulemaking. This notice also announces the date and location of the public hearing on the proposed cooperative agreement as required under 30 CFR 745.11(d), and extends the comment period in this rulemaking from November 3, 1980 to December 17, 1980.

DATES: The public comment period on this proposed rule will terminate on December 17, 1980. The public hearing will be held on December 10, 1980 at 1:30 p.m. local time. Representatives of OSM will be available to meet with interested persons during office hours upon request between November 12, 1980 and December 17, 1980. Additional information on addresses and persons to contact appears below.

ADDRESSES: Written comments must be mailed or hand delivered to the Regional Director, Region V, Office of Surface Mining, U.S. Department of the Interior, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202.

In addition, summaries of all meetings and telephone conversations, along with all public comments received and a transcript of the public hearing, will be made available for public review in Region V of the Office of Surface Mining at the address noted above. Duplicate copies of these documents will also be available in the Office of Surface Mining, U.S. Department of the Interior, Administrative Record Room, Room 153, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

The public hearing will be held on December 10, 1980, beginning at 1:30 p.m. in the Highway Department Auditorium, 2701 Prospect Avenue, Helena, Montana.

Copies of the proposed agreement and of the related information required under 30 CFR Part 745 are available for inspection Monday through Friday, 8 a.m. to 4 p.m., excluding holidays, at the following addresses:

Montana Department of State Lands, 1625 11th Avenue, Helena, Montana 59601.

Region V, Office of Surface Mining, U.S. Department of the Interior, Brooks Tower, 1020 15th Street, Denver, Colorado 80202.
Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Donald T. Maurer, Chief, Division of Federal Programs, Office of Surface Mining, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Phone: (703) 756–6970.
Donald Crane, Regional Director, Region V, Office of Surface Mining, U.S. Department of the Interior, Brooks Tower, 1020 15th Street, Denver, Colorado 80202. Phone (303) 837–5421.

SUPPLEMENTARY INFORMATION:

I. Background

Much of the background information on this rulemaking appears in the prior Federal Register notice published on September 3, 1980. 45 FR 58377–81. The purpose of this rulemaking is to adopt a permanent program cooperative agreement between the Department and the State of Montana which will give Montana primacy in the administration of the permanent regulatory program on Federal lands in that State. Section 523(c) of the Surface Mining Act provides for the State and the Secretary to enter into a cooperative agreement if the State has an approved State program for the regulation of surface coal mining operations on non-Federal and non-Indian lands. See discussion of Section 523(c) and the status of the Montana State program at 45 FR 58377–81.

In entering into a permanent program cooperative agreement with the State of Montana, the Secretary will be implementing two other requirements of Section 523 of the Act. These statutory requirements are (1) consideration of the diverse and unique characteristics of Federal lands in Montana, if any, and (2) incorporation of the requirements of the approved State program into the Federal lands program in Montana. See 30 U.S.C. 1273(a).

Public Comment Period

The public comment period on this proposed rule will end on December 17, 1980. All written comments must be received by the Regional Director, Region V, Office of Surface Mining, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202, by 5 p.m. on that date. Comments received after that hour will not be considered or included in the administrative record of this rulemaking. OSM cannot ensure that written comments received or delivered during the comment period to locations other than that specified above will be considered and included in the administrative record.

Availability of Copies

Copies of the proposed permanent program cooperative agreement and of the related information provided by the State of Montana are available for inspection at the locations listed under "ADDRESSES" above. Copies of all written comments received, transcript of the public hearing and summaries of all meetings or other correspondence will be available for inspection at the OSM Regional Office in Denver and at Headquarters in Washington, D.C.

Public Hearing

A public hearing on the proposed cooperative agreement will be held on December 10, 1980, to hear all those who wish to testify. The hearing will be held at the address listed above and will begin at 1:30 p.m. local time.

Persons wishing to testify at the public hearing should contact either of the officials listed under the heading "FOR FURTHER INFORMATION CONTACT" on or before December 3, 1980, in order to be scheduled to speak. Individual testimony will be limited to 15 minutes. The hearings will be transcribed by a court reporter. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearings would greatly assist OSM officials who will attend the hearings by providing an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying.

The public hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to speak will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify but who wish to do so assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Public Meetings Generally

Representatives of OSM will be available to meet between (date of Notice) and December 17, 1980, at the request of members of the public and industry and other organizations to receive their recommendations and comments concerning the proposed cooperative agreement. Persons to contact to schedule or attend such meetings are as follows:

Donald Maurer, Chief, Division of Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240.
Donald Crane, Regional Director, Office of Surface Mining, Brooks Tower, 1020 15th Street, Denver, Colorado 80202.

OSM representatives will be available for these meetings between 9 a.m. and 4 p.m. local time, Monday through Friday, excluding holidays. All such meetings will be open to the public. Notices of such meetings and where they will be held will be publicly posted in advance at the locations noted above. A written summary of the meetings will be made a part of the administrative record of this rulemaking.

Contacts with State Representatives

The Department has previously announced (45 FR 58378 September 3, 1980) its intention to follow the "Guidelines for Contacts With Employees and Officials During Consideration of State Permanent Regulatory Programs" published at 44 FR 5444–45, September 19, 1979. As written, the guidelines apply only to the State program review and decision process. However, the Department believes that the guidelines should also be applied in the development of State-Federal permanent program cooperative agreements. The need to reserve the ability of the Department and the States to work together through the stages of the cooperative agreement and the right of the public to be informed and have the opportunity to comment meaningfully on issues raised are principles applicable to permanent program cooperative agreement rulemakings.

This decision requires that minor changes in the guidelines be made to clarify their applicability to cooperative agreement rulemakings. Accordingly, revised guidelines for contacts with Departmental employees and officials during permanent program cooperaive agreement rulemakings are given below. See the notice of September 19, 1979, 44 FR 54444–45, for a full discussion of the guidelines and supporting principles. The September 19, 1979, guidelines remain fully applicable to the State program review process.

1. Upon request the Department will meet with any public representatives—citizens, environmental groups, industry—through the end of the public

comment period. Notices of scheduled meetings shall be posted in a public place. The meetings will be open.

2. The Department will meet with State representatives or have telephone conversations with them, upon the initiative of either party, up to the point of the Secretary's decision to enter into a permanent program cooperative agreement with a State. Through the end of the public comment period, the meetings will be open unless an OSM or Departmental official decides to hold an executive session. Advance notice of scheduled meetings will be posted in a public place. Both before and after the end of the public comment period, some meetings may be in executive session. Notice of executive sessions will be posted.

3. The Department shall keep a summary record of all discussions and meetings whether in person or by telephone on a proposed cooperative agreement. This record shall include a summary of the discussions and a list of all written information OSM receives. All such records along with all written communications relating to the cooperative agreement shall be made available to the public.

4. In those instances where the Department has conducted meetings or discussions with a State after the close of the public comment period, the Department will include a summary of the meeting and, if necessary to assure an effective opportunity for public participation, provide an opportunity for the public to review the record of such meetings and discussions and to comment on them before a decision is made to enter into a permanent program cooperative agreement.

Public Comments

Written and oral comments should be as specific as possible. Although all comments are invited, those most likely to influence decisions on the cooperative agreement will be those which are supported by facts, case law or legislative history.

Statement of Significance and of Environmental Impact

In a "Determination of Significance" document prepared on December 31, 1979, and approved by the Assistant Secretary, Energy and Minerals, on January 7, 1980, OSM determined that the "promulgation of proposed or final rules for entering into a cooperative agreement with a State pursuant to 30 U.S.C. 1273 for State regulation of surface coal mining and reclamation operations on Federal lands is not a significant action and will not require a regulatory analysis."

OSM has reexamined the "Determination of Significance" as it applies to the specific proposal from Montana and concluded that the Montana proposal includes no issues or factors not covered by the blanket determination and that it is therefore not a significant rule. The rulemaking involved in promulgating the permanent program cooperative agreement between the State of Montana and the Department does not incorporate any changes or revisions which would impose a major social, economic, or recordkeeping burden on any level of Federal, State, or local government or industry.

Proceedings relating to adoption of a permanent program cooperative agreement are part of the Secretary's implementation of the Federal lands program pursuant to Section 523 of the Surface Mining Act. Such proceedings are, therefore, exempted under Section 702(d) of the Surface Mining Act from the requirement to prepare a detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

II. The State of Montana's Application

Section 745.11(b)(1) through (8) of OSM's regulations requires that certain information shall be submitted with a request for a permanent program cooperative agreement if the information has not previously been submitted in the State program. The State of Montana submitted an initial draft of a proposed cooperative agreement and the supporting information required by 30 CFR 745.11(b) on June 4, 1980. Most of the information relating to the budget, staffing, organization and duties of the State regulatory authority (Department of State Lands) was described as appearing in Montana's Revised Permanent Coal Program text, a copy of which accompanied the State's request for a cooperative agreement. *See 30 CFR 745.11(b))1), (2), (4), (5), (6).*

Also included with the request were figures showing a comparison of the total non-Federal and Federal acres of mineable coal and the extent of Federal, non-Federal, and mixed Federal/non-Federal surface mining operations in Montana. See 30 CFR 745.11(b)(3). In addition, a written certification from the Attorney General of the State of Montana concluded that "no State statutory, regulatory or other legal constraint exists which would limit the capability of the Department of State Lands to fully comply with Section 523(c) of Pub. L. 95–87, as implemented by 30 CFR 745." See 30 CFR 745.11(b)(8).

III. The Text of the Proposed Agreement

Since Montana's submission of the initial draft of a proposed permanent program cooperative agreement on June 4, 1980, several changes to the original draft have been made based on meetings and discussions between representatives of Montana and the Department of the Interior. The terms of the revised proposed agreement submitted by the State of Montana are summarized below. The full text of the revised proposed agreement was previously published at 45 FR 58377–81, September 3, 1980. The Office of Surface Mining emphasizes that the proposed permanent program cooperative agreement is subject to further change because of public comments or as a result of further discussions with the State of Montana. In general, changes were made throughout the proposed cooperative agreement for clarity and to shorten the text by cross-referencing appropriate sections of 30 CFR Chapter VII. In discussing the proposed agreement, reference may be made to the existing interim program cooperative agreement with Montana (30 CFR 211.77(e)) for comparison and discussion.

Article I: Introduction and Purpose

This article sets forth the legal authority for the cooperative agreement which is contained in Section 523 of the Surface Mining Control and Reclamation Act of 1977, P.L. 95–87, 30 U.S.C. 1273. The purposes of agreement are also listed.

Article II: Effective Date

This article provides that the agreement, "is effective following signing by the Secretary and the Governor, and upon final publication as rulemaking in the **"Federal Register,"** and, "shall remain in effect until terminated as provided in Article X".

Article III: Scope

Article III provides that the laws, regulations, terms and conditions of Montana's State program are applicable to Federal lands in Montana, except as otherwise stated in the agreement, the Federal Act, 30 CFR 745.13, or other applicable laws. The effect of this provision is to adopt the Montana State program as substantive Federal law enforceable by the State and the United States. This provision also specifically implements Section 523(a) of the Surface Mining Act, which provides that "[w]here Federal lands in a State with an approved State program are involved, the Federal lands program shall, at a minimum, include the

requirements of the approved State program." 30 U.S.C. 1273(a).

The existing Montana interim program cooperative agreement accomplishes this result in an appendix which identifies the laws, regulations and procedures of the State which are incorporated into the agreement. See 30 CFR 211.77(e). The Department requests comments on whether a similar appendix should be prepared for the permanent program cooperative agreement. See 30 CFR 745.12(a).

Article IV: Requirements For Cooperative Agreement

This article mutually binds the Governor and the Secretary to the provisions of the agreement and the conditions and requirements contained in Article IV. Readers should note that the responsible agency in the State of Montana for purposes of administering this agreement is the Department of State Lands (State Lands) and "State Lands has and shall continue to have authority under State law to carry out this agreement." Comments are invited on whether State Lands has sufficient authority to carry out the terms of this agreement. See 30 CFR 745.11(f).

Article IV also contains provisions that require the State of Montana to maintain adequate funds, personnel and equipment to fully implement the agreement. With regard to funding, article IV would require Montana to devote adequate funds to the administration and enforcement of the requirements of the State program on Federal lands in Montana. It further provides that the State may be reimbursed pursuant to Section 705(c) of the Surface Mining Act if the agreement has been implemented to the satisfaction of the Department and if necessary funds have been appropriated (to OSM by Congress). Section 705(c) of the Surface Mining Act provides that a State with a cooperative agreement may receive an increase in its annual grant for the development, administration and enforcement of a State program on Federal lands by an amount which the Secretary determines is approximately equal to the amount the Federal government would have expended to regulate surface coal mining and reclamation operations on Federal lands. See 30 U.S.C. 1295(c). The reference in Section 705(c) to Section 523(d) is obviously a typographical error. The correct reference is Section 523(c). The regulations implementing Section 705(c) appear at 30 CFR 735.16 through 735.26.

Article V: Policies and Procedures: Mine Plan Review

Under this article, an operator on Federal lands would be required by the Governor and the Secretary to submit an identical mining and reclamation plan and permit application in an appropriate number of copies to State Lands and the Regional Director. The plan shall be in the form required by State Lands; however, it is recognized that certain supplemental information may be required by the Secretary. At a minimum the plan and application shall include the necessary information for State Lands and the Secretary to make a determination of compliance with the State program, applicable terms and conditions of the Federal coal lease, and applicable requirements of other Federal laws and the State program. Comments are invited on whether use of the term "mining and reclamation plan" is appropriate. See 30 CFR 741.12. Comments are also invited on whether more specificity regarding the State Program and other Federal laws which may be applicable is suggested for this agreement.

Article V also describes the procedures for the cooperative review and analysis of mining and reclamation permits on Federal lands. The proposed agreement identifies State Lands as primarily responsible for the analysis and review of permit applications on Federal lands in Montana. Through the Regional Director, the Secretary will assist the State in carrying out its responsibility for the analysis and review. However, this does not preclude an independent determination by the Secretary of whether the State's analysis and conclusions are adequate for the purpose of making a decision regarding the mine plan and permit application. In assuming primary responsibility for review and analysis of permit applications, State Lands will also be the primary point of contact for operators on behalf of both the State and the Secretary. All joint State-Federal determinations will be channeled to the operator through State Lands. However, this does not preclude the Secretary from contacting the operator independently of the State to carry out his responsibilities under laws other than the Federal Act and in instances of disagreement under the Federal Act. Copies of any correspondence with the applicant as well as any information OSM receives from an applicant must be provided to State Lands. In addition, this article makes the Regional Director responsible for obtaining the views and comments of other Department of the Interior agencies with jurisdiction or responsibilities relating to a mine plan and permit application on Federal lands in Montana and for making these views known to State Lands. Briefly the specific steps in formulating a decision on a mining plan and permit application are set forth in the proposed agreement as follows:

a. The operator is required to submit an identical mining and reclamation plan and permit application to State Lands and the Regional Director. Upon receipt of such plan and permit application, the Regional Director and State Lands shall begin a review for apparent completeness.

Providing for a period within which the respective staffs can conduct a preliminary review of the application is consistent with the completeness review conducted by Federal agencies under 30 CFR Part 211 and the completeness review conducted by the State as described in Part 7.a. of Montana's Revised Permanent Coal Program Text. A Memorandum of Understanding among OSM, the Bureau of Land Management and the U.S. Geological Survey describes in detail the completeness review undertaken by these agencies under 30 CFR Part 211. That Memorandum of Understanding was made available to the public on December 5, 1979 (44 FR 70009). Commenters are encouraged to read these doucments in connection with their review of the proposed agreement.

b. One person will be designated by the Regional Director to serve as the OSM manager for the particular application and will be the primary point of contact between OSM and State Lands regarding the detailed technical analysis.

c. Not later than 90 days after an application has been received, a meeting will be held between the Regional Director and State Lands to discuss the application and to agree on a work plan and schedule for the review of the application. During this meeting, the concerns of the Regional Director regarding areas which require special analysis will be identified. State Lands will in turn inform the Regional Director of areas where assistance will be needed from OSM to perform any specific or general analysis or prepare any studies or similar work. Article V. B. 6. provides for the replacement of 30 CFR 741.18 and .21 with Montana ARM 26.4.401 through .411 with the exception that all public meetings and hearings during the period prior to the initial permit decision shall be announced and conducted jointly by State Lands and the Regional Director.

d. Article V. B. 7. pertains to the cooperative arrangement which will be used to comply with the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), and the Montana Environmental Protection Act (MEPA). State Lands shall have a major role in the preparation of the Environmental Impact Statement (EIS) and/or Environmental Assessment (EA) in compliance with NEPA and MEPA for a proposed mining and reclamation plan. The authority for allowing the State to prepare the necessary EIS or EA is found at 40 CFR 1506.2. The Secretary reserves his authority, and will exercise his obligation, to independently evaluate and approve the final document.

The process involved in completing the technical analysis and review of the mine plan and permit application is described in Article V. B. 8. This article provides for preparation of the technical analysis, environmental analysis, and a proposed written decision on the permit application by State Lands. These documents will be sent to the Regional Director for his review and comment. The Regional Director will advise State Lands within 30 days of any changes that should be made. If no changes are required, the Regional Director shall proceed in accordance with 30 CFR 741.21. If State Lands and the Regional Director disagree on the requested changes or if the Regional Director fails to act within 30 days, the areas of disagreement or delay may be referred to the Governor and Secretary for resolution.

e. Article V. B. 9. states that nothing in the agreement shall be construed to limit the Secretary's authority in 30 CFR 741.16, .17 and .21.

Under the initial Federal lands program (30 CFR Part 211), OSM prepares a mine plan recommendation package which typically consists of a technical analysis environmental analysis (and/or an environmental impact statement), proposed stipulations and other documents (e.g., regional recommendations, comment letters, concurrence letters). See, for example, 45 FR 10909, February 19, 1980, announcing the notice of availability of proposed decision to approve coal mining and reclamation plan with stipulations for Big Sky Mine, Rosebud County, Montana. These documents constitute "the record" upon which the Secretarial officer makes a decision on the mine plan pursuant to Section 523(c) of the Surface Mining Act.

Under the proposed permanent program cooperative agreement State Lands will conduct the review of the mining plan and permit application and, in cooperation with the Regional Director, prepare the recommendation package for the Secretary's consideration. Comments are invited on the overall coordination involved in the mine plan and permit application review and approval process as to whether more specific procedures or information should appear in the agreement.

Article VI: Inspections

This article specifies that State Lands shall conduct inspections on Federal lands and prepare and file inspection reports in accordance with Montana's approved program. Part 7.d. of Montana's Revised Permanent Coal Program Text contains a description of the inspection program to be carried out by State Lands. Montana's inspection and monitoring system is further described in the April 1, 1980, **Federal Register** notice announcing conditional approval of Montana's program, 45 FR 21560–80, under the Section entitled, "Secretary's Findings".

Administrative provisions of this article include designation of State Lands as the principal point of contact with the operator, a provision for reasonable notice to the State prior to a Federal inspection, and coordination of State and Federal representatives as witnesses in enforcement actions as necessary.

The obligation of Federal and State agencies to conduct inspections for purposes outside the scope of the proposed cooperative agreement is preserved. In particular, this Article preserves the Department's obligation and authority to conduct inspections pursuant to 30 CFR 743 and 842.

Article VII: Enforcement

Proposed Article VII sets forth the enforcement obligations and authorities of the Secretary and State Lands. State Lands will have enforcement authority on Federal lands in accordance with the requirements of the cooperative agreement and the approved State program. Part 7.e. of Montana's Revised Permanent Coal Program Text discusses Montana's enforcement system. See also the Federal Register notice announcing conditional approval of Montana's program, 45 FR 21560–80.

This article also specifies that the parties will consult prior to deciding to revoke or suspend a permit. The Secretary's obligation to enforce violations of Federal law other than the Surface Mining Act is preserved except as specifically stated.

Article VIII: Bonds

Under this article, State Lands and the Regional Director shall jointly require an operator to submit a single performance bond to meet Federal and State requirements. Montana's system of bonds and liability insurance or other equivalent guarantees is generally described in Part 7.c. of Montana's Revised Permanent Coal Program Text and is discussed in detail in the April 1, 1980, **Federal Register** notice, 45 FR 21560–80. Special requirements of the Mineral Leasing Act and other Federal laws appear at 30 CFR 742 and 43 CFR 3504.

Article IX: Designation of Lands as Unsuitable

This article describes the role of State Lands and the Regional Director in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations on adjacent Federal or non-Federal lands. The authority to designate Federal lands as unsuitable, is reserved to the Secretary or his designated representative. See 30 CFR 745.13(a). Petitions for designation shall be filed in accordance with 30 CFR 769 and the Administrative Procedures Act, 5 U.S.C. 500 *et seq.*

Article X: Termination of Cooperative Agreement

Article X provides for termination of the proposed permanent program cooperative agreement in accordance 30 CFR 745.15.

Article XI: Reinstatement of Cooperative Agreement

Article XI provides that the proposed permanent program cooperative agreement may be reinstated under the provisions of 30 CFR 745.16.

Article XII: Amendments of Cooperative Agreement

Article XII provides that the proposed permanent program cooperative agreement may be amended by mutual agreement of the Governor and Secretary in accordance with 30 CFR 745.14.

Article XIII: Changes in State or Federal Standards

This article provides that the Secretary or the State may, from time to time, promulgate new or revised performance or reclamation requirements, or enforcement and administration procedures.

For those changes which require rulemaking, each party shall have a minimum of six months in which to make such changes, unless mutually extended.

The State is to have a longer time (until the close of the next regular legislative session) within which to

make changes which require legislative authorization. This article also requires that State Lands and Interior provide to each other copies of any changes to their respective laws, regulations or standards pertaining to the enforcement and administration of the agreement. The latter requirement is based on 30 CFR 745.12(d).

Article XIV: Changes in Personnel and Organization

As required by 30 CFR 745.12(d), this article requires the State and Interior to advise each other of changes in the organization, structure, functions, duties and funds of the offices, departments, divisions, and persons within their organizations which could affect administration and enforcement of the agreement.

Article XV: Reservation of Rights

Article XV is mandated by the Surface Mining Act, 30 CFR 745.13, and other authorities which make clear that certain responsibilities of the Secretary may not be delegated to the State. Article XV states that the cooperative agreement shall not be construed as waiving or preventing the assertion of any rights not expressly addressed in the agreement or available to the parties under the authorities cited in the proposed article.

Pursuant to 30 CFR 745.13 and the terms of this article, the Secretary reserves authority and responsibility for several Mineral Leasing Act functions (e.g., evaluation of coal resources, release of lease bonds). The Secretary also reserves the authority and responsibility for several specific functions which are an integral part of the mining plan and permit application review procedures discussed earlier. These items include compliance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), compliance with the consultation requirements of the Endangered Species Act and Section 106 of the National Historic Preservation Act, and the approval or major modification of any mining plan on Federal lands.

Compliance with NEPA

The Department and its member offices and bureaus must comply with NEPA, its implementing regulations, and the Department's guidelines.

40 CFR 1500 *et seq.*, (regulations of the Council on Environmental Quality); 45 FR 27541–48, April 23, 1980 (Department of the Interior Notice of Final Revised Procedures); *See* also 45 FR 10043–45, February 14, 1980, (Notice of Proposed Revised Instructions for the Office of Surface Mining). These authorities require the Department, prior to a decision on a mining and reclamation plan on Federal lands, to prepare an environmental assessment or environmental impact statement. The current regulations at 30 CFR 745.13(b) do not allow the Secretary to delegate his duties concerning compliance with NEPA to the States. However, the Secretary believes this regulation allows for States to assist in preparation of NEPA documents (see 40 CFR 1506.2), with final action reserved by the Secretary.

The Department invites comment on whether the procedures for compliance with NEPA and its implementing regulations and guidelines are adequately addressed in the proposed cooperative agreement.

The Endangered Species Act

This Federal law requires that the Department take such steps as necessary to insure that actions authorized, funded, or carried out by Federal departments and agencies do not jeopardize the continued existence of an endangered species or result in the destruction or modification of a species' critical habitat. 16 U.S.C. 1536. See also, 50 CFR 402 (regulations on inter-agency cooperation under the Endangered Species Act). OSM's regulations at 30 CFR 745.13(m) provide that the Secretary's consultation obligation under Section 7 of the Endangered Species Act for action on Federal lands may not be delegated to a State.

General information relating to Montana's permit system and procedures for consultation with the U.S. Fish and Wildlife Service is described in Part 7.j. of Montana's Revised Permanent Coal Program Text. Comments are invited on whether the Endangered Species Act consultation requirements are adequately addressed in the proposed permanent program cooperative agreement.

The National Historic Preservation Act

Compliance with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800) is mandatory where the approval of a mine plan on Federal lands may adversely affect sites, buildings, objects or districts listed on or eligible for listing on the National Register of Historic Places. Compliance is achieved through early consultation with and involvement of State Historic Preservation Officers and, in some cases, consultation with the Advisory Council on Historic Preservation.

OSM and the Department must also comply with Executive Order 11593, "Protection and Enhancement of the Cultural Environment" (May 13, 1971). Executive Oder 11593 contains two principal requirements. With respect to properties not owned by the Federal government, agencies and departments must establish procedures for consultation with the Advisory Council on Federal plans and programs affecting such properties. Secondly, the Order requires all Federal agencies and departments to inventory and nominate historic sites, buildings, districts and objects which are on Federal property and which may be eligible for inclusion on the National Register of Historic Places. Pending completion of the inventory and nomination process, Federal agencies and departments must take measures to ensure that eligible properties are not substantially altered, and no action affecting an eligible property can be taken without first providing the Advisory Council on Historic Preservation an opportunity to comment. The Archeological and Historic Preservation Act of 1974, 16 U.S.C. 469a–1, provides a means for private parties or the Federal government to perform actual recovery of archeological materials and data through, for example, surveys, excavation and removal to a museum. See Statement of Program Approach of the Heritage Conservation and Recreation Service at 44 FR 18117–23, March 26, 1979.

These responsibilities would be reserved to the Secretary under the proposed cooperative agreement since they are not "expressly addressed." (Article XV).

Floodplain Management and Wetland Protection

The Office of Surface Mining has recently published a general statement of policy which describes the existing procedural mechanisms for compliance with Executive Order 11988, Floodplain Management (May 24, 1977) and Executive Order 11990, Protection of Wetlands (May 24, 1977). See 45 FR 49872–74, July 25, 1980. Secretarial approval of surface coal mining operations on Federal lands is discussed in that Federal Register notice at 45 FR 49872–73. As noted therein, the method and responsibility for compliance with the Orders is to be a subject of the permanent program cooperative agreements under 30 CFR 745.

The proposed cooperative agreement does not directly discuss compliance with the Orders. As a result, under Article XV, the obligation for compliance with the Orders and with the published general statement of policy remains with the Secretary and is not delegated to Montana.

Approval of Mining Plans or Significant Modification to Mining Plans

Under Section 523 of the Surface Mining Act and 30 CFR 745.13(i), the Secretary must retain authority to approve mining plans on Federal lands.

Other Reservations

Section 745.13 of OSM's regulations (30 CFR 745.13), lists other specific responsibilities reserved to the Secretary. Principal among these responsibilities is the designation of Federal lands as unsuitable for surface coal mining operations and the termination of such designations.

Article XVI: Definitions

This article states that terms and phrases used in the proposed agreement shall have the same meanings as set forth in the definitions in 30 CFR 700 and 701.

IV. Revised Drafts of the Proposed Cooperative Agreement

As noted earlier, the proposed cooperative agreement initially submitted by the State has undergone several changes. Three major areas of change in the most recent revisions of the agreement are highlighted here and the public is invited to comment on these changes.

Article V: Policies and Procedures: Mine Plan Review

Revisions were made to reflect proposed new procedures for substantive review of all or major portions of mine plans and permit applications by the Department of State Lands on behalf of OSM. These procedures include (1) early agreement between the Department of State Lands and OSM on the work plan for the review and on any areas requiring special attention during the review by the State or OSM; (2) designation of an application manager by OSM to maintain cognizance over the review process; (3) joint conduct of environmental analyses by the State and OSM as authorized by 40 CFR 1506.2; and (4) preparation of decision documents by the State which, after review by OSM, may be used as a basis for decision on the mine plan and permit application by the Department of the Interior.

Article VI and Article VII

Revisions were made to clarify the intent of having the Department of State Lands perform primary inspection and enforcement activities on Federal lands with respect to matters covered by the Cooperative agreement. The Secretary will reserve his right to conduct inspections and take enforcement actions under the Surface Mining Act for purposes of monitoring the State Program and enforcement and administration of the cooperative agreement, and in response to citizen complaints. The Secretary may also inspect and take enforcement actions, as necessary, to carry out his responsibilities under other Federal laws.

Article IX

Revisions were made to clarify the intent of the State and the Secretary to coordinate during the review of petitions for designation of lands as unsuitable for surface coal mining while preserving the independence of the Secretary's decision on petitions to designate Federal lands as required by Section 522 of the Surface Mining Act.

In addition, several minor changes to the text of the proposed permanent program cooperative agreement were made in response to a memorandum from State Lands dated September 10, 1980. Persons interested in the changes may review the memorandum at the locations listed under the heading "Addresses."

V. Conflict of Interest Provision

The current interim program cooperative agreement contains a provision requiring that the State "shall require its employees to comply with the requirements of 30 CFR 705." See 30 CFR 211.77(e). Comments are requested on whether this or a similar provision should be addressed in the permanent program cooperative agreement.

Dated: November 5, 1980.

Joan M. Davenport,

Assistant Secretary-Energy and Minerals.

Cooperative Agreement

The State of Montana and the Department of the Interior enter into a State/Federal Cooperative Agreement to read as follows:

This is a Cooperative Agreement between the State of Montana, acting by and through the Governor (referred to as the "Governor") and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the "Secretary").

Article I. Introduction and Purpose

A. This Agreement is authorized by Section 523(c) of the Surface Mining Control and Reclamation Act (Federal Act), Pub. L. 95–87, 30 U.S.C. 1273, which allows a State with a permanent regulatory program approved under 30 U.S.C. 1253, to elect to enter into an agreement for the regulation and control of surface coal mining on Federal lands, and by the Montana Strip and Underground Mine Reclamation Act, Part 2, Chapter 4, Title 82, Montana Code Annotated (hereinafter "State Act"). This agreement provides for State Regulation of surface coal mining and reclamation operations on Federal lands consistent with the State and Federal acts and the Federal lands program.

B. The purpose of the Agreement is to (1) foster State-Federal cooperation in the regulation of surface coal mining and reclamation operations; (2) eliminate unnecessary intergovernmental overlap and duplication; and (3) provide effective regulation of surface coal mining operations on Federal lands and uniform regulation or all non-Indian lands.

Article II. Effective Date

This Cooperative Agreement is effective following signing by the Secretary and the Governor, and upon final publication as rulemaking in the **Federal Register**. This Agreement shall remain in effect until terminated as provided in Article X.

Article III. Scope

This Agreement makes the laws, regulations, terms and conditions of Montana's permanent State program conditionally approved effective April 1, 1980, as amended, 30 CFR 926 (State program) for the administration of the Federal Act, applicable to Federal lands within Montana except as otherwise stated in this Agreement, the Federal Act, 30 CFR 745.13, or other applicable laws.

Article IV. Requirements For Cooperative Agreement

The Governor and the Secretary affirm that they will comply with all of the provisions of this Agreement and will continue to meet all the conditions and requirements specified in this Article.

A. *Responsible Administrative Agency.* The Montana Department of State Lands (State Lands) is, and shall continue to be, the sole agency responsible for administering this Agreement on behalf of the Governor on Federal lands throughout the State. The Office of Surface Mining Reclamation and Enforcement (OSM) shall administer this Agreement on behalf of the Secretary, in accordance with the regulations in 30 CFR Chapter VII.

B. *Authority of State Agency.* State Lands has and shall continue to have authority under State law to carry out this Agreement.

C. *Funds.* The State will devote adequate funds to the administration

and enforcement on Federal lands in Montana of the requirements contained in the State program. If the State complies with terms of this Agreement, and if necessary funds have been appropriated, OSM shall reimburse the State as provided in Section 705(c) of the Federal Act and 30 CFR 735.16 for costs associated with carrying out responsibilities under this Agreement.

D. *Reports and Records.* State Lands shall make reports to the OSM Regional Director, Region V (Regional Director), containing information respecting its compliance with the terms of this Agreement as the Regional Director shall from time to time require pursuant to 30 CFR 745.12(c). State Lands and the Secretary shall exchange, upon request, information developed under this Agreement. The Secretary shall provide State Lands with a copy of any approved evaluation report prepared concerning State administration and enforcement of this Agreement.

E. *Personnel.* State Lands shall have the necessary personnel to fully implement this Agreement in accordance with the provisions of the Federal and State Acts and the State Program.

F. *Equipment and Laboratories.* State Lands shall have access to equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses can be performed and which are necessary to carry out the requirements of this Agreement.

Article V. Policies and Procedures: Mine Plan Review

A. *Contents of Mining Plans and Permits.* The Governor and the Secretary agree and hereby require that an operator on Federal lands shall submit an identical mining and reclamation plan and permit application in an appropriate number of copies to State Lands and the Regional Director. The plan and permit application shall be in the form required by State Lands and include any supplemental forms required by the Secretary. The plan and application shall include the information required by, or necessary for, State Lands and the Secretary to make a determination of compliance with:

(1) Section 82–4–222 MCA;

(2) Title 26, Chapter 4, Subchapter 3, Administrative Rules of Montana;

(3) Applicable terms and conditions of the Federal coal lease; and

(4) Applicable requirements of other Federal laws and the State Program.

(5) A permit applicant on Federal lands in Montana shall satisfy the requirement of 30 CFR 741.12(b)(1), and 30 CFR 741.13(c) by submitting the information required by Montana.

B. Mine Plan Review Procedures.

1. State Lands shall assume primary responsibility for the analysis and review of applications required by 30 CFR 741.13 for surface coal mining reclamation permits on Federal lands in Montana. The Secretary shall, as requested, assist the State through the Regional Director in this analysis and review. The Secretary shall, in addition, evaluate the State's analysis and conclusions as necessary to independently determine whether the Secretary concurs in the State's decision.

2. State Lands will be the primary point of contact for operators regarding the approval of the permit application. State Lands will be responsible for informing the applicant of all joint State-Federal determinations. State Lands shall send a copy of all correspondence with the applicant which have a bearing on decisions regarding the mine plan to the Regional Director. OSM will not independently initiate contacts with applicants regarding completeness or deficiencies of plans and applications with respect to matters which are properly within the jurisdiction of State Lands. The Secretary reserves the right to act independetly of the State to carry out his responsibilities under laws other than the Federal Act and in instances of disagreement under the Federal Act. A copy of all independent correspondence with the applicant shall be sent to the State.

3. The Regional Director is responsible to ensure that any information OSM receives from an applicant is sent to State Lands. The Regional Director and State Lands shall regularly coordinate with each other during the permit review process as needed.

4. The Regional Director shall be responsible for obtaining timely the views of all agencies in the Interior Department with jurisdiction or responsibility over a mine plan and permit application on Federal lands in Montana and for making these views known to State Lands. State Lands shall keep the Regional Director informed of findings during the review which bear on the responsibilities of other Federal agencies. The Regional Director shall take appropriate steps to facilitate discussions between State Lands and the concerned agencies wherever desirable to resolve issues or problems identified in the review.

5. Upon receipt of a permit application, the Regional Director shall begin a review of apparent completeness of the application. The Regional Director shall idenfity a person as the OSM application manager. The OSM application manager shall serve as the primary point of contact between OSM and State Lands throughout the review process and shall be responsible for assuring that avoidable duplication of review and analysis is eliminated. Not later than 90 days after an application has been received, the Regional Director and State Lands shall meet to discuss the application and agree upon a work plan and schedule for the review of the application. The Regional Director shall also inform State Lands of any specific or general areas of concern which require special handling or analysis. State Lands shall inform the Regional Director where OSM assistance will be needed to perform any specific or general analysis or prepare any studies or similar work.

6. Compliance with Montana ARM 26.4.401 through .411 replaces the requirements of 30 CFR 741.18 and .21 except that all public meetings and hearings during the period prior to the initial permit decision shall be announced and conducted jointly.

7. Except as otherwise agreed for a specific mine plan and permit application, all environmental assessments and analyses to comply with NEPA and MEPA shall be conducted as authorized by 40 CFR 1506.2. To the extent allowed by Federal law and regulation, State Lands and OSM will cooperate to the fullest extent possible so that one Environmental Impact Statement and/or Environmental Assessment will be produced to comply with MEPA and NEPA for a proposed mining and reclamation plan. Such document will be prepared by State Lands if the Secretary provides the State with any necessary funding to complete the statement. The Secretary shall independently evaluate and approve the final document.

8. Unless the work plan provides otherwise, State Lands shall prepare a technical analysis, environmental analysis, and proposed written decision on the permit. Copies of drafts of these documents shall be sent to the Regional Director for his review and comment. The Regional Director shall independently evaluate the documents and inform State Lands within 30 days of any changes that should be made. State Lands shall consider the comments of the Regional Director and send a final technical analysis, environmental analysis, and proposed decision to the Regional Director for his written concurrence. If no further changes are required, the Regional Director shall proceed in accordance with 30 CFR 741.21, and inform State Lands of his action. If the Regional

Director fails to act within 30 days or if the requested changes are not agreeable to State Lands, the areas of disagreement or delay may be referred to the Governor and Secretary for resolution. This duty may not be redelegated except by mutal agreement.

9. Nothing in this agreement shall be construed to limit the Secretary's authority in 30 CFR 741.16, .17 and .21.

Article VI. Inspections

A. State Lands shall conduct inspections on Federal lands and prepare and file inspection reports in accordance with the approved State Program.

B. State Lands shall, within 15 days of conducting any inspection on Federal lands, file with the Regional Director, an inspection report describing (1) the general conditions of the lands under the lease, permit, or license; (2) the manner in which the operations are being conducted; and (3) whether the operator is complying with applicable performance and reclamation requirements.

