

Federal Register

Tuesday
October 7, 1980

Highlights

Seminar on Principles of regulations—Writing For details on seminar in Washington, D.C., see announcement in the Reader Aids section at the end of this issue

- 66439 **Variable Housing Allowance** Executive Order
- 66443 **Exemption of Fort Allen** Executive Order
- 66441 **National Port Week** Presidential proclamation
- 66706 **Nondiscrimination** Labor/Sec'y publishes regulations which prohibit discrimination against qualified handicapped individuals in program receiving or benefiting from Federal financial assistance; effective 11-6-80 (Part VIII of this issue)
- 66656 **Grant Programs—Child Welfare** HHS/HDSO gives notice of proposed Fiscal Year 1981 child abuse and neglect research, demonstration and service improvement grant priorities; comments by 12-8-80 (Part VI of this issue)
- 66447 **Food Relief Programs** USDA/FNS amends final regulations which set forth performance standards for State agencies in the administration of the special supplemental food program for women, infants and children; effective 10-7-80

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

Highlights

- 66666 Low and Moderate Income Housing** HHS/SSA sets forth the requirements for States seeking allotments under a program which gives assistance to eligible low income households to offset rising costs of energy; effective 10-7-80 (Part VII of this issue)
- 66564 Grant Programs—Education** ED informs potential applicants of closing dates for transmittal of applications under the direct grant programs with other information provided to assist applicants (Part III of this issue)
- 66463 Food Stamps** USDA/FNS proposes procedures for conducting a demonstration project to determine if a variety of approaches in implementing work registration and job search will increase job placements; comments by 11-17-80
- 66754 Nuclear Energy** NRC proposes enforcement policies and procedures; comments by 12-31-80
- 66446 School Breakfast and Lunch Programs** USDA/FNS issues final regulations that implement the National School Lunch Program and Food Service Equipment Assistance Program; effective 7-1-80
- 66560 Stockyards** USDA/APHIS lists livestock markets specifically approved to handle any class of swine and those specifically approved to handle slaughter swine only; effective 10-7-80 (Part II of this issue)
- 66764 Comprehensive Employment and Training Act** Labor/ETA issues notice describing eligibility criteria for prime sponsor designation and the procedures for applying for such designation
- 66514 Contact Lens** HHS/FDA approves application for premarket approval of Softflow (deltafilcon A) Hydrophilic Contact Lens
- 66541 Sunshine Act Meetings**

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- 66564 Part III, ED
- 66620 Part IV, DOE/SOLAR
- 66632 Part V, DOE/SOLAR
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- 66666 Part VII, HHS/SSA
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Presidential Documents

Title 3—

Executive Order 12243 of October 3, 1980

The President

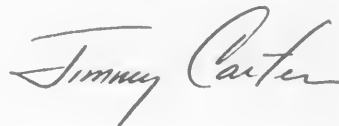
Variable Housing Allowance

By the authority vested in me as President of the United States of America under Section 403 of Title 37 of the United States Code and under Section 4 of the Military Personnel and Compensation Amendments of 1980, and in order to provide for the implementation of a variable housing allowance, Section 403 of Executive Order No. 11157, as amended, is hereby further amended by adding thereto the following new subsections (c) and (d):

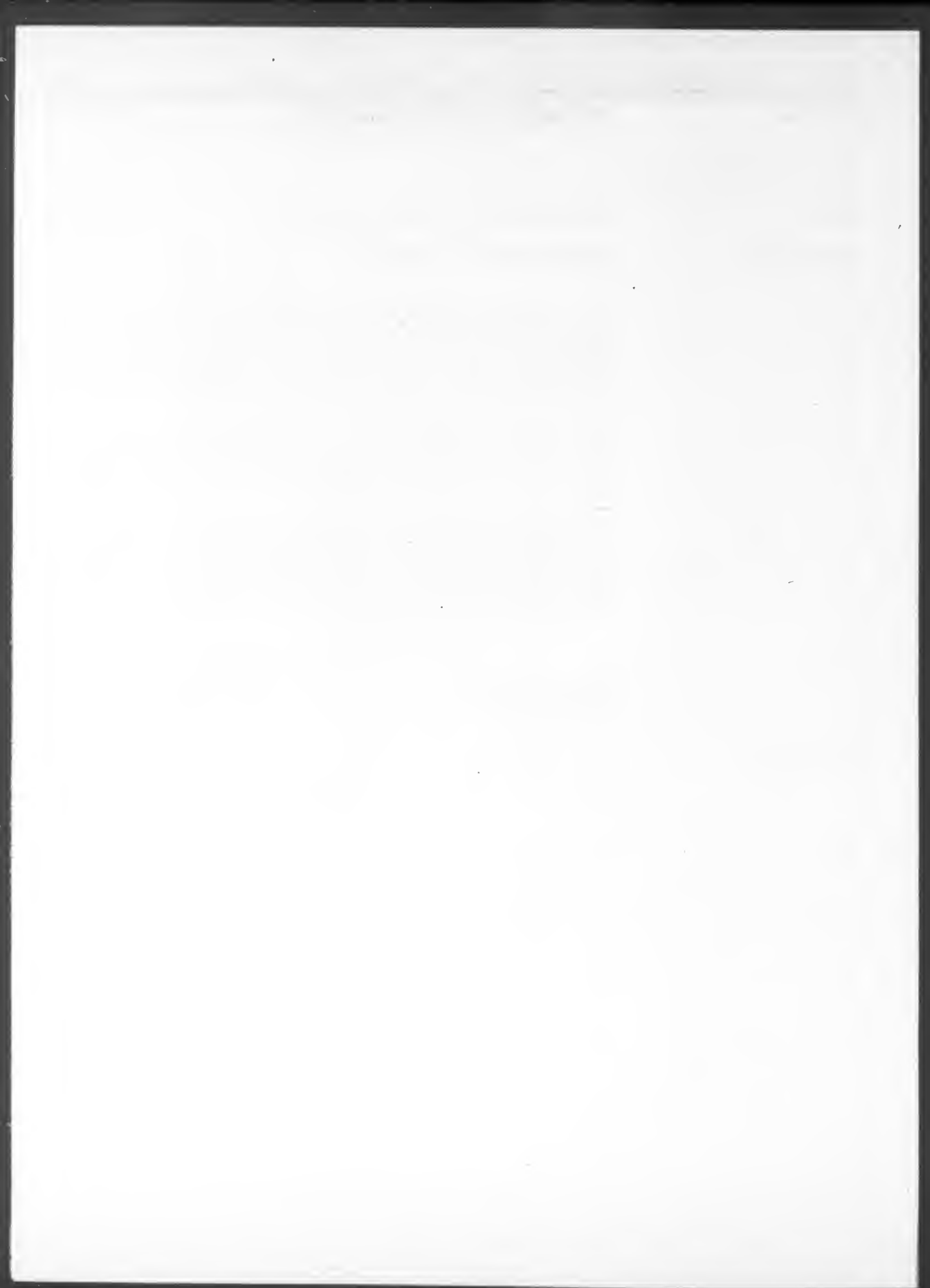
"(c) For purposes of Section 403 of Title 37 of the United States Code, a member shall be deemed to be living in a "high housing cost area" whenever the average monthly cost of housing, including utilities, for housing appropriate for the member's grade, exceeds 115 percent of the amount of the basic allowance for quarters of that member."

"(d) During fiscal year 1981, members may be paid variable housing allowance as permitted by Section 4(c) of the Military Personnel and Compensation Amendments of 1980 (94 Stat. 1125; Public Law 96-343; 37 U.S.C. 403 note); a member shall be deemed to be living in a "high housing cost area" whenever the estimated average monthly cost of housing, including utilities, appropriate for the member's grade, exceeds 115 percent of the amount of the basic allowance for quarters of that member."

THE WHITE HOUSE,
October 3, 1980.



[FR Doc. 80-31293
Filed 10-3-80; 3:34 pm]
Billing code 3195-01-M



Presidential Documents

Proclamation 4798 of October 3, 1980

National Port Week, 1980

By the President of the United States of America

A Proclamation

Our Nation's seaports and river ports, operated by local and State authorities, are indispensable to our national prosperity and international commerce.

Historically, waterborne commerce has been a key element in the development and growth of most of the Nation's major population and commercial centers. Today public and privately owned marine terminals, valued at about \$54 billion, are expected to handle almost two billion short tons of foreign and domestic oceanborne cargo in 1980.

In addition to the economic benefits provided by our ports, they play a leading role in logistical support of our military forces. Our port system has been and will continue to be vital in maintaining our national security.

The Congress has by House Joint Resolution 551 requested the President to designate the seven calendar days beginning October 5, 1980, as National Port Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in order to remind Americans of the importance of the port industry of the United States to our national life, do hereby designate the seven calendar days beginning October 5, 1980, as National Port Week. I invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.



[FR Doc. 80-31340

Filed 10-3-80; 4:21 pm]

Billing code 3195-01-M



Presidential Documents

Executive Order 12244 of October 3, 1980

Exemption for Fort Allen

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323), Section 118 of the Clean Air Act, as amended (42 U.S.C. 7418), Section 4 of the Noise Control Act of 1972 (42 U.S.C. 4903), and Section 6001 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6961), and in order to provide for the immediate relocation and temporary housing of Haitian and Cuban nationals, who are located in the State of Florida and presently in the custody of the United States, at a Federal facility known as Fort Allen, located in the Commonwealth of Puerto Rico, and having determined it to be in the paramount interest of the United States to exempt Fort Allen from all the requirements otherwise imposed on it by the said statutes, it is hereby ordered as follows:

1-101. Consistent with the provisions of subsection (a) of Section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)), each and every effluent source located at Fort Allen is exempted from compliance with the provisions of that Act; except that no exemption is hereby granted from Sections 306 and 307 of that Act (33 U.S.C. 1316 and 1317).

1-102. Consistent with the provisions of subsection (b) of Section 118 of the Clean Air Act, as amended (42 U.S.C. 7418(b)), each and every particular emission source located at Fort Allen is exempted from compliance with the provisions of that Act; except that no exemption is hereby granted from Sections 111 and 112 of that Act (42 U.S.C. 7411 and 7412).

1-103. Consistent with the provisions of subsection 4(b) of the Noise Control Act of 1972, as amended (42 U.S.C. 4903(b)), each and every single activity or facility, including noise emission sources or classes thereof, located at Fort Allen, are exempted from compliance with the provisions of that Act; except that no exemption is hereby granted from Sections 6, 17 and 18 of that Act (42 U.S.C. 4906, 4916 and 4917).

1-104. Consistent with the provisions of Section 6001 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6961), each and every solid waste management facility located at Fort Allen is exempted from compliance with the provisions of that Act.

1-105. The exemptions granted by this Order shall be for the one-year period beginning October 2, 1980, and ending October 1, 1981.

THE WHITE HOUSE,
October 3, 1980





Rules and Regulations

Federal Register

Vol. 45, No. 196

Tuesday, October 7, 1980

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 351

Reduction in Force

Correction

In FR Doc. 80-29438, appearing on page 62971, in the issue of Tuesday, September 23, 1980, make the following correction:

On page 62972, first column, the bold face heading "75.7 Areas quarantined." should be deleted.

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Delegations of Authority by the Secretary of Agriculture and General Officers of the Department; Revision

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document amends the delegations of authority to the Assistant Secretary for Rural Development and the Administrator, Farmers Home Administration to authorize the Farmers Home Administration to make loans for hydroelectric systems under the authority of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.). This action is intended to support the President's Rural Energy Initiatives.

EFFECTIVE DATE: October 7, 1980.

FOR FURTHER INFORMATION CONTACT:

David J. Howe, Senior Loan Officer, Community Facilities Loan Division Farmers Home Administration, U.S. Department of Agriculture, Room 6304 South Building, Washington, DC 20250, (202) 447-7667.

SUPPLEMENTARY INFORMATION: On July 24, 1980, notice was given in the Federal Register (45 FR 49275), of a proposal to amend 7 CFR Part 1942 to authorize the use of the Farmers Home Administration to make financial assistance available for hydroelectric generating facilities and related connecting systems and appurtenances for those projects not eligible for assistance from the Rural Electrification Administration.

Comments received in response to the proposal supported its adoption. The purpose of the document is to delegate to the Administrator Farmers Home Administration the authority to make such loans. A separate document will amend the provisions of 7 CFR Part 1942 as proposed in the notice of proposed rulemaking.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, Assistant Secretaries, and the Director of Economics, Policy Analysis, and Budget

Accordingly, 7 CFR Part 2 is amended as follows:

1. Section 2.23 is amended by revising paragraphs (a)(1)(i) and (c)(2) to read as follows:

§ 2.23 Delegations of authority to the Assistant Secretary for Rural Development.

* * * * *

(a) *Related to farmers home activities.*

(1) Administer the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) except (i) with respect to loans for rural telephone facilities and service and financing for community antenna television services or facilities delegated to the Assistant Secretary for Rural Development in paragraphs (c)(2) and (c)(3) of this section. * * *

* * * * *

(c) *Related to rural electrification and telephone service.*

* * * * *

(2) Administer the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) with respect to loans for rural telephone facilities and service.

Subpart I—Delegations of Authority by the Assistant Secretary for Rural Development

2. Section 2.70 is amended by revising paragraphs (a)(1) and (b)(2) to read as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) Delegations * * *

(1) Administration of the Consolidated Farm and Rural Development Act (Act) except (i) financing under section 306 (a)(1) of the Act, 7 U.S.C. 1926(a)(1), of any rural electrification or telephone systems or facilities other than hydroelectric generating and related distribution systems and supplemental and supporting structures if they are not eligible for Rural Electrification Administration financing; (ii) financing for community antenna television services or facilities; (iii) the authority contained in section 342 of the Act, 7 U.S.C. 1013A; and (iv) the authority contained in section 306(a)(13), 7 U.S.C. 1926(a)(13). This delegation includes the authority to collect, service, and liquidate loans made or insured by Farmers Home Administration or its predecessor agencies, Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporation of Washington, D.C.

(b) Reservations * * *

(2) Administering loans for rural telephone facilities and service in rural areas of 1,500 or less as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

Dated: October 1, 1980.

For Subpart C:

Bob Bergland,

Secretary of Agriculture.

Dated: October 1, 1980.

For Subpart I:

Alex P. Mercure,

Assistant Secretary for Rural Development.

[FR Doc. 80-31113 Filed 10-6-80 8:45 am]

BILLING CODE 3410-01-M

Food and Nutrition Service**7 CFR Parts 210 and 230****National School Lunch Program and Food Service Equipment Assistance Program; Matching of Federal Funds**

AGENCY: Food and Nutrition Service.

ACTION: Final rule.

SUMMARY: These final regulations implement for the National School Lunch Program and the Food Service Equipment Assistance Program a provision of Title VI of Pub. L. 96-205. This provision (Sec. 601) waives any requirement for local matching funds under \$100,000 for American Samoa and the Northern Mariana Islands.

EFFECTIVE DATE: July 1, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, USDA, Food and Nutrition Service, Washington, D.C. 20250. Telephone (202) 447-9065. The final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Stanley C. Garnett at the above address.

SUPPLEMENTARY INFORMATION:*Administrative Procedures*

This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified not significant.

Robert Greenstein, Administrator, FNS, has determined that a situation exists which warrants publication without opportunity for a public comment period on this final action. The provision of Pub. L. 96-205 with regard to matching requirements is mandatory; the Department is not at liberty to change the matching requirement should public comments indicate disapproval of the rule.

Current School Nutrition Program Matching Requirements

Section 7 of the National School Lunch Act requires States to match Section 4 general cash-for-food assistance funds expended for lunches served to children with funds from sources within the State. Section 7 provides for two matching requirements for funds received under Section 4 of the National School Lunch Act: (1) a three-to-one match and (2) a State revenue match.

7 CFR 210.6 promulgated to implement section 7 requires that under the three-to-one match States match each dollar

of Section 4 funds expended for paid lunches with three dollars from (1) State revenue, (2) children's payments, or (3) local contributions. 7 CFR 210.6 requires States under the State revenue match to match each dollar of Section 4 funds expended for all lunches (free, reduced price and paid) served the previous school year with 30¢ of State appropriated funds. State expenditures which may be counted toward the State revenue match include direct payments by the State to schools for support of the Program; local expenses paid by the State; intrastate distribution costs associated with providing USDA donated foods to schools; salaries of local school food service employees including benefits, such as retirement, insurance etc. if paid by the State; and the State provided portion of general fund revenues that are used for Program purposes. The three-to-one and State revenue matching requirements must be met on a school year basis. Finally, matching requirements for States with per capita incomes below the national average are proportionately reduced by the percentage that each State's per capita income is below the national average.

Section 5 of the Child Nutrition Act requires States to match the Federal funds received to assist schools to acquire food service equipment under the Food Service Equipment Assistance (FSEA) Program (7 CFR Part 230). Part 230 requires States to provide at least one-fourth of the cost of equipment financed with FSEA funds from sources within the State, except that especially needy schools are exempted from this matching requirement. The regulations also require that the matching requirement be on a fiscal year basis which is in accordance with the allocation of Food Service Equipment Assistance Program funds.

Public Law 96-205

Recognizing the difficulty some territories have with matching requirements, Congress has required in section 601 of Public Law 96-205, enacted on March 12, 1980 that "... in the case of American Samoa and the Northern Mariana Islands any department or agency shall waive any requirement for local matching funds under \$100,000 (including in-kind contributions) required by law to be provided by American Samoa or the Northern Mariana Islands."

Effect of Law on School Nutrition Programs

A review of fiscal year 1979 data indicates that the amounts of Section 4 and Food Service Equipment Assistance

Program funds appropriated to each of these territories did not require a \$100,000 match, nor is it anticipated that future funding will increase to a level that would require a \$100,000 match. Therefore, these territories are expected to be exempt from the matching requirements of Part 210 and Part 230 in accordance with Public Law 96-205 and these regulations.

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Accordingly, Part 210, National School Lunch Program, is amended by Amendment 40 as follows:

Part 210.6 of the regulations is amended by adding a new paragraph (b-1) to read as follows:

210.6 Matching of funds.

(b-1) Beginning July 1, 1980, American Samoa and the Northern Mariana Islands shall be exempt from the matching requirements of paragraphs (a) and (b) of this section if their respective matching requirements are under \$100,000.

PART 230—FOOD SERVICE EQUIPMENT ASSISTANCE PROGRAM

Accordingly, Part 230, Food Service Equipment Assistance Program, is amended by Amendment 5 as follows:

Part 230.7 of the regulations is amended by revising paragraph (a) to read as follows:

§ 230.7 Matching funds.

(a) During any fiscal year, payments made by FNS to each State agency and payments made by FNSRO to School Food Authorities shall be upon the condition that at least one-fourth of the cost of the equipment financed under this subsection shall be borne by funds from sources within the State: *Provided, however,* that payments used to assist schools that are especially needy, as determined by criteria established by the State agency, or FNSRO where applicable, and approved by the Secretary, shall not be so matched; *Provided further,* That beginning July 1, 1980 American Samoa and the Northern Mariana Islands shall be exempt from the matching requirements under this section if their respective matching requirements are under \$100,000. A School Food Authority's ability to meet the matching requirement of this section may be determined by assessing the funds included in the school food service budget, the funds set aside for equipment replacement, the level of operating balance, and the availability

of funds from alternate sources and their impact on the School Food Authority's ability to finance the acquisition cost. Payments made by FNS to a State agency may be matched where matching is required, either by the respective recipient School Food Authorities or from other State or local sources and payments made by FNSRO to a School Food Authority may be matched either by the recipient School Food Authority or from other funds available to such School Food Authority within the State in which the Program is administered by FNS.

* * * * *

(Sec. 601, Pub. L. 96-206, 94 Stat. 90 (48 U.S.C. 1469a))

Dated: September 30, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-30991 Filed 10-6-80; 8:45 am]

BILLING CODE 3410-30-M

7 CFR Part 246

[Amdt. 1]

Special Supplemental Food Program for Women, Infants, and Children

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule amends final regulations published on July 27, 1979, at 44 FR 44422 which set forth performance standards for State agencies to satisfy in the administration of the WIC Program and which provide sanctions to be applied against State agencies failing to satisfy those standards as of October 1, 1980. This rule deletes those performance standards, but retains the general authority to impose fiscal sanctions for State agency failure to comply with Federal Regulations or with the State Plan of Program Operation and Administration. The rule also clarifies and restructures the steps leading up to the sanction process.

DATES: Effective date: This regulation is effective October 7, 1980. Comment period: Comments must be received on or before December 8, 1980, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Darrel Gray, Acting Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, Washington, D.C. 20250, (202) 447-4888. Actions of this kind were anticipated under the provisions of 44 FR 44422 and are specifically considered in the Final Impact Statement prepared for that

action. Thus, the Final Impact Statement describing the options considered in developing this interim rule and the addendum to the statement discussing the impact of implementing this rule are available on request from the Director of the Supplemental Food Programs Division.

SUPPLEMENTARY INFORMATION: Pub. L. 95-627, enacted November 10, 1978, requires the Secretary of Agriculture to establish performance standards for the proper, efficient and effective administration of the WIC Program. It also provides authority for the Secretary to withhold appropriate amounts of a State agency's administrative funds, if that State agency fails without good cause to administer the WIC Program in a manner consistent with Federal regulations or the State Plan of Operation and Administration.

In response to the legislative mandate, the Department established performance standards and incorporated those standards into § 246.19 of the final rule published on July 27, 1979. The final rule further provided that the fiscal sanction process applied against State agencies for their performance deficiencies, disclosed through a statistically valid sample of relevant Program records, be implemented beginning October 1, 1980.

Since the performance standards had not been tested when the final WIC regulations were published on July 27, 1979, and the sample sizes used to measure State agency performance could potentially have a dramatic impact upon the limited staff available in FNS Regional Offices, the Department made a decision to conduct a pilot test of both the performance standards and the sampling methodology. The pilot test was conducted in five States during the first half of fiscal year 1980.

The pilot test revealed that: (1) The performance standards as defined in the regulations did not necessarily measure the State agency accountability desired by the Department; and (2) the statistical sampling was not an appropriate method for evaluating State compliance with every proposed performance standard. Therefore, it is necessary for the Department to delete the current performance standards. The Department is studying the results of the pilot test, analyzing various alternative performance standards, and will publish recommended changes in performance standards as a proposed rule in the Federal Register. Therefore, the current performance standards will not become effective on October 1, 1980. A new implementation date for performance

standards will be discussed in the forthcoming proposed regulations to be published in the Federal Register.

However, the Department retains the general authority given in Pub. L. 95-627 and implemented in current WIC regulations to impose fiscal sanctions if a State agency fails without good cause to administer the WIC Program in accordance with Federal regulations or the State Plan of Operation and Administration. This rule clarifies and restructures the sanction process. The rule makes clear that it is the State's responsibility to develop a corrective action plan and submit it to FNS after FNS notifies the State of deficiencies. Current regulations imply that the letter notifying the State of the deficiency shall also transmit a corrective action plan which FNS and the State have already agreed upon. Implementation of the current requirements could prove difficult in practice, as corrective action plans may be developed after, not before, notification of the deficiency. This rule provides States with 60 days after receipt of the FNS warning to develop an acceptable corrective action plan and submit it to FNS for approval. If a State fails to develop an acceptable plan, or fails to meet the schedule for corrective action set forth in an approved plan, FNS can withhold State administrative funds.