C. State Lands will be the point of contact and sole inspection authority in dealing with the operator concerning operations and compliance with the requirements covered by this Agreement, except as described in this Agreement and in the Secretary's regulation. Nothing in this Agreement shall prevent inspections by authorized Federal or State agencies for purposes other than those covered by this Agreement.

D. The Department may conduct any inspections necessary to comply with 30 CFR Part 842 and its obligation under laws other than the Act.

E. The Regional Director shall give the State Regulatory Authority reasonable notice of his intent to conduct an inspection in order to provide State inspectors with an opportunity to join in the inspection. When Interior is responding to a citizen complaint of an imminent environmental danger or a threat to human health, pursuant to 30 CFR 842.11 (b)(1)(ii)(C), it will contact the State no less than 24 hours if practicable, prior to the Federal inspection to facilitate a joint Federal/State inspection. The Secretary reserves the right to conduct inspections without prior notice to State Lands if necessary to carryout his responsibilities under the Federal Act.

F. Personnel of the State and Interior shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VII. Enforcement

A. State Lands shall take enforcement action on Federal lands in accordance with the State Program and this Agreement.

B. During any joint inspection by Interior and State Lands, State Lands shall take enforcement action, including issuance of orders of cessation and notices of violation. Interior and State Lands shall consult prior to issuance of any decision to suspend or revoke a permit.

C. State Lands and OSM shall promptly notify each other of all violations of applicable laws, regulations, orders, approved mining and reclamation plans and permits subject to this Agreement and of all actions taken with respect to such violations.

D. This Agreement does not limit the Secretary's authority to enforce violations of Federal law or condition of a permit except as specifically stated.

Article VIII. Bonds

A. State Lands and the Regional Director shall require all operators on Federal lands to submit a single bond to cover the operator's responsibilities under the Federal Act and the State Program, payable to both the United States and State Lands. The bond shall be of sufficient amount to comply with the requirements of both State and Federal law and release of the bond shall be conditioned upon compliance with all applicable requirements.

B. Prior to releasing the operator from an obligation required under the State Program under the bond for any Federal lands, State Lands shall obtain the consent of the Regional Director. State Lands shall also advise the Regional Director of adjustments to the bond.

Article IX. Designation of Lands as Unsuitable

A. State Lands and the Regional Director shall cooperate with each other in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations. When either agency receives a petition which could impact adjacent Federal or non-Federal lands, respectively, the agency shall (1) notify the other of its receipt and of the anticipated schedule for reaching a decision; and (2) request and fully consider data, information and views of the other.

B. The authority to designate Federal lands as unsuitable for mining is reserved to the Secretary or his designated representative. Petitions for designation shall be filed with the Regional Director and processed in accordance with 30 CFR 769 and the Administrative Procedures Act, 5 U.S.C. 500 *et seq.*

Article X. Termination of Cooperative Agreement

A. This Agreement may be terminated by the State or the Secretary under the provisions of 30 CFR 745.15.

Article XI. Reinstatement of Cooperative Agreement

If this Agreement has been terminated in whole or part it may be reinstated under the provisions of 30 CFR 745.16.

Article XII. Amendments of Cooperative Agreement

This Agreement may be amended by mutual agreement of Governor and Secretary in accordance with 30 CFR 745.14.

Article XIII. Changes in State or Federal Standards

A. Interior or the State may from time to time revise and promulgate new or revised performance or reclamation requirements or enforcement and administration procedures. Interior and the State shall immediately inform each other of any proposed or final changes in their respective laws or regulations as provided in 30 CFR 732.17. Each party shall, if it determines it to be necessary to keep this Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes, unless mutually extended. For changes which require legislative authorization, the State shall have until the close of its next regular legislative session in which to make the changes.

B. The State and Interior shall provide each other with copies of any changes to their respective laws, rules, regulations, and standards pertaining to the enforcement and administration of this Agreement.

Article XIV. Changes in Personnel and Organization

The State and Interior shall, consistent with 30 CFR 745, advise each other of changes in the organization, structure, functions, duties, and funds of the offices, departments, divisions, and persons within their organizations which could affect administration and enforcement of this Agreement. Each shall promptly advise the other in writing of changes in key personnel including the heads of a department or division, or changes in the functions or duties of persons occupying the principal offices within the structure of the program. The State and Interior shall

advise each other in writing of changes in the location of offices, addresses, telephone number, and changes in the names, location, and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible.

Article XV. Reservation of Rights

In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement, that the State or the Secretary may have under the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Stockraising Homestead Act, the Surface Mining Control and Reclamation Act of 1977, the Federal Land Policy and Management Act, the Constitution of the United States, the Constitution of the State, or State laws.

Article XVI. Definitions

Terms and phrases used in this Agreement which are defined in 30 CFR Parts 700 and 701 shall be given the meanings set forth in said definitions.

Governor of Montana———————————
Date————.
Secretary of the Interior———————————
Date————.

[FR Doc. 80-35241 Filed 11-10-80; 8:45 am]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A4 FRL 1665-6]

Georgia: Plan Revision Relating to Georgia Power Plant Harllee Branch; Approval and Promulgation of Implementation Plans

AGENCY: U.S. Environmental Protection Agency, Region IV.

ACTION: Proposed rule.

SUMMARY: EPA today proposes approval action on a State Implementation Plan (SIP) revision submittal made by the Georgia Environmental Protection Division in accordance with the requirements of Section 110 of the Clean Air Act. The revision to Georgia's SIP involves an Enforcement Order for Georgia Power's Plant Harllee Branch which was transmitted to EPA May 13, 1980, and was subjected to a public hearing on January 31, 1980.

DATE: To be considered, comments must be submitted on or before December 12, 1980.

ADDRESS: Written comments should be addressed to Melvin Russell, EPA Region IV's Air Program Branch (see EPA Region IV address below). Copies of the materials submitted by Georgia may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.
Library, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.
Air Protection Branch, Envvironmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street, SW., Atlanta, Georgia 30334.

FOR FURTHER INFORMATION CONTACT: Mr. Melvin Russell, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365. Telephone: 401/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: Georgia Power's Plant Branch is at present in compliance with applicable State and Federal air quality standards. The procedure for demonstrating compliance with the mass emission limit contained in Georgia Rule 391-3-1-.02(2)(d) is being altered to enable Units 3 and 4 of Plant Branch an alternative method to demonstrate compliance with the mass emission limit, in the event that a quarterly compliance test of these units indicates emissions of particulate matter that exceed the limit.

The alternate procedure proposed by the Georgia Environmental Protection Division would not alter the mass emission limit, but would allow Units 3 and 4 to demonstrate compliance with Rule 391-3-1-.02(2)(d) by use of a correlated opacity test procedure. Under the alternate procedure Units 3 and 4 must be operated at all times, such that the opacity from the common stack shall not exceed a correlated opacity which corresponds to the mass emission rate which complies with Rule 391-3-1-.02(2)(d).

The correlated opacity was determined through a series of stack tests in which opacity and mass emission rates were measured simultaneously. It was determined that 40% opacity for Units 3 and 4 will assure compliance with the mass emission limit.

This alternate procedure for demonstrating compliance with Georgia Rule 391-3-1-.02(2)(d) will be accepted as an interim procedure, and may not be used beyond December 31, 1982.

EPA has reviewed the data establishing the correlated opacity and found it to be acceptable. EPA, therefore, proposes to approve this revision to Georgia's State Implementation Plan.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: October 28, 1980.

Rebecca W. Hanmer,
Regional Administrator.

[FR Doc. 80-35229 Filed 11-10-80; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 123

[SW-7-FRL 1667-2]

Iowa Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Notice of public hearing and public comment period extension.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980, (45 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Iowa application for phase I interim authorization, inviting public comment, and giving notice of a public hearing to be held on the application. A previous notice was pubished in the November 5, 1980, **Federal Register** stating the public hearing was to be held December 4, 1980. That date has been changed to extend the public comment period. The public hearing has been rescheduled for December 16, 1980.

DATE: Comments on the Iowa interim authorization application must be received by December 16, 1980.

PUBLIC HEARING: EPA will conduct a public hearing on the Iowa interim authorization application at 10:00 a.m., on December 16, 1980. EPA reserves the right to cancel the public hearing if significant public interest in a hearing is not expressed. If you are interested in participating in a public hearing please notify Mr. Rober L. Morby of EPA at the address below no later than Friday, December 12, 1980. The State of Iowa will participate in any public hearing held by EPA on this subject.

ADDRESSES: Copies of the Iowa interim authorization application are available during business hours at the following addresses for inspection and copying by the public:

Iowa Department of Environmental Quality, 900 East Grand, Des Moines,

Iowa 50319, 515/281–8692; business hours: 8:00–4:30.
U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, 816/374–6534; business hours: 7:30–4:30.

U.S. Environmental Protection Agency, Office of Solid Waste, 401 M Street SW, Washington, D.C. 20460. Business hours: 7:30–4:30.

Written comments should be sent to: U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, 816/374–6534.

The public hearing will be held at: Fifth Floor Conference Room, Iowa Department of Environmental Quality, 900 East Grand, Des Moines, Iowa 50319, December 16, 1980, 10:00 a.m.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, 816/374–6534.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of interim authorization, the State hazardous waste program must:

(1) Have been in existence prior to August 17, 1980, and

(2) Submit evidence to EPA showing that the existing State program is substantially equivalent to the Federal program.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F, (45 FR 33479). As noted in the May 19, 1980, **Federal Register** copies of complete State submittals for phase I interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal, unless significant public interest is not expressed.

Dated: November 6, 1980.

Kathleen Camin,

Regional Administrator, Region VII.

[FR Doc. 80-35277 Filed 11-10-80; 8:45 am]

BILLING CODE 6560-38-M

Notices

Federal Register
Vol. 45, No. 220
Wednesday, November 12, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Lincoln National Forest Grazing Advisory Board; Meeting

The Lincoln National Forest Grazing Advisory Board will meet at 9:30 a.m., December 9, 1980, in the Chamber of Commerce Building, 1301 White Sands Boulevard, Alamogordo, New Mexico. The purpose of this meeting is to provide grazing permittees of the Lincoln National Forest means for offering advice and recommendations concerning 1) overview of fiscal year 1980–81 range betterment funds and 2) the development of management plans. Other items to be discussed are off-road vehicle use, reforestation, land management planning, and a trial goat grazing project.

The meeting will be open to the public. Persons who wish to attend should notify Don Cunico, Lincoln National Forest Supervisor's Office, Federal Building, 11th & New York, Alamogordo, New Mexico 88310. Telephone (505) 437–6030. Written statements may be filed with the board before or after the meeting.

Rules for public participation will be established at the meeting.

James R. Abbott,

Forest Supervisor.

October 29, 1980.

[FR Doc. 80–35070 Filed 11–10–80; 8:45 am]

BILLING CODE 3410–11–M

Gospel-Hump Advisory Committee; Meeting

The Gospel-Hump Advisory Committee will meet at 7:30 p.m., December 9, 1980, at the Nezperce Forest Supervisor's Office, Grangeville, Idaho. The purpose of this meeting will be a general update on planning and research in the Gospel-Hump Multipurpose Development Area.

The meeting will be open to the public. Persons who wish to attend should notify Ed Laven, 319 East Main, Grangeville, Idaho; telephone 208/983–1950. Written statements may be filed with the committee before or after the meeting.

Don Biddison,

Forest Supervisor.

October 31, 1980.

[FR Doc. 80–35151 Filed 11–10–80; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

Airline Scheduling Committee Agreements; Order

[Order 80–11–6; Docket 20051; Agreements CAB 20560, 20561, 20562 as amended]

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of November, 1980.

On October 14, 1980, the Washington Airline Scheduling Committee advised the Federal Aviation Administration that its member carriers were unable to reach an agreement allocating take-off and landing slots at the Washington National Airport for the period December 1, 1980 through April 25, 1981. The Department of Transportation (DOT) shortly thereafter requested comments on temporary methods to allocate slots at National Airport for this period. 45 FR 69403 (October 20, 1980). On October 29, DOT issued an emergency regulation, effective immediately, providing for such an allocation.

In order to implement its plan without delay, DOT asked the Washington Scheduling Committee to reconvene and a meeting has been scheduled for Monday, November 3, 1980. The Air Transportation Association and some air carriers have informally asked whether carriers risk antitrust liability for participating in this meeting. It is not clear to us that air carriers should have any antitrust concerns about participating in the allocation procedure prescribed by DOT. However, to facilitate this procedure, we will clarify that the meeting of the Scheduling Committee falls within the mechanism approved and immunized by us in Order 68–12–11. The antitrust immunity granted in that order is limited to particpation in actual Scheduling Committee meetings.

DOT's rule also provides that "subject to CAB authorization the carriers may * * * exchange slots in any hour." (SFAR No. 43, App. A(f)). Under our order approving the Scheduling Committee mechanism, carriers may engage in discussions within the Scheduling Committee to exchange slots once the overall allocation is achieved. Carriers may also exchange slots throughout the scheduling period using the customary Scheduling Committee procedures.[1]

The DOT provision might be viewed as an invitation to establish an after-market for slots completely outside the committee process. We believe that this issue of broader slot transferability should more profitably be considered within the context of our investigation instituted by Order 80–9–148.

However, in order to gain some experience in market mechanisms for slot distribution, we solicit comments on an experiment limited to National Airport that would liberalize the transferability of slots by allowing a carrier to exchange slots with monetary or other valuable consideration. We are unwilling at this time to propose that carriers may transfer slots for consideration to carriers that are not willing or able to exchange a slot in return. Because complete transferability would be a more drastic departure from the customary practice, our disposition of this issue will be considered in our investigation into the Scheduling Committee Agreements. *See* Order 80–9–148 at 5. We ask that interested persons comment only on whether we should adopt the experimental program to permit carriers at National Airport to exchange slots for slots with other consideration. So that we may act quickly and enable carriers to negotiate slot transfers before the January 5 schedule changes, we will allow three weeks for comments on our proposal.

Accordingly,

1. We interpret Order 68–12–11 to permit intercarrier discussions and agreements under section 412 relating to the implementation of the Special

[1] As described by the ATA staff, its role is "* * * to advise other carriers of the availability of slots released between meetings; to accept requests for use of the released 'slots' when supply exceeds demand and report those changes to FAA; and to arrange for a special meeting if requests exceed the available slots." Statement of the Staff of the Airline Scheduling Committees, served September 11, 1980, Docket 20051.

Federal Aviation Regulation No. 43 of the Department of Transportation;

2. Participants in the discussions and agreements referred to in paragraph 1 continue to be exempt, under section 414 and Orders 68–12–11 and 80–9–148, from the operations of the antitrust laws;

3. We request comments on an experiment permitting carriers serving National Airport to exchange slots with consideration, either within or outside the Washington National Airport Scheduling Committee. Interested persons may comment within 21 days of the date of service of this order; and

4. We will serve copies of this order on all parties to Docket 20051.

This order shall be published in the Federal Register.

By the Civil Aeronautics Board.[2]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-35169 Filed 11-10-80; 8:45 am]

BILLING CODE 6320-01-M

[Order No. 80-11-24; Docket No. 38934]

Blanket Exemption to Persons Who Contract for the Purchase of Blocks of Seats on Scheduled Service Pursuant to Applicable Tariffs for Resale to the Public; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of November, 1980.

We (or our staff, acting under delegated authority) have recently approved the tariff proposals of numerous air carriers to introduce new contract marketing programs for selling large blocks of seats on scheduled service.[1] We granted exemptions to permit all persons (contractors) who contract for the purchase of blocks of scheduled seats under such proposed tariffs to engage in indirect air transportation and to resell the seats to the public without themselves filing tariffs. Several carriers requested that the grant of exemption authority be sufficiently broad to permit the new fares to be offered in other markets which they serve, and the staff has granted exemption applications of this type under delegated authority.

We direct all persons to show cause why we should not grant a blanket exemption from sections 401, 402 and 403 of the Federal Aviation Act to permit U.S. and foreign contractors purchasing scheduled seats under governing tariffs for contract marketing programs which meet the requirements set forth in Order 80–2–112, to engage in indirect air transportation and to resell the transportation at non-tariff prices.

Under current procedures established by Order 80–2–112, our staff has the delegated authority to act on exemption applications of air carriers to implement contract marketing programs. However, review of individual applications results in delay and uncertainty for carriers desiring to establish new low fare programs of this type. We tentatively find that it would be in the public interest to grant a blanket exemption. The grant of this exemption authority would prevent delay in the initiation of new low fare programs that are substantially similar to existing contract marketing programs that we have approved.

The blanket exemption described above would be available only to those contractors who have fulfilled the consumer protection requirements of Order 80–2–112. The conditions that apply to indirect air carriers are detailed below. Of course, airlines offering contract marketing programs will still have to file tariffs covering these programs. The Board will continue to review these tariffs to ensure that the airlines involved conform to the conditions placed on direct air carriers in Order 80–2–112 and are fully capable of assuming responsibility for the provision of transportation and the protection of passengers' funds. Our decision not to impose consumer protection devices like bonding and escrow requirements on group contractor middlemen was premised on the overriding liability of the direct air carriers as reflected in their tariffs. If a filing direct air carrier is encountering unusual service or financial difficulties, rejection or modification of its proposed tariff could be warranted. Consideration of these and other factors indicating whether passengers are receiving the treatment normally afforded scheduled service passengers will continue to be necessary. We will, therefore, closely monitor the tariffs offering contractor bulk fares to insure that this blanket exemption does not change the carefully devised experiment approved in Order 80–2–112.

Our proposal to grant a blanket exemption is intended merely to streamline Board procedures, and involves no change in Board policy. Transamerica Airlines, Inc. has an appeal of Order 80–2–112 pending before the U.S. Court of Appeals for the District of Columbia Circuit, the outcome of which could affect whatever authority may be granted in this proceeding as well as the relevant tariffs. Our proposal to grant a blanket exemption is not intended to affect Transamerica's rights or the continuance of Transamerica's objection to our approval of contract marketing programs. Also, to the extent that any conclusions that may arise out of the *Competitive Marketing Case* are inimical to the grant of blanket exemption authority for contractors, the exemption we propose would be subject to review.

Accordingly:

1. We direct all interested parties to show cause why we should not issue an order finalizing the tentative finding and conclusion that a blanket exemption from sections 401, 402 and 403 of the Act should be granted to persons who contract with airlines to purchase blocks of seats on scheduled service under applicable tariffs that meet the requirements set forth in Order 80–2–112 for resale to the public provided, as follows:

(a) The air carriers implementing contract marketing programs and all contractors operating under this blanket exemption authority ensure that consumers receive clear and conspicuous notice, before payment of deposit, of any special contractual conditions, imposed either by the contractor or by the carrier, applicable to passengers, including, but not limited to, the following: the terms and amount of any cancellation penalties, fees for reservations changes, or other special charges; limits on voluntary refund (specifically, notice that clearly informs the passenger of his risk in the event of voluntary cancellation by stating the exact amount of the applicable refund for voluntary cancellation); limits on involuntary refund, rerouting or ticket reissuance rights; limits on ticket endorsability; special ticket purchase, check-in or reconfirmation requirements; if true, the fact that the passenger may be assessed price increases after ticket purchase; if true, the fact that flight dates and times are not guaranteed at time of purchase; and information on the allocation of responsibility between the contractor and carrier for the passengers' funds and transportation;

(b) Air carriers and any contractor for whom this exemption is granted submit, in Docket 36595, the *Investigation into the Competitive Marketing of Air Transportation,* information regarding the operation and effect of the applicable fares in the manner as required by the Administrative Law Judge in that case; and

(c) The air carriers implementing contract marketing programs file with the Office of the Assistant Director, Fares, Rates and Tariffs, Bureau of

---

[2] All members concurred.

[1] See Order 80–2–112, February 21, 1980; Order 80–3–58, March 12, 1980; Order 80–3–175, March 26, 1980; Order 80–5–82, May 13, 1980; Order 80–5–218, May 30, 1980; and 80–6–118, June 18, 1980.

Domestic Aviation, and in Docket 36595, the *Investigotion into Competitive Morketing of Air Transportation,* the name and address of each contractor operating under this exemption within 30 days after first entering into the contractual arrangement;

2. Any interested party objecting to the issuance of such an order shall, within 30 days after the service of this order, file with us a statement of objection which shall set forth in detail any facts, economic or statistical data, and other evidence relied upon in support of the objection;

3. If timely and properly supported objections are filed, we will consider fully the matters or issues they raise before taking further action; and

4. If no objections are filed, all further procedural steps will be deemed to have been waived, and we will take final action.

This order shall be served on all U.S. certificated air carriers and all parties in the *Investigotion into the Competitive Marketing of Air Transportation,* Docket 36595.

This order shall be published in the **Federal Register.**

By the Civil Aeronautics Board:[2]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-35173 Filed 11-10-80; 8:45 am]

BILLING CODE 6320-01-M

Chicago-Texas/Midwest Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (80-11-29).

SUMMARY: The Board is proposing to award nonstop air route authority between Chicago, on the one hand, and Albuquerque, Austin, Cincinnati, El Paso, Indianapolis, and San Antonio, on the other hand, to United Air Lines under expidited show-cause procedures.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by December 8, 1980, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38711, which we have entitled the Chicago-Texas/Midwest Show-Cause *Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on United Air Lines; Mayor of Chicago; Manager, O'Hare International Airport; Illinois Division of Aeronautics; the mayor and airport manager of each other city to which the pleading refers; and the state aeronautical commission of the state in which such city is situated.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5198.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-11-29 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-11-29 to that address.

By the Bureau of Domestic Aviation:
November 5, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-35170 Filed 11-10-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 80-11-25, Docket Nos. 37940 and 38083]

Pan American World Airways, Inc. and the Flying Tiger Line Co.; Order To Show Cause and Instituting an Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Casue and Institutiong an Investigation: Order 80-11-25, Dockets 37940 and 38083.

SUMMARY: The Board proposes to issue certificates to Pan American World Airways, Inc. and The Flying Tiger Line Inc. for all-cargo service between points in the United States and Canada.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusion that this authority should be granted, shall, NO LATER THAN November 28, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Dockets 37940 and 38083, Docket Section Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to the applicants, the Department of Transportation and the Department of State. Copies of the objections should be sent to the Ambassador of Canada in Washington, D.C.

A statement of objection must cite the docket number and must include a summary of testimony, statistical data, or other supporting evidence.

If no objections are filed, the Board will issue an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificates.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Ann C. Pongracz (202-673-5203) Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board:
November 5, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-35171 Filed 11-10-80; 8:45 am]

BILLING CODE 6320-01-M

Twin Falls-Boise/Pocatello/Salt Lake City Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (80-10-194).

SUMMARY: The Board is instituting the *Twin Folls-Boise/Pocotello/Salt Lake City Subport Q Proceeding* and is proposing to grant unrestricted authority to Cascade in the Twin Falls-Boise/Pocatello/Salt Lake City markets under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than December 18, 1980, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38771, which we have entitled the *Twin Folls-Boise/Pocotello/Solt Lake City Subport Q Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Cascade

[2] All members concurred.

Airways; Idaho Division of Aeronautics & Public Transportation; Utah Department of Transportation, Division of Aeronautics Operations; Mayors of Boise, Pocatello, Salt Lake City and Twin Falls; Manager, Boise Air Terminal; Manager, Pocatello Municipal Airport; Manager, Salt Lake City International Airport; and Manager, Twin Falls Municipal Airport.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428 (202) 673–5384.

SUPPLEMENTARY INFORMATION: The complete text of order 80–10–194 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80–10–194, to that address.

By the Bureau of Domestic Aviation: November 4, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–35172 Filed 11–10–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 38865]

Sun Pacific Airlines Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 20, 1980, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

Order 80–10–117, served October 23, 1980, defined the issues for this proceeding, and determined that requests for additional evidence should be filed no later than November 3, 1980. Matters to be discussed at the prehearing conference will include evidence requested, future procedural dates, and such other matters as will contribute to the orderly and prompt conduct of this proceeding.

Dated at Washington, D.C., November 4, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80–35168 Filed 11–10–80; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Leather Wearing Apparel From Colombia; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: With this notice we inform the public that we are initiating a countervailing duty investigation in order to determine whether the Government of Colombia has given benefits which constitute bounties or grants within the meaning of the countervailing duty law on the manufacture, production or exportation of leather wearing apparel. Unless we extend this investigation, we will make a preliminary determination not later than January 8, 1981.

EFFECTIVE DATE: November 12, 1980.

FOR FURTHER INFORMATION CONTACT: Anne Hamilton, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 377–3963.

SUPPLEMENTARY INFORMATION: On October 14, 1980, Ralph Edwards Sportswear, Inc., Cape Girardeau, Missouri, filed a petition in proper form with the Department of Commerce (the Department), alleging that the Government of Colombia provides to manufacturers, producers, or exporters of leather wearing apparel, certain subsidies which are bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, (93 Stat. 190, 19 U.S.C. 1303) (hereinafter referred to as "the Tariff Act"). Because Colombia is not a "country under the Agreement," within the meaning of section 701(b) of the Tariff Act (93 Stat. 151, 19 U.S.C. 1671(b)), section 303 of the Act applies to this investigation. The merchandise covered by this investigation is leather wearing apparel provided for in item number 791.76 of the Tariff Schedules of the United States.

The petitioner alleges that the Government of Colombia provides subsidies in the form of the payment of negotiable tax certificates (CAT's) at a fixed percentage of the value of export transactions for the purpose of rebating all indirect taxes paid. Petitioner has also alleged that critical circumstances exist within the meaning of section 703(e) of the Tariff Act (93 Stat. 154, 19 U.S.C. 1671b(e)) by reason of massive imports over a relatively short period of time. However, since Colombia is not a "country under the Agreement" and leather wearing apparel is dutiable, this provision does not apply. (Section 103(b) Trade Agreements Act of 1979 (93 Stat. 190)).

Leather wearing apparel from Colombia was part of an earlier countervailing duty investigation on textile products from Colombia. The Treasury Department made a final determination in that investigation on November 16, 1978 (44 Fed. Reg. 3599). (Prior to January 1, 1980, the Treasury Department had responsibility for administering the countervailing duty laws. With respect to the transfer of authority for the administration of the countervailing duty law to the Department of Commerce, see Reorganization Plan No. 3 of 1979, 44 Fed. Reg. 69273). The Treasury Department determined that the net benefits derived from subsidies paid or bestowed by the Government of Colombia on the manufacture/exportation of leather wearing apparel involved "bounties or grants" of 5.94 percent within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303). The Treasury Department revoked this positive determination (44 Fed. Reg. 26992) when Colombian leather apparel manufacturers certified that they would renounce the "net" bounty of 5.94 percent, voluntarily relinquishing negotiable tax certificates (CAT's) valued in this amount on leather wearing apparel exports to the United States on or after March 1, 1979. The petitioner, Ralph Edwards Sportswear Inc., alleges that the offset of indirect taxes which Treasury permitted in the earlier investigation is inconsistent with the Administrative Guidelines (19 C.F.R. 355, Annex 1, paragraph 2, 45 Fed. Reg. 4949) published by the Department for determining when the payment of a lump sum calculated and identified as a non-excessive rebate of an indirect tax on an exported product or its components is not a subsidy. The Commerce Department most recently applied these guidelines in the investigations involving textile and textile mill products (45 Fed. Reg. 55502) and certain iron metal fasteners from India (45 Fed. Reg. 64611).

In light of the above, I hereby determine that the Department should initiate an investigation to determine whether or not the Government of Colombia provides subsidies on the production, manufacture or export of leather wearing apparel. Since Colombia is not a "country under the Agreement" and none of the items covered by the

petition enter the U.S. duty free, the Commerce Department need not have evidence of material injury or likelihood of material injury to a domestic industry before initiating a case nor must the case be referred to the U.S. International Trade Commission for a 45-day preliminary injury review.

Pursuant to section 303(b) of the Tariff Act of 1930, as amended by section 103 of the Trade Agreements Act of 1979, (93 Stat. 190, 19 U.S.C. 1303(b)), the Commerce Department will make a preliminary determination as to whether a bounty or grant is being paid or bestowed on the manufacture, production or exportation of leather wearing apparel from Colombia not later than January 8, 1981, unless the investigation is otherwise extended.

(Sec. 303(b) of the Tariff Act of 1930, as amended by sec. 103 of the Trade Agreements Act of 1979, (93 Stat. 190, 19 U.S.C. 1303))

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

November 5, 1980.

[FR Doc. 80-35106 Filed 11-10-80; 8:45 am]

BILLING CODE 3510-25-M

Leather Wearing Apparel From Mexico; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: With this notice we inform the public that we are initiating a countervailing duty investigation in order to determine whether the Government of Mexico has given benefits which constitute bounties or grants within the meaning of the countervailing duty law on the manufacture, production or exportation of leather wearing apparel. Unless we extend this investigation, we will make a preliminary determination not later than January 8, 1981.

EFFECTIVE DATE: November 12, 1980.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 377-4198.

SUPPLEMENTARY INFORMATION: On October 14, 1980, Ralph Edwards Sportswear, Inc., Cape Girardeau, Missouri, filed a petition in proper form with the Department of Commerce (the Department), alleging that the Government of Mexico provides to manufacturers, producers or exporters of leather wearing apparel, certain subsidies which are bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, (93 Stat. 190, 19, U.S.C. 1303) (hereinafter referred to as "the Tariff Act"). Because Mexico is not a "country under the Agreement," within the meaning of section 701(b) of the Tarrif Act (93 Stat. 151, 19 U.S.C. 1671(b)), section 303 of the Act applies to this investigation. The merchandise covered by this investigation is leather wearing apparel provided for in item number 791.76 of the Tariff Schedules of the United States.

The petitioner alleges that the Government of Mexico provides subsidies in the form of a tax rebate certificate program designed to offset the cascade effect of turnover taxes levied at all stages of production.

Petitioner has also alleged that critical circumstances exist within the meaning of section 703(e) of the Tariff Act (93 Stat. 154, 19 U.S.C. 1671b(e)) by reason of massive imports over a relatively short period of time. However, since Mexico is not a "country under the Agreement" and leather wearing apparel is dutiable, this provision does not apply. (Section 103(b) Trade Agreements Act of 1979 (93 Stat. 190)).

Leather wearing apparel from Mexico was one of the products included in an earlier countervailing duty investigation. The Treasury Department made a final negative determination concluding that investigation on July 13, 1979 (44 FR 41003). (Prior to January 1, 1980, the Treasury Department had responsibility for administering the countervailing duty law. With respect to the transfer of authority for the administration of the countervailing duty law to the Department of Commerce, see Reorganization Plan No. 3 of 1979, 44 FR 69273). The Treasury Department determined in that investigation that the net benefit derived from government programs was de minimis and that, therefore, benefits paid or bestowed by the Government of Mexico on the manufacture/exportation of leather wearing apparel did not involve "bounties or grants" within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303). The petitioner, Ralph Edwards Sportswear Inc., however, alleges that the offset of indirect taxes which Treasury permitted in the earlier investigation is inconsistent with the Administrative Guidelines (19 C.F.R. 355, Annex 1, paragraph 2, 45 FR 4949) published by the Department for determining when the payment of a lump sum calculated and identified as a non-excessive rebate of an indirect tax on an exported product or its components is not a subsidy. The Commerce Department most recently applied these guidelines in the investigations involving textile and textile mill products (45 FR 55502) and certain iron metal fasteners from India (45 FR 64611).

In light of the above, I hereby determine that the Department should initiate an investigation to determine whether or not the Government of Mexico provides subsidies on the production, manufacture or export of leather wearing apparel. Since Mexico is not a "country under the Agreement" and none of the items covered by the petition enter the U.S. duty free, the Commerce Department need not have evidence of material injury or likelihood of material injury to a domestic industry before initiating a case nor must the case be referred to the U.S. International Trade Commission for a 45-day preliminary injury review.

Pursuant to section 303(b) of the Tariff Act of 1930, as amended by section 103 of the Trade Agreements Act of 1979, (93 Stat. 190, 19 U.S.C. 1303(b)), the Commerce Department will make a preliminary determination as to whether a bounty or grant is being paid or bestowed on the manufacture, production or exportation of leather wearing apparel from Mexico not later than January 8, 1981, unless the investigation is otherwise extended.

(Sec. 303(b) of the Tariff Act of 1930, as amended by sec. 103 of the Trade Agreements Act of 1979, (93 Stat. 190, 19 U.S.C. 1303)

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

November 5, 1980.

[FR Doc. 80-35106 Filed 11-10-80; 8:45 am]

BILLING CODE 3510-25-M

Leather Wearing Apparel From Uruguay; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: With this notice we inform the public that we are initiating a countervailing duty investigation in order to determine whether or not the Government of Uruguay has given benefits which constitute bounties or grants within the meaning of the countervailing duty law on the manufacture, production or exportation

of leather wearing apparel. Unless we extend this investigation, we will make a preliminary determination not later than January 9, 1981.

EFFECTIVE DATE: November 12, 1980.

FOR FURTHER INFORMATION CONTACT: Miguel Pardo deZela, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377–5050.

SUPPLEMENTARY INFORMATION: On October 15, 1980, Ralph Edwards Sportswear, Inc., Cape Girardeau, Missouri, filed a petition in proper form with the Department of Commerce (the Department), alleging that the Government of Uruguay provides to manufacturers, producers or exporters of leather wearing apparel certain benefits which are subsidies within the meaning of section 701, Trade Agreements Act of 1979 (93 Stat. 151, 19 U.S.C. 1671) (hereinafter referred to as "the Tariff Act"). The merchandise covered by this investigation is leather wearing apparel provided for in item number 791.76 of the Tariff Schedules of the United States.

The petitioner alleges that the Government of Uruguay provides subsidies in the form of an export rebate, an income tax exemption for export income, preferential financing for exports, a social security tax deferral and a tanner's compensation.

Petitioner has also alleged that critical circumstances exist within the meaning of section 703(e) of the Tariff Act (93 Stat. 154, 19 U.S.C. 1671(e)) by reason of massive imports over a relatively short period of time.

Leather wearing apparel from Uruguay was the subject of an earlier countervailing duty investigation. The Treasury Department made a final determination concluding that investigation on January 30, 1978 (43 FR 3974). (Prior to January 1, 1980, the Treasury Department had responsibility for administering the countervailing duty law. With respect to the transfer of authority for the administration of the countervailing duty law to the Department of Commerce, see Reorganization Plan No. 3 of 1979, 44 FR 69273.) The Treasury Department determined in that investigation that the Government of Uruguay provided subsidies with respect to the manufacture, production, or exportation of leather wearing apparel from Uruguay. The Treasury Department, however, revoked this positive determination on March 22, 1979 (44 FR 17485) based on elimination of a tanner's subsidy and a social security tax deferral and the enactment of an export tax in an amount equal to the remaining subsidy. The petitioner, Ralph Edwards Sportswear Inc., however, alleges that the offset of indirect taxes which Treasury permitted in the earlier investigation is inconsistent with the Administrative Guidelines (19 CFR 355, Annex 1, para. 2, 45 FR 4949) published by the Department for determining when the payment of a lump sum calculated and identified as a non-excessive rebate of an indirect tax on an exported product or its components is not a subsidy. The Department applied these guidelines most recently in the investigations involving textiles and textile mill products (45 FR 55502) and certain iron metal fasteners from India (45 FR 64611). The petitioner also alleges that Uruguay has revoked the export tax and has reinstated the subsidy programs which were the subject of the previous countervailing duty investigation.

In light of the above, I hereby determine that the Department should initiate an investigation to determine whether or not the Government of Uruguay provides subsidies on the production, manufacture or export of leather wearing apparel. Since there is evidence that circumstances regarding Uruguayan export incentives have changed subsequent to revocation of the previous affirmative determination, we will include in the present investigation all export programs previously investigated and any new export programs which may have become effective since the previous investigation.

Pursuant to section 702(d) of the Tariff Act (93 Stat. 152, 19 U.S.C. 1671a(d)) the Department is notifying the U.S. International Trade Commission (ITC) and providing it with a copy of the information on which I based this determination to initiate an investigation. The International Trade Administration will make available to the ITC all nonprivileged and nonconfidential information in its files. The International Trade Administration will make available to the ITC all privileged and confidential information in the files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Pursuant to section 703(a) of the Tariff Act, as amended (93 Stat. 152, 19 U.S.C. 1671b(a)), the ITC will determine, no later than December 1, 1980, whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of leather wearing apparel from Uruguay. If that determination is negative, the International Trade Administration will terminate this investigation and will publish no further notice. Otherwise, the investigation will proceed to its conclusion.

If the ITC determination is affirmative, pursuant to section 703(b) of the Tariff Act, as amended (93 Stat. 153, 19 U.S.C. 1671b(b)), the Department will issue a preliminary determination as to whether or not there is a reasonable basis to believe or suspect that a subsidy is being paid or bestowed on leather wearing apparel from Uruguay not later than January 9, 1981, unless the investigation is otherwise extended.

(Sec. 702(b) of the Act (93 Stat. 152, 19 U.S.C. 1671a(b)))

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

November 5, 1980.

[FR Doc. 80–35107 Filed 11–10–80; 8:45 am]

BILLING CODE 3510–25–M

National Bureau of Standards

Approval of Federal Information Processing Standard; FORTRAN

Correction

In FR Doc. 80–33135 appearing on page 70530 in the issue of Friday, October 24, 1980, make the following correction:

On page 70532, first column, in item 11.4, the fifteenth line ". . . elements make . . ." should have read ". . . elements may make . . .".

BILLING CODE 1505–01–M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet to discuss oversight committee reports for groundfish, lobster, herring, and scallops; Scientific and Statistical Committee report; report of joint meeting of regulatory measures and lobster oversight committees, as well as other business.

DATES: The meetings, which are open to the public will convene on Wednesday, December 3, 1980, at approximately 10

a.m., and will adjourn on Thursday, December 4, 1980, at approximately 5 p.m. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meetings will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231–0422.

Dated: November 6, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-35230 Filed 11-10-80; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5 each ($10 outside North American Continent). Requests for copies of patent applications must include the PAT–APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Progrom Coordinotor, Office of Government Inventions ond Potents, Notionol Technicol Information Service, U.S. Department of Commerce.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324

Patent application 6–147,417: Dynamic Binary Fourier Filtered Imaging System; filed May 6, 1980.

Patent application 6–149,793: Stable Ultraviolet Bandpass Chemical Filter; filed May 14, 1980.

Patent application 6–150,522: Lens System Having Wide Angle Objectives; filed May 16, 1980.

Patent 4,032,441: Method for Reclaiming Used Hydraulic Fluid; filed June 30, 1976; patented June 28, 1977; not available NTIS.

Patent 4,205,428: Planar Liquid Crystal Matrix Array Chip; filed Feb. 23, 1978; patented June 3, 1980; not available NTIS.

Patent 4,207,495: Means for Improving the Collector Efficiency of an Emitting Sole Crossed Field Amplifier; filed Aug. 30, 1978; patented June 10, 1980; not available NTIS.

Patent 4,207,542: Multiple Shock Aerodynamic Window; filed Apr. 20, 1976; patented June 10, 1980; not available NTIS.

Patent 4,207,547: Reflection Mode Notch Filter; filed Nov. 1, 1978; patented June 10, 1980; not available NTIS.

Patent 4,207,889: Injection System for Suspension and Solutions; filed Oct. 27, 1978; patented June 17, 1980; not available NTIS.

Patent 4,208,129: Sensitive Laser Spectroscopy Measurement System; filed June 30, 1976; patented June 17, 1980; not available NTIS.

Patent 4,206,729: Automatic Data Restore Apparatus for MNOS Temporary Store Memory; filed Mar. 6, 1979; patented June 17, 1980; not available NTIS.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, DC 20545

Patent application 6–037,603: Hydrogen Isotope Separation; filed May 10, 1979.

Patent application 6–050,407: Selective Screening Methods for Selecting and Identifying Hyper-Cellulolytic Microbial Mutants; Hyper-Cellulolytic Mutant Microorganisms, and Processes for Their Utilization; filed June 20, 1979.

Patent application 6–061,152: One-Directional Uniformly Coated Fibers, Method of Preparation, and Uses Therefor; filed July 26, 1979.

Patent 4,166,990: Core/Coil Assembly for Use in Superconducting Magnets and Method for Assembling the Same; filed Aug. 12, 1977; patented Sept. 4, 1979; not available NTIS.

Patent 4,173,660: Method of Preparing a Thermoluminescent Phosphor; filed July 13, 1976; patented Nov. 6, 199; not available NTIS.

Patent 4,161,536: Method for Making Defect-Free Zone by Laser-Annealing of Doped Silicon; filed Sept. 26, 1976; patented Jan. 1, 1980; not available NTIS.

Patent 4,190,637: Graphite Having Improved Thermal Stress Resistance and Method of Preparation; filed July 16, 1978; patented Feb. 26, 1980; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research Code 302, Arlington, VA 22217

Patent application 6–126,590: Transducer Array Crossover Network; filed Mar. 3, 1980.

Patent application 6–137,066: Multiwavelength Self-Pumped Solid State Laser; filed Apr. 3, 1980.

Patent application 6–136,773: Small Hydrophone that is Directional at Low Frequencies; filed Apr. 10, 1980.

Patent application 6–140,352: Multi-Color Tunable Filter; filed Apr. 14, 1980.

Patent application 6–143,257: Electrical Waveform Synthesizer; filed Apr. 24, 1980.

Patent application 6–143,396: Method and Apparatus for Obtaining Enhanced NMR Signals; filed Apr. 24, 1980.

Patent application 6–147,413: Switching Quadrature Detector; filed May 6, 1980.

Patent application 6–147,992: Low-Barrier-Height Epitaxial GoGaAs Mixer Diode; filed May 8, 1980.

Patent application 6–150,369: Pivotal Support with Independent Adjusting Elements and Locking Means; filed May 27, 1980.

Patent application 6–152,456: Seafloor Attachment Bolts; filed May 22, 1980.

Patent application 6–153,123: Combination Exhaust and Relief/Venting Valve; filed May 27, 1980.

Patent application 6–153,987: Magnetoplasmadynamic Switch, filed May 25, 1980.

Patent application 6–157,126: Phase-Slipped Time Delay and Integration Scanning System; filed June 6, 1980.

Patent application 6–157,750: Burst on Target Simulator Device for Training with Rockets; filed June 9, 1980.

Patent application 6–160,034: Heterojunction and Schottky Barrier EBS Targets; filed June 16, 1980.

Patent application 6–160,050: Melting Method for High-Homogeneity Precise-Composition Nickel-Titanium Alloys; filed June 16, 1980.

Patent application 6–160,697: Dead-Faced Electrical Connector With Electromagnetic Vulnerability Protection; filed June 16, 1980.

Patent application 6–161,183: Integral-Shadow-Grid-Controlled Porosity Dispenser Cathode; filed June 19, 1980.

Patent application 6–162,347: Luminescent Hafnia Composition; filed June 23, 1980.

Patent 4,178,404: Immersed Reticle, filed Feb. 6, 1978; patented Dec. 11, 1979; not available NTIS.

Patent 4,186,190: Method of Treating Burns Using a Polyepsilon-caprolactone; filed Nov. 13, 1978; patented Jan. 29, 1980; not available NTIS

Patent 4,190,327: Deformable Liquid Mirror; filed Oct. 16, 1980; patented Feb. 26, 1980; not available NTIS

Patent 4,195,962: Platform Loading System; filed Jan. 29, 1976; patented Apr. 1, 1980; not available NTIS

Patent 4,197,571: High Speed Frequency Tunable Microwave Filter; filed Nov. 3, 1978; patented Apr. 8, 1980; not available NTIS

Patent 4,197,543: Display Processor for Aircraft Landing System; filed Feb. 13, 1979; patented Apr. 8, 1980; not available NTIS

Patent 4,196,632: Transponder Reply Limiting by Means of Recognition of Fixed Interrogation Periods; filed June 10, 1971; patented Apr. 15, 1980; not available NTIS

Patent 4,200,673: Folded Tapered Coaxial Cavity-Backed Annular Slot Antenna; filed Sept. 5, 1976; patented Apr. 29, 1980; not available NTIS

Patent 4,200,919: Apparatus for Expanding the Memory of a Mini-Computer System; filed Dec. 5, 1976; patented Apr. 29, 1980; not available NTIS

Patent 4,201,618: Apparatus for Curing Adhesively Joined Fiber Optic Elements; filed July 21, 1978; patented May 6, 1980; not available NTIS

Patent 4,201,955: Method of Producing Population Inversion and Lasing at Short Wavelengths by Charge Transfer; filed Mar. 22, 1978; patented May 6, 1980; not available NTIS

Patent 4,201,987: Method for Determining Antenna Near-Fields from Measurements on a Spherical Surface; filed Mar. 3, 1978; patented May 6, 1980; not available NTIS

Patent 4,203,165: Acoustic Filter; filed Oct. 24, 1956; patented May 13, 1980; not available NTIS

National Aeronautics and Space Administration, Assistant General Counsels for Patent Matters, NASA Code GP–2, Washington, DC 20546

Patent application, 6–153,240: JFET Oscillator; filed May 27, 1980.

Patent application, 6–153,246: An Implantable Electrical Device; filed May 27, 1980

Patent 4,204,307: Method and Automated Apparatus for Detecting Coliform Organisms; filed Apr. 4, 1978; patented May 20, 1980; not available NTIS

Patent 4,204,402: Reduction of Nitric Oxide Emissions from a Combustor; filed Sept. 8, 1977; patented May 27, 1980; not available NTIS

Patent 4,204,544: Simultaneous Muscle Force and Displacement Transducer; filed Sept. 30, 1977; patented May 27, 1980; not available NTIS

Patent 4,205,229: Cooled Echelle Grating Spectrometer; filed Oct. 31, 1978; patented May 27, 1980; not available NTIS

Patent 4,206,383: Miniature Cyclotron Resonance Ion Source Using Small Permanent Magnet; filed Sept. 11, 1978; patented June 3, 1980; not available NTIS

Patent 4,207,024: Composite Seal for Turbomachinery; filed Aug. 4, 1978; patented June 10, 1980; not available NTIS

[FR Doc. 80–35097 Filed 11–10–80; 8:45 am]

BILLING CODE 3510–04–M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 80–9]

Don's Carpet Barn, Inc., et al.; Flammable Fabrics Act; Publication of Complaint

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a Complaint under the Flammable Fabrics Act.

SUMMARY: Under provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025), the Consumer Product Safety Commission must publish in the Federal Register Complaints which it issues under the Flammable Fabrics Act. Printed below is a Complaint in the matter of Don's Carpet Barn, d/b/a Carpet Barn & Tile House, and Donald Plasco and Murray Plasco, individually and as officers of the corporation, issued September 26, 1980.

SUPPLEMENTARY INFORMATION: Nature of Proceedings: The Consumer Product Safety Commission (Commission) has reason to believe that Don's Carpet Barn, Inc., a corporation, d/b/a Carpet Barn & Tile House, and Donald Plasco and Murray Plasco, individually and as officers of the corporation (Respondents), are subject to and have violated provisions of the Flammable Fabrics Act, as amended (FFA); the Federal Trade Commission Act, as amended (FTCA); and the Standard for the Surface Flammability of Carpets and Rugs (FF 1–70) (Standard), 16 CFR Part 1630, Subpart A.

It appears to the Commission, from factual information available to the staff, that it is in the public interest to issue this Complaint to commence an Adjudicative Proceeding in accordance with the Commission's Rules of Practice for Adjudicative Proceedings (Rules of Practice), 45 FR 29215 (to be codified in 16 CFR Part 1025). Therefore, by virtue of the authority vested in the Commission by Section 30 of the Consumer Product Safety Act, as amended, 15 U.S.C. 2051, 2079, the Commission, pursuant to Section 5 of the FFA, 15 U.S.C. 1194, and Section 5 of the FTCA, 15 U.S.C. 45, and in accordance with the Commission's Rules of Practice authorizes issuance of this Complaint, and the staff states its charges as follows:

Charges

1. Respondent Don's Carpet Barn, Inc. (the Corporation) is a corporation organized and doing business under the laws of the State of Ohio, and is engaged in the offering for sale and sale of rugs and carpets, in commerce and after sale and shipment in commerce, with its office and principal place of business located at 4444 Rocky River Drive, Cleveland, Ohio 44135.

2. Respondent Donald Plasco is the chief executive officer of the Corporation. He formulates, directs, and controls the acts, practices and policies of the Corporation.

3. Respondent Murray Plasco is an officer of the Corporation. He is primarily responsible for the day-to-day operation of the Corporation.

4. At the times the infractions and violations charged herein occurred, Respondents were engaged in the offering for sale and sale of "carpet," after sale and shipment "in commerce," as these terms are defined in the Standard, 16 CFR 1630.1(c), and in Section 2(b) of the FFA, 15 U.S.C. 1191(b).

5. Carpet is a "product" and an "interior furnishing" consisting of "fabric" and "related material" as those terms are defined in Sections 2(h), (e), (f), and (g) of the FFA, 15 U.S.C. 1191(h), (e), (f), and (g), respectively. Carpet is therefore subject to the FFA and to the applicable standards and rules and regulations promulgated pursuant to that Act.

6. Respondents have engaged in the sale or offering for sale, in commerce and after sale or shipment in commerce, of carpets—styles "Country Fair" (manufactured by Len-Dal Carpets, Inc., Chatsworth, Georgia) and "S–400" (manufactured by Carpet Specialists, Inc., Dalton, Georgia), which fail to meet the acceptance criterion of the Standard, as defined and set forth in §§ 1630.1(a), 1630.3(c) and 1630.4(f), respectively, of the Rules of Practice, in violation of Section 3 of the FFA, 15 U.S.C. 1192.

7. Pursuant to Section 3 of the FFA, 15 U.S.C. 1192 the aforesaid acts and practices of Respondents are unlawful and constitute unfair methods of competition and unfair and deceptive acts or practices in commerce under the FTCA.

Relief Requested by Staff in the Public Interest

The Commission staff believes that the public interest requires (1) a finding that Respondents have engaged in the violative acts and practices enumerated in paragraph 6 of the charges in this Complaint, and (2) the issuance of the cease and desist order set forth below. If, however, the Commission concludes from the record in this Adjudicative proceeding that this Order would not be appropriate or adequate to fully protect the consuming public, the Commission may order such other relief as it deems necessary and appropriate.

Order I. *It is ordered,* That Don's Carpet Barn's Inc. (Corporation), doing business as Carpet Barn & Tile House, or under any other name, and Donald Plasco and Murray Plasco, individually and as officers of the Corporation, and their agents, assigns, successors, representatives and employees directly or through any corporation, subsidiary, division or other instrumentality, do forthworth cease and desist from selling, or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after a sale of shipment in commerce, any product, fabric, or related material, or selling, or offering for sale, any product made of fabric or

related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended (FFA), 15 U.S.C. 1191 *et seq.*, which product, fabric or related material fails to meet the acceptance criterion of the Standard for the Surface Flammability of Carpets and Rugs (FF 1–70), 16 CFR Part 1630.

II. *It is further ordered,* That the Corporation and Donald Plasco and Murray Plasco, their agents, assigns, successors, representatives, and employees, directly or through any corporation, subsidiary, division or other instrumentality, shall conform to all provisions of the Flammable Fabrics Act and applicable regulations issued thereunder in the sale of offering for sale, in commerce, or importation into the United States, or introduction, delivery for introduction, transportation, or causing to be transported in commerce, or the offering for sale, sale or delivery after sale or shipment in commerce, of any product, fabric or related material subject to the Standard.

III. *It is futher ordered,* That the Corporation and Donald Plasco and Murray Plasco shall process the following carpet, which did not meet the acceptance criterion of the Standard, so as to bring it into conformance with the Standard or destroy such carpet: Len-Dal Carpets, Inc. Style Country Fair, Rolls #2788–A and #2657–B; and Carpet Specialists Style S–400, Rolls #10801, #10803, #10807, #10812, #10816, and #10819.

IV. *It is further ordered,* That the Corporation and Donald Plasco and Murray Plasco shall maintain for a period of one year from the date of service of this Order records/evidence sufficient to establish that the carpet referred to in Paragraph III herein, which may be in inventory, has been:

(a) Processed so as to bring it into conformance with the applicable Standard under the Flammable Fabrics Act, and subsequent disposition, or

(b) Destroyed.

V. *It is further ordered,* That for a period of 10 years from the date of acceptance of this Order by the Commission the Corporation and Donald Plasco and Murray Plasco notify the Commission at least 30 days prior to any proposed change in the Corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the Corporation which may affect compliance obligations arising out of this Order.

IV. *It is further ordered,* That for a period of 10 years from the date of the acceptance of this Order by the Commission Donald Plasco and Murray Plasco promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include their current address and a statement as to the nature of the business or employment in which they are engaged, as well as a description of their duties and responsibilities.

VII. *It is further ordered,* That the Corporation and Donald Plasco and Murray Plasco shall, within fifteen (15) days after service upon them of this Order, file with the Commission a special report in writing setting forth the manner in which they intend to comply with this Order. They shall submit with their report a complete description of each style of carpet or rug currently in inventory or on order.

VIII. The Commission may, in accordance with the applicable law, conduct inspections or require written reports, or both, to determine compliance with this Order, and may direct the Corporation to submit samples of carpet and rugs being distributed by respondents, or to permit the Commission to collect samples of such carpet and rugs to test in accordance with the Standard. The Commission may, in accordance with the applicable law, examine and/or require the submission of copies of records to establish compliance by the Corporation with all provisions of this Order.

IX. *It is further ordered,* That the Corporation shall distribute a copy of this Order to each of its operating divisions.

Wherefore, the premises considered, the Commission hereby authorizes issuance of this Complaint on the 26th day of September 1980.

David Schmeltzer,

Associate Executive Director, Directorate for Compliance and Enforcement, Consumer Product Safety Commission.

[FR Doc. 80–35098 Filed 11–10–80; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Advisory Panel on ROTC Affairs; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Panel meeting.

Name of Panel: Army Advisory Panel on ROTC Affairs.

Date of Meeting: December 2, 1980.

Place: Pentagon, Washington, D.C. (Room 2E–687, Secretary of the Army Conference Room).

Time: 0800 hours to 1630 hours.

Proposed Agenda: The meeting will be primarily dedicated to workshop activities where topics concerning the Army Senior ROTC program will be discussed. Initially, the Panel will meet in a general session. Then the Panel members will participate in three workshops; namely, program of instruction, enrollment/retention, and scholarships; current issues/problem areas associated with these subjects will be considered. At the end of the day, the Panel will again meet in a general session to act on workshop responses. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Panel at the time and in the manner permitted by the Panel.

Daniel W. French,

Brigadier General, GS, Deputy Chief of Staff for ROTC.

[FR Doc. 80–35142 Filed 11–10–80; 8:45 am]

BILLING CODE 3710–08–M

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Enviromental Impact Statement on the Permit Application by Avatar Properties, Inc. (Formerly GAC Properties, Inc.) for a Residential Development Near Orlando, Florida

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action consists of the development of a residential community in an approved Planned Unit Development of 24,500 acres including numerous scattered wetland areas, totaling about 1,000 acres of river and lake swamp and cypress heads and strands. About 4,800 acres of such wetlands are designated for preservation.

2. Alernatives under consideration are to issue the permit, deny the permit, or issue the permit with conditions.

3. The Scoping process to identify the significant issues to be analyzed in depth in the DEIS is as follows:

a. *Public involvement program.* A Public Notice was issued on September 11, 1980 describing the permit application and soliciting comments from Federal, State, and local agencies, and identified interested private organizations and individuals. Further scoping will be obtained by letter requesting input into DEIS preparation.

The interested public is invited to respond.

b. *Other review and consultation.* Consultation with appropriate Federal and State agencies is required under provisions of the Endangered Species Act, Section 404b of the Clean Water Act, and the National Historic Preservation Act.

4. A Scoping meeting is not contemplated.

5. The DEIS is expected to be available for review by the public during the third quarter of CY 1981.

ADDRESS: Questions about the proposed action and DEIS may be referred to Dr. Gerald L. Atmar, Chief, Environmental Studies Section, U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232. Telephone 904/791–3615.

Dated: November 4, 1980.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80–35152 Filed 11–10–80; 8:45 am]

BILLING CODE 3710–AJ–M

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Proposed Addition of Hydroelectric Power Generating Capacity, Units 3 and 4, at Existing Norfork Dam, North Fork River, Ark.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed addition of Hydroelectric Power Generating Capacity was based upon the Corps of Engineers participation in the multiagency study which produced a report entitled *Comprehensive Basin Study, White River Basin,* June 1968. The Basin study indicated feasibility in the addition of two conventional generating units to the Norfork Lake project. Funds were made available through the provisions of the 1976 Water and Power Development and Energy Research Appropriation Act (Pub. L. No. 94–180) for the continuation of the feasibility study (The Norfork Dam operational facility houses, two 40,300-kilowatt generating units plus additional power intake facilities (penstocks) for two future units with a capacity of up to 42.5 megawatts each).

2. During Stage II of the feasibility study (Stage II documentation) four reasonable structural alternatives were analyzed. These alternatives are:

a. Revise operation of the authorized project (raise power pool).

b. Add conventional units (limitation of two).

c. Add reversible units and reregulation structure.

d. Add reversible units w/storage in reregulation pool for downstream temperature and flow regulation.

As a result of these analyses it has been concluded that only variations of the last two alternatives and a nonstructural alternative will be studied during Stage III of the feasibility report.

3. A public notice announcing the initiation of the preauthorization planning studies was issued September 22, 1977, requesting participation of interested agencies, organizations, and individuals receiving the notice.

Continuing coordination has been maintained with Southwestern Power Administration, U.S. Department of Energy, U.S. Fish and Wildlife Service, Federal Energy Regulatory Commission and the Environmental Protection Agency. Further participation is invited from any interested parties.

Further investigation and coordination are required concerning the following items:

(1) The evaluation of effects in displacing flood control storage with power storage.

(2) Continuing efforts to formulate an EQ plan.

(3) Continuing water quality studies to be made on the lake and the river downstream of the dam. Water level fluctuations and changes in water quality on the lake could affect fisheries. The trout fishery in the tailwater could be affected also. The Norfork National Trout Hatchery could be affected if there were water quality changes in the lake. The Waterways Experiment Station is presently studying the effects of a pumpback operation on temperature stratification. The Fish and Wildlife Service are concerned with the concentrations of iron and maganese and DO in the water for the trout hatchery. A study of this problem area is underway.

(4) Further coordination with the marketing agency to determine if there is a marketable output and if pumpback energy will actually be available.

4. A formal scoping meeting will not be held due to the previously conducted coordination and accomplishment of milestones but the scoping process will continue. A public meeting is tentatively scheduled for the late fall of 1980.

5. It is estimated that the draft EIS will be available for public review in December 1981. Address: Questions about the proposed action and DEIS can be referred to Mr. David L. Burrough, Chief, Planning Branch, U.S. Army Corps of Engineers, Little Rock District, P.O. Box 867, Little Rock, Arkansas 72203. Telephone [501] 378–5751.

Dated: November 3, 1980.

Dale K. Randels,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80–35096 Filed 11–10–80; 8:45 am]

BILLING CODE 3710–57–M

DEPARTMENT OF ENERGY

Electric Field Effects From Overhead Transmission Lines, Resource Applications/Electric Energy Systems Contractors Review; Meeting

Notice is hereby given that a Review Meeting consisting of all Department of Energy, Office of Electric Energy Systems sponsored contractors on Electric Field Effects from Overhead Transmission Lines, will be held on Tuesday and Wednesday November 18 and 19 at 8:30 A.M. in the Department of Energy Auditorium, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C.

The agenda will consist of 30 minute presentations by each DOE funded organization on accomplishments and progress made this year, and plans for next year. There will be 5 minutes available for discussion after each presentation and for general discussion at the conclusion. Topics to be covered include: Field Measurements, Exposure Facilities, Cellular and Sub-Cellular Tissue Studies, Physiology, Behavior Investigations, Ecosystem Studies, Modeling and Scaling, and HVDC Field Studies. For further information, contact: A. O. Bulawka (202/633–9296).

Issued in Washington, D.C. November 5, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

[FR Doc. 80–35196 Filed 11–10–80; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Boardman Coal-Fired Generating Plant, Wheeling Contract; Record of Decision

Decision

Bonneville Power Administration (Bonneville) has decided to sign a contract for a permanent interconnection to wheel the output of the Portland General Electric Boardman coal-fired electric generating plant, as authorized by Section 6 of the Federal Columbia River Transmission System Act (16 U.S.C. 838d).

Project Description

The Boardman plant, a 530–MW coal-fired, steam-electric generating station, is located approximately 11 miles southwest of the town of Boardman in Morrow County, Oregon. It is approximately 18 miles from Bonneville's C. J. Slatt Substation which is part of the Federal Columbia River Transmission System. Portland General Electric has constructed a transmission line from the plant to a point adjacent to the C. J. Slatt Substation and has interconnected with the Federal transmission system to allow testing of the generators and other plant components. Commercial operation of the plant requires a wheeling contract for the use of the Federal transmission system. The environmental impacts of the plant, transmission line, and operation of the plant were described in an environmental impact statement (EIS) prepared by the Rural Electrification Administration (REA). Bonneville adopted this EIS prior to making a decision on the permanent interconnection and signing of a wheeling contract.

Alternatives Considered

Two alternatives were considered: (1) to sign a wheeling contract and permit permanent interconnection and use of the Federal transmission system; and (2) not to sign a wheeling contract and disconnect the Boardman plant after plant testing was completed.

Because the plant and transmission line were built and operational, a decision not to sign a wheeling contract would result in a delay of commercial operation until new transmission facilities from the plant to Portland General Electric's customers could be built by the plant owners.

The decision to wheel the plant output on the existing transmission system is the environmentally preferable alternative because it eliminates the need for duplicate facilities and avoids the environmental impacts of constructing one or more new transmission lines.

Factors Relevant to the Decision

Section 4 of the Federal Columbia River Transmission System Act (16 U.S.C. 838b) authorizes Bonneville to wheel non-Federal power. Under Section 6 of the Federal Columbia River Transmission System Act, Bonneville must provide to utilities any capacity in the Federal system which has been determined to be in excess of the capacity required to transmit Federally generated power. Bonneville has excess capacity on its Slatt-Marion 500–kV transmission line.

The addition of the 530 MW of new generation to the Pacific Northwest power supply is necessary in the face of forecasted energy deficits. The environmental impacts of plant operation were reviewed and additional analysis was conducted on: (1) the plant capacity factor; (2) performance standards and limitations on air contaminant discharges as set by the Oregon Department of Environmental Quality; and (3) the cumulative air quality impacts of the Boardman plant, the nearby Wallula pulp and paper mill, and the Alumax-Pacific aluminum plant proposed to be built in the general area.

Bonneville concluded that the plant factor proposed by Portland General Electric, the physical design of the plant, and the mitigation measures and monitoring program described in the EIS would allow the plant to operate without exceeding the increment permitted under the area's Class II Prevention of Significant Deterioration designation.

The availability of capacity on the existing transmission system and the need for the power supply were the major reasons for the decision to sign the wheeling contract. The environmental impacts which would occur as a result of the wheeling contract did not outweigh the benefits from bringing the plant on-line.

The decision is also based upon the unopposed Motion for Order Indicating Modification of Judgment in the case of *NRDC v. Munro*, Civ. No. 75–344 (Dist. Oregon, Jan. 18, 1980). Before this motion, Bonneville was enjoined from interconnecting and wheeling the power from the Boardman plant.

Mitigation and Monitoring

Bonneville's action is limited to the signing of a wheeling contract which will allow permanent interconnection with and use of the Federal transmission system. No mitigation measures were identified as being available to Bonneville.

However, the EIS on the plant and transmission line discussed mitigation measures related to air and water quality, dust control, and noise impacts. Monitoring programs were established for water quality in the reservoir, ground water quality, noise levels, and air pollution. These mitigation measures and monitoring programs have been adopted and were included in the decision made by the REA. An oil spill prevention plan has been filed and standard industrial safety procedures will be followed.

Bonneville does not propose to conduct any additional mitigation measures.

Dated at Portland, Oregon, this 3d day of November 1980.

Sterling Munro,

Administrator.

[FR Doc. 80–35085 Filed 11–10–80; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Mt. Tom Generating Station Unit 1; Intent To Prepare an Environmental Impact Statement (EIS) and Conduct Public Scoping Meeting

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of intent to prepare environmental impact statement and conduct public scoping meeting.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS evaluating the impact of its Energy Supply and Environmental Coordination Act of 1974 (ESECA) Prohibition Order for the Mt. Tom Generating Station Unit 1. This unit is located near Holyoke, Massachusetts, and is owned and operated by Holyoke Water Power Company, a subsidiary of Northeast Utilities Service Company. The Prohibition order will be effective when a Notice of Effectiveness (NOE) is issued and would prohibit the burning of petroleum or natural gas in this unit. Subsequent operation of this unit would require the burning of an alternate fuel such as coal. Interested agencies, organizations, and the general public desiring to submit written comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so and/or to attend the public scoping meeting which will be held on December 4, 1980, in order to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS. Parties who desire to present oral comments at the scoping meeting should provide advance notice to the Economic Regulatory Administration (ERA) as described below. Upon completion of the draft EIS, its availability will be announced in the Federal Register, at which time further comments will be solicited.

The meeting is scheduled to begin at 3:00 p.m., and will reconvene at 7:00 p.m. Each session will continue until all persons in attendance wishing to speak have had an opportunity to do so. The meeting has been scheduled for both day and evening hours to allow various Federal, state, and local agencies and

private citizens to participate at their convenience.

Written comments, notice of intent to present comments at the scoping meeting, and questions concerning the meeting should be addressed to: Mr. Steven E. Ferguson, Chief, Environmental Analysis Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461, Telephone (202) 653-3684.

For general information on the EIS process, contact: Robert J. Stern, Acting Director, Division of NEPA Affairs, Office of Environmental Compliance and Overview, Office of the Assistant Secretary for Environment, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone (202) 252-4600.

Date and Location of Scoping Meeting: December 4, 1980, at Holyoke Community College, Conference Room B309, 303 Homestead Avenue, Holyoke, Massachusetts. The meeting will begin at 3:00 p.m. and will reconvene at 7:00 p.m.

Written Comments Due: January 4, 1981.

SUPPLEMENTARY INFORMATION: On June 30, 1977, the Federal Energy Administration (FEA) published in the Federal Register a Notice of Intent to Issue Prohibition Orders for 18 powerplants located at 11 generating stations including Unit 1 (136 MW) of the Mt. Tom Generating Station, located near Holyoke, Massachusetts. The prohibition order was issued pursuant to the ESECA (15 U.S.C. 791 *et seq.*) (Pub. L. 93-319) as amended by the Energy Policy and Conservation Act of 1975 (Pub. L. 94-163) and as further amended by the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95-70). On October 1, 1977, DOE took over the functions of FEA, including its authorities and responsibilities under ESECA. If made effective, the order would prohibit these units from burning natural gas or petroleum as its primary energy source. The prohibition order was based on an FEA finding that this powerplant has, or previously had, the technical capability to use an alternate fuel as a primary energy source. It was determined that this powerplant was designed and constructed to burn coal as a primary energy source and had previously burned coal.

Environmental Impact Statement

The EIS will present a comprehensive analysis of the environmental impact of ERA's proposed action in issuing an effective order prohibiting Unit 1 of the Mt. Tom Generating Station from burning natural gas or petroleum as primary fuels. This analysis will discuss the environmental consequences of the proposal and alternatives, including the environmental impacts of burning coal or other alternate fuels as primary fuels. Among the impacts to be discussed are air quality, water quality, solid waste generation and disposal, and transportation and storage of fuel, as well as other impacts determined to be potentially significant during the public comment process. The EIS will also consider the impacts which could occur if the unit were converted under the terms of a Delayed Compliance Order, which Northeast Utilities Service Company has requested from the U.S. Environmental Protection Agency. In addition, the EIS will evaluate methods for meeting the requirements of the Clean Air Act, Federal Water Pollution Control Act, Resource Conservation and Recovery Act, and other relevant environmental statutes. The EIS will be prepared in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA).

It is possible that DOE may, in the future, issue prohibition orders to other facilities in the area of the Mt. Tom Generating Station. If it appears that the environmental effects of conversions in proximity result in cumulative impacts, DOE may opt to combine these conversions in a single EIS. DOE will assess various strategies for combining or tiering requisite NEPA documentation that may better serve the decision making process. DOE solicits the public's views and suggestions concerning this subject.

Scoring Meeting

DOE desires to know what the public considers to be the major environmental issues associated with prohibiting Mt. Tom Unit 1 from burning natural gas or petroleum as its primary energy source. The meeting on December 4, 1980, at the address and time noted at the beginning of this notice, will be held to receive comments on the structure and scope of the EIS, anticipated energy/environmental problems, actions that might be taken to address them and reasonable alternatives which should be considered.

The scoping meeting will be conducted informally with the presiding officer affording all interested individuals in attendance an opportunity to speak. A transcript of the meeting will be prepared. The presiding officer will establish the order of speakers and provide any additional procedures necessary for the conduct of the meeting. Attendees at the meeting will be asked to register.

If possible, those planning to present information at the meeting should notify Mr. Ferguson. Participants are encouraged to submit to Mr. Ferguson, in advance, their intent to participate, and copies of any written material. However, public participation is encouraged even without the advance submission of written material.

Speakers will be allotted approximately fifteen minutes for their oral statements. Should any speaker desire to have additional time, or to provide further information for the record, such additional information may be submitted in writting by January 4, 1981.

Written comments will be considered and given equal weight with oral comments. All comments or suggestions received will be carefully considered in the preparation of the draft EIS.

A transcript of the scoping meeting will be retained by DOE and made available for inspection at the Freedom of Information Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Ave., S.W., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. In addition, anyone may make arrangements with the reporter to purchase a copy of the transcript.

Those individuals who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the draft EIS for review and comment when it is issued should so notify Mr. Ferguson.

Any questions regarding the meeting should be addressed to Mr. Ferguson.

Issued in Washington, D.C., November 5, 1980.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 80-35083 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-CERT-035]

Phelps Dodge Corp.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On October 14, 1980, Phelps Dodge Corporation (Phelps Dodge), 32 North Stone, Suite 607, Tucson, Arizona 85701, filed an application pursuant to 10 CFR Part 595 with the Administrator of the Economic Regulatory Administration (ERA) for recertification of an eligible use of approximately 3.107 billion cubic feet of natural gas per year which is estimated to displace the following volumes of fuel oil at Phelps Dodge's facilities in Arizona and New Mexico:

322,941 barrels of No. 2 fuel oil (0.36 percent sulfur) per year at the Tyrone Branch, 121,533 barrels of No. 2 fuel oil (0.4 percent sulfur) per year at the new Cornelia Branch, 27,531 barrels of No. 2 fuel oil (0.2 percent sulfur) per year at the Copper Queen Branch, 33, 133 barrles of No. 6 fuel oil (1.5 percent sulfur) per year at the Morenci Branch, and 51,560 barrles of No. 6 fuel oil (1.2 percent sulfur) at the Douglas Reduction Works. The eligible seller of the natural gas is Lovelady, Inc. The gas will be transported on interstate pipelines by the El Paso Natural Gas Company and on intrastate pipelines by the Seagull Pipeline Corporation. In addition, El Paso has executed a gas transportation agreement with the Valero Transmission Company, an intrastate pipeline, whereby, Valero transports volumes of natural gas on behalf of El Paso for ultimate delivery to Phelps Dodge. Notice of that application was published in the Federal Register (45 FR 70542, October 24, 1980) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On November 6, 1979, Phelps Dodge received the original certification (ERA Docket No. 79–CERT–095) of an eligible use of natural gas purchased from Lovelady, Inc. for use at these same facilities for a period of one year. The original certificate expires on November 5, 1980.

The ERA has carefully reviewed Phelps Dodge's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Phelps Dodge's application satisfies that criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 7108, RG–55, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on November 5, 1980.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 80–35082 Filed 11–10–80; 8:45 am]

BILLING CODE 6450–01–M

[ERA Case No. 52727–1011–22–22; Docket No. ERA–FC–80–017]

Southern Indiana Gas and Electric Co.; Permanent Peakload Powerplant Exemption Petition

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On February 12, 1980, Southern Indiana Gas and Electric Company (SIGECO) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of petroleum or natural gas in new powerplants.

SIGECO plans to install a 81,440 kilowatt oil/natural gas fired combustion turbine unit to be known as Broadway Unit No. 2 (Broadway 2) in Vanderburgh County, Indiana. SIGECO certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant.

ERA required the submission of additional information and a revised petition was submitted on April 8, 1980. ERA accepted the petition on June 20, 1980, and published notice of its acceptance in the Federal Register on June 25, 1980 (45 FR 42790—. Publication of the notice of acceptance commenced a 45-day public comment period pursuant to Section 701 of FUA. Interested persons were also afforded an opportunity to request a public hearing. The comment period ended August 11, 1980. Comments on SIGECO's petition were recieved from the United States Environmental Protection Agency—Region V (EPA). No public hearing has been requested.

ERA's staff has reviewed the information presently contained in the record of this proceeding. A Tentative Staff Analysis recommends that ERA issue an order which would grant the permanent peakload powerplant exemption to SIGECO. A copy of the Tentative Staff Analysis is available from the Office of Public Information at the address listed below.

DATES: Written comments on the Tentative Staff Analysis and requests for a hearing are due on or before November 26, 1980.

ADDRESSES: Fifteen copies of written comments, and any request for a public hearing shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Docket Number ERA–FC–80–017 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055.

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street NW., Washington, D.C. 20461, Phone (202) 653–4208.

Douglas F. Mitchell, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B–087, Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: Southern Indiana Gas and Electric Company (SIGECO) plans to install a 81,440 kilowatt oil/natural gas fired combustion turbine unit to be called Broadway Unit No. 2 (Broadway 2) at its Ohio River Station in Vanderburgh County, Indiana. Based upon estimates by SIGECO, the proposed unit is expected to consume the energy equivalent of approximately 78,000 barrels of petroleum (No. 2 fuel oil) per year (214 bbl/day). Broadway 2 is scheduled for commercial operation in May 1981.

The Economic Regulatory Administration (ERA) published interim rules on May 15 and 17, 1979 (44 FR 28530, 28950) to implement provisions of Title II of the Act. The final rule, published on June 6, 1980 (45 FR 38276), became effective August 5, 1980.

FUA prohibits the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption for such use has been granted.

As part of its petition, SIGECO submitted a sworn statement by Mr. N. P. Wagner, President of SIGECO, as required by the final rule § 503.41(b)(1). In his statement, Mr. Wagner certified that Broadway 2 will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the

unit is 81,440 kilowatts and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 122,160 Kwh.

Under the requirements of final rule § 503.41(b)(1)(ii), if a petitioner proposes to use natural gas or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, it must obtain a certification from the Administrator of the Environmental Protection Agency or the Director of the appropriate state air pollution control agency. This certification must state that the use by the powerplant of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is or would be exceeded. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplant, no such certification can be made. The certification requirement is therefore waived with respect to this petition.

On July 30, 1980, the United States Environmental Protection Agency—Region V submitted comments advising ERA that SIGECO may require a permit to construct Broadway 2 under the Federal Rules for the Prevention of Significant Deterioration (PSD), promulgated pursuant to the Clean Air Act Amendments of 1977.

On August 29, 1980, the State of Indiana Air Pollution Control Board issued an exemption from the requirements of these rules and from the Emissions Offset Policy for the Ohio River Station, which includes Broadway 2.