The Department also determined that a hearing procedure should be developed to address sanctions taken by FNS against State agencies. Therefore, a review procedure has been included in this interim rule. This interim rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as "not significant."

It has been determined by Robert Greenstein, Administrator, FNS, that this rule be issued as an interim rule effective upon publication in order to advise State agencies as soon as possible that the provision in final WIC regulations concerning specified performance standards will not be effective on October 1, 1980, because the performance standards have been deleted from the regulations. The Department is, however, interested in receiving comments on this interim ruling. Comments must be submitted within 60 days after the publication of this ruling.

[Child Nutrition Amendments of 1978, Pub. L. 95-627, Section 3, 92 Stat. 3616 (1978)]

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

In § 246.19, paragraph (b) (2) and (3) are deleted, and (b)(4) is redesignated as (2), (b)(5) is redesignated as (3) and revised to read as follows:

§ 246.19 Management Evaluation and reviews.

(b) *Responsibilities of FNS.* * * *

(2) If FNS determines that the State agency has failed, without good cause, to comply with the requirements contained in this Part or the State Plan, FNS may withhold an amount up to 100 percent of the State agency's administrative funds. Before carrying out any sanction against a State agency, the following procedures will be followed:

(i) FNS shall notify the Chief State Health Officer or equivalent in writing: (A) of the deficiencies found; and (B) of FNS' intention to withhold administrative funds unless an acceptable corrective action plan is submitted by the State agency to FNS within 60 days after notification.

(ii) The State agency shall develop a corrective action plan with a schedule according to which the State agency shall accomplish various actions to correct the deficiencies and prevent their future recurrence.

(iii) If the corrective action plan is acceptable, FNS shall notify the Chief State Health Officer or equivalent in writing within 30 days of receipt of the plan. The letter approving the corrective action plan shall describe the technical assistance that is available to the State agency to correct the deficiencies. The letter shall also advise the Chief State Health Officer or equivalent of the sanctions to be imposed if the corrective action plan is not implemented according to the schedule set forth in the approved plan.

(iv) Upon notification from the State agency that corrective action has been taken, FNS shall assess such action, and, if necessary, shall perform a follow-up review to determine if the noted deficiencies have been corrected. FNS shall then advise the State agency of whether the actions taken are in compliance with the corrective action plan, and whether the deficiency is resolved or further corrective action is needed.

(v) If an acceptable corrective action plan is not submitted within 60 days, or if corrective action is not completed according to the schedule established in the corrective action plan, FNS may withhold administrative funds. This

shall be done through a reduction of the State agency Letter of Credit (LOC) or by assessing a claim against the State agency. FNS shall notify the Chief State Health Officer or equivalent of this action.

(vi) If compliance is achieved before the end of the fiscal year in which the administrative funds are withheld, the funds withheld shall be restored to the State agency's LOC. FNS is not required to restore funds withheld if compliance is not achieved until the subsequent fiscal year. If the 60 day warning period ends in the fourth quarter of a fiscal year, FNS may elect not to withhold funds until the next fiscal year.

(3) *Administrative Review Process.* When FNS asserts a sanction against a State agency under the provisions of § 246.19(b)(2) above, the State agency may appeal the case and must be afforded a hearing or review by an FNS Administrative Review Officer or an independent USDA Appeal Board outside of FNS. A State agency shall have the option of requesting a hearing to present its position or a review of the record including any additional written submissions prepared by the State agency.

(i) FNS shall send a written notice by certified mail to the State agency or otherwise ensure receipt of such notice by the agency when asserting a sanction against a State agency.

(ii) A State agency aggrieved by a sanction asserted against it may file a written request with the Director, Administrative Review Staff, U.S. Department of Agriculture, Food and Nutrition Service, Washington, D.C. 20250, for a hearing or a review of the record. Such request must be postmarked within 30 calendar days of the date of receipt of the sanction notice and the envelope containing the request shall be prominently marked "REQUEST FOR REVIEW OR HEARING." If the State agency does not request a review or hearing within 30 calendar days of receipt of the notice, the administrative decision on the sanctions shall be final.

(iii) Within 15 calendar days of receipt by the Administrator of a request for review or hearing, FNS shall provide the State agency with a written acknowledgement of the request.

(A) The acknowledgement shall include the name and address of the FNS Administrative Review Officer or independent USDA Appeal Board to review the sanction;

(B) The acknowledgement shall also notify the State agency that within 30 calendar days of the receipt of the acknowledgement, the State agency shall submit information in support of its position.

(iv) When a hearing is requested pursuant to this paragraph, the Department has up to 60 calendar days after receipt of the State agency's information to schedule and conduct the hearing. The Department shall advise the State agency of the time, date and location of the hearing at least ten calendar days in advance.

(v) When a hearing is requested, the FNS Administrative Review Officer or independent USDA Appeal Board shall make a final determination within 30 calendar days after the hearing, and the final determination shall take effect upon delivery of the written notice of this final decision to the State agency.

(vi) When a review is requested, the FNS Administrative Review Officer or independent USDA Appeal Board shall review information presented by a State agency and shall make a final determination within 30 calendar days after the receipt of that information. The final determination shall take effect upon delivery of the written notice of this final decision to the State agency.

Dated: September 30, 1980.

Carol Tucker Foreman,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-30893 Filed 10-6-80; 8:45 am]

BILLING CODE 3410-30-M

7 CFR Part 282

[Amdt. No. 176]

Pennsylvania Food Stamp Direct Delivery Demonstration Project

AGENCY: Food and Nutrition Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This rulemaking establishes procedures to be in effect during the testing of Pennsylvania's "Food Stamp Direct Delivery" system which is authorized as a demonstration project under Section 17(b)(1) of the Food Stamp Act of 1977. This project involves the assigning of food stamp participants to an issuance point and requiring that they go to such point and pick up and sign an Authorization-to-Participate card (ATP) in lieu of the ATP being mailed home. This project will test the feasibility of this alternate issuance system and its impact in reducing the number of replaced ATP's, in curtailing fraudulent duplicate issuance (of ATP's), and in improving ATP delivery to clients. Issuance agent and client reaction to this alternate means of ATP and coupon delivery will be examined. The areas to be tested are the Federal, Passyunk and Snyder Districts of

Philadelphia and the Hill District of Pittsburgh.

This emergency final rule establishes procedures for the implementation of the Pennsylvania "Food Stamp Direct Delivery" demonstration project. The Administrator of the Food and Nutrition Service has determined that there is a need to test alternate means of ATP delivery and that tests of such systems should be developed as expeditiously as possible. Comments are invited, and will be studied along with the results of the test.

DATE: Effective Date: September 1, 1980. Comments must be received by March 1, 1981.

ADDRESS: Comments should be submitted to: Alberta Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, 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) at 500 12th Street, S.W., Washington, D.C., Room 603.

FOR FURTHER INFORMATION CONTACT: James I. Porter, Chief, Mid-Atlantic/New England Section, State Evaluations Branch, State Operations Division, Family Nutrition Programs, Food and Nutrition Service, Washington, D.C. 20250 (202-447-4014).

SUPPLEMENTARY INFORMATION: This final action has been reviewed under procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified as "not significant." The emergency nature of this action warrants publication without completion of a Final Impact Statement. A Final Impact Statement will be developed after public comments have been received.

Robert Greenstein, Administrator of the Food and Nutrition Service has determined that an emergency situation exists which warrants publication without opportunity for public comment on this final action because of the need to test and develop alternate issuance systems that will improve the integrity of the Food Stamp Program by reducing or eliminating the fraudulent duplicate issuance of food stamp authorizations.

Background

Section 17(b)(1) of the Food Stamp Act of 1977 authorizes the Secretary to conduct on a test basis, in one or more areas of the United States, pilot or experimental projects designed to test program changes that might improve the

delivery of food stamp benefits to eligible households.

The urban areas of Pennsylvania (most notably Philadelphia) have been sustaining losses due to duplicate issuance of ATP's. In the past two years the number of replacement ATP's has increased, as has the number of issuances where both the original and replacement ATP's were cashed. In October 1979, Philadelphia County had 2,800 instances where both the original and replacement ATP's were cashed, worth \$210,000. These instances of unauthorized duplicate issuance may be caused by the theft or loss of ATP's or by fraud by participants. The Direct Delivery System is designed to eliminate these problems.

The vast majority of households placed on direct delivery test project will be public assistance households already incorporated into Pennsylvania's Public Assistance direct delivery system. For these participants, Direct Delivery will enable them to pick up both their ATP and PA check in one stop. It is projected that a total of 18,500 public assistance households will participate in the direct delivery project.

Nonpublic assistance households will be included on a voluntary basis or if the household shows a pattern of repeated requests for replacement ATP's. The number of nonpublic assistance households incorporated into the Direct Delivery System is estimated to be 1,000.

Pennsylvania has realized a great deal of success with the Direct Delivery System currently being used to issue public assistance checks. Direct Delivery is in operation in 18 counties (primarily urban) covering 55 percent of the total PA caseload. The system has virtually eliminated the State's earlier severe PA check replacement problem and Pennsylvania estimates an annual savings of \$11 million. In addition, Direct Delivery has received positive reactions from the clients, issuance agents, and public-at-large and has also proven to be an easily managed system creating a reduced workload for the county offices. It is felt that similar improvements will be realized in the areas involved in food stamp direct delivery.

In adapting Direct Delivery to the Food Stamp Program, the state plans to assign food stamp clients receiving public assistance to the same location where they currently pick up their PA checks and to stagger the issuance of the ATP to coincide with the date of their check delivery. Such a system enables the client to receive and cash his check and ATP simultaneously. In the same visit, the client may take advantage of other services such as purchasing money

orders and making utility bill payments. These clients also will use their PA photo identification card along with their food stamp identification card to properly identify themselves to the issuing agent. Non-PA food stamp households located in the project area will be given the opportunity to participate in Direct Delivery through an issuing agent near their homes and will receive photo identification cards to use in obtaining their ATPs. In this system, replacement of lost or stolen ATP's will be eliminated and clients will have a reliable method of benefit delivery with no additional requirements. This method also will reduce the county workload associated with issuance of replacement benefits.

The Direct Delivery Demonstration project involves two slight variations of current Federal regulations. Section 274.2(e)(5) of the regulations requires the State agency to mail the ATP to the household in a first class nonforwarding envelope, except when the ATP is hand-delivered under expedited service. However, an alternate means of ATP delivery is permitted for households that report two consecutive losses of ATP's through the mail. In the areas covered by the Direct Delivery project, there has been a history of high replacement rates for ATP's. The mandated pick-up of the ATP will not present an additional burden on clients since food stamp participants presently must "cash" their ATP for their actual food stamp benefits. Additionally, the ATP will be available for pick-up at the same location as the participant's public assistance check. Therefore, one trip will allow a participant to pick up both his food stamps and public assistance check.

The second area where Direct Delivery is in variance with Food Stamp Regulations is in its mandate that ATP pick up be coordinated with PA issuance. Because public assistance checks are issued during the first 10 working days of each month, this may, during some months of the year, result in one-tenth of the cases receiving their ATP on the 16th or 17th of the month, depending on the number of holidays and weekends falling early in the month. Food Stamp Regulations at Section 274.2(e)(2) permit State agencies to stagger the issuance through the 15th of the month provided that each household's cycle is established and so that it receives its ATP at the same time every month. It is foreseen by the State that the coordination of the ATP to the public assistance grant will improve service to the clients by simplifying the issuance system for clients, the county offices and issuance agents.

The Direct Delivery System has provision to exempt households in certain unique circumstances. The exemptions are: physical or mental health problems; unique home responsibilities; location of issuance outlets presenting a hardship; religious beliefs (i.e., precluding photographing), and employment constraints.

Accordingly: Part 282 of the regulations is amended as follows:

PART 282—DEMONSTRATION, RESEARCH, AND EVALUATION PROJECTS

A new § 282.14 is added as follows:

§ 282.14 Pennsylvania Food Stamp Direct Delivery Demonstration Project.

(a) *General:*

This part describes the provisions of the Pennsylvania Food Stamp Direct Delivery Demonstration Project.

(b) *Purpose:*

The Pennsylvania Food Stamp Direct Delivery Demonstration Project is designed to institute an alternate authorization to participate (ATP) issuance system that should eliminate duplicate issuances.

(c) *Scope and Applicability:*

The Direct Delivery Demonstration Project is to be conducted in the Hill District of Pittsburgh and the Federal, Passyunk, and Snyder Districts of Philadelphia. Approximately 4,500 public assistance households will be involved in Pittsburgh and another 14,000 in Philadelphia. In addition, 1,000 non-public assistance households are expected to volunteer for the program. Issuance operations for this test project will involve six bank branches in Pittsburgh and two non-bank agents in Philadelphia.

(d) *Funding:*

This project is being funded by a direct grant to the Pennsylvania Department of Public Welfare in the amount of \$102,093.94.

(e) *Persons affected:*

Within the test districts participation in the Direct Delivery Demonstration Project will include:

(1) An estimated 18,500 public assistance households.

(2) An undetermined number of nonpublic assistance households in the Philadelphia test districts who show a pattern of repeated ATP losses.

(3) Approximately 1,000 non-public assistance households in Philadelphia that volunteer for the test project.

(f) *Exempted households.* The reasons for exemption are:

(1) *Physical and Mental Health*—Individuals incapacitated by illness, physical or emotional handicaps.

(2) *Home Responsibilities*—The client will be required to provide services at home because of illness or incapacity of another member of the household on a sustained basis. If such a payee can make adequate arrangements for the required services, he may participate in Direct Delivery.

(3) *Location of Participating Agent*—Individuals living so remote from any participating outlet that it will be impractical for them to participate.

(4) *Religious Beliefs*—Individuals whose religion prohibits the photographing of members or followers. Affiliation must be verified.

(5) *Employment*—An individual employed at a location so remote from any participating issuance agent within the county of residence or outside a district office boundary as to render his participation in the Direct Delivery System unreasonable. The person is excused from Direct Delivery provided he has not had repeated replacement requests.

(g) *Issuance of Benefits:*

Households participating in the Food Stamp Direct Delivery Project will be assigned to a designated issuance outlet.

(1) *The Issuance Outlet.* These locations will receive the participating household's ATP each month. For each food stamp issuance, the participant will go to the assigned issuance point to pick-up his ATP.

(i) Public assistance households will be assigned to the same issuance outlet where they currently receive their public assistance check.

(ii) Non-public assistance households will be assigned to the issuance outlet most convenient to that household.

(2) *Staggered Issuance.* ATP issuance will be tied to the public assistance grant receipt date. The public assistance grant payment day schedule runs through the tenth working day of each month.

(3) *Access to the ATP.* The participating household's ATP will be available for pick-up at the issuance outlet until the end of the month. The ATP will only be made available to the household head (or the person whose picture appears on the photo ID) at the issuance outlet.

(4) *Authorized Representative.* If an authorized representative is required to obtain the ATP, then the authorized representative shall take the household's Food Stamp identification card to the certification office where a replacement ATP will be manually issued to the authorized representative.

(i) When an emergency authorized representative is required, households

shall be given a form to complete when they need to use an emergency authorized representative.

(ii) The head of household and the authorized representative shall sign the form. The authorized representative shall then take the form and the participant's food stamp identification card to the certification office.

(h) *Identification Process:* The Food Stamp Direct Delivery Project will involve the use of a photo identification card.

(1) Public assistance households will present their public assistance photo identification card along with their food stamp identification card to properly identify themselves to the issuing agent.

(2) Non-public assistance households electing to participate in the project will receive a photo identification card for use in obtaining their ATP.

(3) For ATP issuance, the identification process is as follows:

(i) The client must present the Public Assistance photo ID card to receive the PA check. The Food Stamp ID card must also be presented.

(ii) The teller will compare the client's appearance with the photo ID card and the signatures on the cards.

(iii) The ATP is pulled and the client will sign the receipt voucher (a stub on the ATP). The signature is compared with those on the IDs.

(iv) If the teller is satisfied as to the client's identity, the ATP is given to the client. The ATP is then signed and transacted.

(v) If the teller is not satisfied with the client's identity, the person shall be referred to the District office and the ATP voided. Once referred, the client's identity shall be ascertained at the District office, where a replacement ATP will be issued upon a determination of positive identification.

(i) *Evaluation of the Food Stamp Direct Delivery Demonstration Project.* An evaluation of this project will be conducted by FNS. The purpose of the evaluation will be to ascertain the effect direct delivery has had on the number of fraudulent duplicate issuances and the effect it has on participating households.

(91 Stat. 958 (7 U.S.C. 2011-2027) Catalog of Federal Domestic Assistance Program No. 10.551 Food Stamps)

Dated: October 2, 1980.

Carol Tucker Foreman,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-31129 Filed 10-6-80; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization—Field Service; Addition of Saunderstown as a Class A Port of Entry

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Saunderstown as a Class A port of entry under District No. 2—Boston, Mass., since the Service has been inspecting arriving ships at Saunderstown, Rhode Island which is a port facility under the port of Providence.

EFFECTIVE DATE: October 31, 1980.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J.

Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone: (202) 633-3048.

For Specific Information: Ellis B. Linder, Immigration Inspector, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone: (202) 633-4033.

SUPPLEMENTARY INFORMATION: 8 CFR 100.4(c)(2) designates ports of entry for aliens arriving by vessel or by land transportation. The ports are listed according to location by districts and classes; Boston, Mass., District No. 2 includes the port of Boston and Providence, R.I. as well as their respective port facilities. The Service has been inspecting arriving ships at Saunderstown, Rhode Island which is a port facility under the port of Providence and this facility is being added to the regulations.

Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rulemaking is not required because the amendment merely adds to the Service's designation of port facilities which is an increased benefit to the public.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION**§ 100.4 [Amended]**

In § 100.4(c)(2), under "District No. 2—Boston, Mass., Class A, Providence, R.I." add Saunderstown between Quonset Point and Tiverton within the parenthetical listing.

(Sec. 103, 8 U.S.C. 1103)

Dated: September 26, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-31096 Filed 10-6-80; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

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

Correction

In FR Doc. 80-30234 appearing on page 64549, in the issue of Tuesday, September 30, 1980, make the following correction.

On page 64549, third column, the amendatory language numbered "1." at the bottom of the page should have read:

"1. In § 82.3, the introductory portion of paragraph (a) is amended by adding the names of the States of Texas, Missouri and Minnesota; and (a)(2)(ii), (a)(3), (a)(4), and (a)(5) are added to read:"

BILLING CODE 1505-01-M

9 CFR Part 82

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

Correction

In FR Doc. 80-30236, appearing on page 64551, in the issue of Tuesday, September 30, 1980, make the following correction.

On page 64551, first column, the paragraph of amendatory language numbered "1." should have read:

"1. In § 82.3, the introductory portion of paragraph (a) is amended by adding the names of the States of Ohio, Illinois and Arizona; and (a)(2)(iii), (a)(6), (a)(7), and (a)(8) are added to read:"

BILLING CODE 1505-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 243

[Economic Reg. ER-1200; Amdt. No. 5 to Part 243]

Report of Charter Services Performed for the Military Airlift Command; Revocation of Part 243

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule revokes and reserves the CAB's rule and the related form that were used to set Military Airlift Command rates. This report is no longer needed because the CAB no longer sets military rates and because the Department of Defense obtains its data directly from the carriers.

DATES: Adopted: October 2, 1980. Effective: October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Office of Economic Analysis, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: In 1961 the Board adopted a new Part 288 governing air transportation provided to the Department of Defense (DOD) by air carriers, ER-335, 26 FR 6763, July 28, 1961. The purpose of this rule was to preserve the safety and quality of military air transportation by setting minimum rates. A government imposed floor on military air transportation rates was considered necessary to control what was perceived to be destructive bidding practices.

By ER-522, 32 FR 20711, December 22, 1967, the Board adopted a new Part 243 and a related Form 243 to aid in the administration of Part 288. This rule and form were designed to provide the Board with the information it needed to review the minimum rates set under Part 288. The current rule requires the submission of a certification sheet and five schedules covering Military Airlift Command (MAC) contracts: D-1, "Summary of Invested Capital"; D-2, "Summary of Financial Results of Operations"; D-3, "Summary of Operating Statistics and Aircraft Utilization;" D-4, "Statement of Allocation Procedures;" and D-4a, "Certification of Previously Filed Allocation Procedures."

By ER-1134, 44 FR 43459, July 25, 1979, Docket 34397, we revised Part 288 and terminated our exercise of authority over the prices of air transportation provided to DOD. This action was taken in response to changed circumstances in the military air transportation market and to the need for reform of the Board's military ratemaking function in light of the Airline Deregulation Act of 1978 and the Board's experience. The effect of this action was to make the reporting requirements of Part 243 unnecessary. In October 1979, the Director of the Office of Economic Analysis under authority delegated in § 385.27(c) of the Board's Organization Regulations (14 CFR 385.27(c)) informed respondent carriers by letter that it was no longer necessary

to file the data required by that part. We are now confirming that staff action by revoking Part 243 entirely.¹

MAC rates are now established by DOD, and we have been advised that DOD does not need Form 243 data from the Board because it obtains the data it needs directly from the carriers.

Since the issues involved here were disposed of in Docket 34397 and Part 243 became superfluous as a result of that action, the Board finds that notice and public procedure are unnecessary and that an immediate effective date is in the public interest.

PART 243 [REVOKED]

Accordingly, the Civil Aeronautics Board amends Chapter II of Title 14, CFR as follows:

Part 243, *Report of Charter Services Performed for the Military Airlift Command*, is revoked and reserved.

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-31177 Filed 10-6-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 48

[T.D. 7726]

Manufacturers and Retailers Excise Taxes; Excise Tax on Coal

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the excise tax on coal. Changes to the applicable law were made by the Black Lung Benefits Revenue Act of 1977. The regulations provide the public with the guidance needed to comply with the Act and affect all producers who mine or reclaim coal in the United States.

DATE: The regulations are effective for coal sold or used by the producer in other than a mining process after March 31, 1978.

FOR FURTHER INFORMATION CONTACT: Robert H. Waltuch of the Legislation and Regulations Division, Office of the

Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, Attention: CC:LR:T, 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On August 27, 1979, the Federal Register published proposed amendments to the Excise Tax Regulations (26 CFR Part 48) under section 4121 of the Internal Revenue Code of 1954 (44 FR 50065). The amendments were proposed to conform the regulations to section 2 of the Black Lung Benefits Revenue Act of 1977 (Pub. L. 95-227; 92 Stat. 11). A public hearing was held on January 10, 1980. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Summary of Final Regulations

Under section 4121 of the Code, an excise tax is imposed on the sale or use of coal by the producer. The proposed regulation defined the term "producer" as the person who owns the coal immediately after extraction from the mine. One commentator disagreed with this approach and requested that the Treasury adopt a rule apportioning the excise tax between the royalty owner and the operator of the mine. The requested change has not been made regarding the definition of the term "producer" because the tax imposed under section 4121 is on the first sale of coal by the producer. However, the definition of the term "producer" has been expanded to include any person who extracts coal from coal waste refuse piles. Several examples have been added to illustrate the application of the definition of the term "producer."

Several comments were received criticizing the method used in determining the existence of lignite. The proposed regulation defined lignite in accordance with the standard specification for the classification of coals by rank of the American Society for Testing and Materials (Annual Book of ASTM Standards, Part 26, D 388.) The criticism was based on the high cost involved and the inaccurate results that may be obtained. Despite these criticisms the legislative history is clear that the ASTM classification is to be used. Therefore, the regulation has not been revised as it relates to the definition of lignite.