Tentative Staff Analysis

On the basis of sworn statements and other information provided by SIGECO, and the comments of interested parties, the staff recommends that ERA grant the requested permanent peakload powerplant exemption.

Based upon information provided by SIGECO, ERA conducted an analysis which has been reviewed by the DOE's Office of Environment, in consultation with the Office of General Counsel, and DOE has concluded that the granting of this exemption is not a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969. Accordingly, neither an environmental impact statement nor an environmental assessment is required.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to include terms and conditions in any order granting an exemption. Based upon the information submitted by SIGECO the staff of ERA recommends that any order which would grant the requested permanent peakload powerplant exemption should, pursuant to Section 214 of the Act, be subject to the following terms and conditons:

A. SIGECO shall not produce more than 122,160,000 Kwh during any 12-month period with Broadway 2. SIGECO SHALL PROVIDE ANNUAL ESTIMATES OF THE EXPECTED PERIODS (hours during specific months) of operation of Broadway 2 for peakload purposes (e.g. 8:00–10:00 am and 3:00–6:00 pm during the June-September period, etc.). Estimates of the hours in which SIGECO expects to operate Broadway 2 during the first 12-month period shall be furnished on or before December 12, 1980.

B. SIGECO shall comply with the reporting requirements set forth at final rule § 503.41(e). In addition, whenever SIGECO operates Broadway 2 in non-specified peakload periods (periods not specified in condition A above) SIGECO shall report annually the reason(s) for such operation.

C. The quality of any petroleum to be burned in the unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. SIGECO shall comply with the terms and conditions which may be imposed pursuant to the environmental requirements set forth at final rule § 503.15(b).

Issued in Washington, D.C. on November 4, 1980.

Robert L. Davies,

Assistont Adminstrator, Office of Fuels Conversion, Economic Regulotory Administration.

[FR Doc. 80-35081 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-01-M

Tesoro Petroleum Corporation's Application for Permission to Use Multiple Allocation Fractions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Issuance of Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that on November 4, 1980, a Decision and Order was issued pursuant to the provisions of 10 CFR 205.90 *et seq.* and 211.10(b) denying Tesoro Petroleum Corporation's November 2, 1979, request for permission to use multiple allocation fractions. The multiple allocation fraction request, if granted, would have permitted Tesoro to use three separate allocation fractions for the distribution of motor gasoline within the 48 contiguous states.

A copy of the Decision and Order, with proprietary information deleted, is attached.

For Further Information Regarding This Notice, Please Contact:

John A. Carlyle, Economic Regulatory Administration, Office of Petroleum Operations, Room 2104–I, 2000 M Street, NW., Washington, D.C. 20461, Telephone: (202) 653–3701.

Joel M. Yudson, Office of the General Counsel, Room 6A–127, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: (202) 252–6744.

Issued in Washington, D.C., on the 4th day of November 1980.

Paul T. Burke,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

November 4, 1980.

Economic Regulatory Administration; Decision and Order

To: Tesoro Petroleum Corporation, 8700 Tesoro Drive, San Antonio, Texas 78286

Subject: Tesoro Petroleum Corporation's Application for Permission to Use Multiple Motor Gasoline Allocation Fractions for the Duration of the Mandatory Petroleum Allocation Program Case Number 79–022

I. Introduction

On November 2, 1979, Tesoro Petroleum Corporation (Tesoro) filed an application with the Department of Energy's (DOE) Economic Regulatory Administration (ERA) for permission to use multiple allocation fractions pursuant to 10 CFR 211.10(b). The request, if granted, would permit Tesoro to use one allocation fraction for the distribution of motor gasoline by its wholly-owned subsidiary, Tesoro Petroleum Distribution Company, doing business as Tesoro Marketing Company (Tesoro Marketing) and two separate motor gasoline allocation fractions for the marketing operations conducted by its wholly-owned subsidiary Tesoro Refining, Marketing and Supply Company (Tesoro Refining). (1)

II. Legal Authority

Tesoro's application is being processed in accordance with 10 CFR 205.90 *et seq.*, and § 211.10(b).

III. Background

Tesoro is a small and independent refiner as those terms are defined in 10 CFR 211.51. It owns and operates two refineries located near Kenai, Alaska and Carrizo Springs, Texas which have a total refining capacity of 74,600 barrels of crude oil per day. Tesoro

alleges that the firm maintains three distribution subsystems for motor gasoline within the 48 contiguous states. They are:

(1) the West Coast subsystem operated by Tesoro Refining, which includes the States of Arizona, California, Idaho, Nevada, Oregon and Washington;

(2) Tesoro Refining's Texas-based operations, which encompasses the States of Florida, Maryland, Illinois, Indiana, Kansas, Louisiana, Oklahoma, Texas and Virginia; and

(3) the subsystem operated by Tesoro Marketing, an enterprise engaged solely in trading operations, which has base period (2) supply obligations in the States of Illinois, Louisiana and Texas.

On December 20, 1979, the ERA issued a notice of Tesoro's request to use multiple allocation fractions (44 FR 75452, December 20, 1979). The notice invited written comments from interested persons; none were submitted.

On February 8, 1980, Tesoro submitted an application for the temporary use of multiple allocation fractions. This request was granted, in part, through a telephone conversation on February 29, 1980. The verbal authorization was later confirmed in a Decision and Order which was issued to Tesoro on July 22, 1980. Tesoro Petroleum Corporation, (unpublished decision) No. 80–005. The relief specified in the July 22 Order was based on a specific determination that it would have been impractical and burdensome for Tesoro to use a single allocation fraction throughout its entire motor gasoline distribution system in the months of March and April 1980 without substantially curtailing crude oil runs at the firm's Carrizo Springs refinery during that period. In that decision, we determined that impracticability had been established by Tesoro's inability to arrange product exchanges and the lack of any West Coast suppliers capable of supplying Tesoro with surplus product in those two months in which the firm was experiencing problems. The relief which authorized Tesoro to use a separate allocation fraction for its West Coast distribution subsystem expired on April 30, 1980.

IV. Tesoro's Contentions

Tesoro contends that it should be permitted to use multiple allocation fractions permanently for the three distribution subsystems within the 48 contiguous states described above because these subsystems are separate and independent of one another.

In support of this contention, Tesoro submitted material which described its source of motor gasoline supply, class of purchasers, and transportation facilities in each of the distribution subsystems and the feasibility of redistributing supplies between its subsystems.

According to the firm's submission, Tesoro Marketing obtains its supplies of motor gasoline through large cargo lot purchases on the spot market. This subsidiary does not normally sell gasoline which is produced in the Kenai or Carrizo Springs refineries, or which is obtained through exchange of gasoline so produced. Tesoro Marketing arranges to buy gasoline from third parties for delivery by pipeline, barge, or tanker to its customers. Usually the product does not enter Tesoro Marketing's terminal facilities. Tesoro Marketing's customers include other trading companies and refiners. The cargo lot resales of the type in which Tesoro Marketing is engaged typically involve volumes of XXXXXX barrels or more.

The customers in Tesoro Refining's Texas-based subsystem are principally supplied with motor gasoline which is produced at the Carrizo Springs refinery or through exchange agreements with other firms. (3) The Texas-based operation markets to a wide variety of rack customers including retail motor gasoline outlets, jobbers and other bulk purchasers. Gasoline which is received through exchange agreements with other refiners is generally made available at their refineries or at pipeline terminals.

Tesoro Refining's West Coast subsystem is generally supplied by means of exchanges of motor gasoline produced at the Kenai refinery and purchases from other firms. According to the firm, the West Coast subsystem is primarily engaged in rack sales to to independent jobbers and retail outlets.

Tesoro asserts that the West Coast subsystem is geographically isolated from both the Texas-based subsystem and the area where Tesoro Marketing conducts its business operations. There are no product pipelines with which Tesoro can move gasoline between the West Coast and its other marketing subsystems and all other means of transporting product is asserted to be economically infeasible.

The firm also contends that it does not exchange motor gasoline between Tesoro Marketing and either of the Tesoro Refining subsystems. According to Tesoro such exchanges are impractical. In this regard, Tesoro points out that the volumes in one of Tesoro Marketing's transactions is often much larger than Tesoro Refining has need for at a given time in a particular area. Moreover, the exchange balance Tesoro Refining builds up with respect to any exchange partner; i.e., the amount of product owed to Tesoro Refining via exchange agreements, is almost never as large as the volume of gasoline involved in a single transaction conducted by Tesoro Marketing. Tesoro indicates that a small amount of gasoline is exchanged from the West Coast subsystem to supply the Texas-based subsystem's rack sales customers at terminals located in Chicago, Illinois.

Tesoro has advanced an additional argument in its application. The firm contends that the use of a single allocation fraction for its subsystems would be contrary to the principle stated in Section 4(b) of the Emergency Petroleum Allocation Act of 1973, as amended, 15 U.S.C 753(b)(1)(F), (EPAA) promoting the equitable distribution of refined petroleum products among all sectors of the petroleum industry. Specifically, Tesoro asserts that if the firm would be required to continue to maintain a single allocation fraction by transferring motor gasoline from Tesoro Refining to Tesoro Marketing it would substantially diminish the available supply of gasoline to retail service stations and independent jobbers while increasing supplies to refiners and trading companies.

V. Analysis and Findings

The factors which DOE considers in determining whether to approve requests for the use of multiple allocation fractions were set forth in *Shell Oil Company*, 3 FEA Para. 80,557 (January 22, 1976), and recently in *Powerline Oil Company*, 45 F.R. 47197 (July 14, 1980). For a full discussion of the criteria used in evaluating such applications, see the Federal Register.

Notice entitled *Criteria Applicable to Requests for Multiple Allocation Fractions*, 45 FR 50383 (July 29, 1980). An application which is filed under 10 CFR 211.10(b) should generally contain the type of information which is described below:

(1) The relative location of the marketing areas to be included in computing each separate allocation fraction;

(2) The sources of supply for each such area;

(3) The method used in transporting the product to each area;

(4) The availability of transporting facilities and the cost of transporting product, either:

(a) between such ares; or

(b) from the source of supply to one area as opposed to another;

(5) The destination of product within such an area;

(6) The degree to which transfers or exchanges of like product with other firms has been in the past or could reasonably be arranged;

(7) The availability of surplus product; and

(8) The firm's expected allocation fractions, with and without relief, for each region in which a separate fraction is requested.

An applicant is required to make a two part showing. First, an applicant must demonstrate that it has two or more distribution subsystems that are independent of one another. Second, there should be a showing that the use of a single fraction would be impracticable or inconsistent with the objectives of the allocation program. In order to qualify for relief, an applicant must generally establish that:

(a) the firm is unable to improve its supply situation through the purchase of product on the open market;

(b) it is impractical for the firm to transport or exchange product from one subsystem to another;

(c) if the applicant is a refiner, the firm is unable to increase production of the product to alleviate any supply imbalances;

(d) the competitive viability of the class of independent marketers would not be jeopardized in the regions in which the applicant's allocation fraction would be reduced if relief is granted; and

(e) the circumstances justifying relief are likely to continue during the entire period for which the use of multiple allocation fractions is requested.

The policy of maintaining a single allocation fraction will be outweighed only to the extent that a supplier is able to demonstrate that the application of a single allocation fraction is truly impractical and burdensome or inconsistent with the objectives of the Mandatory Petroleum Allocation Program. In the present case, we

have determined that those standards have not been satisfied.

Tesoro has failed to show that the firm lacks the capability to equalize its allocation fractions between its different subsystems. While Tesora's West Coast subsystem is isolated geographically from any other subsystem and shares no common pipelines with the other subsystems, Tesoro has presented no information to indicate that adequate supplies of surplus motor gasoline are not currently available or that it would be infeasible for the firm to make purchases on the spot market to maintain a uniform allocation fraction. Similarly, the firm has also failed to establish that it is unable to maintain a uniform allocation fraction through exchanges of motor gasoline between Tesoro Refining's Texas-based and West Coast operations, and Tesoro concedes exchanges of some volumes of product between those subsystems have occurred. We believe such exchanges are generally feasible. For these reasons it is not necessary to determine whether the costs associated with transporting gasoline to the West Coast from its other subsystems are recoverable.

As to the Texas Marketing and Texas Refining subsystems, Tesoro has not shown that these subsystems are separate and independent of each other. Although Tesoro has shown that these subsystems sell to different classes of purchasers, that is insufficient to base a determination that they are independent. They both operate in the same region and the same sources of gasoline may be used for each set of customers. Furthermore, Tesoro has failed to show that surplus motor gasoline is unavailable to equalize fractions. As to the contention raised by Tesoro that transferring product from Tesoro Refining to Tesoro Marketing would frustrate the objectives specified in the EPAA, Tesoro has presented no convincing reason why its burden is significantly greater than any other firm which conducts both bulk trading and gasoline marketing operations. Use of a single allocation fraction promotes equitable distribution of the allocable supply of product among all of a firm's customers, and prevents a firm from treating one part of its operations differently and to the possible detriment of another part. In this regard, the availability of surplus product suggests that Tesoro need not necessarily divert gasoline supplies from Tesoro Refining to Tesoro Marketing in order to comply with the single allocation fraction requirement.

In view of the foregoing considerations set forth above, the ERA has concluded that Tesoro has failed to make a compelling showing that its subsystems are separate and independent or that it is truly impracticable and burdensome for Tesoro to maintain a single, uniform allocation fraction and that for it to do so is inconsistent with the objectives of the Mandatory Petroleum Allocation Program.

VI. Order

This order is issued pursuant to the provisions of 10 CFR 205.90 *et seq.* and § 211.10(b).

It is, therefore, ordered that:

(1) The application filed by Tesoro Petroleum Corporation for permission to use multiple allocation fractions be and hereby is denied.

(2) In accordance with the provisions of 10 CFR, Part 205, any aggrieved party may file an appeal from this decision and order with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. The provisions of 10 CFR, Part 205 Subpart H, set forth the procedures and criteria which govern the filing and determination of any such appeal.

(3) Communication, other than appeals, regarding this directive, should be referred to Alan T. Lockard, Acting Director, Allocated Products Division, Office of Petroleum Operations, Economic Regulatory Administration, 2000 M Street, N.W., Washington, D.C. 20461, telephone (202) 653-3701.

Paul T. Burke,

Acting Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

References

[1] Pursuant to Ruling 1974-16, issued by the Federal Energy Office, a predecessor of DOE, Tesoro is permitted to use an allocation fraction for Alaska which is different from the single fraction used for the 48 contiguous states.

[2] The base period for motor gasoline as defined in 10 CFR 211.102 means "the month of the period November 1977 through October 1978 corresponding to the current month."

[3] Historically, the customers in Tesoro Refining's Texas-based subsystem were also supplied through a processing arrangement with Champlin Petroleum Company (Champlin) at its Corpus Christi, Texas refinery. According to the agreement, Champlin processed XXXXX barrels of motor gasoline per day for Tesoro. On January 1, 1980 the processing arrangement was terminated.

[FR Doc. 80-35084 Filed 11-10-80; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3406]

Blachly-Lane County Coopperative Electric Association; Application for Preliminary Permit

November 6, 1980.

Take notice that Blachly-Lane County Cooperative Electric Association (Applicant) filed on August 27, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3406 to be known as Fern Ridge Project located on the Long Tom River in Lane County, Oregon. Correspondence with the Applicant should be directed to: Mr. Dale C. Swancutt, Manager, Blachly-Lane County Cooperative Electric Association, 90680 Highway 99, Eugene, Oregon 97402.

Project Description.—The proposed project would consist of: (1) an adaptor attached to the existing outlet structure to the Corps of Engineers' Fern Ridge Dam; (2) a steel penstock 8 feet in diameter and 450 feet long; (3) a powerhouse containing a single generating unit with a rated capacity of 2.5 MW; and (4) approximately 2,300-feet of transmission line. The estimated annual average output of the proposed project would be 9 million kWh.

Purpose of Project.—Project power would be used by the Applicant or sold to the Bonneville Power Administration or a nearby utility.

Proposed Scope and Cost of Studies under Permit.—Applicant proposes to consult with Federal, State, and local agencies, conduct a feasibility study of the proposal, and prepare an application for license during the term of the permit. With the exception of test borings there would be no acitivity which would alter or disturb lands or waters in the vicinity of the project.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 14, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the

requirements of 18 CFR 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance witht the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 14, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3406. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35221 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-67-000]

Central Illinois Public Service Co.; Filing

November 5, 1980.

The filing Company submits the following:

Take notice that Central Illinois Public Service Company on October 30, 1980, tendered for filing proposed Amendment No. 6 to the Interconnection Agreement dated November 1, 1964, between Central Illinois Public Service Company and Commonwealth Edison Company.

The parties have agreed to modify Service Schedule C—Short Term Power.

Copies of the proposed changes were served upon the Illinois Commerce Commission and Commonwealth Edison Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 26, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35184 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2762]

Central Vermont Public Service Corp.; Application for Major License

November 6, 1980.

Take notice that an application was filed on September 28, 1979, and revised on December 17, 1979, under the Federal Power Act, 16 U.S.C. Section 791(a)–825(r), by the Central Vermont Public Service Corporation for major license for the East Georgia Project. The proposed project would be located on the Lamoille River in Franklin County, Vermont. Correspondence with the Applicant on this matter should be addressed to: Mr. Donald L. Rushford, Vice President and General Counsel, Central Vermont Public Service Corporation, 77 Grove Street, Rutland, Vermont 05701.

Project Description.—The proposed project would consist of: (1) a concrete gravity dam founded on rock with earth abutments, having a maximum height of 80 feet above the river and a length of 715 feet; (2) a 380-acre reservoir having a total gross storage capacity of 7,500 acre-feet at elevation 340 feet m.s.l; (3) a powerhouse adjacent to the south abutment of the dam, containing two turbines and two generators having a total installed capacity of 14,000–KW; (4) an approximately 3.5-mile-long 33–kV overhead transmission line extending from the powerhouse to a tower at the northern corner of the project boundary area adjacent to Highway 104A, and then extending to the St. Albans 33–kV line located northwest of the project; and (5) appurtenant works.

The application was filed during the term of the Applicant's preliminary permit for the East Georgia Project, issued October 20, 1976.

The Applicant proposes to provide recreational facilities at the East Georgia Project consisting of an unlighted boat launching ramp and a canoe portage path.

Project power would be used by the Applicant for public utility purposes either within its distribution system or for sale to other public utilities.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 22, 1980, either the competing application itself or an intent to file competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a

petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 22, 1980. The Commission's address is: 825 North Captiol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35222 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-69-000]

Georgia Power Co.; Filing

November 5, 1980.

The filing Company submits the following:

Take notice that on October 31, 1980, Georgia Power Company (Georgia) tendered for filing a proposed change in the charges for Emergency Assistance (Schedule A) and Short-Term Capacity (Schedule B) under its Interchange Contract with Savannah Electric and Power Company (Savannah), Georgia Rate Schedule FERC No. 798. Georgia states that the proposed change in rate schedule continues the interconnected operation of the parties' systems and provides for emergency assistance and short/term capacity transactions, if any, during 1981.

Georgia states that the 1980 charges under the Interchange Contract would be inappropriate during 1981 because of changes in loads, costs and installed generating capacity. Accordingly, Georgia requests an effective date of January 1, 1981.

Georgia states that copies of the proposed modification have been mailed to Savannah and the Presiding Administrative Law Judge and Staff Counsel in Docket No. ER80-222.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 26, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35185 Filed 11-10-80; 8:45am]

BILLING CODE 6450-85-M

[Project No. 3430]

Humboldt Bay Municipal Water District; Application for Preliminary Permit

November 5, 1980.

Take notice that Humboldt Bay Municipal Water District (Applicant) filed on September 2, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3430 to be known as R. W. Matthews Dam Project located on the Mad River in Trinity County, California. The proposed project is located wholly on lands owned by the U.S. Forest Service. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Arthur Bolli, General Manager, Humboldt Bay Municipal Water District, P.O. Box 95, Eureka, California 95501. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) an existing 144-foot high earthfill dam impounding a reservoir with a storage capacity of 48,030 acre-feet; (2) a 45 inch diameter bypass steel pipe connecting the existing 45 inch diameter outlet penstock to the powerplant; (3) a 96 inch diameter steel penstock connecting the existing overflow spillway to the powerplant; (4) a powerplant located near the toe of the dam containing a generating unit with a rated capacity of 4 MW; and (5) a switchyard and transmission line. The R. W. Matthews Dam is owned and operated by the Applicant.

The Applicant estimates that the average annual energy output would be 14.21 million kWh.

Purpose of Projects.—The Applicant proposes to market the power generated by the project to local public utilities.

Proposed Scope and Cost of Studies under Permit.—The Applicant seeks the issuance of a preliminary permit for a term of 36 months, during which time it would conduct technical studies and surveys, perform preliminary designs, quantity and cost estimates, and a feasibility analysis, conduct environmental studies and assessments, and prepare an FERC license application.

The estimated cost of the work to be performed under the preliminary permit is $175,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environment feasibility of the proposed project, the market for power, and all other information necessary for inclusions in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 22, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 20, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a

party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before December 22, 1980.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to interview must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in responsive to this notice of application for preliminary permit for Project No. 3430. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the originial and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35175 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3307]

Hydro Corp. of Pennsylvania; Application for Preliminary Permit

November 5, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant) filed on September 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 3307 to be known as the Tionesta Project located on Tionesta Creek in Forest County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred Fiechter, P.O. Box 34, Chatham, Pennsylvania 19318. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: the Tionesta Dam under jurisdiction of the U.S. Army Corps of Engineers and would consist of: (1) a penstock approximately 1,900 feet long leading to; (2) a new powerhouse on the creek's eastern bank housing; (3) turbine/generator units rated at 2.5 MW; (4) new or existing transmission lines; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 10,700,000 kWh.

Purpose of Project.—Project power would be sold to the Pennsylvania Electrice Company.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $55,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 9, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", NOTICE OF INTENT TO FILE COMPETING APPLICATION", COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filing must also state that it is made in response to this notice of application for preliminary permit for Project No. 3307. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35174 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3289]

Hydro Corp. of Pennsylvania; Application for Preliminary Permit

November 6, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant) filed on August 4, 1980 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3289 to be known as the Alvin R. Bush Dam Project located on Kettle Creek in Clinton County, Pennsylvania. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. Correspondence with the Applicant should be directed to: Mr. Fred Fiechter, President and Treasurer, Hydro Corporation of Pennsylvania, P.O. Box 34, Chatham, Pennsylvania 19318.

Project Description.—The proposed project would utilize the U.S. Army Corps of Engineers existing Alvin R. Bush Dam and Reservoir. The project would consist of; (1) a penstock extending from the outlet conduit to; (2) a powerhouse located on the southwest bank of Kettle Creek; and (3) appurtenant works. The installed generating capacity would be 4,500 kW, with an average annual net generation of 18,530,000 kWh.

Purpose of Project.—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic construction, economic, environmental, historic and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $45,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 14, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 16, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rule of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 14, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35223 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3438]

Hydroelectric Constructors, Inc.; Application for Preliminary Permit

November 5, 1980.

Take notice that Hydroelectric Constructors, Inc. (Applicant) filed on September 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3438 to be known as Ruedi Project located at the existing Ruedi Dam owned by the United States Water and Power Resources Service (Township 8 South, Range 84 West N.M.P.M.) in Eagle and Pitkin Counties, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glen G. Dorman, President, Hydroelectric Constructors, Inc., Box 16, 5353 West Dartmouth Avenue, Denver, Colorado 80227. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would utilize an existing government dam and would consist of a powerhouse with three Ossberger turbines connected to three generators with a total rated capacity of 3,770 kW. A transmission line with a minimum length of 1.6 miles would be required.

The Applicant estimates that the average annual energy output would be 15,440,000 kWh annually, which would save the equivalent of 25,350 barrels of oil or 7,200 tons of coal.

Purpose of Project.—Power generated by the project would be sold to either the Public Service company of Colorado, Colorado-Ute Electric Association or the Holy Cross Electric Association, Inc.

Proposed Scope and Cost of Studies under Permit.—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of

work to be performed under this preliminary permit would be $300,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to the Ruedi Project No. 3225 filed on June 24, 1980, By Harrison Western Corporation under 18 CFR 4.33 (as amended, 44 FR 61328, October 25, 1979), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 12, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3438. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35176 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3471]

Joseph M. Keating; Application for Preliminary Permit

November 6, 1980.

Take notice that Joseph M. Keating (Applicant) filed on September 4, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)) for proposed Project No. 3471 to be known as Footbridge Project located on the Rubicon River in El Dorado County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joseph M. Keating, 847 Pacific Street, Placerville, California 95667.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) a 15-foot high diversion dam; (2) an intake structure; (3) a 9,000-foot long tunnel; (4) a powerhouse containing a generating unit rated at 8 MW; (5) a transmission line; and (6) a new 3,500-foot long road extension. The project would be operated on a run-of-the-river basis. The average annual energy generation is estimated to be 30 million kWh. The proposed project is located on the Rubicon River which is under review for wild and scenic river status.

Purpose of Project.—The energy production of the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of 15 months, during which time it would conduct engineering studies and surveys, perform preliminary designs and do a feasibility analysis, conduct environmental studies, consult with agencies, make a historical review, and prepare an FERC license application. No new roads are required to conduct the studies. Applicant has filed a work plan for the studies for new dam construction. The field studies to be conducted are visual inspections and surveys to select locations of project facilities and to determine the head. No disruptive testing or exploration is proposed.

The estimated cost of the work to be performed under the preliminary permit is $105,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before Jan. 12, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c)

(1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 12, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3471. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35224 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-66-000]

Louisville Gas & Electric Co.; Proposed Tariff Change

November 5, 1980.

The filing Company submits the following:

Take notice that Louisville Gas and Electric Company (LG&E) on October 30, 1980, tendered for filing pursuant to the Interconnection Agreement between LG&E and Public Service Company of Indiana, Inc. (PSI), a Sixth Supplemental Agreement.

The purpose of this filing is to amend said Interconnection Agreement to comply with FERC Orders 84 and 84-B, to increase the demand charge for Short Term Power from 70¢ per kilowatt-week to 85¢ per kilowatt-week, and to delete Service Schedules "C" and "F".

LG&E requests an effective date of January 1, 1981, with respect to the change in Short Term Power demand charge and deletion of Service Schedules "C" and "F". With respect to the modification to comply with Orders 84 and 84-B, LG&E requests an effective date of September 1, 1980, as established in Order No. 84-B.

Copies of the filing were served upon Public Service Company of Indiana, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35180 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3506]

Massachusetts Municipal Wholesale Electric Co.; Application for Preliminary Permit

November 5, 1980.

Take notice that Massachusetts Municipal Wholesale Electric Company (Applicant) filed on September 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3506 to be known as Collins Project located on the Chicopee River near the Town of Ludlow, Hampden County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Phillip C. Otness, Massachusetts Municipal Wholesale Electric Company, Stony Brook Energy Center, P.O. Box 426, Ludlow, Massachusetts 01056. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would utilize the existing Collins Dam and adjacent Mill Complex. Applicant proposes to study the feasibility of refurbishing the existing dam and four existing turbine-generators with a total rated capacity of 400 kW and the installation of one or more additional turbine-generators for a total rated capacity of 1,000 kW. All generating equipment would be located within the Mill Complex.

The Applicant estimates that the average annual energy output would be 3,400,000 kWh annually, saving the equivalent of 5,600 barrels of oil or 1,600 tons of coal.

Purpose of Project.—Power generated by the project would be sold by the Applicant to its member cities and towns.

Proposed Scope and Cost of Studies under Permit.—The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this preliminary permit would cost $36,500.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for license.

Agency Comments.—Federal, State, and local agencies that receive this

notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevent to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c)(1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d)(1980).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests.In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 9, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3506. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35177 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-8-000]

Michigan Consolidated Gas Co., Interstate Storage Division; Proposed Changes in FERC Gas Tariff

November 5, 1980.

Take Notice that on October 31, 1980, Michigan Consolidated Gas Company—Interstate Storage Division (ISD) tendered for filing proposed changes to the following tariff sheets in its FERC Gas Tariff, Original Volume No. 1 and Original Volume No. 2:

Orginal Volume No. 1	Rate Schedule
Second Revised Sheet Nos. 63 & 64	X-7
Second Revised Sheet Nos. 87 & 94	X-9
Second Revised Sheet Nos. 110 & 111	X-11
Second Revised Sheet Nos. 132 & 139	X-13
Second Revised Sheet Nos. 155 & 162	X-15
Fifth Revised Sheet No. 192	X-19
Third Revised Sheet No. 193	X-19
Fourth Revised Sheet No. 216	X-20
Third Revised Sheet No. 217	X-20
First Revised Sheet No. 240	X-21
Second Revised Sheet No. 241	X-21

Original Volume No. 2	Rate Schedule
First Revised Sheet Nos. 6 & 7	X-23
First Revised Sheet No. 30	X-24
First Revised Sheet Nos. 51 & 52	X-25
First Revised Sheet Nos. 73 & 74	X-26
First Revised Sheet No. 96	X-27
First Revised Sheet Nos. 117 & 118	X-28
First Revised Sheet Nos. 136 & 137	X-29

The proposed changes would produce increased revenues of $4,168,000 based on the storage and transportation cost of service experienced during the twelve months ended June 30, 1980, as adjusted.

ISD states that the proposed rates are necessary because of increased operating expenses, increased depreciation expense resulting from increased plant in service, increased *ad valorem* and other taxes, and increased return and income tax requirements. ISD's proposed rates include an overall return of 10.77 percent reflecting its imbedded debt cost of 7.60 percent and a return on equity of 14.00 percent.

ISD requests that its proposed rates become effective on December 1, 1980. However, should the Commission decide to suspend the effective date, ISD requests that it be for no more than one day in view of the fact that its currently effective rates for storage service are based on a year-end 1976 rate base and a capital structure as of September 30, 1976 (with minor adjustments), and that since that time, its cost of service has increased by approximately 25 percent.

ISD further states that copies of its filing have been served upon its customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before Nov. 20, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35178 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3149]

Muskegon County Wastewater Management System; Application for Preliminary Permit

November 6, 1980.

Take notice that Muskegon County Wastewater Management System (Applicant) filed on April 21, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3149 to be known as Mosquito Creek Outfall located on the Mosquito Creek in the County of Muskegon, Michigan, near the town of Egelston. Correspondence with the Applicant should be directed to: Ann Conageski, Muskegon County Building,

990 Terrace Street, Muskegon, Michigan 49440.

Project Description.—The project would consist of: (1) a proposed reinforced concrete inlet structure; (2) a proposed 36-inch diameter concrete pipe; (3) a proposed powerhouse containing one generating unit rated at 300 kW; (4) proposed transmission facilities; and (5) appurtenant facilities. The estimated annual output of the proposed project would be 1,200,000 kWh. The proposed project would reuse purified wastewater from the Muskegon County Wastewater system that would flow through a ditch and the proposed concrete pipe into the Mosquito Creek. No reservoir or dam would be associated with the project.

Purpose of Project.—Muskegon County Wastewater Management Sysem would utilize the energy produced for its own system, and reduce its system's load on Consumers Power Company lines.

Proposed Scope and Cost of Studies Under Permit.—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it proposes to study and document the physical and environmental setting of the project, identify the economic potential of the proposed facility, along with performing engineering analysis of the design alternatives and develop the optimum design in working detail. In addition, perform an environmental impact analysis of design alternatives during both construction and operations. The Applicant estimates the cost of the proposed studies would be $12,149.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 14, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 16, 1981. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR 4.33(h). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), as amended, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 14, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is one file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35225 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-95]

National Fuel Gas Supply Corp.; Informal Settlement Conference

November 5, 1980.

Take notice that an informal settlement conference of all interested parties to this proceeding will be held at 10:00 a.m. on November 25, 1980, in Room 3200 of the Federal Energy Regulatory Commission, 941 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35187 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-71-000]

New England Power Co.; Proposed Changes in Rates and Charges

November 5, 1980.

The filing Company submits the following:

The Federal Energy Regulatory Commission issues notice that on October 31, 1980 New England Power Company ("NEP") filed revised tariff sheets constituting a new Rate W-3 for its Primary Service for Resale and its Contract Demand ("CD") Service, and a new interim Rate W-3(C) for its Primary Service for Resale. NEP requests an effective date of January 1, 1981 for rate W-3. NEP states that its W-3 revised tariff sheets will result in an increase in jurisdictional revenues on the basis of a 1981 test year of approximately $55,551,222. This increase results from a decrease in revenues of $22,893 from CD customers and an increase in revenues of $55,574,115 from the Primary customers. NEP states that its W-3(C) revised tariff sheets will result in an increase in jurisdictional revenues on the basis of a 1981 test year of approximately $20,313,894. This increase is part of the overall increase of $55,574,115 to Primary customers and was filed to permit a one day suspension on the portion of the rate increase associated with the Company's coal conversion program if the basic W-3 rate is suspended from a longer period; CD customers would not be affected by the W-3(C) rate.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before November 26, 1980 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing and supporting documents are on file with

the Commission and are available for public inspection.

Kennety F. Plumb,

Secretary.

[FR Doc. 80-35188 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-64-000]

New England Power Co.; Proposed Tariff Change

November 5, 1980.

The filing Company submits the following:

Take notice that New England Power Company ("NEP") on October 30, 1980 tendered for filing amendments to its FERC Electric Tariff, Original Volume No. 2 between NEP and 21 of is Customers. The proposed effective date is November 1, 1980.

NEP states that the proposed amendment will expand the availability provisions for the sale of System Power-Unreserved to these Customers.

NEP states further that waiver of the Commission's Regulations regarding prior notice is requested due to the agreement of all parties to the tariff to the proposed revision.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 25, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35189 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-70-000]

New England Power Co.; Proposed Tariff Change

November 5, 1980.

The filing Company submits the following:

Take notice that New England Power Company ("NEP") on October 31, 1980, tendered for filing a proposed change in its Service Agreement for Primary Service for Resale with The Narragansett Electric Company ("NARRAGANSETT"). The proposed change would decrease the fixed credits allowed Narragansett on its purchased power billing by NEP in the amount of $82,000 annually based on the 12 month period ending December 31, 1981.

NEP, conjunctively with its affiliate Narragansett, reviews annually that part of Narragansett's system which is used by it in troviding all-requirements service to Narragansept, and upon a substantial change in circumstance, refiles with the Commission the revised generation and transmission credits. The instant revision is primarily due to a substantial reduction in book depreciation expense associated with Narragansett's generating facilities.

Copies of the filing were served upon Narragansett and the Rhode Island Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 26, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35190 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3348 and Project No. 3422]

Noah Corp. and the City of Covington, Virginia and Continental Hydro Corp.; Applications for Preliminary Permit

November 5, 1980.

Take notice that Noah Corporation and the City of Covington, Virginia (Applicant/NCCC) jointly, and the Continental Hydro Corporation (Applicant/CHC), filed on August 22, 1980 and September 2, 1980, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. Sections 791(a)-825(r)] for proposed hydroelectric projects, each to be known as the Gathright Dam Project, FERC Projects Nos. 3348 and 3422, respectively, located on the Jackson River in Alleghany County, Virginia. Correspondence with Applicant (NCCC) should be directed to: James B. Price, President, Noah Corporation, Post Office Drawer 640, Aiken, South Carolina 29801. Correspondence with Applicant (CHC) should be addressed to: A. Gail Staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description.—The proposed project would utilize the U.S. Army Corps of Engineers' Gathright Dam presently under construction and would consist of: (1) a 100-foot long penstock (NCCC) or a 270-foot long penstock (CHC); (2) a powerhouse containing generating unit(s) having a total rated capacity of 9,000 kW (NCCC) or 2,200 kW (CHC); (3) a short tailrace; (4) a 1.5 to 2-mile long transmission line; and (5) appurtenant facilities. NCCC estimates the annual generation would average approximately 17,000,000 kWh; CHC estimates the annual generation would average 8,500,000 kWh.

Purpose of Project.—Both applicants propose to sell the power output to a public or private utility.

Proposed Scope and Cost of Studies under Permit.—Both Applicants seek issuance of preliminary permits for a period of 36 months. Each Applicant proposes that it would perform data acquisition, investigations, studies, feasibility evaluation, would consult with Federal, State, and local government agencies, and prepare an application for an FERC license, including an environmental report. CHC and NCCC estimate that the cost of studies under the permit would not exceed $45,500 and $100,000 respectively.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be

made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), as amended, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 9, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35179 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2079]

Placer County Water Agency; Application for Amendment of License

November 6, 1980.

Take notice that on August 25, 1980, the Placer County Water Agency of California (Licensee) filed an application for amendment of its license for the existing Middle Fork American River Project No. 2079, located on Middle Fork American River and Rubicon River in Placer County, California. Correspondence concerning the application should be sent to: Mr. Edward Horton, Chairman, Board of Directors, Placer County Water Agency, P.O. Box 3218, Auburn, California 95604.

The Licensee seeks authorization to construct, operate and maintain: (a) a powerhouse with a rated capacity of 550 kW at the outlet of the project's existing Hell Hole Dam; and (b) a 2,300-foot long, 12-kV transmission line connecting the proposed powerhouse to the project's existing 12-kV line, west of the powerhouse.

The proposed powerhouse would utilize fish flow releases required by Article 37 of the license and would not in any way alter the current fish flow release requirements under the license.

The Licensee estimates the capital cost of the proposed action to be $500,000, assuming that construction starts in April 1981, and the plant is in commercial operation by November 1982. The power generated by the proposed powerhouse would sold to Pacific Gas and Electric Company.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for amendment of license. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of an amendment to the license. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 5, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35226 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3286]

Puget Sound Power & Light Co.; Application for Preliminary Permit

November 6, 1980.

Take notice that Puget Sound Power & Light Company (Applicant) filed on August 1, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)) for proposed Project No. 3286 to be known as the Bear Creek Project to be located on Bear Creek in Skagit County, Washington. Correspondence with the Applicant should be directed to: Mr. David H. Knight, Vice President, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009 with copies to Perkins, Coie, Stone, Olson & Williams, Attention: Susan K. Donaldson, 1900 Washington Building, Seattle, Washington 98101.