Paragraph (c) of § 48.4121-1 of the proposed regulations has been revised to clarify two other issues raised at both the public hearing and in the written comments. The first issue clarified is

that silt waste is not subject to the excise tax on coal. The second issue is that in determining whether all or a portion of a particular mine contains lignite, all the facts and circumstances will be considered. For example, the Service will examine the contract price, contract specifications and will also determine whether lignite is commonly found in the area. Furthermore, to claim the exemption, the producer must maintain records which clearly identify the portion of the mineral from the mine that is lignite.

The final issue raised at the hearing and in the comments was the inequity that arises when the small mining company sells raw coal to a cleaning plant and must pay the tax based upon the uncleaned weight. After carefully considering this problem, the proposed regulation has not been revised because under section 4121, the tax is imposed on the first sale of coal, not upon the first sale after the coal has been cleaned.

Drafting Information

The principal author of this regulation is Robert H. Waltuch of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 48 and 139 are amended by adopting, subject to the following changes, the regulations proposed as a notice of proposed rulemaking published in the Federal Register on August 27, 1979 (44 FR 50065).

Paragraph 1. Section 48.4121-1, as set forth in paragraph 1 of the notice of proposed rulemaking is amended as follows:

(a) Paragraph (a) is revised to read as set forth below.

(b) Paragraph (c) is revised to read as set forth below.

§ 48.4121-1 *Imposition and rate of tax on coal.*

(a) *Imposition of tax.—(1) In general.* Section 4121 (a) imposes a tax on coal mined at any time in this country if the coal is sold or used by the producer after March 31, 1978 (see section 4218 and the regulations under that section for rules relating to the use of coal being treated as a sale of coal). For purposes of this section, the term "producer" means the person in whom is vested ownership of the coal under state law immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or

¹ Note: In Docket 26770 (EDR-271) (39 FR 20603, June 12, 1974) we proposed changes to Part 243 that were never made final.

other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similarly processing) of coal. However, the excise tax does not apply to a producer who sells the silt waste product without extracting the coal from it, or to the producer who uses the silt waste product without extracting the coal from it. Furthermore, the excise tax does not apply to the sale or use of the silt waste product after any coal has been extracted from it.

(2) *Examples.* Paragraph (a)(1) of this section may be illustrated by the following examples:

Example (1). A, a limited partnership, is the owner of land on which a coal mine is located. A contracts with XYZ Company to extract the coal for a set price per ton. XYZ Company is an independent contractor and has no ownership interest in the coal mined. Under state law, A is the owner of the coal immediately after severance. After XYZ extracts the coal from the mine, A sells the coal. A is the producer of the coal and is responsible for the payment of the excise tax.

Example (2). A, a limited partnership, is the owner of land on which a coal mine is located. A leases the land to XYZ Company, and XYZ Company extracts coal from the mine and sells it. Under state law, XYZ is the owner of the coal immediately after the coal is severed from the ground. XYZ Company is the producer and must pay the excise tax. This is true even though the lease agreement requires XYZ to pay a royalty to A.

Example (3). XYZ Company purchases a coal waste refuse pile from B and extracts the coal from the waste refuse pile and sells the coal. XYZ is the producer and must pay the excise tax.

Example (4). XYZ Company is a producer of coal and operates its own cleaning plant. After wet washing the coal, it sells the coal and the silt waste product. The sale of the coal is subject to the excise tax whereas the sale of the silt is not.

Example (5). Assume the same facts as in example (4) except that before selling the silt waste product XYZ Company extracts a small quantity of finely sized coal from the silt waste product and then sells both the finely sized coal and the silt waste product. The sale of the finely sized coal is subject to the excise tax whereas the sale of the silt is not.

* * * * *

(c) *Exemptions—(1) Lignite or imported coal.* The excise tax on coal does not apply to lignite or imported coal. Lignite is defined in accordance with the standard specification for classification of coals by rank of the American Society for Testing and Materials (Annual Book of ASTM Standards Part 26, D 388). The procedures specified in D 388 must be followed. If a producer extracts both taxable coal and lignite, then the producer must maintain adequate records to establish the portion of the mineral mined that is exempt from the tax. In determining whether all or a portion of the mineral extracted is lignite, the Service will consider all the facts and circumstances. For example, if a producer sells lignite and coal, the Service

will examine all the facts and circumstances, including the contract price, contracts specifications, and the amount of lignite extracted as it compares to the amount of lignite sold.

(2) *Other exemptions not applicable.* There are no exemptions for sales for further manufacture, for export, for use as supplies for vessels or aircraft, for the use of a State or local government, or for the use of a nonprofit educational organization. Furthermore, the Secretary does not have discretion to exempt sales of coal for use of the United States from the tax. There is also no exemption from the coal excise tax when the coal is used in further manufacture of another article that is subject to manufacturers excise tax. For example, if a producer of coal converts coal into gasoline which the producer then sells, the producer is liable for the coal excise tax when the coal is converted into gasoline and also liable for the manufacturers excise tax on gasoline when the gasoline is sold.

Par. 2. Section 139.4121-1 is revoked.

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: September 22, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

Paragraph 1. Section 48.4121-1 (a) and (c) are revised to read as set forth below.

§ 48.4121-1 Imposition and rate of tax on coal.

(a) *Imposition of tax.—(1) In general.* Section 4121(a) imposes a tax on coal mined at any time in this country if the coal is sold or used by the producer after March 31, 1978 (see section 4218 and the regulations under that section for rules relating to the use of coal being treated as a sale of coal). For purposes of this section, the term "producer" means the person in whom is vested ownership of the coal under state law immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similarly processing) of coal. However, the excise tax does not apply to a producer who sells the silt waste product without extracting the coal from it, or to the producer who uses the silt waste product without extracting the coal from it. Furthermore, the excise tax does not apply to the sale or use of the silt waste product after any coal has been extracted from it.

(2) *Examples.* Paragraph (a)(1) of this section may be illustrated by the following examples:

Example (1). A, a limited partnership, is the owner of land on which a coal mine is located. A contracts with XYZ Company to extract the coal for a set price per ton. XYZ Company is an independent contractor and has no ownership interest in the coal mined. Under state law, A is the owner of the coal immediately after severance. After XYZ extracts the coal from the mine, A sells the coal. A is the producer of the coal and is responsible for the payment of the excise tax.

Example (2). A, a limited partnership, is the owner of land on which a coal mine is located. A leases the land to XYZ Company, and XYZ Company extracts coal from the mine and sells it. Under state law, XYZ is the owner of the coal immediately after the coal is severed from the ground. XYZ Company is the producer and must pay the excise tax. This is true even though the lease agreement requires XYZ to pay a royalty to A.

Example (3). XYZ Company purchases a coal waste refuse pile from B and extracts the coal from the waste refuse pile and sells the coal. XYZ is the producer and must pay the excise tax.

Example (4). XYZ Company is a producer of coal and operates its own cleaning plant. After wet washing the coal, it sells the coal and the silt waste product. The sale of the coal is subject to the excise tax whereas the sale of the silt is not.

Example (5). Assume the same facts as in example (4) except that before selling the silt waste product XYZ Company extracts a small quantity of finely sized coal from the silt waste product and then sells both the finely sized coal and the silt waste product. The sale of the finely sized coal is subject to the excise tax whereas the sale of the silt is not.

* * * * *

(c) *Exemptions—(1) Lignite or imported coal.* The excise tax of coal does not apply to lignite or imported coal. Lignite is defined in accordance with the standard specification for classification of coals by rank of the American Society for Testing and Materials (Annual Book of ASTM Standards Part 26, D 388). The procedures specified in D 388 must be followed. If a producer extracts both taxable coal and lignite, then the producer must maintain adequate records to establish the portion of the mineral mined that is exempt from the tax. In determining whether all or a portion of the mineral extracted is lignite, the Service will consider all the facts and circumstances. For example, if a producer sells lignite and coal, the Service will examine all the facts and circumstances, including the contract price, contract specifications, and the amount of lignite extracted as it compares to the amount of lignite sold.

(2) *Other exemptions not applicable.* There are no exemptions for sales for further manufacture, for export, for use

as supplies for vessels or aircraft, for the use of a State or local government, or for the use of a nonprofit educational organization. Furthermore, the Secretary does not have discretion to exempt sales of coal for use of the United States from the tax. There is also no exemption from the coal excise tax when the coal is used in further manufacture of another article that is subject to manufacturers excise tax. For example, if a producer of coal converts coal into gasoline which the producer then sells, the producer is liable for the coal excise tax when the coal is converted into gasoline and also liable for the manufacturers excise tax on gasoline when the gasoline is sold.

(d) *Definitions and special rules.*—(1) *Coal produced from surface mine.* Coal is treated as produced from a surface mine if all of the geological matter (e.g., trees, earth, rock) above the coal is removed before the coal is mined. In addition, both coal mined by auger and coal that is reclaimed from coal waste refuse piles are treated as produced from a surface mine.

(2) *Coal produced from underground mine.* Coal is treated as produced from an underground mine if it is not produced from a surface mine.

(3) *Coal used by the producer.* For purposes of this section, the term "coal used by the producer" means use by the producer in other than a mining process. A mining process is determined the same way it is determined for percentage depletion purposes. For example, a producer who mines coal does not "use" the coal and thereby becomes liable for the tax merely because, before selling the coal, the producer breaks it, cleans it, sizes it, or applies one of the other processes listed in section 613(c)(4)(A) of the Code. In such a case, the producer will be liable for the tax only when he sells the coal. On the other hand, a producer who mines coal does become liable for the tax when he uses the coal as fuel, as an ingredient in making coke, or in another process not treated as "mining" under section 613(c).

(4) *Tonnage sold and sales price.* For purposes of determining both the amount of coal sold by a producer and the sales price of the coal, the point of sale is f.o.b. mine, or f.o.b. cleaning point if the producer cleans the coal before selling it. This is true even if the producer sells the coal on the basis of a delivered price. Accordingly, f.o.b. mine or cleaning point is the point at which the number of tons sold is to be determined for purposes of applying the applicable tonnage rate, and the point at which the sales price is to be determined for purposes of the tax under the 2 percent rate.

(5) *Constructive sale price.* If a producer uses coal mined by the producer in other than a mining process, a constructive sale price must be used in determining the tax under the 2 percent rate. This constructive price is determined under sections 613(c) and 4218(e) of the Code, and is based on sales of like kind and grade of coal by the producer or other producers made f.o.b. mine (if the coal is used without first being cleaned) or f.o.b. cleaning plant (if the coal is cleaned before it is used). Normally, this constructive price will be the same as the constructive price used in determining the producer's percentage depletion deduction.

(e) *Due date of tax returns; payment of tax, and tax deposits.* For information relating to the due date of tax returns and the time and place for the payment of the tax see § 48.6011(a)-1, § 48.6151-1 and § 48.6071(a)-1 of the Manufacturers and Retailers Excise Tax Regulations. The return form is Form 720, Quarterly Federal Excise Tax Return. For information relating to tax deposits, see § 48.6302(c)-1 of the Manufacturers and Retailers Excise Tax Regulations and Form 720 (Quarterly Federal Excise Tax Return) and the accompanying instructions.

§ 139.4121-1 [Revoked]

Par. 2. Section 139.4121-1 is revoked.

[FR Doc. 80-31055 Filed 10-6-80; 8:45 am]
BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 5

[T.D. ATF-66; Corrected]

Labeling and Advertising of Distilled Spirits

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Correction notice to final rule.

SUMMARY: This notice corrects editorial errors appearing in Treasury Decision ATF-66 relating to the labeling of distilled spirits in the Federal Register of June 13, 1980 (45 FR 40538).

EFFECTIVE DATE: October 7, 1980.

FOR FURTHER INFORMATION CONTACT: Norman Blake or Roger Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms (ATF) published Treasury Decision ATF-66, implementing new

requirements concerning ingredient labeling of all alcoholic beverages. Many of the new requirements were not mandatory until January 1, 1983, in order to allow sufficient time for industry transition. Consequently, in situations where new requirements were not mandatory until 1983, existing requirements were retained in the regulations so as to govern distilled spirits labeling in the interim. In amending §§ 5.32(b)(4) and 5.39(b)(1) thru (3) relating to the labeling of coloring materials, a minor editorial error erroneously deleted these existing sections effective October 14, 1980, rather than January 1, 1983. It is therefore necessary that Paragraph 13, § 5.32 and Paragraph 15, § 5.39 of T.D. ATF-66 be reprinted with corrections as indicated below.

Accordingly, §§ 5.32 and 5.39 are corrected as follows:

Par. 13. Effective January 1, 1983, § 5.32 is amended by (1) deleting paragraph (b)(4); (2) renumbering paragraphs (b)(5), (6), and (7) as (b)(4), (5) and (6); (3) relettering paragraph (c) as (d); and (4) adding a new paragraph (c). As amended, § 5.32(b)(4), (5) and (6), § 5.32(c) and (d) will read as follows:

§ 5.32 **Mandatory label information.**

* * * * *

(b) * * *

(4) Percentage of neutral spirits and name of commodity from which distilled, or in the case of continuously distilled neutral spirits or gin, the name of the commodity only, in accordance with § 5.39.

(5) A statement of age or age and percentage, when required, in accordance with § 5.40.

(6) State of distillation of domestic types of whisky and straight whisky, except light whisky and blends, in accordance with § 5.36.

* * * * *

(c) Beginning January 1, 1983, a list of ingredients or the option statement and address in the United States where the ingredient information is available shall appear as required by § 5.39a.

(d) In the case of a bottle which has been excepted by the Director under the provisions of § 5.48(a), the information required to appear on the "brand label," as defined, may appear elsewhere on such bottle if it can be demonstrated that the bottle cannot reasonably be so designed that the required brand label can be properly affixed.

Par. 15. Effective January 1, 1983, § 5.39 is amended to delete paragraph (b) in its entirety and the remaining paragraph (c) is relettered (b). Section 5.39(b) will read as follows:

§ 5.39 Presence of neutral spirits and coloring, flavoring, and blending materials.

(b) *Treatment with wood.* The words, "colored and flavored with wood — (insert chips, slabs, etc., as appropriate)" shall be stated as a part of the class and type designation for whisky and brandy treated, in whole or in part, with wood through percolation, or otherwise, during distillation or storage (other than through contact with the oak container).

Signed: October 10, 1980.

G. R. Dickerson,
Director.

[FR Doc. 80-31166 Filed 10-6-80; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5756

[A-9224]

Arizona; Withdrawal of Lands for Reclamation Purposes

Correction

In FR Doc. 80-29855, appearing on page 63850, make the following correction. On page 63850, third column, the second line from the bottom of the page reading: "Sec. 11, N½SW¼SW¼ and S½SW¼S" should have read "Sec. 11, N½SE¼SW¼ and S½SW¼S".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5906]

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

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

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

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

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

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

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

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

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Arizona	Maricopa County	Chandler, city of	040040	750516 emerg., 800716 reg	770524
Arkansas	Benton County	Bentonville, city of	050012	750103 emerg., 800716 reg	740510
Arkansas	Monroe County	Clarendon, city of	050156	730625 emerg., 800716 reg	731228
Arkansas	Carroll County	Eureka Springs, city of	050322	750402 emerg., 800716 reg	750110
Arkansas	Boone County	Harrison, city of	050020	711230 emerg., 800716 reg	740329
Arkansas	Jackson County	Jacksonport, town of	050102	750117 emerg., 800716 reg	740823
Arkansas	Poinsett County	Marked Tree, city of	050175	750521 emerg., 800716 reg	731026
Arkansas	Pulaski County	North Little Rock, city of	050182	740117 emerg., 800716 reg	731102
Arkansas	Scott County	Waldron, city of	050193	750526 emerg., 800716 reg	740405
Arkansas	Crittenden County	West Memphis, city of	050055	740606 emerg., 800716 reg	731130
California	Santa Clara County	Los Altos, city of	060341	740906 emerg., 800716 reg	740607
California	Santa Clara County	Milpitas, city of	060344	750512 emerg., 800716 reg	740322
California	Santa Clara County	Santa Clara, city of	060350	750616 emerg., 800716 reg	740412
Connecticut	Hartford County	Berlin, town of	090022	750114 emerg., 800716 reg	740816
Connecticut	Middlesex County	Chester, town of	090060	730112 emerg., 800716 reg	730907
Connecticut	Middlesex County	Essex, town of	090065	730209 emerg., 800716 reg	731026
Connecticut	New Haven County	New Haven, city of	090084	731025 emerg., 800716 reg	740607
Connecticut	New London County	Old Lyme, town of	090103	730410 emerg., 800716 reg	770204
Florida	Bay County	Callaway, city of	120005	750113 emerg., 800716 reg	740809
Georgia	Gwinnett County	Snellville, city of	130102	750617 emerg., 800716 reg	760319
Illinois	Cook County	Dolton, city of	170063	741216 emerg., 800716 reg	740322

State	County	Location	Community No.	Effectiva date of authorization of sala of flood insurance for area	Hazard aree identified
Illinois	Cook County	Hickory Hills, city of	170103	730918 emerg., 800718 reg.	740322
Illinois	Madison County	Madison, city of	170448	740528 emerg., 800718 reg.	731123
Illinois	Warash County	Mt. Carmel, city of	170672	750625 emerg., 800718 reg.	740315
Illinois	Cook County	Palos Park, village of	170144	750114 emerg., 800718 reg.	740315
Illinois	Will County	Park Forest South, village of	170708	740924 emerg., 800718 reg.	750919
Illinois	Cook County	Park Forest, village of	170145	730112 emerg., 800718 reg.	740412
Illinois	Madison County	Pontoon Beach, village of	170447	750905 emerg., 800718 reg.	741122
Kentucky	Floyd County	Prestonsburg, city of	210072	750206 emerg., 800718 reg.	740510
Louisiana	Avoyelles Parish	Marsville, town of	220022	730524 emerg., 800718 reg.	740329
Louisiana	Caddo Parish	Oil City, town of	220262	740820 emerg., 800718 reg.	741227
Louisiana	St. Martin Parish	Parks, village of	220190	730508 emerg., 800718 reg.	740123
Louisiana	Madison Parish	Richmond, village of	220125	740903 emerg., 800718 reg.	781001
Louisiana	Avoyelles Parish	Simmesport, town of	220025	730502 emerg., 800718 reg.	760430
Louisiana	St. John the Baptist	St. John the Baptist Parish*	220164	740211 emerg., 800716 reg.	740809
Louisiana	Franklin Parish	Wisner, town of	220075	730502 emerg., 800718 reg.	740329
Maine	Oxford County	Fryburg, town of	230093	750407 emerg., 800718 reg.	740802
Maine	Oxford County	Rumford, town of	230099	730309 emerg., 800718 reg.	731005
Maryland	Washington County	Bonsboro, town of	240071	750808 emerg., 800718 reg.	0
Michigan	Oakland County	Farmington, city of	260171	721215 emerg., 800718 reg.	731012
Michigan	Macomb County	Mount Clemens, city of	260124	730405 emerg., 800718 reg.	731005
Michigan	Macomb County	Shelby, township of	260128	730309 emerg., 800718 reg.	740531
Michigan	Washtenaw County	Ypsilanti, city of	260218	750508 emerg., 800718 reg.	740614
Minnesota	Anoka County	Ham Lake, city of	270874	751024 emerg., 800718 reg.	750815
Minnesota	Dekota County	Hastings, city of	270105	730309 emerg., 800718 reg.	731116
Minnesota	Jackson County	Jackson, city of	270213	720317 emerg., 800718 reg.	731026
Minnesota	Todd County	Long Prairie, city of	270479	740418 emerg., 800718 reg.	740412
Minnesota	Dakota County	Randolph, city of	270112	750605 emerg., 800718 reg.	740719
Minnesota	Dakota County	Rosemount, city of	270113	750814 emerg., 800718 reg.	740607
Minnesota	Morrison County	Sibieski, city of	270304	740702 emerg., 800716 reg.	740816
Missouri	Greene County	Ash Grove, city of	290751	760520 emerg., 800716 reg.	750425
Missouri	Shannon County	Birch Tree, city of	290417	750529 emerg., 800718 reg.	740315
Missouri	Stone County	Crene, city of	290430	761109 emerg., 800718 reg.	740607
New York	Steuben County	Hornellsville, town of	360777	740620 emerg., 800718 reg.	740628
North Dakota	Pembina County	Neche, city of	380085	741018 emerg., 800716 reg.	741115
North Dakota	Cass County	Nobla, township of	380268	780324 emerg., 800718 reg.	0
North Dakota	Cass County	Wisar, township of	380267	780717 emerg., 800716 reg.	0
Oklahoma	Pontotoc County	Pontotoc, city of	400173	740522 emerg., 800718 reg.	740208
Oklahoma	Osage County	Ade, town of	400147	750707 emerg., 800718 reg.	740913
Oklahoma	Osage County	Bernsdall, city of	400148	750703 emerg., 800718 reg.	731217
Oklahoma	Washington County	Bartlesville, city of	400220	731018 emerg., 800716 reg.	740830
Oklahoma	Payne County	Cushing, city of	400165	750226 emerg., 800718 reg.	740116
Oklahoma	Muskogee County	Fort Gibson, town of	400123	770708 emerg., 800718 reg.	760723
Oklahoma	Oklahoma County	Harrah, town of	400140	771227 emerg., 800718 reg.	740802
Oklahoma	McCurtain County	Idabel, city of	400108	750815 emerg., 800718 reg.	740123
Oklahoma	Oklahoma County	Nicoma Park, town of	400424	800708 emerg., 800716 reg.	760813
Oklahoma	Osage County	Pawhuska, city of	400152	750508 emerg., 800718 reg.	740315
Oklahoma	Osage County	Skillock, town of	400212	740702 emerg., 800716 reg.	740607
Oklahoma	Oklahoma County	Spencer, city of	400412	750612 emerg., 800718 reg.	741227
Oklahoma	Pottawatomie County	Tecumseh, city of	400179	750210 emerg., 800718 reg.	740719
Oklahoma	Oklahoma County	The Village, city of	400420	750311 emerg., 800718 reg.	761029
Pennsylvania	Tioga County	Blossburg, Borough of	420817	730417 emerg., 800718 reg.	731130
Pennsylvania	Tioga County	Covington, township of	421175	740518 emerg., 800718 reg.	740830
Pennsylvania	Erie County	McKean, township of	422623	750402 emerg., 800718 reg.	790308
Pennsylvania	Allegheny County	Springdale, borough of	421282	741030 emerg., 800718 reg.	740208
Pennsylvania	Allegheny County	Springdale, township of	420074	741205 emerg., 800718 reg.	740524
Pennsylvania	Berks County	Tilden, township of	421112	750407 emerg., 800718 reg.	740726
South Carolina	Orangeburg County	Bowman, town of	450161	750627 emerg., 800718 reg.	740531
South Carolina	Orangeburg County	Orangeburg, city of	450184	750228 emerg., 800718 reg.	740628
South Carolina	Minnehaha County	Valley Springs, city of	460221	780403 emerg., 800718 reg.	750926
Texas	Tarrant County	Blue Mound, city of	480587	750703 emerg., 800718 reg.	731217
Texas	Dallas County	Carrollton, city of	480167	750527 emerg., 800718 reg.	740628
Texas	Ellis County	Glenn Heights, city of	481265	800708 emerg., 800718 reg.	761119
Texas	Bexar County	Grey Forest, city of	480039	751114 emerg., 800718 reg.	741101
Texas	Tarrant County	Pantego, town of	481118	750415 emerg., 800718 reg.	760813
Texas	Rockwall County	Rockwell, city of	480547	750904 emerg., 800718 reg.	770712
Texas	Rockwall County	Royse City, city of	480548	750703 emerg., 800716 reg.	740628
Texas	Orleans County	North Troy, village of	500067	780129 emerg., 800718 reg.	740802
Vermont	Windham County	Wardsboro, town of	500138	751223 emerg., 800718 reg.	741227
Washington	Thurston County	Lacey, city of	530190	750507 emerg., 800716 reg.	740628
Wisconsin	Dodge County	Theresa, village of	550106	750821 emerg., 800718 reg.	731207
Utah	Cache County	Amalga, town of	490013	750303 emerg., 800722 reg.	750905
Utah	Cache County	Mendon, city of	490020	760804 emerg., 800722 reg.	750718
Utah	Cache County	Newton, town of	490022	761115 emerg., 800722 reg.	750711
Utah	Rich County	Woodruff, town of	490101	751228 emerg., 800722 reg.	750822
New York	Steuben County	Wheeler, town of	361438	751212 emerg., 800725 reg.	750117
Utah	Box Elder County	Honeyville, town of	490008	760301 emerg., 800729 reg.	740628
Utah	Cache County	Hyde Park City Inc., city of	490016	750310 emerg., 800729 reg.	740802
Utah	Cache County	Lewiston, city of	490018	760629 emerg., 800729 reg.	740616
Utah	Cache County	Wellsville, city of	490031	750718 emerg., 800729 reg.	740621
Alabama	Sumter County	York, city of	010196	750107 emerg., 800801 reg.	750711
Arizona	Santa Cruz County	Santa Cruz County*	040090	710423 emerg., 800801 reg.	740913
California	Santa Clara County	Gilroy, city of	060340	750117 emerg., 800801 reg.	740531
Colorado	Boulder County	Lyons, town of	080029	740529 emerg., 800801 reg.	731228
Connecticut	Hartford County	Rocky Hill, town of	090142	750512 emerg., 800801 reg.	740607
Florida	Bay County	Parker, city of	120011	750505 emerg., 800801 reg.	761015
Georgia	Chatham County	Chatham County*	130030	700918 emerg., 800801 reg.	760305
Georgia	Cobb County	Kennesaw, city of	130055	750725 emerg., 800801 reg.	740614
Georgia	Cobb County	Powder Springs, city of	130058	750425 emerg., 800801 reg.	740412
Idaho	Bonneville County	Swan Valley, city of	160154	790611 emerg., 800801 reg.	750829
Illinois	Lake County	Old Mill Creek, village of	170385	750808 emerg., 800801 reg.	740830
Illinois	Lake County	Round Lake Beach, village of	170389	750312 emerg., 800801 reg.	740405
Illinois	Lake County	Round Lake, village of	170388	740913 emerg., 800801 reg.	740329
Illinois	Cook County	South Holland, village of	170163	740607 emerg., 800801 reg.	740315