Project Description.—The proposed project would consist of: (1) an existing 20-foot-high by 217-foot-long concrete arch dam (to be rehabilitated) creating a 10-acre-foot pond; (2) a new 2,500-foot-long, 36-inch-diameter penstock serving; (3) a new powerhouse (to replace the abandoned powerhouse) to contain one turbine generator unit having a rated capacity of 2,500 kW; and (4) a new 1.2-mile-long, 12.5-kV transmission line to connect to the Applicant's distribution system.

Purpose of Project.—The power generated at the project would be used to meet the Applicant's load growth in its service area in western Washington. Applicant estimates that the project would produce an annual output of about 14.4 million kWh.

Proposed Scope and Cost of Studies Under Permit.—The Aplicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 24 months during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The costs of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agenices, and preparation of an FERC license application are estimated to be about $275,000.

Purpose of Preliminary Permit.—A preliminary permit does ot authorize

construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d). (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 9, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3286. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Divisin of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35227 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-65-000]

Southern California Edison Co.; Proposed Tariff Change

November 5, 1980.

The filing Company submits the following:

Take notice that Southern California Edison Company ("Edison") on October 30, 1980, tendered for filing a change of rate scheduling and dispatching services under the provisions of Edison's agreements with the parties listed below as embodied in their FERC Rate Schedules. Edison requests that the new rates for these services be made effective January 1, 1981.

	FERC No	New rate (dollars per month)	Monthly increase over 1980 (dollars)	Total 1981 increase (dollars)
1. Pasadena	88	952	68	816
2. APPA	92	3,927	280	3,360
3. APPA	93	595	42	504
4 Glendale:				
1st supplier:				
Point of Interconnection	97			
Point of Delivery Combination		1,071	76	912
Each additional Combination		595	42	504
5. Los Angeles	102	1,071	76	912
6. SDG&E:				
1st Supplier:				
Point of Receipt	107			
Point of Delivery Combination		1,071	76	912
Each Additional Combination		595	42	504
7. PG&E	109	1,071	76	912
8. PG&E	110	1,071	76	912
9. CDWR:				
Firm Service, 1st Supplier	[1]113			
Point of Receipt, Point of Delivery Combination		1,309	[2]154	[2]1,848
Each Additional Combination		833	[2]98	[2]1,176
Non-Firm Service, 1st Supplier				
Point of Receipt, Point of Delivery Combination		1,071	[2]126	[2]1,512
Each Additional Combination		595	[2]70	[2]840
10. Burbank:				
1st Supplier:				
Point of Receipt	114			
Point of Delivery Combination		1,071	76	912
Each Additional Combination		595	42	504
11. Pasadena:				
1st Supplier:				
Point of Interconnection	115			
Point of Delivery Combination		1,071	76	912
Each Additional Combination		595	42	504
12. PG&E	117	1,904	138	1,632
13. Los Angeles:				
1st Supplier:				
Point of Interconnection	118			
Point of Delivery Combination		1,071	76	912
Each Additional Combination		595	42	504
14 Western	[3]	1,071	76	912

[1] Service will not commence under this Agreement until 1983.

[2] Represents increase over *1979* rates.

[3] FERC Rate Schedule No. not yet assigned Monthly and total 1981 increase are from the rates tendered for filing by letter dated October 10, 1980.

Said filing is in accordance with the terms of each of these agreements, which state that the rates for these services will be redetermined prior to January 1 of each year based on Edison's annual budget for load dispatching and production section function expenses for that year.

Copies of this filing were served upon all the interested parties and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 26, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35180 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-63-000]

Southern Co. Services, Inc.; Notice of Filing

November 5, 1980.

The filing Company submits the following:

Take notice that Southern Company Services, Inc., on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company on October 30, 1980, tendered for filing Amendment No. 1 to the Allocation Methodology and Periodic Rate Computation Manual under the Southern Company System Intercompany Interchange Contract (the Manual). The filing also includes informational schedules which detail the charges and derivation of components of the rates to be used during the calendar year 1981. The filing of the informational schedules was made in accordance with the settlement agreement in Docket No. ER80-65 which was approved by Order of this Commission dated October 1, 1980.

Amendment No. 1 to the Manual provides for a change in the pricing of interchange energy between the operating companies of the Southern Company system. The change provides that such energy will be priced at the incremental cost of the generating unit providing the energy instead of the average cost of such generating unit.

Copies of the filing were served upon the parties of record in *Southern Company Services, Inc.*, Docket No. ER80-65.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 25, 1980. Protests will be considered by the commission in determining the appropriate action to be taken, but will no serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb.

[FR Doc. 80-35191 Filed 11-1-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-97-001]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Revised Rate Filing

November 5, 1980.

Take notice that on October 31, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing certain revised tariff sheets in its FERC Gas Tariff to be effective on November 1, 1980, in lieu of the tariff sheets originally filed in Docket No. RP80-97, as follows:

Ninth Revised Volume No. 1: Thirtieth Revised Sheet Nos. 12A and 12B.

Sixth Revised Volume No. 2: Substitute First Revised Sheet Nos. 266J, 268C, 286E, 287E, 288D, 289E, 290E, 291E, 292E, 297D, 297E, 299L9, 299L10, 299, 299M6, 299N5, 299O5, 299Q5, 299R5, 299S9 and 299S10; Substitute Second Revised Sheet Nos. 266I, 273D, 273E and 274E; Substitute Third Revised Sheet Nos. 262D and 262E, Substitute Fourth Revised Sheet Nos. 141A and 252B; Substitute Fifth Revised Sheet Nos. 246D, 247D, 248D, 249H and 249I; Substitute Sixth Revised Sheet No. 245D; Substitute Seventh Revised Sheet Nos. 76 and 215; Substitute Eighth Revised Sheet Nos. 53, 54 and 77; Substitute Ninth Revised Sheet No. 141; and Substitute Eleventh Revised Sheet Nos. 11 and 12.

Tennessee states that the purpose of the revised tariff sheets is to revise the rates suspended until November 1, 1980, in this proceeding to reflect, (1) the elimination of all facilities and related costs which will not have been certificated and placed in service by October 31, 1980; (2) revisions related to advance payments and research and development expenditures in accord with the Stipulation and Agreement (July 18, 1980), in Docket Nos. RP73-113, *et al.*; and (3) the Current Average Cost of Purchased Gas and certain other rate adjustments reflected in Tennessee's filing made effective on July 1, 1980, in Docket Nos. TA80-2-9 (PGA80-2, *et al.*).

Tennessee further states that copies of the revised filing were served on all customers and affected state commissions as well as all parties to Docket No. RP80-97.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 20, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file further. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35181 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RM 79-34 and Docket No. ST80-254, et seq.]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and United Gas Pipeline Co., et al.; Self-Implementing Transactions

November 6, 1980.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to Section 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to Section 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to Section 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to Section 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to Section 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to Section 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to Section 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to Section 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under Section 284.221 of the Commission's Regulations.

A "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

DOCKET NO.	TRANSPORTER/SELLER	DATE FILED	PART 284 SUBPART	EXPIRATION DATE *	TRANSPORTATION RATE (CENTS/MCF)
ST80-254	UNITED GAS PIPE LINE CO.	07/08/80	B		
ST80-255	MONTANA-DAKOTA UTILITIES CO.	07/10/80	B		
ST80-256	MISSISSIPI RIVER TRANSMISSION CORP.	07/11/80	G		
ST80-257	COLUMBIA GULF TRANSMISSION CO.	07/11/80	G		
ST80-258	NATURAL GAS PIPELINE CO. OF AMERICA	07/16/80	G		
ST80-259	NATURAL GAS PIPELINE CO. OF AMERICA	07/16/80	G		
ST80-260	TRANSOK PIPELINE CO.	07/16/80	C	12/13/80	18.50
ST80-261	COLUMBIA GULF TRANSMISSION CO.	07/16/80	G		
ST80-262	COLORADO INTERSTATE GAS CO.	07/21/80	G		
ST80-263	DELMI GAS PIPELINE CORP.	07/23/80	C		
ST80-264	PANHANDLE EASTERN PIPE LINE CO.	07/22/80	G		
ST80-265	TRUNKLINE GAS CO.	07/22/80	G		
ST80-266	TRANSCONTINENTAL GAS PIPE LINE CORP.	07/24/80	G		
ST80-267	TEXAS EASTERN TRANSMISSION CORP.	07/25/80	G		
ST80-268	NORTHERN NATURAL GAS CO.	07/24/80	G		
ST80-269	LAUREL VALLEY PIPELINE CO.	07/25/80	D		
ST80-270	MICHIGAN CONSOLIDATED GAS CO.	07/25/80	G(HS)		
ST80-271	COLUMBIA GAS TRANSMISSION CORP.	04/30/80	B		
ST80-272	MOUNTAIN FUEL SUPPLY CO.	07/31/80	G		
ST80-273	LOUISIANA INTRASTATE GAS CO.	07/31/80	D	12/28/80	20.00
ST80-274	ROCKY MOUNTAIN NATURAL GAS CO.	07/30/80	D		
ST80-275	TRANSCONTINENTAL GAS PIPE LINE CORP.	08/05/80	G		
ST80-276	EL PASO NATURAL GAS CO.	08/04/80	F		
ST80-277	LOUISIANA RESOURCES CO.	08/04/80	C	01/08/81	22.25
ST80-278	CONSOLIDATED GAS SUPPLY CORP.	08/07/80	F		
ST80-279	DELMI GAS PIPELINE CORP.	08/07/80	C	01/09/81	29.50
ST80-280	NORTHWEST PIPELINE CORP.	08/06/80	G		
ST80-281	NORTHWEST PIPELINE CORP.	08/08/80	G		
ST80-282	TRANSCONTINENTAL GAS PIPE LINE CORP.	08/08/80	G		
ST80-283	UNITED TEXAS TRANSMISSION CO.	08/08/80	C		
ST80-284	RAEL GAS CO.	08/12/80	C	01/09/81	24.90
ST80-285	MOUNTAIN FUEL RESOURCES, INC.	08/11/80	G		
ST80-286	MOUNTAIN FUEL SUPPLY CO.	08/11/80	G		
ST80-287	EL PASO NATURAL GAS CO.	08/11/80	G		
ST80-288	COLUMBIA GAS TRANSMISSION CORP.	07/27/80	B		
ST80-289	MOUNTAIN FUEL SUPPLY CO.	08/13/80	G		
ST80-290	MOUNTAIN FUEL RESOURCES, INC.	08/13/80	G		
ST80-291	NORTHERN NATURAL GAS CO.	08/12/80	B		
ST80-292	VALERO INTERSTATE TRANSMISSION CO.	08/15/80	B		
ST80-293	TRANSCONTINENTAL GAS PIPE LINE CORP.	08/13/80	F		
ST80-294	LOUISIANA GAS PURCHASING CORP.	08/22/80	C	01/19/81	11.50
ST80-295	TENNESSEE GAS PIPELINE CO.	08/18/80	F		
ST80-296	ALAGASCO PIPELINE CO.	08/18/80	D	01/15/81	1.50
ST80-297	COLUMBIA GAS TRANSMISSION CORP.	08/19/80	B		
ST80-298	MISSISSIPPI FUEL CO.	08/19/80	C	01/16/81	25.00

---

* THE INTRASTATE PIPELINE HAS SOUGHT COMMISSION APPROVAL OF ITS TRANSPORTATION RATE PURSUANT TO SECTION 284.123(B)(2) OF THE COMMISSION'S REGULATIONS (18 CFR 284.123(B)(2)). SUCH RATES ARE DEEMED FAIR AND EQUITABLE IF THE COMMISSION DOES NOT TAKE ACTION BY THE DATE INDICATED.

DOCKET NO.	TRANSPORTER/SELLER	DATE FILED	PART 284 SUBPART	EXPIRATION DATE *	TRANSPORTATION RATE (CENTS/MCF)
ST80-299	SUGAR BOWL GAS CORP.	08/20/80	C	01/17/81	20.00
ST80-300	TENNESSEE GAS PIPELINE CO.	08/20/80	G	"	"
ST80-301	SOUTHERN NATURAL GAS CO.	08/20/80	G	"	"
ST80-302	MICHIGAN CONSOLIDATED GAS CO.	08/26/80	G(HS)	"	"
ST80-303	NORTHERN NATURAL GAS CO.	08/26/80	B	"	"
ST80-305	TEXAS GAS TRANSMISSION CORP.	08/18/80	G	"	"
ST80-306	NATURAL GAS PIPELINE CO. OF AMERICA	08/25/80	B	"	"
ST80-307	SOUTHWESTERN GAS PIPELINE, INC.	08/26/80	C	"	"
ST80-308	MICHIGAN WISCONSIN PIPE LINE CO.	08/26/80	G	"	"
ST80-309	COLORADO INTERSTATE GAS CO.	08/06/80	G	"	"
ST80-310	PANHANDLE EASTERN PIPE LINE CO.	08/27/80	G	"	"
ST80-311	TEXAS EASTERN TRANSMISSION CORP.	08/26/80	G	"	"
ST80-312	TRANSCONTINENTAL PIPE LINE CORP.	08/29/80	G	"	"
ST80-313	TRUNKLINE GAS CO.	09/02/80	G	"	"
ST80-314	PRODUCER'S GAS CO.	09/03/80	C	01/31/81	25.00
ST80-315	TRANSCONTINENTAL GAS PIPE LINE CORP.	09/02/80	G	"	"
ST80-316	MICHIGAN GAS STORAGE CO.	09/02/80	B	"	"
ST80-317	TRANSCONTINENTAL GAS PIPE LINE CORP.	09/09/80	G	"	"
ST80-318	TENNESSEE GAS PIPELINE CO.	09/09/80	G	"	"
ST80-319	LOUISIANA INTRASTATE GAS CORP.	09/09/80	C	02/06/81	20.00
ST80-321	SOUTHERN NATURAL GAS CO.	09/12/80	B	"	"
ST80-322	UNITED TEXAS TRANSMISSION CO.	09/12/80	C	"	"
ST80-323	NORTHERN NATURAL GAS CO.	09/12/80	G	"	"
ST80-324	TEXAS EASTERN TRANSMISSION CORP.	09/15/80	G	"	"
ST80-325	MICHIGAN CONSOLIDATED GAS CO.	09/15/80	G(HS)	"	"
ST80-326	CONSOLIDATED GAS SUPPLY CORP.	09/15/80	F	"	"
ST80-327	UNITED GAS PIPE LINE CO.	09/19/80	B	"	"
ST80-328	NATURAL GAS PIPELINE CO. OF AMERICA	09/18/80	G	"	"
ST80-329	TENNESSEE GAS PIPELINE CO.	09/18/80	G	"	"
ST80-330	COLUMBIA GAS TRANSMISSION CORP.	09/17/80	B	"	"
ST80-331	COLUMBIA GAS TRANSMISSION CORP.	09/16/80	B	"	"
ST80-332	TRANSCONTINENTAL GAS PIPE LINE CORP.	09/22/80	G	"	"
ST80-333	MICHIGAN WISCONSIN PIPE LINE CO.	09/12/80	B	"	"
ST80-334	OASIS PIPE LINE CO.	09/22/80	C	"	"
ST80-335	HOUSTON PIPE LINE CO.	09/22/80	C	"	"
ST80-336	SUGAR BOWL GAS CORP.	09/12/80	C	02/20/81	20.00
ST80-337	NATURAL GAS PIPELINE CO. OF AMERICA	09/24/80	G	"	"
ST80-338	NORTHERN NATURAL GAS CO.	09/26/80	B	"	"
ST80-339	UNITED GAS PIPE LINE CO.	09/29/80	B	"	"
ST80-340	VALERO TRANSMISSION CO.	09/24/80	C	"	"

---

* THE INTRASTATE PIPELINE HAS SOUGHT COMMISSION APPROVAL OF ITS TRANSPORTATION RATE PURSUANT TO SECTION 284.123(B)(2) OF THE COMMISSION'S REGULATIONS (18 CFR 284.123(B)(2)). SUCH RATES ARE DEEMED FAIR AND EQUITABLE IF THE COMMISSION DOES NOT TAKE ACTION BY THE DATE INDICATED.

DOCKET NO.	TRANSPORTER/SELLER	DATE FILED	PART 284 SUBPART	EXPIRATION DATE *	TRANSPORTATION RATE (CENTS/MCF)
ST81-1	PANHANDLE EASTERN PIPE LINE CO.	10/02/80	G	-	-
ST81-2	EL PASO NATURAL GAS CO.	10/01/80	B	-	-
ST81-3	TRANSCONTINENTAL GAS PIPE LINE CORP.	10/03/80	G	-	-
ST81-4	CONSOLIDATED GAS SUPPLY CORP.	10/03/80	G	-	-
ST81-5	SOUTHERN NATURAL GAS CO.	10/06/80	B	-	-
ST81-6	CABOT CORP.	10/07/80	C	03/06/81	60.00
ST81-7	MOUNTAIN FUEL SUPPLY CO.	10/07/80	G	-	-
ST81-8	CONSUMERS POWER CO.	10/06/80	F	-	-
ST81-9	TENNESSEE GAS PIPELINE CO.	10/08/80	G	-	-
ST81-10	TENNGASCO GAS GATHERING CO.	10/08/80	C	-	-
ST81-11	MOUNTAIN FUEL SUPPLY CO.	10/10/80	G	-	-
ST81-12	TRUNKLINE GAS CO.	10/10/80	B	-	-
ST81-13	UNITED GAS PIPE LINE CO.	10/09/80	G	-	-
ST81-14	MOUNTAIN FUEL SUPPLY CO.	10/14/80	G	-	-
ST81-15	TENNESSEE GAS PIPELINE CO.	10/15/80	F	-	-
ST81-16	COLORADO INTERSTATE GAS CO.	10/14/80	G	-	-

* THE INTRASTATE PIPELINE HAS SOUGHT COMMISSION APPROVAL OF ITS TRANSPORTATION RATE PURSUANT TO SECTION 284.123(B)(2) OF THE COMMISSION'S REGULATIONS (18 CFR 284.123(B)(2)). SUCH RATES ARE DEEMED FAIR AND EQUITABLE IF THE COMMISSION DOES NOT TAKE ACTION BY THE DATE INDICATED.

FR Doc. 80-35220 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-C

[Project No. 3303]

Water Power Development Corp.; Application for Preliminary Permit

November 5, 1980

Take notice that Water Power Development Corporation (Applicant) filed on August 7, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3303 to be known as Blackwater Power Project located on the Blackwater River in Merrimack County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Kenneth E. Mayo, P.E., President, Water Power Development Corporation, 23 Temple Street, Nashua, New Hampshire 03060.

Project Description.—The proposed project would utilize the existing Army Corps of Engineers' Blackwater Dam, Little Hill Dike, and Dodge Estate Dike, and the impounded flood control reservior with a surface area of 3,280 acres and storage capacity of 46,000 acre-feet at spillway crest elevation 566 feet m.s.l.

The proposed project would consist of project works and other appurtenances to be developed and constructed in accordance with the most feasible of the following options.

Option 1.—Utilize an existing equipment room at the dam and an existing plugged 16-foot diameter penstock which is integral with the dam, install turbine-generator units with a total capacity of 443 kW and produce an estimated annual generation of 1.77 million kWh.

Option 2.—Construct a penstock about 300 feet long connecting to a new powerhouse about 300 feet downstream, and install turbine-generator units with a total capacity of 886 kW and produce an estimated annual generation of 3.54 million kWh.

Option 3.—Construct a penstock about 2 miles long and a powerhouse about 2 miles downstream at Snyder's Mill, and install turbine-generator unit with a total capacity of 3,249 kW and produce an estimated annual generation of 13 million kWh.

Option 3A.—The option would include the same powerhouse and penstock proposed in Option 3 (above), but at a lower design/operational head, the installed capacity would be 2,800 kW and produce an estimated annual generationof 11.2 million kWh.

Purpose of Project.—Project energy would be sold to the Public Service Company of New Hampshire, the New England Power Company, or the Concord Electric Company.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of 36 months. During the term of the permit the Applicant would perform engineering, economic, and environmental feasibility studies and investigations, and if a project is feasible, prepare an application for FERC license. Applicant estimates that cost of work to be performed under the permit would not exceed $50,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protests may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but a person who merely files a portest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 9, 1981.

Filing and Service of Responsive Documents.—Any comments, notices, of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3303. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35182 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3463]

Water Power Development Corp.; Application for Preliminary Permit

November 5, 1980.

Take notice that Water Power Development Corporation (Applicant) filed on September 12, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3463 to be known as Mansfield Hollow Project located on the Natchaug River in Tolland County, Connecticut. Correspondence with the Applicant should be directed to: Kennth

E. Mayo, P.E., Water Power Development Corporation, 23 Temple Street, Nashua, New Hampshire 03060.

Project Description.—The proposed project would utilize the existing U.S. Army Corps of Engineers' Mansfield Hollow Dam and would consist of (1) a penstock which would utilize existing outlet works in the right section of dam; (2) a powerhouse containing generating units having a total rated capacity of 2,000 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. Applicant estimates the annual generation would average about 5,000,000 kWh.

Purpose of Project.—Project energy would be sold to the Connecticut Light and Power Company.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of 3 years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant will prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 12, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 13, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 12, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-35183 Filed 11-10-80; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[SA FRL 1665-5]

Science Advisory Board Toxic Substances Subcommittee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the Toxic Substances Subcommittee of the Science Advisory Board will be held on December 2 and 3, 1980, in Conference Room 503A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. The meeting will start at 9:00 a.m. on December 2, 1980. Adjournment will be not later than 4:00 p.m. on December 3, 1980, and possibly earlier. To reach Conference Room 503A, take the Corridor A elevator to the 5th floor and follow the Corridor A sign.

The purpose of the meeting will be to consult the Subcommittee on scientific aspects of a draft document titled, "Technical Support Document for Regulatory Action [TSCA: Section 6(a)] Against Friable Asbestos-Containing Materials in School Buildings," dated September 1980. The Agenda will also include a brief discussion of Agency plans for consulting the Subcommittee on other TSCA-related scientific issues over the coming months and other informational items of current interest to the members.

Pertinent background information follows:

If the Administrator finds that the use of a chemical substance or mixture presents an unreasonable risk of injury to human health, section 6(a) of TSCA requires him to apply one or more of a number of requirements to such substances or mixture to the extent necessary to protect against the risk. The Administrator is required to publish a statement on the effects of such substances or mixture on health and the magnitude of exposure of human beings. The draft Technical Support Document is a preliminary statement of these findings in support of a proposed rule, "Friable Asbestos-Containing Materials in Schools; Proposed Identification and Notification," published in the September 17, 1980 issue of the Federal Register (45 FR 61996). The draft document has been released by the Agency for comment on its technical merit and policy implications.

A meeting of the Subcommittee scheduled for November 5, 1980 and announced in the October 16, 1980 issue of the Federal Register (45 FR 68755) was postponded. The postponement was announced in the October 30, 1980 issue of the Federal Register (45 FR 71862). At the time it was also announced that the meeting would be rescheduled. This is the rescheduled meeting.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper or wishing further information should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. November 25, 1980. Please ask for Ms. Bernadine Davis or Mr. Ernst Linde. The telephone number is (202) 472-9444.

Richard M. Dowd,

Staff Director, Science Advisory Board.

November 5, 1980.

[FR Doc. 80-35192 Filed 11-10-80; 8:45 am]

BILLING CODE 6560-34-M

[PH FRL 1665-2; PP 5G1623/T263A]

Amitraz; Renewal of Temporary Tolerances; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: This notice corrects a document that published in the Federal Register of August 28, 1980 (45 FR 55270) FR Doc. 80-26435. The tolerance was printed incorrectly, it appeared as "0.1 ppm" and it should have been "1.0 ppm."

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-303, 401 M St., SW., Washington, D.C. 20460, (202-426-2635).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of August 28, 1980 (45 FR 55270) that a temporary tolerance had been renewed for Amitraz in or on the raw agricultural commodities grapefruits, lemons, oranges, and tangerines at 1.0 ppm.

The tolerance was listed incorrectly in the third column, 16th line. Please correct the tolerance to read "1.0 ppm."

(Sec. 408(j), 68 Stat. 561; (21 U.S.C. 136 (j)))

Dated: November 4, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-35130 Filed 11-10-80; 8:45 am]

BILLING CODE 6560-32-M

[PH FRL 1665-4; OPP-C31040]

Linda Plastics of Florida, Inc.; Application To Conditionally Register a Pesticide Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Linda Plastics of Florida, Inc. has submitted an application to conditionally register a pesticide product, RATTEX, entailing a changed use pattern.

DATE: Written comments must be received by December 10 1980.

ADDRESS: Written comments to: William H. Miller, Product Manager (PM) 16, Registation Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency Rm. E-343, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William H. Miller (202-426-9458).

SUPPLEMENTARY INFORMATION: Linda Plastics of Florida, Inc., 1207 North 19th St., Tampa, FL 33605, has submitted to the EPA an application to conditionally register the pesticide product RATTEX rodenticide (EPA Reg No. 44776-R) containing the active ingredient Warfarin 3-(A-acetonylbenzyl)-4-hydroxycoumarin at 0.25 percent. The product is proposed for general use on sugarcane, orange groves, and open land. At the present Warfarin is registered basically for the following sites (in and round buildings) and pests (Norway rat, roof rat, and house mice). This registration is for the old pest but new sites, some of which are considerd food or feed.

Notice of approval or denial of this application to conditionally register the pesticide produce will be announced in the Federal Register. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the Federal Register if an application is approved. Notice of receipt of this application does not indicate a decision by the agency on the application.

Interested persons are invited to submit written comments on this application. Comments may be submitted, and inquiries directed, to the Product Manager. The comments must be received on or before December 10, 1980 and should bear a notation indicating the document control number "[OPP-C30140]" and the registration number "44776-R." Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as written coments 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 holidays. (40 CFR 162.5 and 162.6).

Dated: November 4. 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-35129 Filed 11-10-80; 8:45 am]

BILLING CODE 6560-32-M

[PH FRL 1665-3; OPP-50504]

Zoecon Industries et al.; Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has issued experimental use permits to the following applicants. 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: The designated Product Manager at the telephone number provided with each permit at the address below: Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

2724-EUP-25. Zoecon Industries, 1200 Denton Dr., Dallas, TX 75234. This experimental use permit allows the use of 0.134 pounds of the insecticides methoprene [isopropyl (*E,E,*)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate] and permethrin (3-phenoxyphenyl) methyl (±) *Cis-trans*-3-(2,2-dichloroethenyl)2,2-dimethyl-cyclopropanecarboxylate in homes to evaluate control of ticks, fleas, cockroaches, and houseflies. A total of 200 homes are involved. The program is authorized only in the States of California, Florida, and Texas. The permit is issued with the limitation that the insecticide not enter the food chain. This experimental use permit is effective from August 15, 1980 to August 15, 1981. (PM 17, Franklin D.R. Gee, Rm. E-341, 202-755-1150).

2724-EUP-26. Zoecon Industries, 1200 Denton Dr., Dallas, TX 75234. This experimental use permit allows the use of 0.109 pounds of the insecticides methropene and permethrin in homes to evaluate control of ticks, fleas, cockroaches, and houseflies. A total of 200 homes are involved. The program is authorized only in the States of California, Florida, and Texas. The permit is issued with the limitation that the insecticide not enter the food chain. This experimental use permit is effective from August 15, 1980 to August 15, 1981. (PM 17, Franklin D.R. Gee, Rm. E-341, 202-755-1150).

2343-EUP-1. Kerr-McGee Chemical Corp., Kerr-McGee Center, 135/433 Oklahoma City, OK 73125. This experimental use permit allows the use of 4,200 pounds of the desicant sodium chlorate on peas and lentils to evaluate sodium chlorate as a harvest aid in the

harvesting of peas and lentils. A total of 1,500 acres are involved. The program is authorized only in the States of Idaho, Oregon, and Washington. This permit is issued under the limitation that all treated crops be destroyed or used for research purposes only. The experimental use permit is effective from August 29, 1980 to August 29, 1981. (PM 25, Robert J. Taylor, Rm. E–359, 202–755–2196).

37843–EUP–2. University of Hawaii, Department of Agricultural Biochemistry, 1800 East West Road, Honolulu, HI 96822. This experimental use permit allows the use of 400 pounds of the insecticide acephate on macadamia nut orchards to evaluate control of thrips. A total of 200 acres are involved. The program is authorized only in the State of Hawaii. The experimental use permit is effective from September 22, 1980 to September 22, 1981. A temporary tolerance for residues of acephate on macadamia nuts has been established. (PM 16, William H. Miller, Rm. E–343, 202–426–9458).

100–EUP–64. Ciba-Geigy Corp., PO Box 11422, Greensboro, NC 11422. This experimental use permit allows the use of 2,315 pounds of the fungicide 1-[[2-(2,4-dichloropenyl)-4-ethyl-1,3-dioxolan-2-yl]methyl]-1*H*-1,2,4,-triazole and its 2,4-dichlorbenzoic acid metabolities in or on almonds, almond hulls, apples, peaches, plums, (fresh prunes) and cherries to evaluate control of disease. A total of 3,420 acres are involved. The program is authorized only in the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. This experimental program is effective from October 7, 1980 to December 31, 1982. A temporary tolerance has been issued for residues of the fungicide on the above-named crops. (PM 21, Eugene M. Wilson, Rm. E–349, 202–755–1806.)

Persons wishing to review the experimental use permits are referred to the product manager. Inquiries regarding these permits should be directed to the contact person given above. It is suggested that interested persons call before visiting the EPA Headquarters Office so that the appropriate file may be made available for inspection from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: November 4, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticides Programs.

[FR Doc. 80–35131 Filed 11–10–80; 8:45 am]

BILLING CODE 6560–32–M

FEDERAL HOME LOAN BANK BOARD

[No. AC–110]

American Federal Savings and Loan Association, Anadarko, Oklahoma; Final Action Approval of Conversion Application

Notice is hereby given that on September 3, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–575, approved the application of The American Federal Savings and Loan Association, Anadarko, Oklahoma, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas 66601.

Dated: October 31, 1980.

By the Federal Home Loan Bank Board.

Robert D. Linder,

Acting Secretary.

[FR Doc. 80–35155 Filed 11–10–80; 8:45 am]

BILLING CODE 6720–01–M

[No. AC–109]

First Federal Savings and Loan Association of Madison, Madison, Connecticut; Final Action Approval of Conversion Application

Notice is hereby given that on September 3, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–576, approved the application of First Federal Savings and Loan Association of Madison, Madison, Connecticut, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Boston, One Federal Street, 30th Floor, Boston, Massachusetts 02106.

Dated: October 31, 1980.

By the Federal Home Loan Bank Board.

Robert D. Linder,

Acting Secretary.

[FR Doc. 80–35154 Filed 11–10–80; 8:45 am]

BILLING CODE 6720–01–M

[No. AC–108]

First Federal Savings and Loan Association of Pitt County, Greenville, North Carolina; Final Action Approval of Conversion Application

Notice is hereby given that on August 29, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–558, approved the application of First Federal Savings and Loan Association of Pitt County, Greenville, North Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Altanta, Coastal States Building, 260 Peachtree Street, NW., Atlanta, Georgia 30343.

Dated: October 31, 1980.

By the Federal Home Loan Bank Board.

Robert D. Linder,

Acting Secretary.

[FR Doc. 80–35156 Filed 11–10–80; 8:45 am]

BILLING CODE 6720–01–M

[No. AC–104]

First Federal Savings and Loan Association of Chickasha, Chickasha, Oklahoma; Final Action Approval of Conversion Application

Notice is hereby given that on September 3, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80–576, approved the application of First Federal Savings and Loan Association of Chickasha, Chickasha, Oklahoma, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas 66601.

Dated: October 31, 1980.

By the Federal Home Loan Bank Board.

Robert D. Linder,

Acting Secretary.

[FR Doc. 80-35160 Filed 11-10-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-106]

Home Federal Savings and Loan Association, Statesville, North Carolina; Final Action Approval of Conversion Application

Notice is hereby given that on September 3, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80-575, approved the application of Home Federal Savings and Loan Association, Statesville, North Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Altanta, Coastal States Building, 260 Peachtree Street, NW., Atlanta, Georgia 30343.

Dated: October 31, 1980.

By the Federal Home Loan Bank Board.

Robert D. Linder,

Acting Secretary.

[FR Doc. 80-35158 Filed 11-10-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-105]

Bell County Savings and Loan Association, Belton, Texas; Final Action Approval of Conversion Application

Notice is hereby given that on September 5, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80-580, approved the application of Bell County Savings and Loan Association, Belton, Texas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20052 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

Dated: October 31, 1980.

By the Federal Home Loan Bank Board.

Robert D. Linder,

Acting Secretary.

[FR Doc. 80-35159 Filed 11-10-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-107]

Security Federal Savings & Loan Association of Richmond, Richmond, Va.; Final Action Approval of Conversion Application

Notice is hereby given that on September 5, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80-581, approved the application of Security Federal Savings and Loan Association of Richmond, Richmond, Virginia, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street, NW., Atlanta, Georgia 30343.

Dated: October 31, 1980.

By the Federal Home Loan Bank Board.

Robert D. Linder,

Acting Secretary.

[FR Doc. 80-35157 Filed 11-10-80; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Bank of New York International, Inc.; Corporation To Do a Business Under Section 25(a) of the Federal Reserve Act Establishment of U.S. Branch of a Corporation To Be Organized Under Section 25(a)

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as The Bank of New York International, Incorporated, Miami, Florida. The Bank of New York International, Incorporated would operate as a subsidiary of The Bank of New York, New York, New York. The proposed corporation has also applied for the Board's approval under § 211.4(c)(1) of Regulation K (12 CFR 211.4(c)(1)) to establish branches in Chicago, Illinois, and Houston, Texas. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 3, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35091 Filed 11-10-80; 8:45 am]

BILLING CODE 6210-01-M

Bank Shares, Inc.; Formation of Bank Holding Company

Bank Shares, Inc., Lake Havasu City, Arizona, 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 32.59 percent of the voting shares of The State Bank, Lake Havasu City, Arizona. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 3, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35092 Filed 11-10-80; 8:45 am]

BILLING CODE 6210-01-M

Blythedale Bancshares, Inc.; Formation of Bank Holding Company

Blythedale Bancshares, Inc., Blythedale, Missouri, has applied for the Board's approval under section 3(a)(1) of

the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citizens Bank, Blythedale, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 3, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35093 Filed 10-10-80; 8:45 am]

BILLING CODE 6210-01-M

Lawrence County Bancshares, Inc.; Formation of Bank Holding Company

Lawrence County Bancshares, Inc., Lawrenceburg, 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 The Lawrence County Bank, Lawrenceburg, 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 November 28, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-35094 Filed 11-10-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Mental Health 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 December 1980.

National Advisory Mental Health Council

December 1–2; 9:30 a.m.—Open.
Conference Rooms G and H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.
Contact: Mrs. Ruth Gorin, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333.
Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.
Agenda: The entire meeting will be devoted to discussion of NIMH policy issues and will be open to the public. Discussions will include current adminstrative, legislative, and program developments.
Substantive information may be obtained from the contact person listed above. Attendance by the public will be limited to space available. The NIMH Committee Management Office will furnish upon request summaries of the meeting and a roster of Council members. Contact Ms. Val Dowdy, Room 9–95, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4333.

Dated: November 5, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Adminstration.

[FR Doc. 80-35088 Filed 11-10-80; 8:45 am]

BILLING CODE 4110-88-M

Office of Human Development Services

White House Conference on Aging, National Advisory Committee; Meeting

The 1981 White House Conference on Aging National Advisory Committee was established by the Department of Health and Human Services to provide advice and recommendations to the Secretary of HHS and to the Executive Director of the 1981 White House Conference on Aging in the planning, conducting, and reviewing of the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee, (Public Law 92–463, 5 U.S.C. App. 1, sec. 10, 1976) that the Full National Advisory Committee will hold a meeting on November 19 and 20, 1980. The meeting on November 19th will convene at 1:30 to 5:00 p.m. in the Lister Hill National Center for Biomedical Communications Auditorium, National Library of Medicine, National Institute of Health, Bethesda, Maryland. On November 20, 1980 the committee will convene from 9:30 a.m. until 12 noon at the above location.

At the meeting the committee will receive an update of Conference activities and progress reports from the subcommittees of the 1981 White House Conference on Aging.

Further information on the National Advisory Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245–1914. National Advisory Committee meetings are open for public observation. This notice has been delayed due to the difficulty in obtaining Federal meeting space.

Dated: November 6, 1980.

Mamie Welborne,

Committee Management Officer.

[FR Doc. 80-35115 Filed 11-10-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging, Technical Committee Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference. Notice is hereby given pursuant to the Federal Advisory Committee Act, (Public Law 92–463, 5 U.S.C. App. 1, sec. 10, 1976) that the Technical Committee on the Social and Health Aspects of Long Term Care will hold a meeting on December 7 and 8, 1980. The meeting on December 7, 1980 will be held from 11:00 a.m. to 5 p.m., the meeting on December 8, 1980 will be held from 9:00 a.m. to 4:00 p.m., in

Rooms 525A and 529A in the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

The purpose of the meeting is to discuss key issues of the technical committee report based on a draft staff discussion on themes and issues that frame the national debate on long term care.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, SW., Washington, D.C. 20201, telephone [202] 245–1914. Technical Committee meetings are open for public observation.

Dated: November 6, 1980.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 80–35116 Filed 11–10–80; 8:45 am]

BILLING CODE 4110–92–M

White House Conference on Aging, Technical Committee Meeting; Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Public Law 92–463, 5 U.S.C. App. 1, sec. 10, 1976) that the Techncial Committee on Health Maintenance and Health Promotion will hold their meeting on December 8 and 9, 1980 from 9:30 to 5:30 p.m. (each day) in Rooms 337A and 339A of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. The purpose of this meeting is to review the first draft of the Technical Committee's final report on Health Maintenance and Health Promotion.

Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245–1914. Technical Committee meetings are open for public observation.

Dated: November 6, 1980.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 80–35117 Filed 11–10–80; 8:45 am]

BILLING CODE 4110–92–M

Public Health Service

National Center for Health Care Technology; Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is beginning a scientific evaluation of the clincial safety and effectiveness of B-scan ultrasound for the diagnosis of peripheral vascular disease. Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing on or before January 12, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written materials should be submitted to: National Center for Health Care Technology, Room 17A–29, Parklawn, Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Stephen P. Heyse, M.D., M.P.H., Health Science Analyst, National Center for Health Care Technology, Room 17A–29, Parklawn Building, Rockville, Maryland 20857, (301) 443–4990.

Dated: November 5, 1980.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80–35090 Filed 11–10–80; 8:45 am]

BILLING CODE 4110–85–M

National Center for Health Care Technology; Scientific Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is beginning a scientific evaluation of the clinical safety and effectiveness of stereotaxic depth electrode implantation for localization of the epileptic focus prior to surgical ablation of cerebral tissue for the management of drug resistant partial cerebral seizures. Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing on or before January 12, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: National Center for Health Care Technology, Room 17A–29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Stephen P. Heyse, M.D., M.P.H., Health Science Analyst, National Center for Health Care Technology, Room 17A–29, Parklawn Building, Rockville, Maryland 20857, (301) 443–4990.

Dated: November 5, 1980.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 80–35089 Filed 11–10–80; 8:45 am]

BILLING CODE 4110–84–M

Health Resources Administration

Application Announcement for Grants for Predoctoral Training in Family Medicine

The Bureau of Health Professions, Health Resources Administration, announces that applications for fiscal year 1981, Grants for Predoctoral Training in Family Medicine are now being accepted under the authority of section 786(a) of the Public Health Service Act.

Section 786(a) of the Public Health Service Act authorizes the award of grants to assist in meeting the cost of planning, developing, and operating or participating in approved predoctoral training programs in the field of family medicine. Section 786(a) also provides financial assistance to trainees participating in predoctoral training programs who are in need of financial assistance and who plan to work in the practice of family medicine.

To receive support, programs must meet the requirements of the Final Regulations, published in the **Federal Register** on October 16, 1980, Vol. 45, No. 202. Eligible applicants are accredited public or nonprofit private schools of medicine or osteopathic medicine.

This program is listed at 13.896 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in

the Office of Management and Budget Circular No. A–95.

In the funding of approved applications, preference will be given to projects in which:

1. Substantial training experience is in settings which exemplify interdependent utilization of physicians and physician assistants and/or nurse practitioners; and/or

2. Substantial portions of a project are conducted in a primary medical care manpower shortage area(s) designated under section 332 of the PHS Act, or in an Area Health Education Center funded, at least in part, under section 781 of the Act.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer (D–15), Bureau of Health Professions, Health Resources Administration, Center Building, Room 4–27, 3700 East West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436–6564.

Should additional programmatic information be required, please contact:

Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions, Health Resources Administration, Center Building, Room 3–30, 3700 East West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436–7350.

The deadline date for receipt of applications is November 21, 1980.

Approximately $6 million is expected to be available in fiscal year 1981 for competitive awards.

Dated: November 6, 1980.

Karen Davis,

Administrator.

[FR Doc. 80–35148 Filed 11–10–80; 8:45 am]

BILLING CODE 4110–83–M

Application Announcement for Grants for Physician Assistant Training Programs

The Bureau of Health Professions, Health Resources Administration, announces that applications for fiscal year 1981, Grants for Physician Assistant Training Programs are now being accepted under the authority of section 783(a)(1) of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976 (Pub. L. 94–484).

Section 783 authorizes the award of grants to accredited schools of medicine or osteopathy and other public or nonprofit private entities, whose principal functions include health and/or education, to assist in meeting the cost of planning, developing and operating or maintenance programs for the training of physician assistants as defined under section 701(7) of the Public Health Service Act. In addition, grants may include costs of preparing faculty members to teach in programs for the training of physician assistants. To receive support, programs must meet the requirements of sections 701(7) and 783(a)(1) of the Act and Final Regulations implementing these sections published in the **Federal Register** on June 21, 1979, Vol. 44, No. 121 and technical amendment dated June 19, 1980.

Funding preference will be accorded approved applications with projects in which:

1. A program is conducted for training physician assistants to provide primary care patient services under the supervision of a doctor of medicine or osteopathy; and/or

2. Substantial training experience is provided in a health manpower shortage area(s), as defined in section 332 of the PHS Act, or in an area health education center funded, at least in part, under section 781 of the Act; and/or

3. A program is established in a State which does not have such a program; and/or

4. A program is conducted in conjunction with primary care physician education in a manner which shares educational resources, and encourages the utilization of physician assistants by physicians.

This program is listed at 13.886 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A–95.

Approximately $1.2 million is expected to be available in fiscal year 1981 for competitive awards.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer (D–21), Bureau of Health Professions, Health Resources Administration, Center Building, Room 4–27, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436–6098.

Should additional Programmatic information be required, please contact:

Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions, Health Resources Administration, Center Building, Room 4–50, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436–7350.

To be considered for fiscal year 1981 funding, applications must be received by the Grants Management Officer, Bureau of Health Professions, Health Resources Administration, at the above address no later than December 8, 1980.

Dated: November 6, 1980.

Karen Davis,

Administrator.

[FR Doc. 80–35149 Filed 11–10–80; 8:45 am]

BILLING CODE 4110–83–M

Application Announcement for Grants for Expanded Function Dental Auxiliary Training

The Bureau of Health Professions, Health Resources Administration, announces that applications for fiscal; year 1981, Grants for Expanded Function Dental Auxiliary (EFDA) Training are now being accepted under the authority of sections 783(a)(2) and 701(8) of the Public Health Service Act, Title VII, Parts A and F.

Section 783(a)(2) authorizes the Secretary to make grants to public and nonprofit private schools of dentistry or other public or nonprofit private entities which have programs for the training of dental auxiliaries, to meet the costs of projects to plan, develop and operate or maintain programs for the educational preparation of these auxiliaries to be efficient members of the dental health care team who, under supervision of the dentist, can perform legally delegated functions to increase the profession's potential to provide high quality dental care to more people.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer (D–29), Bureau of Health Professions, Health Resources Administration, Center Building, Room 4–27, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436–6058.

Should additional programmatic information be required, please contact:

Professional Education Branch, Division of Dentistry, Bureau of Health Professions, Health Resources Administration, Center Building, Room 1–20, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436–6514.

The dealine date for receipt of applications is November 28, 1980.

Approximately $1.3 million is expected to be available in fiscal year 1981 for competitive awards.

This program is listed at 13.889 in the Catalog of Federal Domestic Assistance. Applications submitted in response to

this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A–95.

Dated: November 6, 1980.

Karen Davis,

Administrator.

[FR Doc. 80-35150 Filed 11-10-80; 8:45 am]

BILLING CODE 4110-83-M

Application Announcement for Grants for Residency Training in the General Practice of Dentistry

The Bureau of Health Professions, Health Resources Administration, announces that applications for fiscal year 1981, Grants for Residency Training in the General Practice of Dentistry are now being accepted under the authority of section 786(b) of the Public Health Service Act.

Section 786(b) of the Public Health Service Act authorizes the Secretary to make grants to any public or nonprofit private school of dentistry or accredited postgraduate dental training institution (e.g., hospitals and medical centers) "to plan, develop and operate an approved residency program in the general practice of dentistry" and "to provide financial assistance to residents in such a program who are in need of financial assistance and who plan to specialize in the practice of general dentisty."

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer (D–30), Bureau of Health Professions, Health Resources Administration, Center Building, Room 4–27, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436–6058.

Should additional programmatic information be required, please contact:

Professional Education Branch, Division of Dentistry, Bureau of Health Professions, Health Resources Administration, Center Building, Room 1–20, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436–6514.

To be considerd for fiscal year 1981 funding, completed applications must be submitted and postmarked no later than December 12, 1980.

Approximately $2.8 million is expected to be available in fiscal year 1981 for competitive awards.

This program is listed at 13.897 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A–95.

Dated: November 6, 1980.

Karen Davis,

Administrator.

[FR Doc. 80-35147 Filed 11-10-80; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Intensive Wilderness Inventory of Units in Southeast Oregon; Decisions in Effect and Decisions Appealed; Correction

This notice is a correction of the announcement which appeared in the Federal Register on October 2, 1980, page 65339.

Final decisions on the accelerated intensive wilderness inventory of 30 units in southeast Oregon were announced in the Federal Register on March 27, 1980, pages 20166 and 20167. A notice was published in the Federal Register on May 21, 1980, page 34075 identifying which decisions were in effect and which had been protested. On August 5, 1980, a notice was published in the Federal Register, pages 51925–51926 to explain responses to the protests and to announce a period during which appeals could be filed against the responses to the protests. This notice identifies which decisions or units previously under protest are now in effect and which are under appeal.

A. The decisions on the following units or subunits were previously under protest. No appeals were received and the decisions are now final and in effect.

Unit Identified as a Wilderness Study Area

Unit No.	Acreage
5–14	3,144
Total	3,114

Units Eliminated From Further Wilderness Review

Unit No.	Acreage
1–76	20,040
1–77	9,920
1–105	90,000
2–1	62,885
2–11	11,300
2–23A	5,910
2–26	15,045
2–74E	23,140
2–74N	10,470
3–154	6,680
Total	195,390

B. The decisions to identify the following two subunits as wilderness study areas were previously protested, the protests were denied, and the decisions are now under appeal to the Interior Board of Land Appeals.

The Interim Management Policy and Guidelines continue to apply to these areas.

Unit No.	Acreage
2–81L	67,430
2–82H	97,395
Total	164,825

C. One other wilderness inventory unit in Oregon continues under an appeal of an initial inventory decision. It is Unit 11–6 with 720 acres. The appeal on this unit was announced in the Federal Register on November 29, 1979, page 68526.

Herbert L. Haglund,

Acting State Director.

[FR Doc. 80-35095 Filed 11-10-80; 8:45 am]

BILLING CODE 4310-84-M

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 October 31, 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 November 28, 1980.

Carol Shull,

Acting Chief, Registration Branch.

ALABAMA

Jefferson County

Birmingham, *Blessed Sacrament Academy (Convent of Perpetuol Adoration)* 1525 Cotton Ave., SW.

Montgomery County

Montgomery, *McBryde-Screws-Tyson House,* 433 Mildred St.

ILLINOIS

Cook County

Brookfield, *Grossdale Station,* Prairie and Burlington Aves.

INDIANA

Allen County

Fort Wayne, *Reed, Hugh B., Block,* 526 S. Calhoun St.

Horrison County

Laconia vicinity, *Kintner-Withers House,* S of Caconia on Kintner Bottoms Rd.

Knox County

Vincennes vicinity, *Fort Knox II Site,* N of Vincennes

Morion County

Indianapolis, *Sommer, August, House,* 29 E. McCarty St.
Lawrence, *Fort Horrison Terminol Station,* Fort Harrison

KANSAS

Franklin County

Ottawa,, *Ottowa Library,* 5th and Main Sts.

Geary County

Junction City, *Bartell House,* 6th and Washington Sts.

Gove County

Grainfield, *Grainfield Opero House,* Main and 3rd Sts.

Johnson County

Olathe, *Pickering, I. O., House,* 507 W. Park St.

Marshall County

Marysville, *Koester Block Historic District,* 9th, 10th, Elm and Broadway Sts.

Morris County

Council Grove, *Formers and Drovers Bonk ond Indicator Building,* 201 and 203 W. Main St. (boundary increase)

Nemaha County

Baileyville vicinity, *St. Mary's Church,* NE of Baileyville

Riley County

Manhattan, *Anderson Holl,* Kansas State University campus
Manhattan, *Woman's Club House,* 900 Poyntz Ave.

Sedgwick County

Wichita, *Orpheum Theater ond Office Building,* 200 N. Broadway St.

Shownee County

Topeka, *Grand Opera House,* 615 Jackson St.

Wyandotte County

Kansas City, *Gates, Judge Louis, House,* 4146 Cambridge St.

KENTUCKY

Clork County

Winchester, *Winchester Downtown Commercial District,* Roughly bounded by RR tracks, KY 627, Maple and Highland Sts.

Edmonson County

Brownsville vicinity, *Ford, Williom, House,* S of Brownsville on U.S. 31W

Monroe County

Tompkinsville vicinity, *Kirkpotrick, Moses. I., House,* E of Tompkinsville on U.S. 212

Woodford County

Versailles vicinity, *Lyne, Thomos, House,* S of Versailles on Smith Lane

MAINE

Honcock County

Blue Hill, *Blue Hill Historic District,* ME 15, ME 172, ME 176 and ME 177

MARYLAND

Prince Georges County

Bowie, *Williams Ploins,* MD 3
District Heights vicinity, *Concord,* 8000 Walker Mill Rd.
Upper Marlboro vicinity, *Mattoponi, S* of Upper Marlboro at 3499 Mappaponi Rd.

MICHIGAN

Wayne County

Detroit, *Detroit Masonic Temple,* 500 Temple Ave.

MISSISSIPPI

Adams County

Natchez vicinity, *Mount Olive,* NE of Natchez.

Hinds County

Edwards vicinity, *Easter Flood Site (22–Hl–583)* W of Edwards.
Jackson, *Fountainhead,* 306 Glen Way.

Monroe County

Aberdeen vicinity, *Crawford Site (22–Mo–902)* NW of Aberdeen.
Nettleton vicinity, *Town Creek Mound ond Villoge Site (22–Mo–942)* S of Nettleton.

Noxubee County

Macon, *Goodwin-Harrison House,* 213 N. Jefferson St.

Pike County

McComb, *White-Alford House,* 845 White Blvd.

MONTANA

Gollotin County

Bozeman, *Bornett, R.T., Company Building,* 13 E. Main St.

NEBRASKA

Antelope County

Neligh, *Antelope County Courthouse,* 501–511 Main St.
Neligh, *Gates College Gymnosium (Antelope County Jail)* 509 L St.

Douglos County

Omaha, *Brandeis-Millard House,* 500 S. 38th St.
Waterloo, *Robinson, J. C., House,* 102 E. Lincoln Ave.

NEW HAMPSHIRE

Belknop County

Belmont, *Belmont Bondstand,* Mill St.

Corroll County

Madison, *Madison School, District No. 1,* NH 113

Coos County

Groveton vicinity, *Stark Covered Bridge,* E of Groveton at NH 10 and Northside Rd.

Grafton County

Lisbon, *Lisbon Inn,* Main St.
Littleton, *Lane, Edward H., House,* 16 Cottage St.

Hillsborough County

Peterborough, *All Saints' Church,* 51 Concord St.

Rockingham County

Newmarket, *Newmorket Industriol ond Commercial Historic District,* NH 108

NEW YORK

Albony County

Albany, *Knickerbocker and Arnink Garages,* 72 and 74 Hudson Ave.

NORTH CAROLINA

Forsyth County

Winston-Salem, *Reynoldo Historic District,* Reynolda Rd.

OHIO

Erie County

Sandusky, *Hotel Breakers,* Cedar Point.

Gollio County

Patriot vicinity, *Dovis Mill,* NE of Patriot on Cora Mill Rd.

Von Wert County

Van Wert, *Morsh, George H., Homestead and the Marsh Foundation School,* Ridge Rd.

OREGON

Curry County

Sixes vicinity, *Hughes, Patrick, House,* Cape Blanco State Park.

SOUTH CAROLINA

Orangeburg County

Eutawville vicinity, *St. Julien Plantation, SC 6.*

UTAH

Emery County

Castle Dale, *Christensen, Paul C., House,* Off UT 10.

Grand County

Harley Dome vicinity, *Westwater Creek (Book Cliffs) Rock Art District,* NW of Harley Dome.
Moab, *Moab L.D.S. Church,* Off U.S. 160.

Summit County

Park City, *St. Luke's Episcopal Church,* 523 Park Ave.

Utah County

Mapleton, *Bird, Roswell Darius, Sr., House,* 115 S. Main St.

VERMONT

Franklin County

St. Albans, *L'Ecole Saintes-Anges,* 247 Lake St.

Lomoille County

Johnson, *Johnson Roilrood Depot,* Railroad St.

VIRGINIA

Albemorle County

Covesville vicinity, *Edgemont,* SE of Covesville on VA 712.

Bristol (independent city)

Bristol Roilroad Stotion, State and Washington Sts.

Chorles City County

Charles City vicinity, *Upper Weyonoke,* S of Charles City on VA 619.

Nelson County

Shipman vicinity, *Soldier's Joy,* SE of Shipman on VA 626.

Northampton County

Cape Charles vicinity, *Strotton monor,* SE of Cape Charles off VA 642.

Smyth County

Marion vicinity, *Thomos, Abijoh, House,* SW of Marion on VA 657.
Seven Mile Ford vicinity, *Aspenvole Cemetery,* Off U.S. 11.

WEST VIRGINIA

Hotfield Cemeteries in Southwestern West Virignio Themotic Resources. Reference—see individual listings in Logan and Mingo counties

Cobell County

Huntington, *Ninth Street West Historic District,* 9th St., Madison and Jefferson Aves.

Greenbrier County

White Sulphur Springs vicinity, *Mountoin Home,* SW of White Sulphur Springs on U.S. 60

Hompshire County

Romney vicinity, *Sycomore Dole,* W of Romney off SR 8

Horrison County

Salem, *Solem Historic District,* WV 23

Konwho County

Charleston, *Kearse Theoter,* 161, 165 and 167 Summers St.
Charleston, *Wood, Col. Henry Hewitt, House,* 6560 Roosevelt Ave., SE

Lincoln County

Alum Creek vicinity, *Holley Hills Estote,* S of Alum Creek on Coal River Rd.

Logon County

Sarah Ann vicinity, *Hotfield Cemetery (Hotfield Cemeteries in Southwestern West Virginio Themotic Resources)* S of Sarah Ann on U.S. 119

Mercer County

Princeton, *Mercer County Courthouse,* Courthouse Sq.

Mingo County

New Town vicinity, *Hotfield Cemetery (Hotfield Cemeteries in Southewestern West Virginio Themotic Resources)* S of New Town on SR 6

Morgon County

Berkeley Springs, *Suit, Somuel Toylor, Cottoge,* WV 9

Rondolph County

Elkins, *Rondolph County Courthouse ond Joil,* Randolph Ave. and High St.

WISCONSIN

Done Country

Dane vicinity, *Dunroven House,* 7801 Dunroven Rd.
Madison, *Braley, Judge Arthur B., House,* 422 N. Henry St.
Madison, *Clorke, Boscom B., House,* 1150 Spaight St.
Madison, *Koyser, Adolph H., House,* 802 E. Gorham St.

Dodge County

Beaver Dam, *St. Mork's Episcopol Church,* 130 E. Maple St.

Monitowoc County

St. Nazianz, *Colony of St. Gregory of Nazionzen,* Off VA A and VA c

Sheboygon County

Plymouth, *Huson, Henry H., House ond Woter Tower,* 405 Collins St.

[FR Doc. 80-34739 Filed 11-10-80; 8:45 am]

BILLING CODE: 4310-03-M

INTERNATIONAL COMMUNICATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

The U.S. Advisory Commission on Public Diplomacy will meet on November 19 in Room 1008—1750 Pennsylvania Ave., NW., Washington, D.C. from 9:30 a.m. until 12:00. The topic of discussion will be Commission travel. Because space is limited, please call Miss Elizabeth Fahl, (202) 724-9243, if you are interested in attending the meeting.

Jane S. Grymes,

Monogement Anolyst, Monogement Anolysis/Regulotions Stoff, Associate Directorote for Monogement, Internotionol Communicotion Agency.

[FR Doc. 80-35075 Filed 11-10-80; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

Modification of Form QL&D-R&M Filing requirements for 1980

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: The Bureau of Accounts is announcing that carriers subject to QL&D reporting will be permitted to file an annual QL&D-R&M Form for 1980 in lieu of filing four separate quarterly reports.

ADDRESS: Submit written comments to: Mr. Bryan Brown, Jr., Chief, Section of Accounting and Reporting, Room 6113, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., Tel. (202) 275-7448.

SUPPLEMENTARY INFORMATION: Under the paperwork reduction program, the Commission's Data Task Force studied the uses made of quarterly freight loss and damage claim data by the Commission (Form QL&D-R&M). It found that the Commission had not used QL&D report data frequently in recent years, and therefore, could no longer justify the quarterly reporting burden imposed on carriers. The QL&D information was not needed for Commission regulatory purposes, but had been used for furnishing data to other government agencies and the public. More specifically, the primary use of the data was to support the claims prevention program of the Office of Transportation Security, Department of Transportation (DOT).

The Commission recently adopted a policy statement on the collection of data. With the adoption of this statement, it is now the Commission's policy to require only data needed to meet its regulatory needs. Data used primarily by other agencies will have to be collected by that agency. The Commission issued a final rule in Docket No. 37117, Elimination of Requirement to File Quarterly Report Form QL&D, on 5/22/80, eliminating the QL&D filing requirements for all carriers effective 1/1/81. DOT will become responsible for the collection of quarterly freight loss and damage claims data at that date.

In order to provide for continuity in the DOT claims prevention program, the Commisison agreed to collect QL&D data for 1980. However, because the Commission anticipated the elimination of the QL&D reporting requirements for 1980, it made no provision to print an ample supply of blank quarterly report forms. As a result, carriers have not

been provided quarterly QL&D report forms to date.

In order to prevent the imposition of an undue burden on carriers by requiring them to complete and file four separate QL&D report forms when they become available, the Commission, Accounting and Valuation Board, on 11/3/80 approved the substitution of an annual QL&D–R&M report for 1980. This single filing will have the effect of reducing the carriers reporting and Commission's processing burden for 1980 while providing continuity of data for DOT.

Dated: November 10, 1980.

Ronald S. Young,

Director.

[FR Doc. 80–35123 Filed 11–7–80; 8:45 am]

BILLING CODE 7035–01–M

[Notice No. 201]

Assignment of Hearings

November 5, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 144122 (Sub-51F), Carretta Trucking, Inc., now assigned for hearing on December 2, 1980 (1 day) at New York, NY in a hearing room to be later designated.

MC 148793 (Sub-3F), M & L Messenger Service, Inc., now assigned for hearing on December 3, 1980 (3 days) at New York, NY in a hearing room to be later designated.

MC 135419 (Sub-1F), Container Carrier Corporation, now assigned for hearing on December 2, 1980 (7 days) at New Orleans, LA in a hearing room to be later designated.

MC 71902 (Sub-72F & 75F), United Transports, Inc., now assigned for hearing on December 4, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 141532 (Sub-81F), Pacific States Transport, Inc., now assigned for hearing on December 5, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 135518 (Sub-20F), Western Carriers, Inc., is transferred to Modified Procedure.

MC 136285 (Sub-3M2F), Southern Intermodal Logistics, Inc., now assigned for hearing on October 14, 1980 at Savannah, GA is transferred to Modified Procedure.

MC 100666 (Sub-463F), Melton Truck Lines, Inc., No. MC–114552 (Sub-225F), Senn Trucking Company, now assigned for hearing on October 14, 1980 at Nashville, TN is transferred to Modified Procedure.

MC 114569 (Sub-305F), Shaffer Trucking, Inc., now assigned for hearing on November 13, 1980 at Washington, DC, is transferred to Modified Procedure.

MC 113974 (Sub-69F), Pittsburgh & New England Trucking Co., now assigned for Prehearing Conference on November 24, 1980 at Washington, DC, is transferred to Modified Procedure.

MC 109533 (Sub-119F), Overnite Transportation Company, now assigned for hearing on December 15, 1980 at Indianapolis, IN is transferred to Modified Procedure.

MC 147281 (Sub-2F), Robert G. Willment And Edward J. Blyzwick, Jr. DBA Keystone Air Freight Expediting, now assigned for hearing on November 3, 1980 at Pittsburgh, PA is transferred to Modified Procedure.

MC 61592 (Sub-475F), Jenkins Truck Line, Inc., now assigned for hearing on November 4, 1980 at Chicago, IL is transferred to Modified Procedure.

MC 106674 (Sub-402F), Schilli Motor Lines, Inc., now assigned for hearing on October 28, 1980 at Chicago, IL is canceled and application is dismissed.

MC 119702 (Sub-69F), Stahly Cartage Co., now assigned for hearing on January 6, 1981 (2 days) at St. Louis, MO in a hearing room to be later designated.

MC 104149 (Sub-206 M1F), Osborne Truck Line, Inc., now assigned for hearing on January 8, 1981 (2 days) at St. Louis, MO in a hearing room to be later designated.

MC 67234 (Sub-23F), United Van Lines, Inc. now assigned for hearing on January 12, 1981 (1 week) at St. Louis, MO in a hearing room to be later designated.

MC 105733 (Sub-72F), H. R. Ritter Trucking Co., Inc., is transferred to Modified Procedure.

MC 143662 (Sub-3F), Gene Voigt Trucking, Inc., now assigned for hearing on December 3, 1980 (3 days) at Madison, WI in a hearing room to be later designated.

MC 127651 (Sub-53F), Everett G. Roehl, Inc., now assigned for hearing on October 27, 1980 at Chicago, IL is transferred to Modified Procedure.

MC 121254 (Sub-2F), O'Leary Transportation Co., Inc., is transferred to Modified Procedure.

MC 142207 (Sub-27F), Branna Systems, Inc., now assigned for hearing on November 3, 1980 (5 days) at Mobile, AL, at the Ramada Inn, 600 Beltline Highway South.

MC 144682 (Sub-28F), R. R. Stanley, now assigned for hearing on October 30, 1980 at Fort Worth, TX is transferred to Modified Procedure.

MC 146734 (Sub-1F), Breiten Trucking Company, A Division of Fred J. Breiten, now assigned for hearing on November 13, 1980 (2 days) at Chicago, IL, in Room No. 1221, Everette McKinley Dirksen Building, 219 South Dearborn Street on November 13, 1980 and on November 14, 1980 in Room 280, Everette McKinley Dirksen Building, 219 South Dearborn Street.

MC 141108 (Sub-8F), D & C Express, Inc., now assigned for hearing on November 17, 1980 (2 days) at Chicago, IL, on November 17, 1980 in Room 280, Everette McKinley Dirksen Building, 219 South Dearborn Street on November 18, 1980 in Room 1221, Everette McKinley Dirksen Building, 219 South Dearborn Street.

MC 146874 (Sub-2F), Palwood Transportation, Inc., now assigned for hearing on November 19, 1980 (3 days) at Chicago, IL, in Room 1221, Everette McKinley Dirksen Building, 219 South Dearborn Street on November 19–21, 1980 in Room 280, Everette McKinley Dirksen Building, 219 South Dearborn Street.

MC 144682 (Sub-21F), R. R. Stanley, application is dismissed.

MC 147323 (Sub-10F), Haddad Transportation, Inc., application is dismissed.

MC 146892 (Sub-11F), R & L Transfer, Inc., now assigned for hearing on January 6, 1981 (9 days) at Cincinnati, OH in a hearing room to be later designated.

MC 147408 (Sub-2F), Isadore Hall DBA I. Hall Charter Service, now assigned for hearing on October 27, 1980 (1 week) at Baltimore, MD is transferred to Modified Procedure.

AB–2 (Sub-29F), Louisville and Nashville Railroad Company—Abandonment Between Bruceton and Rose Hill, TN, AB–2 (Sub-30F), Louisville and Nashville Railroad Company—Abandonment Between Dresden and Union City, TN, AB–2 (Sub-31F), Louisville and Nashville, Railroad Company—Abandonment Between Paducah and Murray, KY, AB–43 (Sub-68F), Illinois Central Gulf Railroad Company—Abandonment Between Fordsville & Owensboro, KY, AB–43 (Sub-69F), Illinois Central Railroad Company—Abandonment Between Hopkinsville, KY and Nashville, TN, FD–29362, Illinois Central Gulf Railroad Company—Exemption of Acquisitions, FD–29381, Louisville & Nashville Railroad Co.—Acqusition and Trackage Rights, FD–29382, Tenmet, Inc. and Nashville and Ashland City Railroad Company—Acquisition and Operation, FD–29413F, Louisville & Nashville R. Co.—Acquisition and Trackage Rights-Exemption, MC 86779, Illinois Central Gulf Railroad Company, now assigned for continued on November 17, 1980 at Paducah, KY on November 18, 1980 at Lexington, TN, on November 19, 1980 at Nashville, TN, in a hearing room to be later designated.

MC 135524 (Sub-109F), G. F. Trucking Co., now assigned for Prehearing Conference on November 3, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107012 (Sub-499F), North American Van Lines, Inc., now assigned for Prehearing Conference on November 21, 1980 at Washington, D.C., is canceled and application is dismissed.

MC 147833 (Sub-1F), Flash Transportation & Leasing Company, Inc., now assigned for hearing on November 13, 1980 (2 days) at Buffalo, NY, will be held at the Grover Cleveland Room, Buffalo Statler Hilton, 107 Delaware Avenue.

AB–2 (Sub-29F), Louisville and Nashville Railroad Company—Abandonment Between Bruceton and Rose Hill, TN, AB–2

(Sub-30F), Louisville and Nashville Railroad Company—Abandonment Between Dresden and Union City, TN, AB–2 (Sub-31F), Louisville and Nashville, Railroad Company—Abandonment Between Paducah and Murray, KY, AB–43 (Sub-68F), Illinois Central Gulf Railroad Company—Abandonment Between Fordsville & Owensboro, KY, AB–43 (Sub-69F), Illinois Central Railroad Company—Abandonment Between Elizabeth, KY, AB–43 (Sub-70F), Illinois Central Gulf Company—Abandonment Between Hopkinsville, KY and Nashville, TN, FD–29362, Illinois Central Gulf Railroad Company-Exemption of Acquisitions, FD–29381, Louisville & Nashville Railroad Co.—Acquisition and Trackage Rights, FD–29382, Tenmet, Inc. and Nashville and Ashland City Railroad Company—Acquisition and Operation, FD–29413F, Louisville & Nashville R. Co.—Acquisition and Trackage Rights-Exemption, MC 86779, Illinois Central Gulf Railroad Company, MC 86779 (Sub-33F), Illinois Central Gulf Railroad Company, now assigned for hearing on October 20, 1980 at Nashville, TN in Room 405, 6th Circuit Court, Metropolitan Court House, Public Square.

MC 37472, American Tree and Wreath Company, et al Louisville & Nashville Railroad Company, now assigned for hearing on November 5, 1980 at Lexington, KY, in Rhy. Court Room No. 405, State Courthouse, 215 West Main Street.

AB–43 (Sub-62F), Illinois Central Gulf Railroad Company—Abandonment—Between Bemis, TN, And Coffeeville, MS, now assigned for hearing on November 12, 1980 (3 days) at Bolivar, TN is postponed to February 18, 1981 (3 days) at Bolivar, TN and on November 17, 1980 (5 days) at Oxford, MS, is postponed to February 23, 1981 (5 days) at Oxford, MS in a hearing room to be later designed.

MC 134755 (Sub-212F), Charter Express, Inc., now assigned for hearing on January 12, 1981 (1 day) at Chicago, IL, in a hearing room to be later designated.

MC 147422F, Jeffrey M. Kornacker, D/B/A K Transport Co., now assigned for hearing on January 13, 1981 (4 days) at Chicago, IL in a hearing room to be later designated.

MC 118838 (Sub-57F), Gabor Trucking, Inc., now assigned for hearing on January 20, 1981 (9 days) at Seattle, WA in a hearing room to be later designated.

MC 138875 (Sub-255F), Shoemaker Trucking Company, now assigned for hearing on January 6, 1981 (2 days) at Boise, ID in a hearing room to be later designated.

MC 118318 (Sub-44F), Ida-Cal Freight Lines, Inc., now assigned for hearing on January 8, 1981 (2 days) at Boise, ID in a hearing room to be later designated.

MC 142941 (Sub-35F), Scarborough Truck Lines, Inc., now assigned for hearing on January 12, 1981 (1 day) at Salt Lake City, UT in a hearing room to be later designated.

MC 143739 (Sub-34F), Shurson Trucking Co., Inc., now assigned for hearing on January 13, 1981 (1 day) at Salt Lake City, UT in a hearing room to be later designated.

MC 112989 (Sub-127F), West Coast Truck Lines, Inc., now assigned for hearing on January 14, 1981 (1 day) at Salt Lake City, UT in a hearing room to be later designated.

MC 139171 (Sub-4F), Controlled Delivery Service, Inc., now assigned for hearing on January 15, 1981 (2 days) at Salt Lake City, UT in a hearing room to be later designated.

MC 135524 (Sub-109F), G. F. Trucking Co., now assigned for Prehearing Conference on November 3, 1980 at Washington, D.C., is transferred to Modified Procedure.

MC 109708 (Sub-101F), Indian River Transport Company, now assigned for hearing on December 1, 1980 at Indianapolis, IN is canceled and application is dismissed.

MC 107478 (Sub-66F), Old Dominion Freight Line, Inc., now assigned for Prehearing Conference on November 21, 1980 at Washington, D.C., is canceled and application dismissed.

MC 67234 (Sub-23F), United Van Lines, Inc., now assigned for hearing on January 12, 1981 at St. Louis, MO is canceled and application is dismissed.

MC 102567 (Sub-226F), McNair Transport, Inc., is dismissed.

AB–43 (Sub-38), Illinois Central Gulf Railroad Company Abandonment near Rosedale and Greenville, in Washington, and Bolivar Counties, Mississippi, now assigned for hearing on December 2, 1980 (9 days) at Rosedale, MS in the Court Room, Bolivar County Court, Highway One.

MC 123048 (Sub-472F), Diamond Transportation System, Inc., now assigned for hearing on November 14, 1980 at Columbus, OH is transferred to Modified Procedure.

MC 112989 (Sub-116F), West Coast Truck Lines, Inc., is transferred to Modified Procedure.

MC 71652 (Sub-42F), Byrne Trucking, Inc., is transferred to Modified Procedure.

MC 111231 (Sub-277F), Jones Truck Line, Inc., now assigned for hearing on November 4, 1980 (9 days) at Houston, TX at the Downtown Holiday Inn, 801 Calhoun at Travis.

MC 2900 (Sub-425F), Ryder Truck Lines, Lnc., now being assigned for hearing on December 10, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 20992 (Sub-62F), Dotestch Truck Line, Inc., now being assigned for hearing on December 9, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 125433 (Sub-423F), F–B Truck Line Company, now being assigned for hearing on December 11, 1980 at the Offices of the Interstate Commerçe Commission, Washington, D.C.

MC 138308 (Sub-109F), Kim, Inc., now being assigned for hearing on December 11, 1980 at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 35628 (Sub-410F), Interstate Motor Freight System, now being assigned for hearing on December 9, 1980 (9 days) at Albany, NY location of hearing room will be designated later.

MC 123389 (Sub-48F), Crouse, Cartage Company, now being assigned for hearing on January 15, 1981 (2 days) at Omaha, NE location of hearing room will be designated later.

MC 114211 (Sub-410F), Warren Transport, Inc., now assigned for hearing on January 19, 1981 (1 week) at St. Louis, MO location of hearing room will be designated later .

MC 134755 (Sub-212F), Charter Express, Inc., now assigned for hearing on January 12, 1981 at Chicago, IL is transferred to Modified Procedure.

MC 135524 (Sub-44F), G. F. Trucking Company, now being assigned for hearing on December 9, 1980 at Chicago, IL is transferred to Modified Procedure.

MC 52861 (Sub-73F), Willis Trucking, Inc., is transferred to Modified Procedure.

MC 136008 (Sub-114F), Joe Brown Company, Inc., now assigned for hearing on January 22, 1981 (2 days) at Oklahoma City, OK in a hearing room to be later designated.

MC 148648F, Great Plain Transports, Inc., now assigned for hearing on January 26, 1981 (5 days) at Oklahoma City, OK in a hearing room to be later designated.

MC 29079 (Sub-147F), Brada Miller Freight System, Inc., now assigned for hearing on October 29, 1980 at Washington, D.C., is transferred to Modified Procedure.

MC 108937 (Sub-64F), Murphy Motor Freight Lines, Inc., now assigned for hearing on January 6, 1981 at Chicago, IL is transferred to Modified Procedure.

MC 115841 (Sub-709F), Colonial Refrigerated Transportation, Inc., now assigned for hearing on December 9, 1980 at Seattle, WA is canceled and application dismissed.

MC 146892 (Sub-11F), R & L Transfer, Inc., now assigned for hearing on January 6, 1981 at Cincinnati, OH is canceled and application dismissed.

FD 28692, Petition of The Pittsburgh And Lake Erie Railroad Company To Discontinue Trains Nos. 260 and 261 Between Pittsburgh, Pennsylvania, and College, Pennsylvania, now assigned for hearing on January 8, 1981 (2 days) at Pittsburgh, PA in a hearing room to be later designated.

MC 124988 (Sub-14F), Truck Service Company, now assigned for hearing on December 10, 1980 (3 days) at Springfield, MO in a hearing room to be later designated.

MC 114334 (Sub-57F), Builders Transportation Co., A Corp., now assigned for hearing on December 15, 1980 (2 days) at St. Louis, MO in a hearing room to be later designated.

MC 69402 (Sub-3F), Bee Line Trucking Company, Inc., now assigned for hearing on December 17, 1980 (3 days) at St. Louis in a hearing room to be later designated.

MC 149458F, Frank Sherman, D/B/A/ Carter Tours and Dockside Travel Agency, now assigned for hearing on December 16, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 144622 (Sub-178F), Glenn Brothers Trucking, Inc., now assigned for hearing on January 21, 1981 (1 day) at Little Rock, AR in a hearing room to be later designated.

MC 56679 (Sub-164F), Brown Transport Corp., now assigned for hearing on January 22, 1981 (1 day) at Memphis, TN in a hearing room to be later designated.

MC 142743 (Sub-13F), Fast Freight Systems, Inc., now assigned for hearing on January

23, 1981 (1 day) at Memphis, TN in a hearing room to be later designated.
MC 730 (Sub-507F), Pacific Intermountain Express Co., now assigned for hearing on January 26, 1981 (1 day) at New Orleans, LA in a hearing room to be later designated.
MC 148078 (Sub-1F), Beau Parrish Express Co., Inc., now assigned for hearing on January 27, 1981 (3 days) at Baton Rouge, LA in a hearing room to be later designated.
MC 119774 (Sub-109F), Eagel Trucking Company, now assigned for hearing on December 4, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 136818 (Sub-82F), Sweet Transportation Company, Inc., now assigned for hearing on January 14, 1981 (3 days) at Phoenix, AZ in a hearing room to be later designated.
MC 144606 (Sub-9F), Duncan Sales & Leasing Co., Inc, now assigned for hearing on January 19, 1981 (1 week) at Phoenix, AZ in a hearing room to be later designated.
MC 139482 (Sub-122F), New Ulm Freight Lines, Inc., now assigned for hearing on January 5, 1981 (1 day) at St. Paul, MN in a hearing room to be later designated.
MC 108223 (Sub-31F), Century-Mercury Motor Freight, now assigned for hearing on January 6, 1981 (4 days) at St. Paul, MN in a hearing room to be later designated.
MC 146962F, Mulder Trucking Company, now assigned for hearing on January 14, 1981 (3 days) at Minneapolis, MN in a hearing room to be later designated.
MC 133689 (Sub-322F), Overland Express, Inc., now assigned for hearing on January 19, 1981 (1 week) at St. Paul, MN in a hearing room to be later designated.
MC 133689 (Sub-322F), Overland Express, Inc. now assigned for hearing on January 18, 1981 (1 week) at St. Paul, MN in a hearing room to be later designated.
MC C-10637, Overland Motor Express, Inc. DBA Boulder-Devner Truck Line, Inc., — V— Arkansas-Best Freight System, Inc., now assigned for hearing on January 15, 1981 (2 days) at Denver, CO in a hearing room to be later designated.
MC 99234 (Sub-19F) Westway Motor Freight. Inc., now assigned for hearing on January 19, 1982 (1 week) at Denver, CO in a hearing room to be later designated.
MC 60014 (Sub-167F), AERO TRUCKING, INC., now being assigned for hearing on December 4, 1980, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 108473 (Sub-52F), St. Johnsbury Trucking Company, Inc. now being assigned for prehearing conference on December 8, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 144713 (Sub-9F), Haulmark Transfer, Inc., now being assigned for hearing on December 9, 1980 at the Office of the Interstate Commerce Commission. Washington, D.C.
MC 92692 (Sub-7F), Freeport Fast Freight, Inc., now being assigned for hearing on December 4, 1980 (2 days) at Chicago, IL location of hearing room will be designated later.
MC 72997 (Sub-27F), Liberty Trucking Company, now being assigned for hearing on December 8, 1980 (5 days) at Chicago, IL location of hearing room will be designated later.
MC 118516 (Sub-4F), Mammoth of Alaska, Inc., now being assigned for hearing on November 4, 1980 at Anchorage, AK is cancelled and reassigned for hearing on November 4, 1980 (1 day) at 9:30 a.m. local time at Fairbanks, AK at the State Court Building, 604 Barnett, Grand Jury Room, and continued to November 5, 1980 (3 days) at the State Court Building, 604 Barnett, Court Room E.
MC 70151 (Sub-56F), United Trucking Service, Inc., now being assigned for hearing on December 2, 1980 (9 days) at Detroit, MI . location of hearing room will be designated later.
MC 14552 (Sub-69F), McNicholas Transportation Co., is transferred to Modified Procedure.
MC 144858 (Sub-9F), Denver, Southwest Express, Inc., is transferred to Modified Procedure.
MC 107 (Sub-11F), Boro Bussess Company, is transferred to Modified Procedure.
MC 1824 (Sub-105F), Preston Trucking Company, Inc., is transferred to Modified Procedure.
MC 100666 (Sub-463F), Melton Truck Lines, Inc., is transferred to Modified Procedure.
MC 144713 (Sub-9F), Haulmark Transfer, Inc., is transferred to Modified Procedure.
MC 91568 (Sub-3F), Phil Wagner Truck Service, Inc., is transferred to Modified Procedure.
MC 111231 (Sub-277F), Jones Truck Lines, Inc., now being assigned for hearing on November 4, 1980 (9 days), at Houston, TX in Room No. 225, Coast Guard Appraisal Building, 7300 Wingate.
MC 147470F, Ray Cobb Transportation Company, now being assigned for hearing on January 13, 1981 (4 days) at San Francisco, CA, Suite 500, 211 Main Street.
MC 37507, Rates on Iron Ore, Randville To Escanaba Via Iron Mountain, No. 37516, The Hanna Mining Company v. Chicago and North Western Transportation Company, et al., now being assigned for prehearing conference on November 5, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 2860 (Sub-191F), National Freight, Inc., now being assigned for hearing on October 15, 1980 at Washington, D.C. is postponed indefinitely.
MC 115311 (Sub-396F), J & M Transportation Co., Inc., now being assigned for prehearing conference on December 2, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 124211 (Sub-378F), Hilt Truck Lines, Inc., now being assigned for prehearing conference on December 3, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 139112 (Sub-21F), Calex Express, Inc., now being assigned for prehearing conference on December 3, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 119991 (Sub-26F), Young Transport, Inc., now being assigned for prehearing conference on November 18, 1980 at the Offices of the Interstate Commerce Commission, at Washington, D.C.
MC 102567 (Sub-226F), McNair Transport, Inc., now assigned for hearing on October 21, 1980 at Houston, TX is postponed indefinitely.
MC 106398 (Sub-1073F), National Trailer Convoy, Inc., now being assigned for hearing on January 7, 1981 (3 days) at Denver, CO location of hearing room will be designated later.
MC 148752 (Sub-2F), H & H Services, Inc., now being assigned for hearing on January 12, 1981 (1 week) at Casper, WY location of hearing room will be designated later.
FD 29413F, Louisville & Nashville R. Co.—Acquisition and Trackage Rights—Exemption, FD 29382, Tenmet, Inc. and Nashville and Ashland City Railroad Company—Acquisition and Operation, FD 29381, Louisville & Nashville Railroad Co.—Acquistion and Trackage Rights, FD 29362, Illinois Central Gulf Railroad Company—Exemption of Acquisitions, AB 43 (Sub-70F) Illinois Central Gulf Company—Abandonment Between Hopkinsville, KY and Nashville, TN, AB 43 (Sub-69F), Illinois Central Railroad Company—Abandonment Between Elizabeth, KY, 43 (Sub-68F), Illinois Central Gulf Railroad Company—Abandonment Between Fordsville & Owensboror, KY, AB 2 (Sub-31F), Louisville and Nashville, Railroad Company—Abandonment between Paducah and Murray, AB 2 (Sub-30F), Louisville and Nashville Railroad Company—Abandonment between Dresden and Union City, TN, and AB 2 (Sub-29F), Louisville and Nashville Railroad Company—Abandonment between Bruceton and Rose Hill, TN, now assigned for hearing on November 17, 1980 (1 day) at Paducah, KY at the McCracken County Courthouse, Basement Assembly Room, 6th and Washington, and continued to November 18, 1980 (1 day) at Lexington, TN at the Henderson County Courthouse, Court Square, Main Street, and continued to November 19, 1980 (3 days) at Courtroom 874, United States Courthouse, 801 Broadway, Nashville, TN.
FD 29254, Somerset Railroad Corporation Construction and Operation—of a Line of Railroad in Niagara, County, NY, now assigned for continued hearing on November 10, 1980 (5 days) at Lockport, NY in a hearing room to be later designated.
MC 134289 (Sub-7F), Caldwell Truck Rentals, Inc., now assigned for hearing on November 13, 1980 (2 days) at Charlotte, NC in Room No. 215, U.S. Post Office & Court House, 401 WestTrade Street.
MC 147432F, Marine Transit, Inc., now assigned for hearing on November 17, 1980 at Room No. 1217, New Strom Thurmond Federal Building, 1835 Assembly Street.
MC 133689 (Sub-269F), Overland Express, Inc., now being assigned for hearing on January 20, 1981 (9 days) at St. Paul, MN location of hearing room will be designated later.
MC 106398 (Sub-1011), National Trailer Convoy, Inc., now being assigned for hearing on January 5, 1981 (2 days) at Phoenix, AZ location of hearing room will be designated later.
MC 117786 (Sub-81F), Riley Whittle, Inc., now being assigned for hearing on January 7,

1981 (4 days) at Phoenix, AZ location of hearing room will be designated later.

MC 145579 (Sub-8F), D. Irvin Transport, now being assigned for hearing on January 7, 1981 (3 days) at Seattle, WA location of hearing room will be designated later.

MC 11722 (Sub-62F), Brader Hauling Service, Inc., now being assigned for hearing on January 12, 1981 (2 days) at Seattle, WA location of hearing room will be designated later.

MC 63562 (Sub-68F), BN Transport, Inc., now being assigned for hearing on January 14, 1981 (3 days) at Seattle, WA location of hearing room will be designated later.

MC 148629F, Parkhill Pipe Services Company, is transferred to Modified Procedure.

MC 119789 (Sub-700F), Caravan Refrigerated Cargo, Inc., now being assigned for hearing on December 11, 1980 (1 day) at Ft. Worth, TX location of hearing room will be designated later.

MC 133591 (Sub-101F), Wayne Daniel Truck, Inc., now being assigned for hearing on December 12, 1980 (1 day) at Ft. Worth, TX location of hearing room will be designated later.

MC C-10770, State of Texas v. Mistletoe Express Service, now being assigned for hearing on December 15, 1980 (3 days) at Ft. Worth, TX location of hearing room will be designated later.

MC 138882 (Sub-370F), Wiley Sanders Truck Lines, Inc., now being assigned for hearing on December 18, 1980 (2 days) at Ft. Worth, TX location of hearing room will be designated later.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35121 Filed 11-10-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC-FC-78726 by decision of October 7, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to SUPERIOR CARRIERS, INC., of Kenvil, NJ, of Certificate No. MC-119725 issued March 24, 1978, to HILLMAN BULK SERVICE OF NEW JERSEY, INC., of Kenvil, NJ, authorizing the transportation of (1) *castor beans,* from Edgewater, NJ, to Philadelphia, PA, (2) *salt, fuller's earth, pumice, castor beans, linseed cakes,* and *bags* from New York, NY, to Edgewater, NJ, (3) *vegetable oils,* in tank vehicles, from Edgewater, NJ, to points in New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Delaware, and Maryland within 175 miles of Edgewater, (4) *vegetable oils,* between Edgewater, NJ, on the one hand, and, on the other, points in New York on and south of U.S. Hwy 202, and east of the Hudson River, and points in Pennsylvania, on and east of U.S. Hwy 122 and south of a line beginning at Reading, PA, and extending through Mount Penn and Bristol, PA to the Delaware River, including points named, and (5) *vegetable oils,* in bulk, in tank vehicles, from Washington, DC, to Edgewater, NJ. Applicant's representative is: Chester A. Zyblut, 366 Executive Building, 1030-15th Street NW., Washington, DC.

Notes.—(1) Transferor and Transferee are affiliated. (2) Transferee presently holds authority in Certificate No. MC-123226. (3) This application is directly related to the application filed concurrently, in No. MC-123226 (Sub-No. 1) to eliminate the gateway of Edgewater, NJ, in order to provide a through service. That latter application is published in this edition of the Federal Register.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (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). Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, an be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto 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 where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a

notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in oppostion.

Applicant(s) must comply with all conditions set forth in the grant of grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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.

Dated: October 7, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

MC 123226 (Sub-1), filed September 4, 1980. Applicant: SUPERIOR CARRIERS, INC., P.O. Box K, Kenvil, NY 07847. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th Street NW., Washington, DC 20005. Applicant seeks authority to operate as a common carrier, by motor vehicle, transporting: *Vegetable oils,* in tank vehicles, from New York, NY, and points in New Jersey within 40 miles of City Hall, New York, NY, and Philadelphia, PA, to points in New York, Connecticut, Rhode Island, Maine, Pennsylvania, Delaware, and the District of Columbia. *Vegetable oils,* between New York, NY, and points in New Jersey within 40 miles of City Hall, New York, NY, on the one hand, and, on the other, points in New York on, south and east of the line beginning at the junction of U.S. Hwy 202 and the boundary line between New York and Connecticut and extending along U.S. Hwy 202 to the Hudson River, and then along the Hudson River to the Atlantic Ocean, and points in Pennsylvania on, south and east of a line beginning at the junction of U.S. Hwy 276 and the boundary line beteeen Pennsylvania and Delaware, extending along U.S. Hwy 276 to junction U.S. Hwy 422 at Norristown, PA, then along U.S. Hwy 422 to junction U.S. Hwy 222 at Reading, PA, and then along U.S. Hwy 222 to its junction with the boundary line between Pennsylvania and Maryland, including Reading, Mount Penn, and Bristol, PA. This application is directly related to the application in MC–FC 78726 filed concurrently and published in this edition of the **Federal Register**, wherein Superior Carriers, Inc. seeks to acquire the operating rights of Hillman Bulk Service of New Jersey, Inc. The purpose of this application is to eliminate the gate way of Edgewater, NJ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35122 Filed 11-10-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.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 December 29, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statment 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. OP2–025

Decided: October 24, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 8973 (Sub-74F) (correction), filed September 4, 1980, published in the **Federal Register,** issue of September 19, 1980, and republished, as corrected, this issue. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., North Bergen, NJ 07047. Representative: Morton E. Keil, Suite 1832, 2 World Trade Center, New York, NY 10048. "Restricted to traffic originating at or destined to the facilities used by Alside, Inc." The purpose of this republication is to include a restriction in the territory description.

Volume No. OP4–117

Decided: November 4, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones. Member Carleton not participating.

MC 37896 (Sub-35F), filed October 28, 1980. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St. NW., Washington, DC 20006. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in FL, on the one hand, and, on the other, those points in the U.S. in and east of MI, IN, KY, TN, and MS.

MC 37896 (Sub-35F), filed October 28, 1980. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St. NW., Washington, DC 20006. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in FL, on the one hand, and, in the other, those points in the U.S. in and east of MI, IN, KY, TN, and MS.

MC 65626 (Sub-40F), filed October 17, 1980. Applicant: FREDONIA EXPRESS, INC., P.O. Box 222, Fredonia, NY 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., Washington, DC 20001. Transporting *general commodities* (except those of unusual value, classes A and B

explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Hammermill Paper Company and/or its subsidiaries.

MC 70557 (Sub-35F), filed October 21, 1980. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transport *such commodities* as are dealt in, or used by household cleaning and sanitation manufacturers and distributor, (except commodities in bulk), between Atlanta, GA, on the one hand, and, on the other, points in the U.S.

MC 107006 (Sub-10F), filed October 28, 1980. Applicant: THOMAS KAPPEL, INC., P.O. Box 1408, Springfield, OH 45501. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. Transporting (1) *animal bedding,* and (2) *equipment, materials, and supplies* used by distributors of janitorial and building maintenance supplies (except commodities in bulk), between points in Franklin County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 110817 (Sub-31F), filed October 28, 1980. Applicant: E. L. FARMER & COMPANY, a corporation, P.O. Box 3512, Odessa TX 76760. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701. Transporting (1) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, and (3) *earth drilling machinery and equipment and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes and wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes and wells, between points in IN, OH, MI, PA, WV, and KY.

MC 111307 (Sub-12F), filed October 28, 1980. Applicant: ALLTRANS LTD., 5280 Maingate Dr., Mississauga, Ontario, Canada L4W 1G5. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting in foreign commerce only *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 ports of entry on the international boundary line between the U.S. and Canada, at Port Huron, MI, on the one hand, and, on the other, Port Huron, MI. Condition: Issuance of a Certificate in this proceeding is subject to the prior or coincidental cancellation, at applicants written request, of authority held in MC 111307 Sub 2.

MC 124887 (Sub-122F), filed October 22, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in Bay County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 128917 (Sub-7F), filed October 27, 1980. Applicant: HANDY TRUCK LINE, INC., P.O. Box 148, Hayburn, ID 83336. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. 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 143236 (Sub-53F), filed November 3, 1980. Applicant: WHITE TIGER TRANSPORTATION COMPANY, INC., 40 Hackensack Ave., Kearney, NJ 07032. Representative: Elizabeth Murphy, 5004 Fox St., College Park, MD 20740. 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.

MC 146807 (Sub-19F), filed October 21, 1980. Applicant: S-n-W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Edward F. V. Pietrowski, 3300 Birney Avenue, Moosic, PA 18507. Transporting (1) *plastic film, plastic sheeting, and plastic bags,* from Pottsville, PA, to points in CA, TX, MO, NC, SC, and GA, and (2) *materials and supplies* used in the manufacture, or distribution of the commodities described in (1) above, in the reverse direction.

MC 146807 (Sub-22F), filed October 21, 1980. Applicant: S-n-W Enterprises, Inc., P.O. Box 1131, Wilkes, Barre, PA 18702. Representative: Paul Seleski (same address as above). Transporting (1) *store furnishings, and furniture,* from Terrell, TX, to points in CA, DE, IL, IN, IA, MD, MI, NJ, NY, OH, PA, VA, and DC, and (2) *materials, equipment, and supplies* used in their manufacture and distribution, in the reverse direction.

MC 147536 (Sub-26F), filed October 23, 1980. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant). Transporting (1) *household appliances, television sets, and recorders,* (2) *parts and accessories* for the commodities in (1) above, and (3) *materials, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk), between points in Pulaski County, AR, on the one hand, and, on the other, Louisville, KY, Chicago, IL, Milwaukee, WI, Baltimore, MD, Portsmouth, VA, Columbia, TN, Decatur, AL, Bloomington, IN, and points in LA, MS, NM, OK, and TX.

MC 148827 (Sub-3F), filed October 28, 1980. Applicant: DAVID ALGER, d.b.a. D & C TRANSPORTATION, Two Chandler Ave., Extention, Orleans, VT 05860. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, between points in the U.S., under continuing contract(s) with Belcher New England, Inc., of Revere, MA.

MC 150567 (Sub-9F), filed October 24, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. Transporting (1) *paper and paper products, lumber, hardboard and particle board,* 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 Publishers Paper Co., of Portland, OR.

MC 150586 (Sub-1F), filed October 27, 1980. Applicant: PALAN TRUCK LINE, INC., 119 Irving Ave., Fairbault, MN 55021. Representative: James M. Christenson, 4444 IDS Center, 80 So. Eighth St., Minneapolis, MN 55402. Transporting (1) *canning company equipment and supplies,* and (2)

foodstuffs, between points in MN, WI, ND, SD, IA, and IL.

MC 151917 (Sub-1F), filed October 21, 1980. Applicant: PERKINS AUTO SUPPLY & GARAGE, INC., P.O. Box 280, Slaton, TX 79364. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768. Transporting *wrecked or disabled motor vehicles* between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152366F, filed October 21, 1980. Applicant: AMERICAN COLLOID CARRIER CORP., P.O. Box 951, Scottsbluff, NE 69361. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202. Transporting *such commodities* as are dealt in by manufacturers and distributors of corn and soybean products, from points in IL to those points in the U.S. in and west of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of A. E. Staley Manufacturing Co.

By the Commission

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35124 Filed 11-10-80; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 371]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: October 31, 1980

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) hold operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subjected to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 109320(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce,

over irregular routes, except as otherwise noted.

MC 138882 (Sub-368F), filed June 13, 1980, published in the Federal Register, issue of August 7, 1980, and republished as corrected, this issue. Applicant: WILEY SANDERS TRUCK LINES, INC., Post Office Drawer 707, Troy, AL 36081. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting: *Composition board and composition board products*, between the facilities of Kemp Furniture Industries, Inc., at or near Goldsboro, NC, on the one hand, and, on the other, Jasper and Salem, IN; Ft. Smith, AR; Watsontown, PA; Memphis and Knoxville, TN.

Note.—The purpose of this republication is to correct the commodity description.

[FR Doc. 80-35118 Filed 11-10-80; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 34]

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with special Rule 247(e) of the Commission's *General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.*

MC 106398 (Sub-923F) (Republication), filed July 2, 1979, published in the FR issue of February 12, 1980, and republished this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Fred Rahal, Jr., 525 S. Main, Tulsa, OK 74103. A Decision of the Commission, Review Board Number 2, decided August 14, 1980, and served September 8, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier, by motor vehicle, over irregular routes, transporting (1) construction equipment, construction materials and supplies, and iron and steel articles*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities listed in (1) above, between points in the United States (except AK and HI), restricted in (1) above to the transportation of traffic originating at the facilities of the Mississippi Valley Equipment Co., Inc., or the facilities of its suppliers, and in (2) above to the transportation of traffic destined to the facilities of the Mississippi Valley Equipment Co., Inc., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 110988 (Sub-400F) (Republication), filed September 6, 1979, published in the Federal Register issue of February 20, 1980, and republished this issue. Applicant: SCHNEIDER TANK LINES, INC. 4321 W. College Ave., Appleton, WI 54911. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. A Decision of the Commission, Review Board Number 3, decided August 26, 1980, and served February 20, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals, between points in the United States (except AK and HI), limited to the transportation of traffic moving from, to, or between the facilities of Cargill Chemical Products Division of Cargill, Inc., or its suppliers, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 119988 (Sub-199F) (Republication), filed April 27, 1979, published in the Federal Register issue of November 23, 1979, and republished this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Bldg., Ft. Worth, TX 76102. A Decision of the Commission, Review Board Number 2, decided July 1, 1980, and served August 13, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *petroleum products*, in containers, from the facilities of Texaco, Inc., in Jefferson County, TX, to points in AR, IN, IL, OH, WI, MI, and KY; and (2) *used petroleum product containers*, from points in AR, IN, IL, OH, WI, MI, and KY, to points in Jefferson County, TX, and Houston, TX, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 59599, filed April 16, 1980. Applicant: PACIFIC CARTAGE & WAREHOUSING, INC., 26318 Corporate Avenue, Hayward, CA 94545. Representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, CA 94111. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities as follows: 1. Between all points and places in San Francisco Territory, as described in Note A hereof. 2. Between all points and places on or within twenty (20) statute miles laterally of the following routes. (a) Interstate Highway 80 between Sacramento and its junction with State Highway 17 near Albany. (b) State Highway 17 between its junction with Interstate Highway 80, via the Richmond-San Rafael Bridge, and its junction with U.S. Highway 101. (c) U.S. Highway 101 from Santa Rosa to San Francisco. (d) State Highway 37

between its junctions with U.S. Highway 101, near Ignacio, and with Interstate Highway 80. (e) State Highway 21 between its junction with Interstate Highway 80, near Cordelia, and with Interstate Highway 680, near Benicia. (f) State Highway 12 between its junctions with Interstate Highway 80, near Fairfield, and with State Highway 99, near Lodi. (g) Interstate Highway 680 between its junctions with Interstate Highway 80, near Vallejo, and with Calaveras Road, near Milpitas. (h) State Highway 24 between its junctions with Interstate Highway 680, near Walnut Creek, and Interstate Highway 80. (i) State Highway 4 between its junctions with Interstate Highway 680, near Concord, and with State Highway 99, near Stockton. (j) Interstate Highway 580 between its junctions with State Highway 17, near Emeryville, and with Interstate Highway 5, near the San Joaquin-Stanislaus County Line. (k) Interstate Highway 205 between its junctions with Interstate Highway 580, near Mountain House, and with Interstate Highway 5, near Banta. (l) State Highway 84 between its junctions with Interstate Highway 580, near Springtown, and with Interstate Highway 680 at Scotts Corner. (m) State Highway 99 between Sacramento and Fresno. (n) State Highway 33 between its junctions with Interstate Highway 5, at Lehman Road near the Defense Depot, Tracy, and Interstate Highway 5, near the San Luis Reservoir, and between its junctions with State Highway 152, near Los Banos, and with State Highway 198, at Oil Fields. (o) State Highway 132 between its junctions with Interstate Highway 580, and with State Highway 99, near Modesto. (p) Interstate Highway 5 between Stockton and its junction with State Highway 41, near Kettleman City. (q) Routes served BFL, Docket No. MC–99980, Sub 3 (served 9/21/79 U.S. Highway 101 between San Jose and Salinas, inclusive; (r) State Highway 17 between San Jose and Santa Cruz, inclusive; (s) State Highway 1 between Santa Cruz and Carmel, inclusive, including the off-route point of Carmel Valley; (t) State Highway 9 between Los Gatos and Santa Cruz, inclusive; (u) State Highway 152 between Gilroy and State Highway 1 at Watsonville, inclusive; (v) State Highway 156 between Watsonville and its intersection with U.S. Highway 101 south of Gilroy, inclusive; (w) State Highway 129 between its intersection with U.S. Highway 101 and State Highway 1, inclusive; (x) State Highway 68 between Salinas and Monterey, inclusive.

Exception: Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting). 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle. 8. Logs. 9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

San Francisco Territory

Note A.—San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road, northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, Civic Center, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

California docket No. 59987, filed October 2, 1980. Applicant: CARDEAN, INC., 7571 Dove Creek Trail, Vacaville,

CA 95688. Representative Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, CA 94104. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities as follows: Within and between the counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacremento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Siskiyou, Sierra, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolume, Yolo, and Yuba. Except that pursuant to the authority herein granted carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, briefcases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting). 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 4. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle. 8. Logs. 9. Articles of extraordinary value. 10. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. 11. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. 12. Explosives subject to U.S. Department of Transportation Regulations governing the Transportation of Hazardous Materials. 13. Transportation of any commodity, the transportation or handling of which because of width, length, height, weight, shape, or size requires special authority from a governmental agency regulating the use of highways, roads, streets, in any motor vehicle or combination of vehicles. In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, Civic Center, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T–3928, filed September 23, 1980. Applicant: E. T. CLARK CARTING CO., INC., 15 Fairholm Street, Rochester, NY 14624. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: Packing house products, from all points in the Counties of Allegany, Erie, Livingston, Niagara, Ontario, Schuyler, Seneca, Steuben, Wayne and Yates to all points in Monroe County. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Ave., State Campus, Building #4, Room G–21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Permanent Ex-Water Authority Decision-Notices

Decided: May 21, 1980.

The following applications are governed by 49 CFR 1062.3. Applicants seek to obtain motor common carrier authority to perform service within the commercial zone of port cities where the shipment has a prior or subsequent movement by maritime carrier. The full text and explanation of the rules are contained at 44 FR 7965, as corrected at 44 FR 37230.

The sole issue upon which these applications can be protested is the applicant's fitness to perform the service. Protests (an original and one copy) must be filed with the Commission within 30 days of the **Federal Register** publication. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity.

Each applicant is fit, willing, and able to properly perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that duel operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes

unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 115667 (Sub-16F), filed October 23, 1979, and previously noticed in the Federal Register issues of March 14, 1980, and July 3, 1980. Applicant: ARROW TRANSPORTATION SYSTEMS, INC., 5658 West Marginal Way S.W., Seattle, WA 98171. Representative: Clyde H. MacIver, 1415 Fifth Ave., Suite 1900, Seattle, WA 98171. Transporting *general commodities* (except classes A and B explosives), between points in the commercial zones of Seattle, WA and Portland, OR, restricted to traffic having a prior or subsequent movement by water.

Note.—The purpose of this republication is to publish this application in the proper section of the Federal Register.

Permanent Ex-Water Authority Decision-Notices

Decided: July 1, 1980.

The following applications are governed by 49 CFR 1062.3. Applicants seek to obtain motor common carrier authority to perform service within the commercial zone of port cities where the shipment has a prior or subsequent movement by maritime carrier. The full text and explanation of the rules are contained at 44 FR 7965, as corrected at 44 FR 37230.

The sole issue upon which these applications can be protested is the applicant's fitness to perform the service. Protests (an original and one copy) must be filed with the Commission within 30 days of the Federal Register publication. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity.

Each applicant is fit, willing, and able to properly perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 142494 (Sub-4F), filed April 8, 1980. Applicant: UNITED CARTAGE, INC., 737 South Stacy Street, Seattle, WA 98134. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities (except Classes A and B explosives),* between points in the commercial zone of Anchorage, AK, restricted to traffic having a prior or subsequent movement by water.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35120 Filed 11-10-80; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. 35]

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding set forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 41406 (Sub-52 (M1)F) (republication), filed August 8, 1978, published in the Federal Register issue of October 5, 1978, and republished this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN

46323. Representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. A decision of the Commission, Division 2, Acting as an Appellate Division, decided November 13, 1979 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over *irregular routes,* transporting (1) *iron and steel articles* and *equipment and supplies* used or useful in the manufacture of iron and steel articles, between the plant site of the Bethlehem Steel Corporation, at or near Burns Harbor, Porter County, IN, on the one hand, and, on the other, points in MI, OH, PA, NY, WV, and those points in that part of KY within 5 miles of the Ohio River, restricted in (1) above, to the transportation of traffic originating at or destined to the plant site of the Bethlehem Steel Corporation, at or near Burns Harbor, Porter County, IN; (2) *plastic pipe and plastic pipe connections,* from Huntington, WV, to points in DE, MD, MI, NJ, NY, WV, PA, (except points on and west of U.S. Hwy 219), and IN, (except points on and east of U.S. Hwy 31 and on and south of U.S. Hwy 40), restricted in (2) above, to the transportation of mixed loads of the same commodities, moving at the same time and with bituminized fibre conduit and conduit connections, which originate at Ironton, OH; (3) *bituminized fibre conduit and conduit connections,* (a) from Ironton, OH, to points in DE, and (b) from Ironton, OH, to points in MD, MI, NJ, NY, PA, IN, and WV, (4) *pallets and other articles* used in the transportation of the above-specified commodities, from points in MD, MI, NJ, NY, PA, IN, and WV, to Ironton, OH, (5) *steel, steel products, and machinery,* (a) from Pittsburgh, PA, and Youngstown, OH, and points within 50 miles of each, Cleveland, Lorain, Zanesville, Cambridge, Mansfield, Cincinnati, Middletown, and Portsmouth, OH, Buffalo, NY, Monroe and Detroit, MI, and those points in that part of KY within 5 miles of the Ohio River, to points in MI, OH, PA, NY, WV, and points in that part of KY within 5 miles of the Ohio River, and (b) from Gibralter, MI, to points in OH, PA, NY, WV, and points in that part of KY within 5 miles of the Ohio River, (c) from the sites of the Ford Motor Company plant located at the northeast intersection of Mound Road and 17-Mile Road in Sterling Township, Macomb County, MI, to points in OH, PA, NY, WV, and points in that part of KY within 5 miles of the Ohio River, and (d) between the site of the Kalsey-Hayes Company plant located at the intersection of North Line Road and Huron River Drive, in Romulus Township, Wayne County, MI, on the one hand, and, on the other, points in MI, OH, PA, NY, WV, and that part of KY within 5 miles of the Ohio River, (6) *paper and paper products,* from Detroit and Monroe, MI, and Cleveland, Columbus, and Middletown, OH, to points in MI, OH, PA, NY, WV, and points in that part of KY within 5 miles of the Ohio River, restricted in (6) above, (a) against service from Monroe, and Detroit, MI, and their commercial zones, to points in OH, and (b) against service from Cleveland, Columbus, Middletown, OH, and their commercial zones, to points in Monroe, Wayne, Macomb, Washtenaw, Lenawee, Oakland, Genessee and Livingston Counties, MI, (7) *building materials,* from Bessemer, PA, Steubenville, Fairborn, and Sandusky, OH, and Detroit and Monroe, MI, to the next-above specified destination points, restricted in (7) above, against the transportation of cement and mortar from Fairborn, OH, (8) *steel and steel products,* (a) from points in the Detroit, MI, commercial zone, as defined by the Commission, except Detroit, to points in NY, OH, PA, WV, and those in that part of KY within 5 miles of the Ohio River, (b) from points in the Cleveland, OH, commercial zone, as defined by the Commission, except Cleveland, to points in MI, PA, NY, WV, and points in that part of KY within 5 miles of the Ohio River, and (c) from points in Lackawanna and Hamburg Townships, Erie County, NY, to points in MI, OH, PA, WV, and those in that part of KY within 5 miles of the Ohio River, (9) *concrete and plastic pipe,* (except those requiring special equipment) and *pipe fittings,* from Springfield, IL, to points in DE, IN, KY, MI, NJ, OH, PA, and WV, (10) *pre-cast concrete slabs and beams,* and *accessories, supplies and materials* incidental to the installation thereof, (a) from Kent and Dayton, OH, to points in NY, and WV, and (b) from points in Wayne Township, in Montgomery County, OH, to points in KY, IN, MI, PA, NY, and WV, restricted in (7) through (10) above. Against tacking with the irregular-route authority presently held by Glenn Cartage Company, except to the extent permitted in *Gateway Elimination,* 119 M.C.C. 530, and (11) *pig iron,* from Buffalo, NY, Muskegon and Detroit, MI, and Portage, IN, to points in MI, OH, PA, NY, WV, IL, IN, IA, MO, WI, and points in KY within 5 miles of the Ohio River.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 74761 (Deviation No. 17), TRAILWAYS TAMIAMI, INC., 315 Continental Ave., Dallas, TX 75207, filed October 21, 1980. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Okeechobee, FL over FL Hwy 710 to Riviera Beach, FL, then over US Hwy 1 to West Palm Beach, FL and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Okeechobee, FL, over US Hwy 441 to Canal Point, FL, then over US Hwy 98 to junction US Hwy 441, then over US Hwy 441 to West Palm Beach, FL and return over the same route.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 95540 (Deviation No. 8) Watkins Motor Lines, Inc., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Florida 33802, filed October 23, 1980. Carrier proposes to operate as a *common carrier* by motor vehicle in interstate or foreign commerce, transporting *general commodities,* with certain exceptions, over deviation routes as follows: (1) from Asheville, NC over U.S. Hwy 70 to its junction with U.S. Hwy 65, then over U.S. Hwy 65 to its junction with U.S. Hwy 64, then over U.S. Hwy 64 to its junction with OK Hwy 2, then over OK Hwy 2 to its junction with U.S. Hwy 266, then over U.S. Hwy 266 to its junction with U.S. Hwy 62, then over U.S. Hwy 62 to its junction with U.S. Hwy 66, then over U.S. Hwy 66 to Needles, CA and return over the same route for operating convenience only, (2) from Washington, DC over U.S. Hwy 50 to Jefferson City, MO, then over U.S. Hwy 54 to its junction with U.S. Hwy 65, then over U.S. Hwy 65 to Springfield, MO, then over U.S. Hwy 60 to its junction with U.S. Hwy 66, then over U.S. Hwy 66 to Needles, CA and return over the same route for operating convenience only, (3) from Philadelphia, PA over U.S. Hwy 30 to its junction with U.S. Hwy 19, then over U.S. Hwy 19 to its junction with U.S. Hwy 40, then over U.S. Hwy 40 to its junction with U.S. Hwy 6, then over U.S. Hwy 6 to its junction with U.S. Hwy 50, then over U.S. Hwy 50 to its junction with I.S. Hwy 15, then over I.S. Hwy 15 to Barstow, CA and return over the same route for operating convenience only, and (4) from Newark, NJ over U.S. Hwy 22 to its junction with U.S. Hwy 322, then over U.S. Hwy 322 to its junction with U.S. Hwy 20, then over U.S. Hwy 20 to its junction with U.S. Hwy 34, then over U.S. Hwy 34 to its junction with U.S. Hwy 30, then over U.S. Hwy 30 to its junction with IA Hwy 330, then over IA Hwy 330 to its junction with U.S. Hwy 65, then over U.S. Hwy 65 to its junction with U.S. Hwy 6, then over U.S. Hwy 6 to its junction with U.S. Hwy 34, then over U.S. Hwy 34 to its junction with U.S. Hwy 40, then over U.S. Hwy 40 to its junction with I.S. Hwy 15, then over I.S. Hwy 15 to its junction with U.S. Hwy 6, then over U.S. Hwy 6 to its junction with U.S. Hwy 50, then over 50 to its junction with I.S. Hwy 80, then over I.S. Hwy 80 to Reno, NV and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Asheville, NC over U.S. Hwy 25 to its junction with I.S. Hwy 85, then over I.S. Hwy 85 to Atlanta, GA, then over GA Hwy 85 to its junction with Alt. U.S. Hwy 27, then over Alt. U.S. Hwy 27 to Columbus, GA, then over U.S. Hwy 80 to its junction with U.S. Hwy 95, then over U.S. Hwy 95 to Needles, CA and return over the same route, (2) from Washington, DC over I.S. Hwy 95 to its junction with I.S. Hwy 85, then over I.S. Hwy 85 to Atlanta, GA, then over GA Hwy 85 to its junction with Alt. U.S. Hwy 27, then over Alt. U.S. Hwy 27 to Columbus, GA, then over U.S. Hwy 80 to its junction with U.S. Hwy 95, then over U.S. Hwy 95 to Needles, CA and return over the same route, (3) from Philadelphia, PA over I.S. Hwy 95 to its junction with I.S. Hwy 85, then over I.S. Hwy 85 to Atlanta, GA, then over GA Hwy 85 to its junction with Alt. U.S. Hwy 27, then over Alt. U.S. Hwy 27 to Columbus, GA, then over U.S. Hwy 80 to its junction with U.S. Hwy 95, then over U.S. Hwy 95 to its junction with U.S. Hwy 66, then over U.S. Hwy 66 to Barstow, CA and return over the same route, and (4) from Newark, NJ over I.S. Hwy 95 to its junction with I.S. Hwy 85, then over I.S. Hwy 85 to Atlanta, GA, then over GA Hwy 85 to its junction with Alt. U.S. Hwy 27, then over Alt. U.S. Hwy 27 to Columbus, GA, then over U.S. Hwy 80 to its junction with U.S. Hwy 395, then over U.S. Hwy 395 to Reno, NV and return over the same route.