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Illinois	Cook County	Thornton, village of	170168	750214 emerg., 800801 reg	740405
Illinois	Lake County	Vernon Hills, village of	170394	750324 emerg., 800801 reg	770204
Indiana	Lake County	Schneider, town of	180143	760303 emerg., 800801 reg	731217
Indiana	Clark County	Sellersburg, town of	180028	750814 emerg., 800801 reg	731123
Kentucky	Warren County	Bowling Green, city of	210219	750417 emerg., 800801 reg	740531
Kentucky	Fulton County	Fulton, city of	210076	750530 emerg., 800801 reg	740215
Kentucky	Daviess County	Owensboro, city of	210063	740327 emerg., 800801 reg	740524
Louisiana	Lafayette Parish	Lafayette Parish*	220101	730720 emerg., 800801 reg	771115
Maine	Aroostook County	Canbou, city of	230014	741224 emerg., 800801 reg	740412
Maine	Aroostook County	Fort Fairfield, town of	230018	750203 emerg., 800801 reg	740823
Maryland	Allegany County	Luke, town of	240114	770322 emerg., 800801 reg	750718
Massachusetts	Barnstable County	Chatham, town of	250004	750709 emerg., 800801 reg	740531
Michigan	Genesee County	Burton, city of	260287	740121 emerg., 800801 reg	761203
Michigan	Ingham County	East Lansing, city of	260089	750324 emerg., 800801 reg	740524
Michigan	Genesee County	Grand Blanc, township of	260079	740123 emerg., 800801 reg	770819
Michigan	Wayne County	Grosse Ile, township of	260227	730223 emerg., 800801 reg	740607
Minnesota	Dakota County	Inver Grove Heights, city of	270106	740409 emerg., 800801 reg	740524
Missouri	St. Louis County	Hanley Hills, village of	290356	751001 emerg., 800801 reg	740802
Missouri	Howell County	Mountain View, city of	290165	750401 emerg., 800801 reg	740510
Montana	Lincoln County	Lincoln County*	300157	780403 emerg., 800801 reg	780110
Nebraska	Hall County	Hall County*	310100	750314 emerg., 800801 reg	741220
New Jersey	Middlesex County	South Plainfield, borough of	340279	730904 emerg., 800801 reg	740222
New York	Stauben County	Lindley, town of	360778	730529 emerg., 800801 reg	740621
North Dakota	Pembina County	Drayton, city of	380150	740423 emerg., 800801 reg	740524
Ohio	Lorain County	Amherst, city of	390347	750414 emerg., 800801 reg	740315
Ohio	Washington County	Belpre, city of	390567	750418 emerg., 800801 reg	740405
Ohio	Cuyahoga County	Bentleyville, village of	390682	760324 emerg., 800801 reg	750207
Ohio	Washington County	Beverly, village of	390568	750325 emerg., 800801 reg	740405
Ohio	Hamilton County	Blue Ash, city of	390208	731107 emerg., 800801 reg	750221
Ohio	Washington County	Matamoras, village of	390573	750418 emerg., 800801 reg	740405
Ohio	Greene County	Spring Valley, village of	390196	750409 emerg., 800801 reg	731116
Ohio	Warren County	Waynesville, village of	390565	761004 emerg., 800801 reg	731109
Ohio	Franklin County	Worthington, city of	390181	760202 emerg., 800801 reg	740201
Oklahoma	Rogers County	Catoosa, city of	400185	760108 emerg., 800801 reg	740306
Oregon	Yamhill County	Shedden, city of	410257	750121 emerg., 800801 reg	741018
Pennsylvania	Blair County	Catharine, township of	420962	731004 emerg., 800801 reg	740123
Pennsylvania	Luzerne County	Nascopeck, township of	420619	730302 emerg., 800801 reg	730831
Texas	Dallas County	Coppel, city of	480170	750611 emerg., 800801 reg	740308
Texas	Limestone County	Mexia, city of	480442	750818 emerg., 800801 reg	740315
Texas	Smith County	Tyler, city of	480571	740805 emerg., 800801 reg	750110
Texas	Ellis County	Waxahachie, city of	480211	750620 emerg., 800801 reg	740628
Vermont	Rutland County	Danby, town of	500312	760213 emerg., 800801 reg	750117
Washington	Cowlitz County	Cowlitz county*	530032	710618 emerg., 800801 reg	710618
Washington	Clallam County	Port Angeles, city of	530023	750709 emerg., 800801 reg	740531
Washington	Spokane County	Spokane, city of	530183	731025 emerg., 800801 reg	740524
Washington	Thurston County	Tumwater, city of	530192	741218 emerg., 800801 reg	740123
Wisconsin	Winnebago County	Omro, city of	550533	751022 emerg., 800801 reg	741115
Wisconsin	Dane County	Vernona, city of	550092	750624 emerg., 800801 reg	731207
Arizona	Pinal County	Eloy, city of	040083	750120 emerg., 800805 reg	740531
Pennsylvania	Westmoreland County	Hunker, borough of	020880	751114 emerg., 800805 reg	750207
Utah	Wasatch County	Charleston, town of	490165	751022 emerg., 800805 reg	750919
Utah	Sanpete County	Moroni, city of	490118	750709 emerg., 800805 reg	740906
Utah	Sanpete County	Spring City, town of	490119	760507 emerg., 800805 reg	750627
Utah	Tooele County	Stockton, town of	490144	760323 emerg., 800805 reg	750124
New York	Orleans County	Albion, town of	361252	760825 emerg., 800808 reg	741025
New York	Cayuga County	Cato, village of	360106	750430 emerg., 800808 reg	740614
North Dakota	Dunn County	Dodge, city of	380027	780320 emerg., 800812 reg	750425
North Dakota	Bottineau County	Lansford, city of	380184	790205 emerg., 800812 reg	750214
North Dakota	Stark County	Taylor, city of	380118	780516 emerg., 800812 reg	761105
Utah	Cache County	Richmond, city of	490027	750610 emerg., 800812 reg	760402
Alabama	Sumter County	Livington, city of	010195	740426 emerg., 800815 reg	740531
Arizona	Maricopa County	Tempe, city of	040054	741118 emerg., 800815 reg	740628
Arkansas	Jefferson County	Altheimer, city of	050107	750918 emerg., 800815 reg	740510
Arkansas	Cross County	Wynne, city of	050060	750626 emerg., 800815 reg	740322
California	Stanislaus County	Modesto, city of	060387	741010 emerg., 800815 reg	740719
California	Santa Clara County	Mountain View, city of	060347	750624 emerg., 800815 reg	750614
California	Contra Costa County	Pineole, city of	060032	750702 emerg., 800815 reg	740524
California	Contra Costa County	Pittsburg, city of	060033	750617 emerg., 800815 reg	740621
Idaho	Latah County	Latah County*	160086	730913 emerg., 800815 reg	741108
Illinois	Cook County	Elmwood Park, village of	170089	740614 emerg., 800815 reg	741101
Illinois	Lake County	Riverwoods, village of	170387	750821 emerg., 800815 reg	740301
Iowa	Scott County	Le Claire, city of	190243	740808 emerg., 800815 reg	731217
Iowa	Wapello County	Ottumwa, city of	190272	720602 emerg., 800815 reg	740315
Kansas	Butler County	Augusta, city of	200038	750625 emerg., 800815 reg	740201
Kansas	Sedgwick County	Clearwater, city of	200482	760329 emerg., 800815 reg	750905
Kansas	Johnson County	Johnson County*	200159	790917 emerg., 800815 reg	770906
Kansas	Sedgwick County	Kechi, city of	200429	790803 emerg., 800815 reg	760423
Kansas	Leavenworth County	Lansing, city of	200189	761021 emerg., 800815 reg	740823
Kansas	Leavenworth County	Leavenworth County*	200186	750715 emerg., 800815 reg	770830
Kentucky	Campbell County	Dayton, city of	210037	740821 emerg., 800815 reg	740201
Louisiana	Lafourche Parish	Lockport, town of	220254	740822 emerg., 800815 reg	750110
Maine	Kennebec County	Winthrop, town of	230072	750623 emerg., 800815 reg	740802
Massachusetts	Worcester County	Worcester, city of	250349	740115 emerg., 800815 reg	740802
Michigan	Wayne County	Wayne, city of	260245	750403 emerg., 800815 reg	740531
Mississippi	Rankin County	Florence, town of	280144	751007 emerg., 800815 reg	740823
Mississippi	Simpson County	Magee, city of	280158	741220 emerg., 800815 reg	750801
Nebraska	Cuming County	West Point, city of	310048	750424 emerg., 800815 reg	740109
New Hampshire	Belknap County	Laconia, city of	330005	740116 emerg., 800815 reg	740628
New York	Westchester County	Greenburgh, town of	360911	730223 emerg., 800815 reg	740621
New York	Stauben County	Savona, village of	361049	740208 emerg., 800815 reg	740517
New York	Westchester County	Yonkers, city of	360936	730413 emerg., 800815 reg	740109
Ohio	Franklin County	Grandview Heights, city of	390172	750606 emerg., 800815 reg	740517

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Ohio	Washington County	Lowell, village of	390569	750409 emerg., 800815 reg	740412
Ohio	Washington County	Macksburg, village of	390571	750423 emerg., 800815 reg	740823
Pennsylvania	Allegheny County	Brackenridge, borough of	420014	741126 emerg., 800815 reg	740215
Pennsylvania	Perry County	Buffalo, township of	421948	750327 emerg., 800815 reg	750131
Pennsylvania	Luzerne County	Dorrance, township of	421828	740807 emerg., 800815 reg	750124
Pennsylvania	Allegheny County	East Deer, township of	421061	750205 emerg., 800815 reg	740920
Pennsylvania	Tioga County	Lawrenceville, borough of	420821	730404 emerg., 800815 reg	761015
Pennsylvania	Lycoming County	McHenry, township of	420975	730907 emerg., 800815 reg	731130
Pennsylvania	Dauphin County	Millersburg, borough of	420389	730509 emerg., 800815 reg	741108
Pennsylvania	York County	Monaghan, township of	422225	750810 emerg., 800815 reg	740123
Pennsylvania	Lackawanna County	Scranton, city of	420538	730112 emerg., 800815 reg	740614
Pennsylvania	Elk County	St. Marys, borough of	420446	731025 emerg., 800815 reg	740215
Pennsylvania	Allegheny County	Tarentum, borough of	420076	750407 emerg., 800815 reg	740201
Pennsylvania	Lackawanna County	Taylor, borough of	420539	740326 emerg., 800815 reg	740208
Pennsylvania	Tioga County	Tioga, township of	420828	730417 emerg., 800815 reg	731228
Pennsylvania	Allegheny County	West Homestead, borough of	420084	750514 emerg., 800815 reg	750502
South Dakota	Minnehaha County	Dell Rapids, city of	460059	741217 emerg., 800815 reg	740322
South Dakota	Yankton County	Yankton, city of	460093	740822 emerg., 800815 reg	740809
Texas	Harris County	Deer Park, city of	480291	740222 emerg., 800815 reg	740123
Texas	Bexar County	Kirby, city of	480041	741106 emerg., 800815 reg	770913
Texas	Medina County	Medina County*	480472	750903 emerg., 800815 reg	740628
Vermont	Orange County	Chelsea, town of	500070	750725 emerg., 800815 reg	750110
Virginia	Grand Isle County	North Hero, town of	500225	760114 emerg., 800815 reg	740531
Virginia	Montgomery County	Christiansburg, town of	510101	750429 emerg., 800815 reg	740222
Washington	Independent City	Franklin, city of	510060	740719 emerg., 800815 reg	740524
Wisconsin	Pierce County	Puyallup, city of	530144	750416 emerg., 800815 reg	740531
Wisconsin	Marathon County	Athens, village of	550246	750703 emerg., 800815 reg	731130
Wisconsin	Dodge County	Horicon, city of	550098	750707 emerg., 800815 reg	731130
Wisconsin	Dodge County	Hustisford, village of	550557	750725 emerg., 800815 reg	740524
Wisconsin	Marathon County	Marathon City, village of	550252	750624 emerg., 800815 reg	750627
Wisconsin	Fond du Lac County	Ripon, city of	550140	750702 emerg., 800815 reg	750905
North Dakota	Burleigh County	Wing, city of	380213	770701 emerg., 800819 reg	740628
Utah	Cache County	Clarkston, town of	490014	760823 emerg., 800819 reg	750815
Utah	Wasatch County	Midway, city of	490167	750911 emerg., 800819 reg	741220
Utah	Tooele County	Wendover, town of	490222	750725 emerg., 800819 reg	760326
Iowa	Shelby County	Panama, city of	190251	751002 emerg., 800828 reg	740802
Kansas	Stafford County	Stafford, city of	200532	791129 emerg., 800828 reg	741101
Florida	Orange County	Orlando, city of	120186	740630 emerg., 800903 reg	740315
Alaska	Valdez-Chitina	Valdez, city of	020094	750513 emerg., 800903 reg	770913
Arkansas	Fulton County	Mammoth Spring, city of	050082	741129 emerg., 800903 reg	740802
California	Glenn County	Glenn County*	060057	731211 emerg., 800903 reg	740823
Delaware	Sussex County	Ocean View, town of	100046	750701 emerg., 800903 reg	0
Florida	Volusia County	Edgewater, city of	120308	750206 emerg., 800903 reg	710604
Florida	Brevard County	Palm Bay, city of	120404	750731 emerg., 800903 reg	761119
Hawaii	Honolulu County	Honolulu County	150001	700605 emerg., 800903 reg	731102
Idaho	Canyon County	Caldwell, city of	160036	750502 emerg., 800903 reg	740405
Idaho	Canyon County	Middleton, city of	160037	750522 emerg., 800903 reg	741206
Illinois	Cook County	Countryside, city of	170079	741029 emerg., 800903 reg	740906
Kentucky	Daviess County	Daviess County*	210062	731212 emerg., 800903 reg	740322
Louisiana	St. Mary Parish	Berwick, town of	220194	740906 emerg., 800903 reg	731228
Louisiana	Franklin Parish	Gilbert, village of	220073	730502 emerg., 800903 reg	740510
Louisiana	Claiborne Parish	Homer, town of	220052	741009 emerg., 800903 reg	0
Louisiana	Richland Parish	Rayville, town of	220157	730514 emerg., 800903 reg	740524
Louisiana	St. Mary Parish	St. Mary Parish*	220192	730408 emerg., 800903 reg	750418
Louisiana	Madison Parish	Tallulah, city of	220126	730508 emerg., 800903 reg	750418
Maine	Kennebec County	Monmouth, town of	230240	750811 emerg., 800903 reg	740405
Maryland	Worcester County	Pocomoke City, city of	240084	741127 emerg., 800903 reg	770805
Michigan	Genesee County	Clio, city of	260667	800814 emerg., 800903 reg	740517
Michigan	Kent County	East Grand Rapids, city of	260105	750521 emerg., 800903 reg	740524
Minnesota	Goodhue County	Zumbrota, city of	270148	750623 emerg., 800903 reg	741018
Mississippi	Washington County	Washington County*	280177	730504 emerg., 800903 reg	761001
New York	Chemung County	Chemung, town of	360149	730411 emerg., 800903 reg	740308
New York	Monroe County	Scottsville, village of	360434	750723 emerg., 800903 reg	740628
North Carolina	Catawba County	Catawba, town of	370052	750708 emerg., 800903 reg	740621
North Carolina	Catawba County	Conover, town of	370053	740415 emerg., 800903 reg	740628
North Carolina	Catawba County	Long View, town of	370055	750817 emerg., 800903 reg	740920
North Carolina	Catawba County	Maiden, town of	370056	750508 emerg., 800903 reg	740628
North Carolina	Catawba County	Newton, town of	370057	750325 emerg., 800903 reg	750117
Oregon	Lincoln County	Lincoln County*	410129	730216 emerg., 800903 reg	740913
Pennsylvania	Clinton County	Allison, township of	421534	751111 emerg., 800903 reg	740412
Pennsylvania	McKean County	Eldred, borough of	420666	730801 emerg., 800903 reg	740726
Pennsylvania	Bucks County	Haycock, township of	421127	750728 emerg., 800903 reg	740308
Pennsylvania	Tioga County	Lawrence, township of	421006	730416 emerg., 800903 reg	731102
Pennsylvania	Dauphin County	Lykens, borough of	420386	730309 emerg., 800903 reg	770128
Pennsylvania	Tioga County	Morris, township of	421155	740415 emerg., 800903 reg	740405
Pennsylvania	Berks County	Robeson, township of	420146	721229 emerg., 800903 reg	740614
Tennessee	Hamilton County	Chattanooga, city of	470072	720303 emerg., 800903 reg	740308
Texas	Dallas County	Balch Springs, city of	480166	750807 emerg., 800903 reg	740301
Texas	Bexar County	Shavano Park, town of	480047	731226 emerg., 800903 reg	750103
Vermont	Chittenden County	Charlotte, town of	580309	750724 emerg., 800903 reg	740315
Vermont	Franklin County	Richford, village of	500057	740820 emerg., 800903 reg	740726
West Virginia	Harrison County	Anmore, town of	540054	750407 emerg., 800903 reg	780421
Wisconsin	Kewaunee County	Kewaunee County*	550212	730611 emerg., 800903 reg	740510
Missouri	St. Louis County	Ellisville, city of	290348	750205 emerg., 800908 reg	

Asterisk signifies county.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: September 16, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-30819 Filed 10-6-80; 8:45 am]

BILLING CODE 4210-23-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amdt. No. 8 to Service Order No. 1240]

Chicago & North Western Transportation Co. Authorized To Operate Over Tracks of the Kansas City Southern Railway Co.

AGENCY: Interstate Commerce
Commission.

ACTION: Amendment No. 8 to Service
Order No. 1240.

SUMMARY: Service Order No. 1240 authorized the Chicago and North Western Transportation Company (CNW) to operate over tracks of the Kansas City Southern Railway Company (KCS) in Kansas City, Missouri. This amendment reestablishes an expiration date, and is conditioned upon timely filing for permanent authority.

EFFECTIVE DATES: 12:01 a.m., October 3, 1980, and continuing in effect until 11:59 p.m., November 15, 1980, unless otherwise modified, amended or vacated by order of this Commission.

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

Decided October 1, 1980.

Upon further consideration of Service Order No. 1240 (41 FR 15698, 48343; 42 FR 22367, 44546; 43 FR 9282; 43 FR 39795, 45586; and 44 FR 6729, 39405), and conditioned upon timely filing of an application for permanent authority, and good cause appearing therefor:

It is ordered, that § 1033.1240 Chicago and North Western Transportation Company authorized to operate over tracks of the Kansas City Southern Railway Company, is amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1240 [Amended]

* * * * *

(e) *Expiration date.* The provisions of this order shall remain in effect until 11:59 p.m., November 15, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 12:01 a.m., October 3, 1980.

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11121-11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 amendment 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.

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

Agatha L. Mergenovich,
Secretary.

[FR Doc. 31102 Filed 10-6-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Amdt. No. 1 to Service Order No. 1367]

Illinois Terminal Railroad Co. Authorized To Operate Over Tracks of Illinois Central Gulf Railroad Co.

AGENCY: Interstate Commerce
Commission.

ACTION: Amendment No. 1 to Service
Order No. 1367.

SUMMARY: Service Order No. 1367 authorizes Illinois Terminal Railroad Company to operate over tracks of Illinois Central Gulf Railroad Company between White Heath and Lodge, Illinois. This amendment establishes an expiration of 11:59 p.m., November 15, 1980, and is conditioned upon timely filing of an application for permanent authority.

EFFECTIVE DATE: 12:01 a.m., October 3, 1980, and continuing in effect until 11:59 p.m., November 15, 1980, unless

otherwise modified, amended or vacated by order of this Commission.

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

Decided October 1, 1980.

Upon further consideration of Service Order No. 1367 (44 FR 18027), and conditioned upon timely filing of an application for permanent authority, and good cause appearing therefor:

It is ordered, that § 1033.1367 Illinois Terminal Railroad Company authorized to operate over tracks of Illinois Central Gulf Railroad Company, is amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1367 [Amended]

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1980, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 12:01 a.m., October 3, 1980.

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11121-11126.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 amendment 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.

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

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-31101 Filed 10-6-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1048**[Ex Parte No. MC-37 (Sub-31)]****Tacoma, Wash., Commercial Zone**

Decided August 18, 1980.

AGENCY: Interstate Commerce Commission.**ACTION:** Final rule.

SUMMARY: By petition filed March 24, 1980, the Square D Company seeks redefinition and extension of the Tacoma, WA, commercial zone limits which have been defined according to the population-mileage formula set forth in 49 CFR 1048.101. Petitioner proposes to extend the partial exemption under 49 U.S.C. 10526(b)(1) of the Interstate Commerce Act to include the portion of Pierce County generally consisting of Orting, WA, and all points in the commercial zone of Orting. A total of eight statements in support of the petition are filed by business, transportation, and local interests. One statement was filed in opposition. The regulation set forth below is promulgated pursuant to the Commission's action on these statements.

132 M.C.C.

EFFECTIVE DATE: November 6, 1980.**FOR FURTHER INFORMATION CONTACT:** Barbara Reideler (202) 275-5682, or Mr. Donald Shaw (202) 275-7292.**SUPPLEMENTARY INFORMATION:** This regulation is issued under the authority of 49 U.S.C. 10321 and 49 U.S.C. 10526(b)(1) (the Interstate Commerce Act) and 5 U.S.C. 553 (the Administrative Procedure Act).

Accordingly, Part 1048 of Chapter X of Title 49 of the Code of Federal Regulations is amended by addition of the following:

§ 1048.18 Tacoma, Wash.

The zone adjacent to, and commercially a part of Tacoma, WA, within which transportation by motor vehicle, in interstate or foreign commerce, not under common control, management, or arrangement for shipment to or from points beyond such zone, is partially exempt from regulation under section 49 U.S.C. 10526(b)(1) of the Interstate Commerce Act, includes and is comprised of all points as follows:

(a) The municipality of Tacoma, WA, itself;

(b) All points within a line drawn 8 miles beyond the municipal limits of Tacoma;

(c) Those points in Pierce County, WA, which are not within the area described in paragraph (b) of this

section, but which are on Washington Highway 162 beginning at its intersection with the line described in (b) above, extending to and including Orting, WA, and all points within the Orting commercial zone.

(d) All of any municipality any part of which is within the limits of the combined area defined in (b) and (c) above, and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Tacoma or any other municipality included under the terms of (d) above.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill. Board Member Hill not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-31100 Filed 10-6-80; 8:45 am]

BILLING CODE 7035-01-M**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 227****Emergency Regulations Modifying Threatened Sea Turtle Resuscitation Procedures****AGENCY:** National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.**ACTION:** Emergency regulation and request for comments.

SUMMARY: Under Section 4(f)(2)(c)(ii) of the Endangered Species Act of 1973, as amended (ESA), the National Marine Fisheries Service (NMFS) is promulgating emergency regulations that modify resuscitation procedures for threatened sea turtles described in 50 CFR 227.72(e)(1)(i) (1979). In addition, this document solicits public comments on the desirability of extending or modifying the regulations for application after the 240-day emergency period. The technique for sea turtle resuscitation described in 50 CFR 227.72(e)(1)(i) requires that a comatose turtle incidentally caught in commercial fishing operations be turned on its back and its breastplate be pumped by hand or foot. These emergency regulations add an alternate resuscitation technique, allow relocation of turtles to non-shrimping areas, and establish a method for release of turtles from vessels.

EFFECTIVE DATE: These regulations are effective October 7, 1980 and shall cease to have force and effect at the close of the 240-day period following the date of

this publication unless, during such 240-day period, these regulations are extended or modified pursuant to the normal rulemaking procedures governing such regulations. Written comments on the desirability of extending or modifying these regulations must be received on or before December 8, 1980.

ADDRESS: Written comments should be addressed to: Regional Director, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.**FOR FURTHER INFORMATION CONTACT:** Charles A. Oravetz, Fishery Administrator, 9450 Koger Boulevard, St. Petersburg, Florida 33702, Telephone 813-893-3366, FTS 826-3366.

SUPPLEMENTARY INFORMATION: In the summer of 1980 approximately 1,850 sea turtle carcasses were reportedly washed up on southeast U.S. beaches. These wash-ups prompted a meeting of conservationists, shrimp industry representatives, state and NMFS officials in Charleston, South Carolina, on September 18, 1980. The group considered several options to reduce the mortality of sea turtles incidentally caught in shrimp trawls. There was agreement that the procedures for resuscitating incidentally caught sea turtles needed to be broadened. Sea turtles caught and held under water are physiologically stressed and often become comatose and appear dead. However, death usually cannot be determined by appearance or lack of movement alone. A turtle often recovers to an active state after its lungs are drained. A comatose turtle thrown into the water before it has a chance to recover will drown. These regulations allow for an alternate method of resuscitation by placing a comatose sea turtle on its breastplate (plastron) and elevating the turtle's hindquarters for several hours. The procedures also require that turtles be released over the stern of the boat, in areas where they are unlikely to be re-caught in trawls or injured by vessels. The procedures also require that the vessel's engine gears be in neutral and trawls not be in use when turtles are released.

The agency has determined that the immediate implementation of these regulations is required in order to mitigate the loss of these threatened species. The effective implementation of these regulations enhance the agency's overall turtle conservation effort and coupled with sound enforcement will be of significant benefit to the threatened turtle populations in the southeast U.S. Delay in implementation would contribute to continued mortalities.

Section 4(f)(2)(C)(ii) of the ESA provides that emergency regulations shall be in effect for 240-days after publication unless, during such 240-day period, the rules are extended or modified pursuant to the normal rulemaking procedures for such regulations. The public is invited to comment on the desirability of modifying or extending beyond the 240-day period these procedures for resuscitating and releasing turtles.

Section 4(f)(2)(C) of the ESA makes the provisions of Section 553 of the Administrative Procedure Act (5 U.S.C. Section 551 et seq.) inapplicable to these regulations. I have determined that these regulations shall become effective October 7, 1980.

Substantial sea turtle mortalities due to incidental drownings in brown shrimp trawls in the southeast U.S. have occurred already this summer. The prime white shrimping season began this month. Unless these regulations take effect immediately, large numbers of sea turtles may be lost through incidental drowning during the present white shrimping season. Therefore, it would be impracticable and contrary to the public interest in implementing effectively the protective provisions of the ESA regarding threatened species to follow the procedures of Executive Order 12044. The Assistant Administrator for Fisheries has determined that Executive Order 12044 does not apply to regulations issued in response to an emergency. (Exec. Order No. 12044 Section 6(b)(6), 43 FR 12661 (1978)).

Environmental Impacts

The NMFS considers promulgation of these emergency regulations a non-major Federal action and thus no environmental documents need be prepared pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. Section 4321 et seq.). Even if these regulations were considered as a major Federal action they would, nonetheless, be exempt from the NEPA environmental document requirements pursuant to Section (6)(c)(1) of the Revised NOAA Directive Implementing NEPA and Executive Order No. 12114 (45 FR 49312 (1980)). Section (6)(c)(1) categorically exempts amendments to actions within the scope of the major action described in a previously published Environmental Impact Statement (EIS). The environmental impacts of the original resuscitation procedures were fully addressed in the Final EIS regarding the Listing and Protecting of the Green Sea Turtle (*Chelonia mydas*), Loggerhead Sea Turtle (*Caretta caretta*) and Pacific

Ridley Sea Turtle (*Lepidochelys olivacea*) under the ESA. These emergency regulations do not alter the context or intensity of impact described in that document.

(The Endangered Species Act of 1973, as amended (16 U.S.C. Section 1533 (f)(2)(C)(ii))

Dated: October 1, 1980.

Terry L. Leitzell,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

PART 227—THREATENED FISH AND WILDLIFE

The amendments to 50 CFR Part 227 are as follows:

§ 227.72 [Amended]

1. 50 CFR 227.72(e)(1)(i) is revised to read as follows:

(e) * * *

(1) * * *

(i) Any specimen so taken must be handled with due care to prevent injury to live specimens, observed briefly for activity, and returned to the water according to the following procedures:

A. Sea turtles that are unquestionably dead or actively moving must be released over the stern of the boat. In addition, they must be released only when trawls are not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.

B. Resuscitation must be attempted on sea turtles that are comatose or inactive but not unquestionably dead by either: (a) placing the turtle on its back (carapace) and pumping its breastplate (plastron) with hand or foot, or (b) placing the turtle on its breastplate (plastron) and elevating its hindquarter several inches for a period of one to twenty-four hours. The amount of elevation depends on the size of the turtle; greater elevations are needed for larger turtles.

Sea turtles being resuscitated must be shaded and kept wet or moist. Those that revive and become active must be released over the stern of the boat only when trawls are not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels. Similarly, sea turtles that fail to move within several hours (up to twenty-four if possible) must be returned to the water in the same manner.

[FR Doc. 80-31141 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 651

Atlantic Groundfish: Cod, Haddock, and Yellowtail Flounder; Establishment of Catch Limitations for 1980-81 Fishing Year

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Notice of establishment of catch limitations for the 1980-81 fishing year.

SUMMARY: The Fishery Management Plan for Atlantic Groundfish, as amended (FMP), establishes catch limitations for cod, haddock, and yellowtail flounder for each fishing year, beginning October 1. The limitations for the 1980-1981 fishing year are set forth in this notice.

EFFECTIVE DATE: October 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930—Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: The FMP establishes weekly catch limitations to spread fishing effort throughout the year and achieve optimum yield. Catch limitations for the beginning of the 1979-1980 fishing year were published on September 28, 1979 (44 FR 55885). Because of the level of landings during the 1979-1980 fishing year, the catch limitations were revised during the year to achieve the FMP's management objectives. The Regional Director has recommended certain catch limitations for the 1980-1981 fishing year beginning on October 1, 1980. The Assistant Administrator has adopted the recommendations, pursuant to section 651.23(f) of the final regulations (44 FR 885). These limitations are set forth in Appendix B.

Final regulations to implement the FMP's management measures were published on January 3, 1979 (44 FR 885). These remain in effect. The New England Fishery Management Council has submitted an FMP amendment (Supplement No. 4 to the Environmental Impact Statement) which increases optimum yields for cod, haddock, and yellowtail flounder. This amendment was approved by the Assistant Administrator on August 22, 1980. The amendment and proposed regulations will be published shortly and are expected to become final during the first quarter of the fishing 1980-1981 year.

Signed at Washington, D.C., this 30th day of September 1980.

(16 U.S.C. 1801 *et seq.*)

William H. Stevenson,

Deputy Assistant Administrator for Fisheries.

Appendix B.—Catch limitations

Vessel class	Gulf of Maine	Georges Bank and South
Cod (pounds per week) ¹		
Mobile gear:		
0 to 60 GRT	2,500	7,000
61 to 125 GRT	5,000	14,000
Over 125 GRT	7,000	20,000
Fixed gear.....	5,000	16,000

Vessel class	West of 69 W.	East of 69 W.
Haddock (pounds per week) ¹		
Mobile gear:		
0 to 60 GRT	5,000	7,000
61 to 125 GRT	7,000	14,000
Over 125 GRT	10,000	20,000
Fixed gear.....	16,000	16,000

Vessel class	West of 69 W.	East of 69 W.
Yellowtail Flounder ²		
0 to 60 GRT	1,500	5,000
61 to 125 GRT	1,500	5,000
Over 125 GRT	1,500	5,000

¹ No overruns are allowed.

² Pounds per week or per trip, whichever is the longer time period. No overruns are allowed.

[FR Doc. 80-31059 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-22-M

DATES: The effective date of this document is October 6, 1980. The October 6, 1980 effective date of the FY '81 Crisis Intervention Program rule (45 FR 58534) is hereby stayed.

FOR FURTHER INFORMATION CONTACT:

Ms. Barbara J. Crawford, Crisis Intervention Program, Community Services Administration, 2000 K Street, N.W., Suite 350, Washington, D.C. 20006, (202) 254-9833.

SUPPLEMENTARY INFORMATION: CSA's decision to not have the Final Rule effective on October 6, 1980, is based on the following reasons: (1) CSA was not informed by Congress of the funding for CSA's FY '81 Crisis Intervention Program until October 2, 1980. Without this funding information, CSA has not been able to evaluate the net effect on funding distributions for prospective grantees; (2) CSA has received numerous comments on the Final Rule, which could be submitted through September 29, 1980; and (3) CSA finds it necessary to evaluate state plans proposed to the Department of Health and Human Services (HHS) for its Low-Income Energy Assistance Program (LIEAP) in order to have CSA's FY '81 Crisis Intervention Program complement LIEAP.

Thomas J. Mack,
General Counsel.

[FR Doc. 80-31294 Filed 10-6-80; 11:33 am]

BILLING CODE 6315-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1061

Emergency Energy Conservation Program; Funding Requirements for Fiscal Year 1981 Crisis Intervention Program; Stay of Effective Date

AGENCY: Community Services Administration.

ACTION: Stay of effective date of a final rule.

SUMMARY: The Community Services Administration wants to notify prospective grantees and the public that the final rule on the FY '81 Crisis Intervention Program as published on September 4, 1980, in the Federal Register, Vol. 45, No. 173, pages 58534-58539, will not be effective on October 6, 1980. The reasons for this decision are noted below in the Supplementary Information section. CSA also wants to notify prospective grantees that the October 31, 1980, date for filing of applications is not in effect.

Proposed Rules

Federal Register

Vol. 45, No. 196

Tuesday, October 7, 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

7 CFR Part 282

Food and Nutrition Service

[Amendment No. 167]

Food Stamp Program; Demonstration, Research, and Evaluation Projects

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking establishes procedures for conducting a demonstration project as authorized under Subsection 17(b)(1) of the Food Stamp Act of 1977, as amended. A proposed Notice of Intent has also been included for public comment. This project involves the joint efforts of the Departments of Agriculture (USDA) and Labor (DOL) to determine if a variety of approaches in implementing the work registration and job search provisions of the Act will increase job placements and cost effectiveness.

DATE: Comments on the proposed rulemaking and Notice of Intent must be received on or before November 17, 1980 to be assured of consideration. Potential sponsors shall apply, as instructed in the Notice of Intent, following publication of final rules.

ADDRESS: Comments should be submitted to: Alberta C. Frost, Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, USDA, 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) at room 678, 500 12th Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Claire Lipsman, Director, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Room 658, 500 12th St., S.W. Washington, D.C. 20250; phone (202) 447-8325; or Michelle

Casey, Chief, Food Stamp Unit, Office of Work Incentive Program, Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20213; phone: (202) 376-7589. 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 Claire Lipsman at the above address.

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 "not significant." Section 17(b)(1) of the Food Stamp Act of 1977, as amended, authorizes the Secretary of Agriculture to conduct demonstration projects for the purpose of improving the efficiency and effectiveness of benefit delivery and program administration. Under this authority, the Secretary of Agriculture, in cooperation with the Secretary of Labor, plans to undertake a demonstration project involving the administration and operation of the food stamp work registration and job search requirements.

During the operation of the demonstration project, the Departments will be testing a variety of approaches for implementing the work registration and job search provisions contained in the Act. These approaches, and the work registration and job search system developed as a result of the proposed rulemaking published in the Federal Register on August 8, 1980, (7 CFR Part 273), will be assessed to determine which best addresses the Program's concurrent goals of increasing cost effectiveness and job placements.

The proposed work registration and job search regulations establish the following basic operating procedures:

- (1) All non-exempt persons are required to complete a work registration form at the State welfare agency at the time of initial certification to receive food stamp benefits and once every six months thereafter;
- (2) Completed forms are transmitted by the State welfare agency to the State Employment Security Agency (SESA);
- (3) The SESA contacts all work registrants for purposes of assessment, job referral and job search categorization. (The intensity of the job search procedure is dependent upon the

job market situation and the capabilities of the work registrant);

(4) When work registrants do not comply with the additional work registration and/or job search requirements, the SESA notifies the State welfare office of such noncompliance; and

(5) Persons failing to comply with the work registration/job search requirements, without good cause, are subject to the disqualification of their households from participating in the Food Stamp Program for a period of two months.

While the Department's believe that these procedures represent a reasonable option for an operational system, it is recognized that further improvements may be possible. This demonstration project will provide the Departments with an opportunity to assess the operation and results of the on-going work registration and job search procedures and will systematically evaluate the impact of variations to these procedures. (It should be noted that references to "on-going work registration and job search procedures" refer to those procedures finalized and implemented as a result of the August 8, 1980 proposed rulemaking.)

The Secretaries of Agriculture and Labor have jointly developed six work registration and job search procedures (models) to be implemented in the proposed demonstration project. Each of the models will be installed and operated at three sites for a total of eighteen project sites. By individual model, the work registration and job search procedures will vary:

- (1) The percentage of work registrants contacted by the SESA;
- (2) The method of work registration;
- (3) The provider of work registration and job search services; and
- (4) The nature and intensity of the job search requirements.

The first model, *Model A*, would operate in accordance with the procedures contained in the on-going work registration and job search regulations, with the exception that no job search requirements would be imposed upon work registrants. The objective of this model would be to test the effectiveness of the on-going regulations regarding work registration without incurring the additional costs and requirements associated with the on-going job search provisions.

Model B would maintain the on-going work registration and job search provisions. A Job Finding Club would, however, be introduced as an alternative job search requirement for those work registrants deemed to be eligible. The Job Finding Club is a job search technique which has been used successfully by the Work Incentive Program (WIN) under experimental conditions and is now scheduled to be implemented by WIN on a nationwide basis. Club participants treat finding employment as a full-time job. Typically, the mornings may be devoted to club meeting during which participants contact prospective employers, discuss the previous day's interviews, and roleplay interview situations. Both facility support, i.e., telephone, photo copying, supplies, and personal counselling are provided. The afternoon is spent in actual interviews with prospective employers. This procedure has shown itself to be particularly beneficial; results have included a high percentage of job placements and a high degree of job satisfaction. The objectives of this model would be to determine both how successful the Job Finding Club technique is in securing employment for food stamp work registrants and the effectiveness of the Job Finding Club in reducing the costs of the Food Stamp Program.

Model C would require non-exempt food stamp applicants to register for work in person at the SESA office as a condition of eligibility, i.e., prior to certification for food stamp benefits, but would not require any job search activity. Applicant households would not be certified to receive program benefits until all persons required to register for work had registered in person at the SESA office and proof of such registration was provided to the State agency.

The State agency would determine which household members were required to register for work during the application process. (Information on the requirement that non-exempt persons register in person at the SESA would be available to applicants so that they could pre-register, if they so desired, prior to the food stamp interview.) If non-exempt household members had not pre-registered, the food stamp interview would be completed to the extent possible without proof of registration. Household members required to register would receive a written and oral explanation of the requirement, and would be provided with a referral form. The State agency would inform the applicant of his or her right to

immediately proceed to the SESA and to complete the registration process without delay.

On the day of the Applicant's initial visit to the SESA, the applicant would be allowed to register (even if an interview could not be scheduled) and would be given proof of his or her registration. The applicant would then have the option of returning to the State agency office with documentation of the registration. In any case, the SESA would be responsible for notifying the State agency within one working day of those applicants who had registered for work.

To the extent possible, the SESA should arrange to interview all food stamp applicants on the day of their initial contact and registration with the SESA. If this is not possible, the interview appointment would be scheduled to take place no later than 72 hours after the date of the applicant's initial contact and registration with the SESA. Persons not interviewed on the same day as their initial contact and registration with SESA, who fail to make their interview appointment, would be recontacted by the SESA and a second interview appointment arranged. During the interview, the food stamp applicant would receive all services normally extended to "walk-in" clientele. If an applicant failed, without good cause, to comply with the interview requirement or with any additional work requirements imposed at the time of the interview, the SESA would notify the State agency of such non-compliance within five working days.

The applications of persons who fail to register would be processed in accordance with established State agency procedures regarding delays in processing caused by the household, as provided in Subsection 273.2(h)(2), of the Food Stamp Program regulations. In addition, if an applicant registered but subsequently failed, without good cause, to comply with the interview requirement or any additional work requirements imposed at the time of the interview, and the State agency office received notification of this before the applicant had been certified, such application would also be processed in accordance with the procedures regarding delays in processing caused by the household. Households qualifying for expedited service would not have to complete the in-person registration requirement prior to receiving their initial food stamp allotments. However, they would be required to fulfill the registration requirement prior to the issuance of subsequent allotments. The objective of Model C, then, is to test if

work registrants can be placed in jobs prior to establishing program eligibility.

Model D would link in-person registration at the SESA office with the on-going job search requirements. The objective of this model would be to test the combined effectiveness of attempting to place work registrants in jobs prior to establishing eligibility and of providing work registrants with a directed approach to seeking employment.

Model E would combine in-person registration with the Job Finding Club approach. The objective of this model would be to test the effectiveness of establishing rigorous requirements for both work registration and job search.

Model F would establish the State welfare agency as the provider of job related services. The State welfare agency would assume all responsibilities associated with registration for work, providing job information, and job search monitoring. The objective of this model would be to test whether a social service agency would be effective in providing employment assistance which meets the needs of food stamp participants subject to the work registration and job search requirements.

Site Operations

The models, as described above, would be operational for a period of eighteen months. At least a portion of this time would be used as a trial operation period. During the latter part of the eighteen-month period, persons subject to the work registration and job search requirements would be randomly divided into two groups: (1) those subject to the provisions of the model operating at the site; and (2) those not subject to either a work registration or job search requirement.

Areas of Operation

Sites would be selected to participate in the demonstration project on the basis of proposals submitted in response to the Notice of Intent which follows the proposed regulations. Sites submitting proposals for demonstration project sponsorship that are not selected may be considered for evaluation purposes as comparison sites.

Funding

The U.S. Department of Agriculture will provide 100 percent funding of all costs incurred by SESA's and State welfare agencies as a result of demonstration project operations which are over and above those considered normal and customary to on-going program operations. Such costs may include the following items:

- (1) Service of a project director;
- (2) Recordkeeping and reporting;
- (3) Training of demonstration project staff; and
- (4) Services and activities of staff which are in addition to normal services provided by SESA's and State agencies under current regulations.

Compliance Monitoring and Evaluation

To ensure the validity of project operations, USDA and DOL will establish a monitoring system to ensure sponsor compliance with the operational provisions of the final regulations and the models as defined above. Since SESA's have the the primary sponsorship role in Models A through E, DOL would be primarily responsible for monitoring these site operations. USDA would assume primary responsibility for the monitoring of those sites chosen to operate Model F. An evaluation contractor will be secured by USDA to ensure an impartial evaluation of the demonstration project's operations and outcomes.

In accordance with the above, the Departments propose that Part 282 be amended as follows:

PART 282—DEMONSTRATION, RESEARCH, AND EVALUATION PROJECTS

§ 282.13 Work registration/job search demonstration project.

(a) *Purpose.* These regulations establish the procedures under which the Work Registration/Job Search Demonstration Project shall operate. Under this project, household members shall be required to participate in a series of tests which are variations of the rules on work registration and job search which are finalized as a result of the August 8, 1980 proposed rulemaking. (Such finalized rules will, hereafter, be referred to as "the on-going work registration and job search requirements".) These tests are designed to assess alternative methods for administration of the work registration/job search requirements which are mandated by Section 6(d) of the Food Stamp Act of 1977, as amended.