Permanent Authority Decisions

Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: October 28, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately preceding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C.

1010f subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick, Fisher and Dowell.

MC 14314 (Sub-43F), July 1, 1980. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359 Broadway & Vine, Lima, OH 45082. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. To operate as a *common carrier* by motor vehicle, over regular routes, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), (1) between junction U.S. Hwy 40 and Interstate Hwy 75, and Terre Haute, IN, over U.S. Hwy 40; (2) between Cincinnati, OH and Indianapolis, IN, over U.S. Hwy 52; (3) between Indianapolis, IN and Louisville, KY, over U.S. Hwy 31; (4) between Indianapolis, IN, and junction IN Hwy 37 and IN Hwy 62, over IN Hwy 37; (5) between Indianapolis, IN and Vincennes, IN, over IN Hwy 67; (6) between Indianapolis, IN and Fort Wayne, IN, over IN Hwy 37; (7) between Indianaplis, IN and Fort Wayne, IN: From Indianapolis over IN Hwy 67 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Fort Wayne, and return over the same route; (8) between Gary, IN and Butler, IN, over U.S. Hwy 6; (9) between Gary, IN and junction U.S. Hwy 20 and Interstate Hwy 69, over U.S. Hwy 20; (10) between Evansville, IN and Louisville, KY, over IN Hwy 62; (11) between Indianapolis, IN and Gary, IN, over Interstate Hwy 65; (12) between Indianapolis, IN and South Bend, IN, over U.S. Hwy 31; (13) between Indianapolis, IN, and Veedersburg, IN, over U.S. Hwy 136; (14) between Hammond, IN and Vincennes, IN, over U.S. Hwy 41; in (1) through (14) above, serving all intermediate points. and all points in IN as off-route points. (Hearing site: Columbus, OH.)

Note.—The sole purpose of this application is to substitute single line for joint line operations.

MC 71652 (Sub-46F), filed April 12, 1980. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Hwy., P.O. Box 280, Medford, OR 97501. Representative: David J. Stewart, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *iron and steel pipe, fence posts, and conduits*, between points in CA, OR, and WA, restricted to shipments moving for the account of Western Tube and Conduit.

Note.—The sole purpose of this application is to substitute single-line for joint-line service.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-35119 Filed 11-10-80; 8:45 am]

BILLING CODE 7035-01-M

Office of Proceedings; Permanent Authority Decisions, Decision-Notice

Correction

In FR Doc. 80-20376, at page 46494, in the issue of Thursday, July 10, 1980, on page 46563, in the middle column, the first full paragraph designated as "MC 136408 (Sub-49F)" for Cargo, Inc, the fourteenth line down, correct "MN" to "NM".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-30613, at page 65345, in the issue of Thursday, October 2, 1980, on page 65350, in the first column, in the first paragraph for Caravan Refrigerated Cargo, Inc., correct the first line now reading "MC 119789 (Sub-F) filed September 5, 1980" to read "MC 119789 (Sub-713F), filed September 5, 1980."

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80-29935, published at page 64274, on Monday, September 29, 1980, on page 64282, in the second column, in the paragraph for MC 135640 (Sub-4-5TA), Staley Express, Incorporated, in the twelfth line, "*Products From Corn And Supplies Used In Manufacturing And Distributing Thereof*" should be corrected to read "*Products from corn and soybeans and equipment, materials and supplies used in manufacturing and distributing thereof*".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80-30928 appearing on page 66215, in the issue of Monday, October 6, 1980 make the following correction.

On page 66221, in MC 149054 (Sub-3-1TA), Thomas Overland Express, Inc., first column, third complete paragraph, in the fourteenth line "TS" should have read "TX".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80-31265, appearing on page 66895, in the issue of Wednesday, October 8, 1980, make the following correction.

On page 66898, in MC 47171 (Sub-3-9TA) COOPER MOTOR LINES, INC., third column, third complete paragraph, in the seventh line, the first word reading "pills," should have read "oil,".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

David Frank Micci, M.D.; Denial of Application; Correction

On October 28, 1980, a final order was published in the Federal Register (Vol. No. 210, 45 FR 71448) denying the application submitted by Dr. Mucci. That final order included unnecessary language in the sentence denying the application, and this document corrects that error. The final sentence in the order should read, "Accordingly, pursuant to the authority vested in the Attorney General in 21 U.S.C. 824, and redelegated to the Administrator of the

Drug Enforcement Administration, the Administrator hereby denies the application for registration executed by David Frank Micci, M.D., on January 27, 1980, effective December 12, 1980.

Dated: November 5, 1980.

Peter B. Bensinger,

Adminstrator.

[FR Doc. 80-35161 Filed 11-10-80; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

State of Alabama Department of Industrial Relations and State of Nevada Employment Security Department; Order of the Secretary of Labor Terminating the Proceedings

The following Order of the Secretary of Labor, issued on October 30, 1980, pursuant to Section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c), is being published in the Federal Register so as to inform the public of decisions of the Secretary having a bearing upon the tax credits against the federal unemployment tax available to taxpayers under the Federal Unemployment Tax Act, 26 U.S.C. 3301–3311.

Signed at Washington, D.C., November 5, 1980.

Charles B. Knapp,

Acting Assistant Secretary for Employment and Training.

In the matter of State of Alabama Department of Industrial Relations, 80–CSCP–1 and State of Nevada Employment Security Department, 80—CSCP–4; Order of the Secretary of Labor Terminating the Proceedings.

The Department instituted these proceedings against the States of Alabama and Nevada on June 24, 1980, in order to determine whether the State's unemployment compensation programs had conformed to the requirements for certification for taxable year 1980 contained in the Federal Unemployment Tax Act ("FUTA"), 26 U.S.C. 3301 *et seq.* The underlying issue in the proceedings is whether FUTA requires the states to include the employees of church-related elementary and secondary schools within the coverage of their programs.

That same issue formed the basis for proceedings instituted last year for taxable year 1979. *In the Matter of U.S. Department of Labor* v. *State of Alabama Department of Industrial Relations and State of Nevada Employment Security Department.* The 1979 proceedings culminated in my decision that FUTA does require the states to provide coverage for the employees of church-related schools. Accordingly, since Alabama and Nevada concededly had not provided such coverage, I declined to certify those States for 1979. 44 FR 64,378.

The States sought review of my decision in the United States Court of Appeals for the Fifth Circuit. That court recently handed down its decision, granting, on the basis of the record before it, the States' petition for review, and setting aside my decision. *States of Alabama and Nevada* v. *Marshall,* Nos. 79–3968 and 79–4032 (September 8, 1980). I have asked the Solicitor General to file a petition for certiorari in the United States Supreme Court seeking review of that decision.

In addition to the States of Alabama and Nevada, the Department had initially conformity proceedings for the year 1980 based on the same issue against eight other States: California, Michigan, Ohio, Oregon, Tennessee, Texas, Washington, and Wisconsin. Those States, unlike Alabama and Nevada, requested an opportunity for an evidentiary hearing on the issue. On August 29, 1980, I issued an order terminating the 1980 proceedings against the eight States. The order was based upon the States' contention that there was insufficient time remaining before October 31, 1980, the date on which the statute requires annual certification in which to present their case.

In view of the Fifth Circuit's decision in *States of Alabama & Nevada* v. *Marshall, supra,* and the disposition of the 1980 proceedings involving the other States, I have decided to certify Alabama and Nevada for the year 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-35078 Filed 11-10-80; 8:45 am]

BILLING CODE 4510-30-M

State of California Employment Development Department, et al.; Orderly Staying Proceedings

The following Order of the Secretary of Labor, issued on October 30, 1980, pursuant to Section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c), is being published in the Federal Register so as to inform the public of decisions of the Secretary having a bearing upon the tax credits against the federal unemployment tax available to taxpayers under the Federal Unemployment Tax Act, 26, U.S.C. 3301–3311.

Signed at Washington, D.C., November 5, 1980.

Charles B. Knapp,

Acting Assistont Secretary for Employment and Training.

In the Matter of State of California Employment Development Department, 81–CSCP–2, State of Michigan Employment Security Commission, 81–CSCP–3, State of Ohio Bureau of Employment Services, 81–CSCP–5, State of Oregon Employment Division 81–CSCP–6, State of Tennessee Department of Employment Security, 81–CSCP–7, State of Texas Employment Commission, 81–CSCP–8, State of Washington Employment Security Department, 81–CSCP–9, State of Wisconsin Department of Industry, Labor, and Human Relations, 81–CSCP–10, order staying proceedings.

On August 29, 1980, an order was issued terminating the proceedings which the Department had instituted under Section 3304(c) of the Internal Revenue Code of 1954, to determine whether, during 1980, the unemployment compensation laws of the States of California, Michigan, Ohio, Oregon, Tennessee, Texas, Washington and Wisconsin are in conformity and substantial compliance with the requirements for certification contained in the Federal Unemployment Tax Act ("FUTA"), 26 U.S.C. 3301 *et seq.* The order was based upon the States' contention that there was insufficient time remaining before October 31, 1980, the date on which the statute requires annuals certification, in which to present their case. The order stated that the Department would institute conformity proceedings based on the same issue for the year 1981, and that the States would be notified shortly of hearing date.

The issue in these conformity proceedings is whether FUTA requires the states, as a condition of certification, to include the employees of church-related elementary and secondary schools within the coverage of their unemployment compensation programs. It now appears that the United States Supreme Court may rule on this issue during the coming term. Therefore, the Department does not intend to schedule any hearing on this matter pending review by the Supreme Court.

Two Lutheran schools in the State of South Dakota have filed a petition for certiorari, asking the United States Court to review a decision of the South

Dakota Supreme Court holding that FUTA requires the State to include the employees of church-related elementary and secondary schools within the coverage of its unemployment compensation program. *St. Martin Evangelical Lutheran Church and Northwestern Lutheran Academy* v. *The State of South Dakota,* No. 80–120. In addition, the United States Court of Appeals for the Fifth Circuit recently handed down a contrary decision, setting aside my decision finding the State of Alabama and Nevada out of conformity for 1979, and holding that FUTA does not require the states to include church-related schools in the coverage of their programs. *States of Alabama and Nevada* v. *Marshall,* Nos. 79–3768 and 79–4032 (September 8, 1980). The Department has asked the Solicitor General to file a petition for certiorari in the United States Supreme Court in that case.

Because of the conflicting decisions, there is a substantial likelihood that the United States Supreme Court will accept the issue for review. The Department, therefore, will not schedule any hearing until the Court rules on the petitions for certiorari. Assuming the Court grants the petitions and accepts the issue for review, the Department intends to refrain from scheduling a hearing until after the Court hands down its decision on the merits; should it be necessary to hold hearings following the decision, they will be scheduled promptly. However, inasmuch as FUTA requires that I make my certification decisions by October 31, should the Court's decision on the merits be delayed until the end of the term, in June 1981, or beyond, it may be necessary to commence the proceedings before the decision has been handed down. In addition, of course, should the Court deny the petitions for certifiorari, hearings will be scheduled promptly.

In sum, the Department will temporarily hold the 1981 proceedings in abeyance, pending the Supreme Court's action. In accordance with my August 29, 1980, Order, proceedings will be commenced at the proper time by transmitting a Notice of Hearing to the States and publishing it in the Federal Register.

So order this 30th day of October, 1980.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80-35077 Filed 11-10-80; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 80-77]

NASA Advisory Council (NAC); Aeronautics Advisory Committee (AAC); Informal Advisory Subcommittee on Materials and Structures; Meeting

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announced the following meeting:

NAME OF COMMITTEE: NAC AAC Informal Advisory Subcommittee on Materials and Structures.

DATE AND TIME: December 2, 1980, 8:30 a.m. to 5:30 p.m., December 3, 1980, 8:30 a.m. to 4:00 p.m.

ADDRESS: NASA Langley Research Center, Building 1229, Room 223, Hampton, VA

TYPE OF MEETING: Open

AGENDA:

December 2, 1980

8:30 a.m.—Materials and Structures Overview
9:00 a.m.—Materials and Structures Long-Range Plan
3:30 p.m.—Discussion
5:30 p.m.—Adjourn

December 3, 1980

8:30 a.m.—Numerical Aerodynamics Simulator Report
9:00 a.m.—Aeroelasticity of Turbine Engines Review, Future Actions
11:00 a.m.—Materials and Structures Long-Range Plan, Continued
1:30 p.m.—Committee Discussion
4:00 p.m.—Adjourn.

FOR FURTHER INFORMATION CONTACT: Dr. Leonard A. Harris, Executive Secretary of the Subcommittee, National Aeronautics and Space Administration, Code RTM–6, Washington, DC 20546 (202/755–2364).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Materials and Structures was established to assess the NASA program in high temperature materials, structures and structural dynamics. It evaluates the adequacy of current and planned R&T activities in terms of future forecast aircraft requirements and recommends program modifications to support overall NASA future technology objectives. The Subcommittee, chaired by Dr. Martin Goland, is comprised of ten members.

The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the Subcommittee members and participants).

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

November 5, 1980.

[FR Doc. 80-35109 Filed 11-10-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice 80-78]

NASA Advisory Council (NAC); Subcommittee on Aviation Safety Reporting System (ASRS); Meeting

The Subcommittee on Aviation Safety Reporting System (ASRS) will meet December 2–3, 1980, at the Ames Research Center, Moffett Field, CA, Building 200, Director's Committee Room. The meeting will be open to the public up to the seating capacity of the room (about 30 persons including Subcommittee members and participants).

The Subcommittee, which serves in an advisory capacity only, reviews ASRS operations and NASA actions taken in response to Subcommittee recommendations. The Chairperson is John H. Winant. There are currently 10 members on the Subcommittee. Following is the approved agenda for the meeting.

Agenda

December 2, 1980

9:00 a.m.—Chairperson's Opening Remarks
9:00 a.m.—Management Report
10:30 a.m.—Research Report
1:00 p.m.—Discussion of the Evaluation of ASRS Effectiveness
3:00 p.m.—Discussion of Post-September 1981 ASRS Operations
5:00 p.m.—Adjourn

December 3, 1980

9:00 a.m.—Consideration of System Design Modification
11:00 a.m.—Discussion of Subcommittee's Report Schedule
12:00 Noon—Adjourn

For further information, contact Dr. Herman A. Rediess, Code RTE–6, NASA Headquarters, Washington, DC 20546. Telephone 202/755.2243.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

November 5, 1980.

[FR Doc. 80-35110 Filed 11-10-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice 80-79]

Space Science Steering Committee, Physical Science Spacelab and LDEF Ad Hoc Advisory Subcommittee; Meeting Cancellation

ACTION: Notice of meeting cancellation.

SUMMARY: The scheduled meeting on November 17-19, 1980, of the Space Science Steering Committee, Physical Science Spacelab and Long Duration Exposure Facility (LDEF) Ad Hoc Advisory Subcommittee, published in the Federal Register November 3, 1980 (45 FR 72851), has been cancelled.

FOR FURTHER INFORMATION CONTACT:
Dr. Eric Chipman, National Aeronautics and Space Administration, Code ST-5, Washington, DC 20546 (202/755-8490).

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

November 5, 1980.

[FR Doc. 80-35111 Filed 11-10-80; 8:45 am]

BILLING CODE 7510-01-M

POSTAL SERVICE

Publication of a Presorting Service Bureau Directory

AGENCY: Postal Service.

ACTION: Notice of intent to publish a Presorting Service Bureau Directory.

SUMMARY: The Postal Service will publish a directory of presorting service bureaus for use by its customer service representatives. Firms interested in being included in the directory should forward to the Postal Sevice the required information and promotional literature as provided in the Supplementary Information below. The directory will be issued in the spring of 1981.

FOR FURTHER INFORMATION CONTACT:
John Hagarty, (202) 245-4456.

SUPPLEMENTARY INFORMATION:
Presorting service bureaus are firms that provide sortation of First-Class Mail by ZIP Code for businesses that wish to earn a reduced postage rate but do not want to sort their own mail. The Presort First-Class Mail postage rate is two cents less than the regular rate. It is not known how many such firms are currently in operation. However, since the implementation of Presort First-Class Mail in 1976, this industry has steadily grown. Today, most major cities have one or more presorting service bureaus.

The purpose of the Postal Service's directory would be to provide postal customer service representatives a reference guide in responding to customer inquiries about presorting bureaus. Inclusion of firms in the directory would not constitute the Postal Service's endorsement. All known firms providing this service will be included in the directory and postal personnel will be instructed to mention each available bureau in their area when customers make an inquiry. The directory will include the following information:

—Name of Firm/Address
—Number of Branches/Addresses
—Firm Representative
—Telephone Number
—Geographical Coverage for each office
—Specific acceptance criteria, including: minimum mail volumes requirement, postage payment method, mailing piece size and weight limits, and any additional customer requirements.

In addition, any bureau that will accept customer mail in volumes of less than 500 pieces will be highlighted in bold type in the directory.

Firms interested in being included in the directory should forward the required information and one copy of their promotional literature to: John Hagarty, Room 5914, United States Postal Service Headquarters, Washington, D.C. 20260.

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 80-35108 Filed 11-10-80; 8:45 am]

BILLING CODE 7710-12-M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning January 1, 1981, shall be at the rate of fourteen and one-half cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning January 1, 1981, 20.7 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 79.3 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Dated: November 4, 1980.

R. R. Butler,

Secretary of the Board.

[FR Doc. 80-35144 Filed 11-10-80; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16986B; SR-AMEX-80-13]

American Stock Exchange, Inc.; Order Granting Effectiveness to Proposed Rule Change

November 3, 1980.

On July 28, 1980, Securities Exchange Act Release No. 16986A was issued staying the effective date of the approval of a proposed rule change by the American Stock Exchange, Inc. ("Amex") (SR-Amex-80-13), 86 Trinity Place, New York, New York 10006 until notice was received that all action required for effectiveness was completed.

On October 27, 1980, Amex filed notice with the Commission that the Exchange membership has approved the proposed rule change, completing the necessary requirements.

The rule change will amend the Amex Constitution and rules to eliminate the requirement that the principal purpose of every member and member organization be the transaction of business as a broker or dealer in securities.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35101 Filed 11-10-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17271; SR-MSE-80-8]

Midwest Stock Exchange, Inc.; Order Approving Proposed Rule Change

November 5, 1980.

On May 13, 1980, the Midwest Stock Exhange, Incorporated, 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends its recordkeeping requirement regarding transactions effected in margin accounts and amends

its advertising rule regarding examination authority.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–17141, September 9, 1980) and by publication in the **Federal Register** (45 FR 61840, September 17, 1980). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rules change is consistent with the requirements of the Act and the rule and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35104 Filed 11-10-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21777; 70-6435]

Columbia Gas System, Inc.; Proposed Intrasystem Financing

November 5, 1980.

In the Matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807, Columbia Gas Transmission Corp., 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, Columbia Gas of Ohio, Inc., Columbia Gas of West Virginia, Inc., Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., 99 North Front Street, Columbus, Ohio 43215, Columbia Hydrocarbon Corp., the Inland Gas Co., Inc., Columbia Coal Gasification Corp., 340 17th Street, Ashland, Kentucky 41101, Columbia Gulf Transmission Co., 3805 West Alabama Avenue, Houston, Texas 77027, Columbia Gas System Service Corp., Columbia LNG Corp., Columbia Gas Development Corp., 20 Montchanin Road, Wilmington, Delaware 19807.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary companies named above have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(b), 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order in this proceeding dated May 28, 1980 (HCAR No. 21593), Columbia, among other things, was authorized to make short-term advances on open account of up to $145,000,000 to Columbia Gas Transmission Corporation ("Columbia Transmission"). It is not proposed that such advances be increased to $170,000,000.

It is also proposed that Columbia Transmission issue and sell, and that Columbia acquire, installment notes and/or floating rate term notes up to the amount of $60,000,000. The issuance and sale of these notes will be subject to the same terms and conditions as those of certain other subsidiaries as described previously in the application-declaration.

It is stated that the increase of $25,000,000 in advance to Columbia Transmission is required in order to provide Columbia Transmission with sufficient funds to finance gas purchases and other normal short-term seasonal requirements. The issuance of $60,000,000 in notes is required to finance Columbia Transmission's Capital expenditures. The additional financing requirements are a result of lower sales volumes.

Notice is further given that any interested person may, not later than December 3, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-35102 Filed 11-10-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11430; 811-2231]

1st Real Property Securities Fund; Proposal To Terminate Registration

November 5, 1980.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), Gregory C. Welton, 1417 Via Arco, Palos Verdes Estates, California 90274, to declare by order on its own motion, that 1st Real Property Securities Fund ("Fund"), registered under the Act as a closed-end, non-diversified management investment company, has ceased to be an investment company as defined by the Act.

The Fund registered under the Act on October 4, 1971. Information contained in the files of the Commission indicates that the Fund's registration statement under the Securities Act of 1933 (File No. 2–42039) was ordered abandoned by the Commission on May 8, 1975. In addition, the Fund has never filed the annual and periodic reports required by Section 30 of the Act. Moreover, efforts by the staff of the Division to contact the Fund have been unsuccessful. Thus, it appears that the Fund is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, which may be made

upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 1, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order imposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–35100 Filed 11–10–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11428; 812–4739]

Gradison Cash Reserves, Inc.; Filing of an Application

November 4, 1980.

Notice is hereby given that Gradison Cash Reserves, Inc. ("Applicant"), 580 Building, Cincinnati, Ohio 45202, registered under the Investment Company Act of 1940 (the "Act"), as an open-end, diversified management investment company, filed an application on September 24, 1980, and an amendment thereto on October 22, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the Applicant to value its portfolio securities using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund whose objective is to seek maximum current income consistent with preservation of capital. The application also states that Gradison & Company Incorporated acts as the investment adviser of the Applicant. As of September 5, 1980, Applicant had net assets of approximately $321,300,000. The minimum initial investment in shares of the Applicant is $1,000.

Applicant represents that its net assets are invested in a variety of short-term money market instruments normally maturing within one year from the date of purchase which include obligations issued or guaranteed by the U.S. Government or its agencies or instrumentalities, obligations of domestic banks which are members of the Federal Deposit Insurance Corporation, obligations of savings and loan associations which are members of the Federal Savings and Loan Insurance Corporation, prime commercial paper, other corporate obligations with remaining maturities of one year or less, floating rate notes and repurchase agreements.

The application represents that permissible commercial paper investments of the Applicant consist only of direct obligations which, when purchased, are rated A–1 by Standard and Poor's Corporation or Prime–1 by Moody's Investors Service, Inc., or which are issued by companies having an outstanding unsecured debt issue currently rated AA or better by Standard and Poor's or Aa or better by Moody's. The application further states that other corporate obligations eligible for investment by the Applicant consist of those with remaining maturities of one year or less which, when purchased, are rated AA or better by Standard and Poor's or Aa or better by Moody's. The application further states that floating rate notes, when purchased by the Applicant, must satisfy the rating standards for other corporate obligations.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of the rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that its experience has been that investors in a "money market" fund desire a stable net asset value, preferably at $1.00 per share, and a steady flow of investment income.

Applicant represents that to maintain a net asset value per share of $1.00 and nevertheless employ the amortized cost method of valuation to reflect a more consistent yield, Applicant has found it necessary to invest its assets primarily in securities having remaining maturities of 60 days or less. Applicant further represents that, if it is permitted to do so, the ability purchase securities having remaining maturities of more than 60 days and to value them by means of the amortized cost method of valuation would provide management of the Applicant and its investment adviser substantial additional flexibility in managing the Applicant's portfolio of investments to respond to fluctuating interest rate levels, while at the same time enabling the Applicant to maintain its net asset value per share at $1.00. The application states that the board of directors of the Applicant has determined that an average portfolio maturity of approximately 120 days satisfies the two previously-mentioned requirements of its investors—that is, such an average maturity substantially protects the investors from the possibility of significant volatility in the value of portfolio instruments, while at the same time providing a yield on portfolio instruments commensurate with yields available in the general money market, which yield might not otherwise be available with a portfolio having an average maturity of a shorter duration.

The Applicant consents to the imposition of the following conditions in any order granting the exemptions requested:

(1) In supervising the Applicant's operations and delegating to the Applicant's investment adviser special responsibilities involving portfolio management, the Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its stockholders—to establish procedures reasonably designed, taking into account current market conditions and the Applicant's investment objective, to stabilize the Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

(2) Included among the procedures to be adopted by the board of directors shall be the following duties and responsibilities:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the Applicant's $1.00 amortized cost price per share from the net asset value per share as determined by using available market quotations, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or any other unfair result to investors or existing stockholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable such dilution or unfair result, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of the Applicant's portfolio; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

(3) The Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

(4) The Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modification thereto) described in condition 1 above, and the Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to the maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) The Applicant will limit its portfolio instruments, including repurchase agreements, to those U.S. dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

(6) The Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any action was taken, such attachment will describe the nature and circumstances of such action.

The Applicant represents that its board of directors has determined in good faith that in light of the facts and circumstances described above, and subject to compliance with the above conditions, the amortized cost method of valuation would be appropriate and preferable for the Applicant. The Applicant further represents that the granting of the requested exemptions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 28, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request

[1] The Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value. In addition, the Applicant states that the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market investments published by reputable sources.

[2] In fulfilling this latter condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, the Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George S. Fitzsimmons,

Secretary.

[FR Doc. 80-35103 Filed 11-10-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1945]

Alabama; Declaration of Disaster Loan Area

The area of west side of the square on Pelham Road (known as Alabama State Hwy. No. 21) in the City of Jacksonville, Calhoun County, Alabama, constitutes a disaster area because of damage resulting from a fire which occurred on October 2, 1980. Eligible persons, firms and organizations may file Applications for loans for physical damage until the close of business on January 2, 1981, and for economic injury until the close of business on August 3, 1981, at:

Small Business Adminstration, District Office, 908 South 20th Street, Birmingham, Alabama 35205.

or other locally announced locations.

(Catalog of Federal Domestic Assistance program Nos. 59002 and 59008)

Dated: November 3, 1980.

William H. Mauk,

Acting Administrator.

[FR Doc. 80-35132 Filed 11-10-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1942]

Mississippi; Declaration of Disaster Loan Area

The following 72 counties and adjacent counties within the State of Mississippi constitute a disaster area as a result of natural disasters as indicated:

County, Natural Disaster(s), and Date(s)

Adams—Drought and Excessive Heat—6/15/80–9/29/80
Alcorn—Drought and Excessive Heat—5/15/80–9/25/80
Amite—Drought and Excessive Heat—5/22/80–9/29/80
Attala—Drought and Excessive Heat—6/27/80–9/29/80
Benton—Drought and Excessive Heat—5/1/80–9/22/80
Bolivar—Drought and Excessive Heat—5/26/80–9/24/80
Calhoun—Drought and Excessive Heat—6/25/80–9/23/80
Carroll—Drought and Excessive Heat—6/1/80–9/24/80
Chickasaw—Drought and Excessive Heat—6/20/80–9/25/80
Choctaw—Drought and Excessive Heat—6/15/80–9/25/80
Claiborne—Drought and Excessive Heat—6/26/80–9/29/80
Clarke—Drought and Excessive Heat—6/15/80–9/29/80
Clay—Drought and Excessive Heat—7/1/80–9/30/80
Copiah—Drought and Excessive Heat—5/23/80–9/30/80
Covington—Drought and Excessive Heat—6/1/80–9/29/80
Desoto—Drought and Excessive Heat—6/15/80–9/20/80
Forrest—Drought and Excessive Heat—5/25/80–9/30/80
Franklin—Drought and Excessive Heat—6/1/80–9/24/80
Georgia—Drought and Excessive Heat—7/1/80–8/31/80
Hancock—Drought and Excessive Heat—6/5/80–9/29/80
Harrison—Drought and Excessive Heat—5/19/80–9/25/80
Hinds—Drought and Excessive Heat—5/28/80–9/29/80
Humphreys—Drought and Excessive Heat—7/1/80–9/24/80
Itawamba—Drought and Excessive Heat—6/1/80–9/23/80
Jackson—Drought and Excessive Heat—6/1/80–9/24/80
Jasper—Drought and Excessive Heat—6/1/80–9/29/80
Jones—Drought and Excessive Heat—6/1/80–9/29/80
Kemper—Drought and Excessive Heat—6/23/80–9/24/80
Lafayette—Drought and Excessive Heat—5/1/80–9/25/80
Lamar—Drought and Excessive Heat—5/25/80–9/23/80
Lawrence—Drought and Excessive Heat—6/1/80–9/30/80
Leake—Drought and Excessive Heat—5/15/80–9/30/80
Lee—Drought and Excessive Heat—7/1/80–8/31/80
LeFlore—Drought and Excessive Heat—6/23/80–9/24/80
Lincoln—Drought and Excessive Heat—5/15/80–9/24/80
Lowndes—Drought and Excessive Heat—7/1/80–10/1/80
Madison—Drought and Excessive Heat—6/10/80–9/30/80
Marion—Drought and Excessive Heat—6/10/80–9/29/80
Marshall—Drought and Excessive Heat—6/1/80–10/1/80
Monroe—Drought and Excessive Heat—6/1/80–9/30/80
Neshoba—Drought and Excessive Heat—6/15/80–9/29/80
Newton—Drought and Excessive Heat—6/1/80–9/29/80
Noxubee—Excessive Heat—7/1/80–9/15/80
Oktibbeha—Drought and Excessive Heat—6/28/80–9/24/80
Panola—Drought and Excessive Heat—5/22/80–6/22/80, 6/25/80–9/29/80
Pearl River—Drought and Excessive Heat—6/5/80–9/29/80
Perry—Drought and Excessive Heat—6/1/80–9/30/80
Pike—Drought and Excessive Heat—5/22/80–9/29/80
Pontotoc—Drought and Excessive Heat—5/23/80–9/23/80
Prentiss—Drought and Excessive Heat—6/15/80–9/23/80
Quitman—Drought and Excessive Heat—6/25/80–9/29/80
Rankin—Drought and Excessive Heat—6/1/80–9/29/80
Scott—Drought and Excessive Heat—7/1/80–10/1/80
Sharkey—Drought—5/26/80–9/23/80
Smith—Drought and Excessive Heat—6/10/80–10/1/80
Stone—Drought and Excessive Heat—5/19/80–9/25/80
Sunflower—Drought and Excessive Heat—6/10/80–10/1/80
Tallahatchie—Drought and Excessive Heat—6/25/80–9/25/80
Tate—Drought and Excessive Heat—6/1/80–9/30/80
Tippah—Drought and Excessive Heat—6/13/80–8/31/80
Tishomingo—Drought and Excessive Heat—6/1/80–9/22/80
Tunica—Drought and Excessive Heat—6/1/80–8/31/80
Union—Drought and Excessive Heat—6/23/80–10/1/80
Walthall—Drought and Excessive Heat—6/1/80–9/24/80
Warren—Drought and Excessive Heat—6/15/80–9/25/80
Washington—Drought and Excessive Heat—6/1/80–10/1/80
Wayne—Drought and Excessive Heat—5/25/80–9/24/80
Webster—Drought and Excessive Heat—6/15/80–9/25/80
Wilkinson—Drought and Excessive Heat—6/1/80–7/31/80
Winston—Drought and Excessive Heat—7/1/80–9/24/80
Yalobusha—Drought and Excessive Heat—7/1/80–9/29/80
Yazoo—Drought and Excessive Heat—7/1/80–9/16/80

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 27, 1981, and for economic injury until the close of business on July 27, 1981.

Small Business Administration, District Office, New Federal Building, Suite 322, 100 W. Capitol Street, Jackson, Mississippi 39201.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: October 27, 1980.

Harold A. Theiste,

Acting Administrator.

[FR Doc. 80-35133 Filed 11-10-80; 8:45 am]

BILLING CODE 8025-01-M

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C. will hold a public meeting at 2:00 p.m. until 6:00 p.m., Friday, December 5, 1980, at the Desert Inn, Terrace Room, 3145 Las Vegas Boulevard South, Las Vegas, Nevada 89109 to discuss such business as may be presented by the Committee members.

The Advisory Committee meeting follows the Nevada Economic Development Companies' Annual Regional Minority Business Conference, enabling Advisory Committee members the opportunity to obtain input from the minority business persons who will be in attendance for the prior conference.

Attendance is open to the interested public, however, available space is limited.

With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and/or present oral statements should notify Mr. Milton Wilson, Jr., Director, Capital Ownership Development, Small Business Administration, Room 317, 1441 L Street, NW., Washington, D.C. 20416, 7 days in advance of the meeting date. The public may present a written statement to the Committee at any time.

Dated: November 4, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-35134 Filed 11-10-80; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 220
Wednesday, November 12, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Rights Commission	1
Environmental Quality Council	2
Legal Services Corporation	3
Metric Board	4
Nuclear Regulatory Commission	5

1

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Thursday, November 13, 1980, 9 a.m.–12 noon; 1:30 –6 p.m. Friday; November 14, 1980, 9 a.m. 12 noon, 1:30–4 p.m.

PLACE: 1121 Vermont Avenue, NW., room 512, Washington, D.C. 20425.

STATUS: Open to public.

MATTERS TO BE CONSIDERED: November 13, 1980:

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. State Advisory Committee Re-charters:
A. Iowa
B. Kentucky
C. North Dakota
D. Utah
E. Interim Appointment—Illinois
IV. Review of Affirmative Action Statement.
V. Review of Proposed Rules for Educating Limited-English-Proficient Students.

November 14, 1980:

VII. Review of Report to the President—1980.
VIII. Review of Higher Education Desegregation Statement.
IX. Transmittal of Report on *Battered Women and the New Hampshire Justice System.*
X. Transmittal of Consultation Proceedings on *Reinvestment and Housing Equality in Michigan.*
XI. Staff Director's Report:
A. Status of Funds.
B. Personnel Report.
C. Office Directors' Reports.
D. Correspondence:
1. Letter from Representative Carroll Hubbard.
2. Letter from WEAL Legislative Director Patricia B. Reuss.
3. Proposed response to resolution adopted by the Common Council of the City of Buffalo.
4. Letter from Catherine May Haas, Chairperson, Tacoma Human Relations Commission.
5. Letter from and response to Representative Robert Walker.
E. Briefing on Status of Bills Report.
XII. Civil Rights Developments in the New England Region.

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division, 254–6697.

[FR Doc. S–2058–80 Filed 11–7–80; 11:14 am]
BILLING CODE 6335–01–M

2

COUNCIL ON ENVIRONMENTAL QUALITY.

November 7, 1980.

TIME AND DATE: 11:30 a.m., November 20, 1980.

PLACE: Conference room, 722 Jackson Place NW., Washington, D.C. 20006.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Old Business.
2. Status of Chemical Substance Information Network.

CONTACT PERSON FOR MORE INFORMATION: John F. Shea III (202) 395–4616.

[S–2059–80 Filed 11–7–80; 3:18 pm]
BILLING CODE 3125–01–M

3

LEGAL SERVICE CORPORATION.

Appropriations and Audit Committee Meeting.

TIME AND DATE: 9 a.m.–5 p.m., Tuesday, November 18, 1980.

PLACE: Legal Services Corporation, eighth floor conference room 2, 733 15th Street NW., Washington, D.C.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Adoption of agenda.
2. Approval of minutes of August 21, 1980; meeting.
3. Proposed budget development, review and modification procedures.
4. Status of Legal Services Corporation's fiscal year 1980 annual audit.
5. Preliminary final report of fiscal year 1980 expenditures.
6. Review of preliminary consolidated operating budget for fiscal year 1981.
7. Review of proposed budget for fiscal year 1982.
8. Auditor selection process for fiscal year 1981.
9. Other business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Khasakhala, Office of the President, 202–272–4040.

Issued: November 6, 1980.

Dan J. Bradley,
President.

[S–2056–80 Filed 11–5–80; 5:42 pm]
BILLING CODE 6820–35–M

4

METRIC BOARD.

STANDARDS LIAISON COMMITTEE.

TIME AND DATE: 12 p.m., Thursday, November 20, 1980.

PLACE: Metric Board Headquarters, Suite 600, 1815 North Lynn Street, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Report on current Standards Classification Activity.
Plan for Standards Data Collection (Interviews, Letters).
Other.

Louis F. Polk,
Chairman, United States Metric Board.

[S–2057–80 Filed 11–7–80; 10:06 am]
BILLING CODE 6820–94–M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Week of November 10, 1980.

PLACE: Commissioners conference room, 1717 H Street N.W., Washington, D.C

STATUS: Open.

MATTERS TO BE CONSIDERED: Monday, November 10:

10 a.m.

Discussion of Policy on Anticipated Transient Without Scram (public meeting) (as announced).

2 p.m.

Briefing on Inclusion of Steam Generator Transients as an Unresolved Safety Issue (public meeting) (as announced).

Friday, November 14:

10 a.m.

1. Discussion of Instructions to Board on Indian Point Proceeding (approximately 1½ hours, public meeting).
2. Affirmation Session (public meeting):
a. Narrative Explanation of S-3 Table.
b. Reporting of Physical Security Events.
c. EDO Delegation of Authority.
d. Proposed Rulemaking—Post-CP Design Changes.

1:30 p.m.

Discussion of Proposed New Order on Psychological Stress at TMI–1 (closed—Exemption 10).

ADDITIONAL INFORMATION: By a vote of 3–0 on November 3, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business required that the additional Affirmation Item—Extension of Relief from Pat-Down Searches at Power Reactors, held that day, be held on less than one week's notice to the Public.

By a vote of 4–0 on November 6, the Commission determined same as above, that the additional Affirmation Item—Diablo Canyon Physical Security Proceeding—Motions to Move Hearing Site—held that day, be held on less than one week's notice to the public.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Dated: November 7, 1980.

Walter Magee,

Office of the Secretary.

[FR Doc. S–2060–80 Filed 11–7–80; 3:53 pm]

BILLING CODE 7590–01–M