(b) *Statutory requirements to be waived.* Subsection 17(b)(1) of the Food Stamp Act of 1977 authorizes the Secretary of Agriculture to waive any requirement of the Act to the degree necessary to conduct a demonstration project, as long as the project does not lower or further restrict the income or resource standards or benefit levels of project participants. To permit the operation of the demonstration project, Subsection 5(b) of the Act, as it relates

to uniform national standards, is waived in connection with work registration and job search requirements. Under the Work Registration/Job Search project, the requirements of Subsection 6(d) pertaining to work registration and job search may be waived at demonstration project sites during specific time intervals. The effective dates of such waiver will be publicized at the project sites to provide participants with specific knowledge of the occurrence. The limitations specified in Section 16 on Federal cost-sharing of administrative expenses are also waived to the extent specified in paragraph (h) of this section and the Notice of Intent accompanying these regulations. Other requirements may be waived as the Secretary deems necessary, consistent with the limitations on the waiver authority provided in Subsection 17(b)(1). Any further waivers will be published in the Federal Register.

(c) *Regulatory Requirements.* All current Food Stamp Program regulations, including the on-going work registration and job search regulations, except as specifically provided and except where inconsistent with any rules governing this project, shall govern the operation of this project.

(d) *Areas of Operation.* The Work Registration/Job Search Demonstration Project shall be operated in a total of eighteen project sites for a period of approximately eighteen months beginning on or about December 1, 1980. Project operators shall be selected by the Food and Nutrition Service (FNS) and the Department of Labor (DOL) based on applications submitted by State Employment Security Agencies (SESA's) wishing to implement Models A, B, C, D, or E and applications submitted by State agencies wishing to implement Model F. For all site operations, the concurrence of the cooperating State agency or SESA shall be obtained prior to application submission.

(e) *Demonstration Models.* (1) At those sites chosen to operate Model A, work registrants shall be subject to the following work registration and job search requirement: during the initial six months of the demonstration project, the on-going work registration and job search regulations shall be in effect with the exception that the job search requirements (§ 273.7(e)) shall be waived; during the next twelve months of project operation, 50 percent of all work registrants shall continue to be subject to the demonstration requirements and the remaining 50 percent shall not be subject to either

work registration or job search requirements (§ 273.7).

(2) At those sites chosen to operate Model B, work registrants shall be subject to the on-going regulations regarding work registration and job search. Selected work registrants shall, however, be subject to the requirements of the Job Finding Club, as discussed in § 282.13(f), below, instead of the normal job search requirements. Such procedures shall remain in effect for all work registrants during the initial six months of project operations. During the next twelve months, 50 percent of the work registrants within the project sites shall be placed into the control group and these persons shall not be subject to either a work registration or job search requirement.

(3) At those sites chosen to operate Model C, all work registrants shall be subject to the in-person registration requirements discussed in § 282.13(g), below, for the first six months. No job search requirement shall be imposed. During the seventh through the eighteenth month, 50 percent of the work registrants shall continue to be subject to the demonstration model requirements and the remaining 50 percent shall not be subject to either a work registration or job search requirement.

(4) At those sites chosen to operate Model D, work registrants shall be required to register in-person at the SESA office, as discussed in § 282.13(f), below, and shall be subject to the on-going job search requirements. As in the other models, these requirements shall be applicable to the entire universe of work registrants during the first six months of project operations. During the next twelve months, 50 percent of all potential work registrants shall be exempt from both the registration and job search requirements.

(5) Work registrants residing in those areas selected to operate Model E shall be subject to in-person registration (as discussed in § 282.13(g)), the on-going job search requirements, and, if selected, the requirements of the Job Finding Club, which are detailed in § 282.13(f), in lieu of the on-going job search requirements. These requirements shall apply to all work registrants during months one through six of project operations. For the next twelve months, 50 percent of all potential work registrants shall be exempted from all work registration and job search requirements.

(6) In those sites where the State welfare agency has been chosen to be the job service provider (Model F), the basic requirements for work registrants shall be unchanged. System

responsibilities shall be changed to the extent that on-going responsibilities assigned to the SESA in § 273.7, shall be assumed by the State welfare agency. As in the other models, during the initial six months of project operations, all registrants shall be subject to the requirements of the model. During the final twelve months, 50 percent of all potential work registrants shall be exempt from both the work registration and job search requirements.

(f) *Job Finding Club.* At those demonstration sites where the Job Finding Club is in operation, the on-going job search requirements shall be waived for those work registrants selected to participate in the Job Finding Club. The procedures established in this paragraph shall be substituted in their place.

(1) *Job Finding Club Assignment.* (i) During the initial assessment interview or, for those work registrants currently participating in job search, at the time of a subsequent interview, the SESA shall determine which work registrants shall be required to participate in the Job Finding Club. Persons not selected to participate in the Job Finding Club shall be required to meet the on-going job search requirements established in § 273.7(e).

(ii) At the time that the work registrant is selected to participate in the Job Finding Club, the SESA shall explain to the work registrant the requirements of the Job Finding Club and the penalties for failure to comply with these requirements. In addition, the work registrant shall be provided with written information on the Job Finding Club which shall include the dates, time(s) and location of meetings.

(2) *Operational Procedures.* Specific operational procedures for the Job Finding Club may vary from site to site. Participants shall be subject to the following requirements:

(i) Report to the Job Finding Club on a daily basis until a job is secured which exempts the work registrant from the work registration requirements, or for a maximum of eight weeks, whichever occurs sooner. Failure to report to the Job Finding Club on more than three occasions per month without good cause, may subject the participant to disqualification as established in § 273.7(g);

(ii) Comply with the directions of the Job Finding Club Counsellor regarding participation in Club activities and contact with prospective employers;

(iii) Report for interviews with prospective employers; and

(iv) Accept a bona fide offer of suitable employment, as defined in § 273.7(j).

(g) *In-person Registration.* At those sites where in-person registration at the SESA office is required, the work registration requirement shall operate in the following manner:

(1) *Persons required to register.* Based on information contained in the application, the State agency shall determine which household members are required to register for employment. Each household member who is not exempted by § 273.7(b) shall register in person at the SESA at the time of initial application for program benefits and once every six months thereafter. Registration for employment at the appropriate SESA office shall be completed prior to household certification. However, in those instances where households qualify for expedited services, as discussed in § 273.2(i), the work registration requirement shall be waived for the initial issuance, but shall be completed prior to the issuance of any subsequent allotments.

(2) *State agency responsibilities.* (i) The State agency shall be responsible for informing all applicants or potential applicants of the requirement that all non-exempt persons must register in-person at the SESA office as a condition of eligibility. This information shall be provided in a manner which would allow potential applicants, if they so choose, to pre-register at the SESA office prior to the food stamp certification interview.

(ii) Upon reaching a determination that a household member is required to register, the State agency shall explain to the applicant the procedures for registering for work at the SESA (including the fact that the applicant may proceed immediately to the SESA office and register the same day that the applicant visits the SESA office), and the consequences of failing to register. Such information shall be both explained orally and provided in written form.

(iii) The State agency shall complete, to the extent possible, the certification process at the time of the food stamp interview so that the application can be readied for decision-making once the in-person registration requirement is completed.

(iv) The State agency shall provide a referral form to each person required to register for work and shall direct the applicant to the appropriate SESA.

(v) The State agency shall work with the SESA to ensure that persons subject to the work registration requirement are expeditiously interviewed by the SESA.

(vi) Upon receipt of notification from the SESA or directly from the applicant that all persons within a household who

are subject to the work registration requirement have registered, the State agency shall complete application processing.

(vii) If the State agency does not receive notification of the applicant's registration, the household shall not be certified until registration occurs. The application shall instead be processed in accordance with the procedures discussed in § 273.2(h)(2). Delays caused by the household. In addition, if an applicant registers but subsequently fails, without good cause, to comply with the interview requirement or additional work requirements imposed at the time of the interview, and the State agency office receives notification of this before the applicant has been certified, the application shall be processed in accordance with the procedures for Delays caused by the household.

(3) *SESA responsibilities.* The SESA shall be responsible for the following activities:

(i) Establishing, with the State agency, procedures to ensure the expeditious interview of food stamp applicants. To the extent possible, such interviews shall be scheduled to occur on the same day that the applicant makes initial contact with the SESA, but they must occur no later than 72 hours after that day.

(ii) Allowing food stamp applicants to register on the same day as their initial contact with the SESA, and providing applicants with documentation of their registration on the same day. If the interview appointment is scheduled for the same day, the registration form may be completed during the interview. If it is scheduled for a later day, applicants shall be allowed to register at the time of the initial contact, and documentation of registration shall be provided at that time. By providing such documentation, the applicant may return, if he or she chooses, to the State agency to document his registration and expedite completion of his or her application without waiting for the interview appointment.

(iii) Notifying the State agency, within one working day, of all food stamp applicants registered.

(iv) Conducting an interview. At the time of the interview, the work registrant shall be provided all services normally available to "walk-in" clientele, including job market information, the Job Bank, and referral to available employment;

(v) Recontacting those registrants failing to report for their scheduled interview to arrange a second interview appointment.

(vi) Notifying the State agency, within five working days, of those food stamp applicants who fail, without good cause, to comply with the interview requirement or any additional work requirements imposed at the time of the interview.

(4) Household member responsibilities. Those persons identified by the State agency as required to register for work shall be responsible for the following activities:

(i) Reporting to the SESA for an interview;

(ii) Completing a work registration form at the time of contact with the SESA;

(iii) Returning to the State agency with a notification of registration, if they so choose; and

(iv) Complying with the additional work requirements of section 273.7(f).

(h) *Funding.* FNS will provide both the State agency and the SESA with funding equal to 100 percent of costs associated with the project which are above those normal and customary to administration of the on-going work registration and job search requirements.

(1) *Records and Reports.* Involved State agencies and SESA's shall maintain records on both model operations and results in a manner prescribed by FNS and DOL.

(j) *Monitoring and Evaluation.* FNS and DOL shall jointly establish procedures for monitoring SESA's and State agencies' compliance with the requirements of § 282.13. DOL shall assume primary monitoring responsibility for those sites chosen to operate Models A through E and FNS shall assume primary monitoring responsibility at those sites chosen to operate Model F. The evaluation of the project shall be conducted by an independent contractor. The State agency and SESA shall upon reasonable notification, provide the evaluation contractor with access to all information pertaining to project operations.

(k) *Quality Control.* The State agency shall be responsible for taking whatever action is necessary both to exclude errors attributable to the Work Registration/Job Search Demonstration Project from the quality control error rate (see Part 275) computations and to initiate corrective action to eliminate these errors.

Appendix—Notice of Intent

In accordance with Subsection 17(b)(1) of the Food Stamp Act of 1977, (Title XIII, Public Law 95-113), the Secretaries of Agriculture and Labor jointly announce their intention to conduct a demonstration project, hereinafter called the Work

Registration/Job Search Demonstration Project, to test the effectiveness of six different approaches (models) in meeting the goals and requirements of the work registration and job search provisions of the Act. Under this project, members of food stamp households subject to the work registration requirement will be required to comply with the work registration and job search provisions of the models installed in the sites in which they reside. The project will be operational for approximately eighteen months. During the final twelve months, persons required to register for work will be randomly assigned to one of the groups: treatment or control. Those assigned to the treatment group will be subject to the work registration and job search requirements specified in the model. Persons assigned to the control group will be considered registered upon application and no further action will be required of them. The Work Registration/Job Search Demonstration Project will be conducted at eighteen urban and rural sites throughout the United States. Actual project operations are scheduled to begin on or about December 1, 1980.

This Notice also seeks proposals for project operation from State welfare agencies and State Employment Security Agencies (SESA's) wishing to participate in the Work Registration/Job Search Demonstration Project. Such proposals shall describe in detail how the local State welfare agency and the local SESA shall fulfill the provisions governing the Work Registration/Job Search Demonstration Project, which are enumerated below. For all models except Model F (described below), the SESA's shall assume the responsibility of project sponsors, with the State welfare agencies providing concurrence. Because Model F relies upon State welfare agencies to perform the work registration and job search requirements, the State agencies shall be the project sponsors for this model, with SESA providing concurrence.

A. Project Sponsorship

1. *Eligibility.* Administration of the food stamp work registration requirement is the responsibility of both the State agency and the SESA.

However, SESA's shall take the lead in operating the Work Registration/Job Search Demonstration Projects, with State agency concurrence (except as noted above for Model F). It is hoped that demonstration project sites will represent a matched State agency/SESA service area whose boundaries conform to the definition of a food stamp project area, as defined in §271.2 of the Food

Stamp Program regulations. However, sponsorship of a project by SESA's serving all or part of other types of political subdivisions, i.e., cities, townships, district governments, will be acceptable.

2. *Responsibilities.* Project sponsors shall be responsible for:

(a) Establishing an operational system to fulfill the operational requirements of the selected model;

(b) Training of involved staff in project operations;

(c) Cooperating with all evaluation activities connected with the demonstration project;

(d) Complying with the requirements of program design with respect to referral/assignment of Food Stamp participants, and to the general administration of the program;

(e) Providing project reports. Project sponsors shall be responsible for preparing and submitting reports on the operations and results of site operations. Such reports may include, but may not be limited to, financial reports and information on: the number of work registrants handled; the number of job placements; the number of registrants failing to comply; the number of fair hearings required; a description of the types of services provided; and the changes in benefit levels which result from placement or disqualification.

(f) Maintaining all records pertaining to the project for a period of three years from the date of submission of the final project expenditure report, or longer if required in writing by DOL or FNS. All records shall be made available to DOL or FNS or their representatives, upon request;

(g) Obtaining documented approval for the projects from all appropriate State and local officials;

(h) Obtaining documentation of cooperative agreements from other agencies or organizations necessary to the operation of the project;

(i) Developing and executing the demonstration project; and

(j) Taking such action as is necessary to identify and report separately in the Quality Control error rate computations those errors attributable solely to the demonstration project requirements.

B. Basic Operational Requirements

1. Work registrants residing within a demonstration project site shall be subject to only those work registration/job search requirements established for the purposes of the demonstration site.

2. The State welfare agency and the State Employment Security Agency (SESA) shall be jointly responsible, as appropriate, for ensuring that the demonstration project, as implemented

withing the project site, is carried out in accordance with Section C of this Notice and § 282.13 of the Food Stamp Program Regulations.

3. All households containing persons subject to the work registration requirements shall be informed both orally and in writing, at the time certification, recertification, and registration for work, of the project's operation and the work registrant's rights and responsibilities.

C. Model Operations

1. Model A. At those sites chosen to operate Model A, the on-going regulations related to work registration and job search shall be in effect, except that the provisions of § 273.7 related to job search shall be waived for the purposes of the demonstration project.

2. Model B. At those sites chosen to operate Model B, the on-going work registration and job search regulations shall be in effect, with the following exceptions.

(a) The SESA shall be responsible for implementing and operating a Job Finding Club in accord with the provisions of § 282.13(f).

(b) Work registrants selected to participate in the Job Finding Club shall be subject to the provisions established in § 282.13(f) and shall be exempt from all other on-going job search requirements established in § 273.7. Penalties associated with failure to comply with the job search requirements shall, however, be applied to those persons who fail to comply with the requirements of the Job Finding Club.

3. Model C. In Model C sites, persons identified as work registrants shall be required to register in person at the appropriate SESA office as a condition of eligibility, in accordance with the procedures established in § 282.13(g). In addition to waiving the on-going registration procedures of § 273.7, those provisions related to job search shall also be waived.

4. Model D. Work registrants residing in sites chosen to operate Model D will be subject to the in-person registration requirements established in § 282.13(g). All other provisions of § 273.7, including the on-going job search requirements, will be in effect.

5. Model E. During the course of project operations in those sites chosen to operate Model E, persons identified as work registrants shall be subject to the in-person registration requirements established in § 282.13(g). In addition, the SESA shall be responsible for implementing and operating a Job

Finding Club in accordance with § 282.13(f). Persons selected to participate in the Job Finding Club shall be subject to the requirements established in § 282.13(f) and all other on-going job search requirements shall be waived for such persons. As in Model B, persons failing to comply with the requirements of the Job finding Club shall be subject to the penalty associated with failure to comply with the job search requirements.

6. Model F. In those areas chosen to operate Model F, participant responsibilities shall be basically unchanged from on-going requirements detailed in § 272.7. However, for the duration of the demonstration project, the State welfare agency shall assume all responsibilities assigned to the SESA, and will be responsible for the operation of the demonstration project. The State welfare agency shall be responsible for negotiation with the SESA on the support services, such as the availability of job books and training, which are found to be needed or desired.

D. Federal Financial Participation

FNS shall pay 100 percent of those approved administrative costs associated with the demonstration project which are identified as over and above such costs as are normal and customary to on-going work registration and job search operation associated with the Food Stamp Program.

1. To be eligible for 100 percent funding, as specified above, administrative costs shall be specifically identifiable to the project. For example, the cost associated with establishing and operating a Job Finding Club for food stamp participants shall qualify for such funding; however, records must be maintained which identify those costs specifically attributable to the demonstration project.

2. FNS shall assume the cost of any data compilations which are separate and in addition to normal recordkeeping requirements associated with the work registration provisions and which are performed by the State welfare agency or SESA at the request of the evaluation contractor, or by FNS or DOL.

E. Federal Responsibilities

1. FNS shall provide funding to project sponsors based on the budget estimate submitted with project proposals.

2. FNS shall be responsible for evaluating the demonstration project. An evaluation contractor will be

secured by FNS to assure an impartial evaluation of the demonstration project's operations and outcomes.

3. FNS and DOL shall provide whatever training and technical assistance is necessary during the project, including financial management assistance for project funds.

4. FNS and DOL shall monitor project operations. DOL shall have primary responsibility for monitoring those sites chosen to operate Models A through E. FNS shall have primary responsibility for monitoring sites chosen to operate Model F.

5. FNS and DOL will prepare reports consolidating data from all demonstration project site sponsors.

F. Applications

1. Preliminary Applications. SESA's wishing to sponsor a project (Models A through E) shall submit a Letter of Intent to: Director, Work Incentive Program, Employment and Training Administration, DOL, 601 D Street, N.W., Washington, D.C. 20213. State agencies wishing to sponsor Model F projects shall submit a Letter of Intent to: Director, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, 500 12th Street, S.W., Washington, D.C. 20250. In all instances, the proposed project sponsor shall have the written concurrence of the cooperating State welfare agency or SESA, as appropriate. Such letters shall be postmarked no later than 45 days from the date of final publication of this Notice. The Letter of Intent must contain the following information:

(a) A description of the food stamp project area or areas where the demonstration project will be carried out. This description must include an estimate of the number of food stamp work registrants within the proposed project site.

(b) An indication of which of the demonstration models (A, B, C, D, E, or F) the potential sponsors would like to operate. If the sponsors are willing to operate more than one model, the choices should be listed and their order of preference specified.

2. Full Application. To complete the application process, the proposed project sponsor, with the concurrence of the cooperating agency, shall submit the Application for Federal Assistance—Short Form, prescribed by the Office of Management and Budget (OMB) Circular

A-102. The Application for Federal Assistance shall be provided to applicants after receipt and review of their Letter of Intent. The completed Application for Federal Assistance must be submitted in original and two copies to DOL and USDA at the address noted above no later than 75 days from the date of final publication of this Notice. Applications shall be submitted in accordance with all appropriate requirements as established under OMB Circular A-95 and shall be signed by the representatives of the SESA and the State agency with the authority to commit the agencies to the project.

In addition to the specific information on how the proposed project sponsor will meet the basic requirements for project operations detailed in Section A, the application narrative shall contain the following:

(a) A detailed description of the work plan with the task statements, milestones, and the methodology to be used in completing the tasks. (The work plan must be designed to facilitate implementation of the project in the second quarter of FY 81.) Any subsequent revisions or modifications of the plan must be approved by USDA and DOL:

(b) A proposed budget for administrative costs:

(1) For State welfare agencies, a budget for administrative costs to be funded at 100 percent Federal Financial Participation (FFP), identified by categories used on the SF-269 (Food Stamp) form, if applicable.

(2) For SESA's, a budget for administrative costs to be funded at 100 percent Federal Financial Participation (FFP).

(c) A description of the number and qualifications of key staff, including a project director, who shall be used in accomplishing the purpose of the project, plus the percentage of time to be allotted by the staff;

(d) A full description of any plan to use a contractor or subcontractor to carry out any part of the project, including the scope of the work, tasks, estimated costs for each task, and estimated personnel required; and

(e) Documentation to substantiate arrangements made with other public or private agencies or organizations whose support and cooperation could be necessary to project operations.

G. Records

All records relating to the Work Registration/Job Search Demonstration Project shall be available to FNS and DOL representatives or their designees for purposes of inspection and review.

Such records shall be maintained for a period of three years from the date of submission of the final project expenditure report, or longer if required in writing by FNS or DOL.

H. Selection of Project Sites

1. Federal procedures.

(a) All applications shall be reviewed by a panel comprised equally of representatives from FNS and DOL; and

(b) Applications shall be ranked based on the criteria established in (2) below.

2. Criteria for selection. No proposals shall be considered for selection unless the participation and cooperation of both the SESA and State welfare agency offices in the proposed project area are fully documented. For those applicants meeting this requirement, the contents of their proposals will be assessed according to the following criteria:

(a) Appropriate distribution among models, geographic locations, urban/rural mix, and organizational structure:

(b) Clarity of operational design;

(c) Sufficient size of client population to assure the availability of enough persons to satisfy the evaluation design, estimated to be at least 60 non-exempt persons per month during the entire 18 months, who are work registrants;

(d) Compliance of the work plan with the provisions governing the project, as contained in the Act, this Notice, and applicable regulations;

(e) Adequacy of the work plan, demonstrating a clear understanding of the flow of paper and participants.

(f) The capability of the applicant to conduct the projects based on:

(1) A description of the qualifications of staff;

(2) Availability of necessary facilities, staff and other resources;

(3) Administrative and supervisory capacity; and

(4) Previous experiences in conducting demonstration projects.

I. Monitoring and Evaluation

FNS and DOL shall establish procedures for monitoring the complaints of project sponsors with the requirements of the work registration/job search project regulations. The monitoring of sites operating Models A, B, C, D, or E shall be the primary responsibility of DOL. The monitoring of sites operating Model F shall be the primary responsibility of FNS. An evaluation shall be conducted to assess both the administrative feasibility and the effectiveness of the work registration models. The cost of the evaluation shall be borne, in its entirety, by FNS. All data complications performed by the project sponsors at the

direction of FNS, DOL, or the evaluation contractor, as distinct from the normal recordkeeping requirements of work registration and job search called for under on-going regulations, shall be fully reimbursed by FNS at the rate negotiated between the sponsors and FNS.

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

Note.—The reporting and/or recordkeeping requirements contained herein have been forwarded to the Office of Management and Budget for approval in accordance with the Federal Reports Act of 1942 and are not in force until such time as OMB approval is received.

Dated: May 22, 1980.

Carol Tucker Foreman,
Assistant Secretary of Agriculture.

Dated: September 29, 1980.

Charles B. Knapp,
Acting Assistant Secretary of Labor.

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Agricultural Stabilization and Conservation Service

7 CFR Part 729

1981 Peanut Program; Proposed Determinations Regarding National Acreage Allotments and Poundage Quotas

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed determination.

SUMMARY: The Secretary of Agriculture proposes with respect to the 1981 crop of peanuts to:

a. Determine and proclaim a national poundage quota;

b. Determine and proclaim a national acreage allotment and apportion such allotment to States; and

c. Establish the date or period for holding the national referendum of peanut farmers in order to ascertain whether they are in favor of or opposed to peanut marketing quotas for the crops of peanut produced in the calendar years 1981, 1982, and 1983.

The effect of the determinations is to establish for the 1981 crop of peanuts the national acreage allotment and apportionment thereof to States, the national poundage quota, and date or period for holding the national peanut marketing quota referendum. This notice invites comments on these proposed determinations.

DATE: Written comments must be received by October 24, 1980, in order to be sure of consideration.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741—South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks (ASCS), (202) 447-6733. The draft impact analysis describing options considered in developing the proposed rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12044 and has been classified "significant."

In compliance with Secretary's Memorandum No. 1955 and the final report issued by the Secretary with respect to Executive Order 12044 and entitled "Improving USDA Regulations" (43 FR 50988), initiation of review of the regulations contained in 7 CFR 729.100 through 729.104 for need, currency, clarity and effectiveness, will be made within the next five years.

The need for this notice is to satisfy the statutory requirements provided in Sections 358(b), 358(c)(1), 358(k), and 358(l), of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "1938 Act"). The determination for the national acreage allotment and national poundage quota are required by statute to be made by the Secretary no later than December 1, 1980. Final Actions on these proposed determinations for 1981-crop purposes should be made as soon as possible to allow peanut producers an opportunity to make production plans in accordance with program requirements. Therefore, I have determined that it is impractical and contrary to the public interest to comply with the public rulemaking requirements of 5 U.S.C. 553 and Executive Order 12044. Accordingly, all comments must be received by October 24, 1980, in order to be assured of consideration. This will allow the Secretary sufficient time to properly consider the comments received before the final program determinations are made. The title and number of the federal assistance program that this proposed rule applies to is: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

The following proposed determinations are to be made with respect to the 1981-crop peanuts:

Proposed Determinations

(a) *National poundage quota.* Section 358 (l) of the 1938 Act provides that the Secretary shall, not later than December 1, 1980, announce a national poundage quota for 1981 crop peanuts at not less than 1,440,000 tons. It further provides that if the Secretary determines that the minimum national poundage quota for any marketing year is insufficient to meet total estimated requirements for domestic edible use and a reasonable carryover, such quota may be increased by the Secretary to the extent determined by the Secretary to be necessary to meet such requirements.

The latest available data indicate that a national poundage quota of 1,440,000 tons should be sufficient to meet total requirements for domestic edible use and a reasonable carryover during the 1981 marketing year:

Quota Peanuts—Projected Supply and Domestic Edible and Related Requirements, 1981 Marketing Year

	1,000 tons
Quota	1,440
Effective quota	1,599
Projected supply:	
Carry-in	192
Quota marketings	1,519
Total supply	1,711
Projected requirements:	
Domestic edible	1,075
Seed	102
Crushing residual	153
Subtotal, domestic edible and related	1,330
Carryover (15 percent of requirements)	200
Total statutory requirements	1,530
Available for other use	181

The Secretary requests comments on the amount of the national poundage quota.

b. *National acreage allotment.* Section 358(k) of the 1938 Act provides that the Secretary shall, not later than December 1, 1980, announce a national acreage allotment for 1981 crop peanuts taking into consideration projected domestic use, exports, and a reasonable carryover, subject to the proviso that such allotment shall be not less than 1,614,000 acres.

The latest available data indicate that the minimum acreage allotment should be sufficient to meet total requirements for domestic use, exports and a reasonable carryover during the 1981 marketing year:

Total Projected Supply and Projected Requirements 1980 Marketing Year

	Projected estimate 1,000 tons
Supply:	
Carry-in	212
Marketings	1,950
Imports	(¹)
Total	2,162
Requirements:	
Domestic edible, seed and crushing residual	1,330
Exports	500
Total requirements	1,830
Reasonable carryover (15 percent of requirement)	275
Total	2,105
Available for other use	57

¹ Negligible.

The Secretary requests comments and recommendations on the amount of the national acreage allotment.

(c) *Apportionment of national acreage allotment to the States.* Apportionment of the national acreage allotment among the States is governed by section 358(c)(1) of the 1938 Act, which provides that apportionment among the States shall be on the basis of their shares of the national acreage allotment for the most recent year in which such apportionment was made, except that the minimum allotment for the State of New Mexico shall not be reduced below the 1977 crop acreage allotment as increased pursuant to a short supply determination under section 358(c)(2) of the 1938 Act. Under the provision, the 1981 crop of peanuts will be apportioned to the States on the basis of their shares of the 1980 national acreage allotment.

(d) *Date or Period of Marketing Quota Referendum.* Section 358(b) of the 1938 Act, requires that a referendum of farmers who were engaged in the production of the 1980 crop of peanuts will be held not later than December 15, 1980, to determine whether such farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts produced in the calendar years 1981, 1982, and 1983. Pursuant to the provisions of the regulations at 7 CFR 717.2(b), which govern the conduct of referenda with respect to marketing quotas, each referendum shall be by mail ballot unless the Administrator, ASCS, or the Deputy Administrator prescribes that a particular referendum shall be held at polling places.

Pursuant to Section 358(b) of the 1938 Act, the Secretary proposes that the referendum be held during the period December 8-11, 1980, inclusive. Accordingly, comments are solicited on the period of the referendum.

All written submissions made pursuant to this notice will be made

available for inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 3741-South Building.

Signed at Washington, D.C. on October 2, 1980.

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-31224 Filed 10-6-80; 8:45 am]

BILLING CODE 3410-05-M

Commodity Credit Corporation

7 CFR Part 1421

1981 Crop Flaxseed Price Support Program

AGENCY: Commodity Credit Corporation.

ACTION: Proposed determinations.

SUMMARY: The Secretary of Agriculture is preparing to make determinations with respect to the price support program for 1981-crop flaxseed. These determinations are to be made pursuant to the Agricultural Act of 1949, as amended. The program will enable producers to obtain price support on 1981-crop flaxseed. Written comments are invited from interested persons.

DATE: Comments must be received on or before December 8, 1980 in order to be sure of consideration.

ADDRESS: Mail comments to Mr. Jeffress A. Wells, Director Production Adjustment Division, ASCS, USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Harry A. Sullivan, Agricultural Program Specialist, Production Adjustment Division, USDA-ASCA, P.O. Box 2415, Washington, D.C. 20013, 202-447-7951. The Draft Impact Analysis describing the options considered in developing these determinations and the impact of implementing each option is available from the above named individual.

SUPPLEMENTARY INFORMATION: These proposed determinations have been reviewed under the USDA procedures established in Secretary's memorandum No. 1955 to implement Executive Order 12044, and have been classified "not significant."

In compliance with Secretary's Memorandum No. 1955 and "Improving Government Regulations (43 FR 50988)", it is determined after review of these regulations contained in 7 CFR 1421 for need currency, clarity and effectiveness that no additional changes be proposed at this time.

Any comments which are offered during the public comment period on any of these determinations, however,

will be evaluated in the development of the final rule.

The title and number of the federal assistance program that this notice applies to are: Title-Commodity Loans and Purchases; Number 10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

A. Price support program and price support rate. Section 301 of the Agricultural Act of 1949 (the Act), as amended, authorizes the Secretary to make price support available to producers of flaxseed through loans, purchases or other operations at a level not in excess of 90 percent of the parity price. The Act requires that, in determining whether price support shall be made available and in determining the level of support, consideration be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through such an operation, the need for offsetting temporary losses or export markets, and the ability and willingness of producers to keep supplies in line with demand.

Since 1970, flaxseed production has generally declined, reaching a low in 1976 of 7.8 million bushels. However, production rose in 1977 to 15.1 million bushels, but declined to 10.4 million bushels in 1978. Production increased in 1979 to 13.5 million bushels. The 1979 carryover stocks of 5.3 million bushels is the second largest since 1971. USDA's Economics, Statistics and Cooperatives Service's Production Report issued September 1980, indicates a decline in acreage and production in 1980 with production expected to total about 7.7 million bushels. Carryover stocks from the 1980 crop are expected to decline to 2.5 million bushels. Producers received \$5.74 per bushel for their flaxseed in 1978, \$5.96 per bushel in 1979 and are expected to receive \$8.20 per bushel in 1980. Farm value, therefore, is estimated to have been \$59.7 million in 1978, is expected to be \$80.7 million in 1979 and is currently projected at \$63.1 million in 1980.

Price support was made available to producers for the 1980-crop flaxseed through a purchase program at a

national average purchase rate of \$4.50 per bushel.

B. Price support program availability dates. The purchase availability dates for 1980 crop flaxseed are May 31, 1981 for Minnesota, North Dakota, South Dakota, and Montana, and April 30, 1981, for all other States.

C. Detailed Operating provisions. Detailed operating provisions under which the present program for flaxseed is being carried out may be found in regulation in Part 1421 of Title 7 of the Code of Federal Regulations.

Proposed Determinations

The Secretary of Agriculture is considering the following determinations for 1981-crop flaxseed:

A. Whether price support shall be available on 1981-crop flaxseed and the method of support.

B. The level of support to be established, and differentials for quality, location, and other factors. It is contemplated that support rates for flaxseed will reflect market differentials under which flaxseed is merchandised, such as area and grade.

C. Price support program availability dates. Comments are invited with respect to possible loan availability and maturity dates and for purchase availability dates. If other than a loan and/or purchase program is recommended, then availability dates relative to the type of program recommended.

D. Detailed operating provisions to carry out the program. Comments are invited concerning any aspect of the operating provisions that would be needed to effectively carry out the type of program being recommended. Prior to making these determinations, consideration will be given to any data, views and recommendations that may be received. All comments will be made available to the public at the Office of the Director, Production Adjustment Division, ASCS, USDA, during regular business hours (8:15 a.m. to 4:45 p.m.), Monday through Friday, in room 3630 South Building, 14th and Independence Avenue, SW., Washington, D.C. 20013. (7 CFR 1-27(b)).

Signed at Washington, D.C. on October 2, 1980.

John W. Goodwin,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-31114 Filed 10-6-80; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration**7 CFR Part 1701****Architectural Services Contract;
Proposed Revision to REA Form 220**

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed Rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to revise REA Form 220, "Architectural Services Contract—Electric." The revised form (REA Form 220, "Architectural Services Contract") outlines the architect's duties and responsibilities during the design and construction phases of related construction projects. Due to changing conditions involving architectural services, construction practices and insurance provisions, REA considers it desirable to more clearly define the architect's responsibilities, functions, obligations and relationships with other parties during the construction of buildings.

DATE: Public comments must be received by REA no later than December 8, 1980.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: E. N. Limberger, telephone (202) 447-7040. A Draft Impact Analysis has been prepared and is available from the Director, Engineering Standards Division, at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise the architectural services contract form used by its electric borrowers. The principal changes to be made are listed below.

1. The contract language has been expanded to include the financing of construction by loan guarantee.

2. The architect's duties and responsibilities during the construction period have been redefined.

3. The compensation tables for new construction and remodeling work have been changed to more closely compare to compensation schedules that more accurately reflect the actual architectural services to be provided on a specific project.

4. The terms "new construction" and "remodeling work" have been defined for purposes of computing compensation due the architect. The manner in which the architect receives payment from the owner has also been modified somewhat.

5. Subsistence, transportation and communications expenses paid by the architect for its employees are now recoverable from the owner when such expenses are incurred as a result of changes in the project ordered by the owner.

6. The method of computing compensation due the architect has been modified.

7. The architect has been given the right to terminate the contract in the event certain conditions develop that are beyond the architect's control.

8. The minimum insurance requirements for the architect have been increased. Also, the architect is now required to show compliance with the insurance provisions of the contract and to notify the owner at least 30 days in advance of any cancellation or material change in the coverage.

Other minor changes have been made throughout the contract forms to reflect present day conditions and procedures.

Copies of the proposed draft REA Form 220 are available from the Director, Engineering Standards Division, at the above address.

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, Improving Government Regulations. A determination has been made that this action should not be classified "Significant" under those criteria. A Draft Impact Analysis has been prepared and is available from the Director, Engineering Standards Division, at the above address.

Dated: September 30, 1980.

Susan T. Shepherd,
Acting Administrator.

[FR Doc. 80-31136 Filed 10-6-80; 8:45 am]

BILLING CODE 3410-15-M

**NUCLEAR REGULATORY
COMMISSION****10 CFR PART 70****Withdrawal of Proposed Rulemaking
on Routine Use of Plutonium-238
Powered Cardiac Pacemakers**

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Nuclear Regulatory Commission is withdrawing its notice of proposed rulemaking on the routine use of plutonium-238 (a radioactive material) in cardiac pacemakers. In lieu of establishing the proposed general licenses for the implantation, routine use and recovery of plutonium-238 powered cardiac pacemakers, the Commission

will continue to allow their use under specific licenses and existing regulations.

FOR FURTHER INFORMATION CONTACT: Donovan A. Smith, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 301-443-5946.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Nuclear Regulatory Commission is withdrawing its notice of rulemaking that proposed amendments to its regulations in 10 CFR Part 70, "Special Nuclear Material." The amendments would have established (a) general licenses for the implantation, routine use, and recovery of plutonium-238 powered cardiac pacemakers that have been proved reliable and safe under investigational programs of actual use, and (b) the requirements for issuance of specific licenses authorizing distribution of pacemakers for routine use under the general license. The proposed amendments were published in the Federal Register on March 14, 1977, at 42 FR 13834.

The Commission's decision to withdraw the proposed amendments results from technological advances in non-nuclear power sources for pacemakers. These advances have contributed to the development of long-lived conventionally powered pacemakers that satisfy the 10-year design life objective that has been associated with the plutonium-238 powered pacemakers. The availability of the long-lived conventionally powered pacemakers, at a cost substantially less than the cost of the plutonium-238 pacemakers, has caused a reduction in the demand for the plutonium-238 pacemakers. Thus, there no longer appears to be a need for the proposed amendments that were designed to keep track of large numbers of plutonium-238 pacemakers.

Withdrawal of the proposed amendments is not a result of adverse experience with plutonium-238 powered cardiac pacemakers. These pacemakers have been used in the United States since 1972 and the experience has been excellent. The withdrawal is a result of recognition by the Commission that, because of developments in conventionally powered pacemakers, the regulatory system, in the proposed amendments would be administratively burdensome for those few plutonium-238 pacemakers that might be used.

The Commission will continue under existing regulations to specifically license the use of currently distributed and new model plutonium-238 pacemakers. Standard research protocols will be required to be followed

for new models. Consideration will be given to reducing the scope of protocols for further implants of models of demonstrated reliability. Accordingly, where it is desirable to select a pacemaker with the longest possible life, the patient and the patient's physician will have the option of selecting a plutonium-238 pacemaker.

The Commission is publishing, concurrently with this notice, withdrawal of its notice of proposed amendment of 10 CFR Part 150 that would have made the Commission the sole agency regulating the routine use of plutonium-238 in cardiac pacemakers.

Dated at Washington, D.C. this 1st day of October, 1980.

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

[FR Doc. 80-31161 Filed 10-6-80; 8:45 am]
BILLING CODE 7590-01-M

10 CFR Part 150

Withdrawal of Proposed Rulemaking on Routine Use of Plutonium-238 Powered Cardiac Pacemakers

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Nuclear Regulatory Commission is withdrawing its notice of proposed rulemaking on the routine use of plutonium-238 (a radioactive material) in cardiac pacemakers. In lieu of amending Part 150 to make the Commission the sole agency responsible for the routine use of plutonium-238 in cardiac pacemakers, authority for regulation of such use in Agreement States will be retained by the States.

FOR FURTHER INFORMATION CONTACT: Donovan A. Smith, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 301-443-5946.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Nuclear Regulatory Commission is withdrawing its notice of rulemaking that proposed that the Commission be the sole agency regulating the routine use of plutonium-238 powered cardiac pacemakers. The proposed amendments were published in the Federal Register on March 14, 1977, at 42 FR 13837.

The Commission's decision to withdraw the proposed amendments results from technological advances in non-nuclear power sources for pacemakers. These advances have contributed to the development of long-lived conventionally powered pacemakers that satisfy the 10-year

design life objective that has been associated with the plutonium-238 powered pacemakers. The availability of the long-lived conventionally powered pacemakers, at a cost substantially less than the cost of the plutonium-238 pacemakers, has caused a reduction in the demand for the plutonium-238 pacemakers. Thus, there no longer appears to be a need for the proposed amendments that were designed to keep track of large numbers of plutonium-238 pacemakers so that significant numbers would not escape recovery for controlled disposal.

The Commission is publishing, concurrently with this notice, withdrawal of its notice of proposed amendment of 10 CFR Part 70 that would have established general licenses for the implantation, routine use and recovery of plutonium-238 powered cardiac pacemakers.

Dated at Washington, D.C. this 1st day of October, 1980.

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

[FR Doc. 31162 Filed 10-6-80; 8:45 am]
BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 203

[EDR-409; Docket 38783; Dated: October 2, 1980]

Air Carriers; Removal of Certificate Restrictions

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing to clarify how new authority would be given to carriers that request it after December 31, 1980, when all stop restrictions will be eliminated. When a carrier asks for authority to a new point after this date, it would receive nonstop authority between the new point and all other points on its system. This proposal is at the CAB's own initiative.

DATES: Comments by: November 17, 1980. Reply Comments by: December 8, 1980.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: October 22, 1980.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 38783, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Gerard Boller, Routes Authority Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5330.

SUPPLEMENTARY INFORMATION: By ER-1139, 44 FR 49188, August 21, 1979, the Board established a program, contained in a new 14 CFR Part 203, for the gradual elimination of almost all operating market restrictions included in air carrier certificates for domestic flights. The program does not apply to restrictions on routes wholly within Alaska or Hawaii. It provides that all stop restrictions are to be removed in a four-step process, beginning with the smallest markets on August 21, 1979, and ending with the largest on December 31, 1980. Under the Airline Deregulation Act, Board authority over domestic passenger routes ends after December 31, 1981. This program of removing operating restrictions is based on the policy of the Board and Congress to promote competition and to allow economic efficiency, rather than government regulation, to guide a carrier's service decision.

While Part 203 implements this phased removal of route restrictions, it does not explain what type of authority will be granted in response to applications filed after December 31, 1980. In order to clarify this matter, the Board is proposing an amendment to Part 203. Under the proposal when a carrier is awarded authority to a new point, after December 31, 1980, it will also be given unrestricted authority between that point and all other points on its domestic certificate. Since stop restrictions will be removed on all existing authority by December 31, 1980, they should not be placed on new authority granted after that date. To do so would frustrate both the intent of Congress and the Board's restriction removal program. Neither the restriction removal program nor the proposed clarification, however, changes the manner in which applications for new authority are to be filed. Applications for new authority filed after December 31, 1980, are thus to be in the same form and have the same content as those filed in 1980.

Accordingly, the Board proposes to amend 14 CFR 203.3 by adding a new paragraph (f) to read as follows:

§ 203.3 Timetable for automatic removal of restrictions.

(f) After December 31, 1980, any route authority granted by the Board to a carrier will include nonstop authority to all existing points on the carrier's route system.

(Secs. 102, 204, 401 of the Federal Aviation Act of 1958, as amended; 72 Stat. 740, 743, 754; 92 Stat. 1708, 1710; 49 U.S.C. 1302, 1324, 1371)

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-31178 Filed 10-6-80; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 399

[PSDR-67; Docket 38784; Dated: October 2, 1980]

Service Mail Rates for Nonsubsidized Carriers; Flight Equipment Depreciation; Statement of General Policy

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB is proposing a change in its policy so that the carriers' own methods of flight equipment depreciation may be used to determine service mail rates for non-subsidized carriers. This change is at the CAB's own initiative.

DATES: Comments by: November 6, 1980.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by:

The Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket —, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Julien R. Schrenk, Chief, Domestic Fares and Rates Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5298.

SUPPLEMENTARY INFORMATION:

Since 1971, the Board has prescribed the depreciation method for flight equipment to be used by carriers for ratemaking purposes. The policy, set forth in 14 CFR 399.42, requires straight-line depreciation with a table establishing service lives and residual value percentages. This policy has in the past been used for all ratemaking purposes including cargo, subsidy, and mail rates and passenger fares for all carriers. Because of recent statutory and regulatory changes implementing the Standard Industry Fare Level, suspend-free rate zones, and general deregulation of Board ratemaking, this uniform depreciation method is no longer needed except for ratemaking purposes involving subsidized carriers. By ER-1188, 45 FR 48867, July 22, 1980, the Board eliminated the report schedules that support these depreciation determinations for all but subsidized carriers.

Until now, however, no change has been made in the policy concerning mail rate determinations, and the prescribed method of depreciation must still be used for this purpose. The Board tentatively believes that this method is no longer needed to make these determinations for non-subsidized carriers. The calculation itself has become increasingly difficult and inaccurate without the reports eliminated by ER-1188. "Book depreciation" (i.e., whatever legitimate accounting method is used by carriers) would be used in the future in its place. By this change in policy, the updating of mail rates would be simplified considerably and the time-consuming procedure needed to estimate depreciation would be eliminated. The prescribed method of depreciation would still be used for ratemaking for subsidized carriers.

Calculations performed by the Board's staff indicate that the impact on the level of mail rates from the proposed change in method would be slight. On an overall carrier basis, an approximate \$750,000 annual reduction domestically, and \$500,000, internationally, are indicated. These may be compared with total 1979 service mail revenues, respectively, of \$332 million and \$120 million. Any change in carrier depreciation practices that would substantially change rate levels would, of course, be scrutinized to determine its acceptability for ratemaking purposes.

Since the next periodic update of the service mail rates will begin on September 30, 1980, the Board asks that comments on this proposal be submitted within 30 days of publication in the Federal Register.

Accordingly, it is proposed that 14 CFR 399.42 be amended by adding the words "for air carriers receiving subsidy under section 406 of the Act," so that it reads as follows:

§ 399.42 Flight equipment depreciation and residual values.

For ratemaking purposes, "for air carriers receiving subsidy under section 406 of the Act," it is the policy of the Board that flight equipment depreciation will be based on the conventional straight-line method of accrual, employing the service lives and residual values set forth below: * * *

(Sec. 204, 406 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 763, as amended; 49 U.S.C. 1324, 1376)

By the Civil Aeronautics Board:
Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-31179 Filed 10-6-80; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 444

Credit Practices; Extension of Post-Record Comment Period by 60 Days

AGENCY: Federal Trade Commission.

ACTION: Extension of time to file post record comments on presiding officer's report and staff report.

SUMMARY: On October 13, 1978 the notice of publication of the Presiding Officer's report on the proposed trade regulation rule was published in the Federal Register, 43 FR 47197. On August 22, 1980 notice of publication of the Bureau of Consumer Protection staff report on the proposed rule was published in the Federal Register, 45 FR 56070. The latter notice announced the opening of a 60 day comment period on the two reports, setting October 21, 1980 as the deadline for receipt of comments. The Commission has now voted to extend the comment period by 60 days. The October 21, 1980 deadline for request to participate in an oral presentation before the Commission had similarly been extended by 60 days.

DATE: The new deadline for comments on the Presiding Officer's and staff reports and for requests to participate in an oral presentation is Monday, December 22, 1980. Comments and requests will be accepted if received on or before this date.

ADDRESS: Comments and requests to participate in an oral presentation should be sent to: Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580.

Requests for copies of the staff report should be sent to Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: David H. Williams, (202) 724-1100, or Martin B. White, (202) 724-1157, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Under Rule 1.13(h) of the Commission's Rules of Practice, 16 CFR 1.13(h), interested persons are given sixty days to comment on the staff and Presiding Officer's reports prepared in rulemaking proceedings. The Commission has decided to extend this period by sixty days in the Credit Practices rulemaking in response to a request by the staff of the Federal Reserve Board, Division of Consumer and Community Affairs. (The Commission has also received a motion for a shorter time extension by The American Bankers Association and the Consumers Bankers Association.) The Commission is taking this action in light of the complexity of the issues in this proceeding and the length of the record. Additional information concerning the post record comment period can be found in the Federal Register notice of August 22, 1980, 45 FR 56070.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 80-31167 Filed 10-6-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1956

Proposed Supplement to Connecticut State Plan for Public Employees Only; Request for Comments

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Proposed supplement; opportunity for public comment.

SUMMARY: The State of Connecticut has submitted a plan supplement by which it reformat its occupational safety and health plan applicable only to employees of the State and its political subdivisions (public employees). This document provides an opportunity for interested person(s) to comment on the supplement.

DATES: Comments or Requests for Public Hearing should be submitted no later than November 6, 1980.

FOR FURTHER INFORMATION CONTACT: Rrencie V. McGlown, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Rm. N3617, Washington, D.C. 20210 (202-523-8085).

SUPPLEMENTARY INFORMATION:

Background

Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. § 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1956. On November 3, 1978, notice was published in the Federal Register (43 FR 51389) of the approval of the Connecticut Plan for Public Employees Only and the adoption of Subpart E containing the decision and describing the plan. By letter dated September 27, 1979, from P. Joseph Peraro, Commissioner of the Connecticut Department of Labor to Edwin J. Riley, Jr., Assistant Regional Administrator for Federal and State Operations, the State of Connecticut submitted a developmental change supplement regarding the completion of all developmental steps. (See Subpart E of 29 CFR Part 1956). Following regional review, the supplement was forwarded to the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary) for a determination as to whether it should be approved. The supplement is described below:

Description of the Supplement

One of the developmental commitments provided by Connecticut at plan approval was that a completely revised plan would be submitted in accordance with the format requirements of the OSHA public employee plan outline. The State has reformatted its occupational safety and health plan for public employees only to meet the outline requirements. In addition, the revised State plan incorporates the following developmental issues:

1. Development of a new State poster reflecting coverage of the public sector only;
2. Adoption of identical Federal standards through July 17, 1979;
3. Revision of various regulations to show coverage of the public sector only;

a. Section 31-371—Inspections, Citations, and Proposed Penalties (equivalent to 29 CFR Part 1903);

b. Section 31-374—Recording and Reporting Occupational Injuries and Illnesses (equivalent to 29 CFR Part 1904);

c. Section 31-372—Rules of Practice for Variances (equivalent to 29 CFR Part 1905);

d. Section 31-376—Review Commission Procedures (equivalent to 29 CFR Part 2200);

4. Adoption of Field Operation and Industrial Hygiene Manuals;

5. Revision of employee discrimination provisions;

6. Establishment of a comprehensive list of government entities covered by the plan including the number of employees for each entity; a description of work performed and assigning each entity a standard industrial classification (SIC) code.

Location of the Plan and its Supplement for Inspection and Copying: A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N-3617, Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, 16-18 North Street, 1 Dock Square Building, 4th Floor, Boston, Mass. 02109; Connecticut Department of Labor, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109.

Interested person(s) are hereby given until November 6, 1980 to submit written data, views and arguments concerning whether the supplement should be approved. Such submissions should be addressed to the Director, Federal Compliance and State Programs, at the above address, where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplement by filing particularized written objections within the time allowed for comments as specified above. If, in the opinion of the Assistant Secretary, substantial objections are filed which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall then issue her decision on approval or disapproval of the supplement, make appropriate changes to Subpart E of Part 1956, and

initiate further appropriate proceedings, if necessary.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 30th day of September 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-31182 Filed 10-6-80; 8:45 am]

BILLING CODE 4520-26-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 553

Visitors Rules for the Arlington National Cemetery

AGENCY: Department of the Army, DOD

ACTION: Proposed rule.

SUMMARY: This rule would revise the visitors' rules currently in effect for the Arlington National Cemetery that are set out at 32 CFR 553.22. The visitors' rules define the standards of conduct required of all visitors to the Arlington National Cemetery. This revision is deemed necessary in order to make available within the rules, standards and procedures for conduct of memorial services and ceremonies within the Cemetery by members of the public, and to insure that the rules and regulations prohibit all conduct that is inconsistent with Arlington National Cemetery's unique role as this Nation's foremost shrine to the honored dead of its Armed Forces.

DATES: Written comments received by the Department on or before November 6, 1980, will be considered.

ADDRESS: Written comments should be addressed to: Office of the Assistant Secretary of the Army (Civil Works), Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Major James P. King, Office of the Assistant Secretary of the Army (Civil Works), Washington, D.C. 20310 (202-695-0482).

SUPPLEMENTARY INFORMATION: The Secretary of the Army, acting through the Assistant Secretary of the Army (Civil Works) is proposing to revise the visitors' rules currently in effect for the Arlington National Cemetery and set out at 32 CFR 553.22. The revised visitors' rules will contain standards and procedures applicable to conduct of memorial services and ceremonies, most of which are currently contained in Army Technical Manual 10-287, and will prohibit conduct by visitors to the Cemetery that is inconsistent with the Cemetery's role.

The major changes to the current visitors' rules contained in the revision are—

(1) inclusion of standards for conduct of memorial services and ceremonies by members of the public,

(2) inclusion of procedures for members of the public to request permission to conduct memorial services or ceremonies,

(3) addition of prohibitions against various forms of conduct by visitors that are inconsistent with the Cemetery's role,

(4) clarification of the prohibition against disorderly conduct, and

(5) definition of the types of memorial services and ceremonies that may be held at the Cemetery.

In addition, the revision makes some minor changes to the language of the rules for reasons of clarity and grammar.

Paragraph (c) of the revision is a new definitional paragraph. It defines the types of memorial services and ceremonies that customarily have been conducted in the Cemetery and explains that the terms "Superintendent" and "Commanding General" include their representatives. The new definitional section is deemed necessary because the format of memorial services or ceremonies allowed to be conducted at the Cemetery by members of the public has always been limited, and the rules governing their conduct have varied with the type of ceremony.

Paragraph (f) of the revision carries forth many of the restrictions on conduct within the Cemetery found in paragraph (e) of the current rules as well as adding new restrictions. Subparagraph (f)(1) eliminates the reference to Technical Manual 10-287, made in subparagraph (e)(1) of the current rules, because rules governing conduct of memorial services and ceremonies are set out fully in paragraphs (h) and (i) of the revision rather than incorporated by reference. Reference to demonstrations is deleted because the term "memorial service or ceremony" more appropriately describes the type of activities allowed at the Cemetery. Subparagraph (f)(1) makes clear that private memorial services, as defined in the revision, do not require the prior approval of the Superintendent, Arlington National Cemetery, or Commanding General, Military District of Washington. The Superintendent has never required prior approval of all private memorial services due to the small numbers of people involved, the private nature of the ceremonies, and lack of problems with participants violating the visitors' rules. Subparagraph (f)(1) also makes clear that official ceremonies are

governed by the procedures established by the Commanding General, Military District of Washington, rather than the rules established in paragraph (i) of the revision. Conduct of official ceremonies, although generally following the same rules, sometimes varies from conduct of memorial services or ceremonies by members of the public, particularly in the cases of state funerals and presentation ceremonies by foreign dignitaries.

Subparagraph (f)(2) of the revision adds demonstrations to conduct enumerated as being prohibited by the current rules. Similarly, subparagraph (f)(3) adds speeches to conduct enumerated as being prohibited by the current rules. These additions are made to clarify the existing prohibitions.

Subparagraph (f)(4) is changed to clarify that only use of flags may be approved for memorial services or ceremonies and that the approving authority, in some cases, may be the Commanding General, Military District of Washington.

Subparagraph (f)(5) adds a new restriction on passing out printed matter in the Cemetery. Such expressional activity, although appropriate in places that are public forums, is inappropriate in the Cemetery.

Subparagraph (f)(6), (7), (9), and (10) add restrictions on allowing pets in the Cemetery, engaging in recreational activities on Cemetery grounds, littering, and playing a radio, tape recorder, or musical instrument, or using a loudspeaker while on Cemetery grounds. Subparagraph (f)(8) continues the present restrictions on bicycling. These restrictions are designed to preserve the Cemetery's character as a shrine for the honored dead of our Armed Forces.

Subparagraphs (f)(11) and (12) restrict speeding and unauthorized parking in the Cemetery to promote safety and to preserve the character of the Cemetery.

Subparagraph (f)(13) enumerates examples of conduct that is deemed to be disorderly under the section in addition to those set out in subparagraph (e)(5) of the current rules. This conduct includes interruption of memorial services or ceremonies, obstruction of streets, sidewalks and pathways, and disobedience of a proper request or order to leave the Cemetery grounds. In addition, the revision modifies the restriction on coarse or abusive language or utterance contained in subparagraph (e)(5)(ii) of the current rules to make it conform with current law and clarifies subparagraph (e)(5)(iii) of the current rules.

Paragraphs (h) and (i) include procedures for members of the public to request permission to conduct memorial

services or ceremonies and standards for conduct of such services and ceremonies. These were formerly included in Technical Manual 10-287. Paragraph (h) adds to the requirements of the Technical Manual, a requirement for submission of additional information in applications to the Superintendent for permission to conduct memorial services or ceremonies. This additional information is needed to enable the Superintendent to support memorial services and ceremonies and to insure that memorial services and ceremonies are conducted in accordance with the visitors' rules. Subparagraph (h)(3) of the revision also makes clear the distinction between public wreath laying ceremonies and other public memorial services. Public wreath laying ceremonies traditionally have been conducted by members of the public at the tomb and plaza area of the Tomb of the Unknowns, and differ in format from public memorial services, which are conducted at other locations in the Cemetery.

Paragraph (i) of the revision clarifies the definition of partisan activities to include activities having as a primary purpose to gain publicity or engender support for any group or cause. The paragraph also explains the memorial purposes to which services or ceremonies may be dedicated and makes clear that services or ceremonies dedicated to other purposes are inappropriate to the Cemetery.

Subparagraphs i(3) and (4) require silence by participants during public wreath laying ceremonies and during public memorial services at the John F. Kennedy grave. The tomb and plaza area of the Tomb of the Unknowns, the location for the public wreath laying ceremony, is perhaps the most honored and famous location in Arlington National Cemetery. During public wreath laying ceremonies, participants have until recently been allowed to give short orations or verbal prayers as part of the ceremony. However, during a review of ceremonial procedures at the Cemetery it was concluded that silence is more appropriate during the ceremony. It is the practice to remain silent during ceremonies at similar shrines in other countries. Also, a small number of participants at Arlington National Cemetery have attempted to use this short oration for partisan speeches in order to gain publicity. Because silence is more appropriate to the nature of the public wreath laying ceremony, the short oration is not an important aspect of the public wreath laying ceremony, and the high visibility of tomb and plaza area creates a strong

incentive for publicity seekers to use an oration at that location for partisan and nonmemorial purposes, the practice of allowing an oration was discontinued. The revision makes this clear by stating in the rules that participants must remain silent at public wreath laying ceremonies. The requirement to remain silent at the John F. Kennedy grave for public memorial services is due to a similar problem in the past with abuse of the oration for partisan and nonmemorial purposes and is also in response to a request by the Kennedy family.

Subparagraphs i(5) and (6) make clear the present practices that public memorial services and public wreath laying ceremonies must be open to members of the public to observe and that participants in public wreath laying ceremonies must follow instructions on conduct of these special ceremonies.

Accordingly, it is proposed to amend 32 CFR Part 553 by revising § 553.22 to read as follows:

§ 553.22 Visitors' Rules for the Arlington National Cemetery.

(a) *Purpose.* The rules of this section define the standards of conduct required of all visitors to the Arlington National Cemetery, Arlington, Virginia. Applicable Army regulations and directives should be consulted for all other matters not within the scope of these rules.

(b) *Scope.* Pursuant to Title 40 United States Code, Sections 318a and 486, and based upon delegations of authority from the Administrator, General Services Administration, the Secretary of Defense, and the Secretary of the Army, this section applies to all Federal property within the charge and control of the Superintendent, Arlington National Cemetery, and to all persons entering in or on such property. Any person who violates any of the provisions of paragraphs (d), (e), (f), (g), (h), or (i) of this section shall be subject to the penalties set out in Title 40 United States Code Section 318c.

(c) *Definitions.* When used in this section

(1) The term "memorial service or ceremony" means any formal group activity conducted within the Arlington National Cemetery grounds intended to honor the memory of a person or persons interred in the Cemetery or those dying in the military service of the United States or its allies. "Memorial service or ceremony" includes a "private memorial service," "public memorial service," "public wreath laying ceremony" and "official ceremony" as defined in this section.

(2) The term "official ceremony" means a memorial service or ceremony approved by the Commanding General, Military District of Washington, in which the primary participants are authorized representatives of the United States Government, a state government, a foreign country, or an international organization who are participating in an official capacity.

(3) The term "private memorial service" means a memorial service or ceremony, other than an official ceremony, conducted at a private gravesite within Arlington National Cemetery by a group of relatives and/or friends of the person interred or to be interred at that gravesite. Private memorial services may be closed to members of the public.

(4) The term "public memorial service" means a ceremony, other than an official ceremony, conducted by members of the public at the Arlington Memorial Amphitheater, the Confederate Memorial, the Mast of the Maine, the John F. Kennedy Grave or at an historic shrine or at a gravesite within Arlington National Cemetery designated by the Superintendent, Arlington National Cemetery. All public memorial services are open to any member of the public to observe.

(5) The term "public wreath laying ceremony" means a brief ceremony, other than an official ceremony, in which members of the public, assisted by members of the Tomb Guard, present a wreath or similar memento, approved by the Superintendent or Commanding General, at the tomb and plaza area of the Tomb of the Unknown Soldier (also known as the Tomb of the Unknowns). Participants follow the instructions of the Tomb Guards, Superintendent and Commanding General in carrying out the presentation. The ceremony is open to any member of the public to observe.

(6) The term "Superintendent" means the Superintendent, Arlington National Cemetery or his representative.

(7) The term "Commanding General," means the Commanding General, US Army Military District of Washington or his representative.

(d) *Visitors' hours.* Visitors' hours shall be established by the Superintendent and posted in conspicuous places. Unless otherwise posted or announced by the Superintendent, visitors will be admitted during the following hours:

October through March—8:00 a.m. through 5:00 p.m.
April through September—8:00 a.m. through 7:00 p.m.

No visitor shall enter or remain in the Cemetery beyond the time established by the applicable visitors' hours.

(e) *Destruction or Removal of Property.* No person shall willfully destroy, damage, mutilate or remove any monument, gravestone, structure, tree, shrub, plant or other property located within the Cemetery grounds.

(f) *Conduct within the Cemetery.* Because Arlington National Cemetery is a shrine to the honored dead of the Armed Forces of the United States and because certain acts, appropriate elsewhere, are not appropriate in the Cemetery, all visitors, including persons attending or taking part in memorial services and ceremonies, shall observe proper standards of decorum and decency while within the Cemetery grounds. Specifically, no person shall:

(1) Conduct any memorial service or ceremony within the Cemetery, except private memorial services, without the prior approval of the Superintendent or Commanding General. All memorial services and ceremonies shall be conducted in accordance with the rules established in paragraph (h) of this section and, except for official ceremonies, paragraph (i) of this section. Official ceremonies shall be conducted in accordance with guidance and procedures established by the Commanding General;

(2) Engage in any picketing, demonstration or similar conduct within the Cemetery grounds;

(3) Engage in any orations, speeches, or similar conduct to assembled groups of people, unless the oration is part of a memorial service or ceremony authorized by this section;

(4) Display any placards, banners, flags or similar devices within the Cemetery grounds, unless, in the case of a flag, use of the same is approved by the Superintendent or Commanding General and is part of a memorial service or ceremony authorized by this section;

(5) Distribute any handbill, pamphlet, leaflet, or other written or printed matter within the Cemetery grounds except that a program may be distributed if approved by the Superintendent or Commanding General and such distribution is a part of a memorial service or ceremony authorized by this section;

(6) Allow any dog, cat, or other pet to run loose within the Cemetery grounds;

(7) Use the Cemetery grounds for recreational activities such as sports, athletics, or picnics.

(8) Ride a bicycle within Cemetery grounds except on Meigs Drive, Sherman Drive and Schley Drive or as otherwise authorized by the

Superintendent under this subparagraph. All other bicycle traffic will be directed to the Visitor's Center where bicycle racks are provided. Exceptions for bicycle touring groups may be authorized in advance and in writing by the Superintendent. An individual visiting a relative's gravesite may be issued a temporary pass by the Superintendent to permit him to proceed directly to and from the gravesite by bicycle.

(9) Deposit or throw litter on Cemetery grounds;

(10) Play any radio, tape recorder, or musical instrument, or use any loudspeaker within the Cemetery grounds unless use of the same is approved by the Superintendent or Commanding General and is part of a memorial service or ceremony authorized by this section;

(11) Drive any motor vehicle within Arlington National Cemetery in excess of twenty miles per hour or such lesser speed limit as the Superintendent posts.

(12) Park any motor vehicle in any area on the Cemetery grounds designated by the Superintendent as a no parking area; or leave any vehicle in the Visitor's Center Parking Lot at the Cemetery beyond two hours.

(13) Engage in any disorderly conduct within the Cemetery grounds. For purposes of this section, a person shall be guilty of disorderly conduct if, with purpose to cause, or with knowledge that he is likely to cause, public inconvenience, annoyance or alarm, he:

(i) engages in, promotes, instigates, encourages, or aids and abets fighting, or threatening, violent or tumultuous behavior;

(ii) yells, utters loud and boisterous language or makes other unreasonably loud noise;

(iii) interrupts or disturbs a memorial service or ceremony;

(iv) utters to any person present abusive, insulting, profane, indecent or otherwise provocative language or gesture that by its very utterance tends to incite an immediate breach of the peace;

(v) obstructs movement on the streets, sidewalks, or pathways of the Cemetery grounds without prior authorization by competent authority;

(vi) disobeys a proper request or order by the Superintendent, Cemetery special police, park police, or other competent authority to disperse or to leave the Cemetery grounds; or

(vii) otherwise creates a hazardous or physically offensive condition by any act not authorized by competent authority.

(g) *Soliciting and Vending.* No person shall display or distribute commercial

advertising or solicit business while within the Cemetery grounds.

(h) *Requests to Conduct Memorial Services and Ceremonies.* (1) Requests by members of the public to conduct memorial services or ceremonies shall be submitted to the Superintendent, Arlington National Cemetery, Arlington, Virginia 22211. Such requests shall describe the proposed memorial service or ceremony in detail to include the type of service, its proposed location, the name of the individual or organization sponsoring the service, the names of all individuals participating in the service, the number of persons expected to attend the service, the expected length of the service, the service's format and content, whether permission to use loudspeaker systems or musical instruments or flags during the service is requested and, if so, the number, type, and how they are planned to be used, whether permission to distribute printed programs during the service is requested, and, if so, a description of the programs, and whether military support is requested. Individuals and organizations sponsoring memorial services or ceremonies shall provide written assurance that the services or ceremonies are not partisan in nature, as defined in paragraph (j) of this section, and that they and their members will obey all rules set out in this section and act in a dignified and proper manner at all times while in the Cemetery grounds.

(2) Requests to conduct official ceremonies shall be submitted to the Commanding General.

(3) Memorial services or ceremonies other than private memorial services may be conducted only after permission has been received from the Superintendent or Commanding General. Private memorial services may be conducted only at the gravesite of a relative or friend. All other memorial services and ceremonies may be conducted only at the area or areas designated by the Superintendent or Commanding General as follows:

(i) Public memorial services may be authorized to be conducted only at the Arlington Memorial Amphitheater, the Confederate Memorial, the John F. Kennedy Grave, or other sites designated by the Superintendent.

(ii) Public wreath laying ceremonies may be authorized to be conducted at the tomb and plaza area of the Tomb of the Unknown Soldier (also known as the Tomb of the Unknowns).

(iii) Official ceremonies may be authorized to be conducted at sites designated by the Superintendent or Commanding General.

(i) *Conduct of Memorial Services and Ceremonies.* All memorial services and ceremonies within Arlington National Cemetery, other than official ceremonies, shall be conducted in accordance with the following rules:

(1) Memorial services and ceremonies shall be purely memorial in purpose and dedicated only the memory of all those interred in the Cemetery, to all those dying in the military service of the United States, to all those dying in the military service of the United States while serving during a particular conflict or while serving in a particularly military unit or units, or to the memory of the individual or individuals interred or to be interred at the particular gravesite at which the service or ceremony is held.

(2) Partisan activities are inappropriate in Arlington National Cemetery, due to its role as a shrine to all the honored dead of the Armed Forces of the United States and out of respect for the men and women buried there and their families. Services or any activities inside the Cemetery connected therewith shall not be partisan in nature. A service is partisan and therefore inappropriate if it includes a commentary in support of, or in opposition to, or attempts to influence, any current policy of the Armed Forces, the Government of the United States or any State of the United States; if it espouses the cause of a political party; or if it has as a purpose to gain publicity or engender support for any group or cause. If a service is closely related to partisan activities being conducted outside the Cemetery, it is partisan and therefore inappropriate. If a service is determined to be partisan by the Superintendent or the Commanding General, permission to conduct memorial services or ceremonies at the Cemetery will be denied.

(3) Participants in public wreath laying ceremonies shall remain silent during the ceremony.

(4) Participants in public memorial services at the John F. Kennedy Grave shall remain silent during the service.

(5) Public memorial services and public wreath laying ceremonies shall be open to all members of the public to observe.

(6) Participants in public wreath laying ceremonies shall follow all instructions of the Tomb Guards, Superintendent, and Commanding General relating to their conduct of the ceremony.

[40 U.S.C. 318a, 486, and delegations of authority from the Administrator, General Services Administration, Secretary of Defense, and Secretary of the Army]

Dated: September 29, 1980.

Michael Blumenfeld,
Assistant Secretary of the Army (Civil Works).

[FR Doc. 80-31137 Filed 10-6-80; 8:45 am]

BILLING CODE 3710-08-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL 1626-5]

40 CFR Part 80

Fuels and Fuel Additives; Petition To Revise Lead Phasedown Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of petition to revise regulations controlling lead content in gasoline.

SUMMARY: On September 4, 1980, Ethyl Corporation (Ethyl) submitted a petition seeking the repeal of certain EPA regulations controlling the lead content in gasoline (the "lead phasedown regulations"). Ethyl alternatively requested that EPA delay implementation of the last phase of the lead phasedown regulations pending review of the necessity of attaining that more stringent final standard. EPA has examined Ethyl's petition and the information submitted by Ethyl in support of its petition and finds that the submissions do not contain new information warranting a new rulemaking proceeding to consider revision of the regulations. For this reason, EPA denies Ethyl's petition.

FOR FURTHER INFORMATION CONTACT: Thomas E. Moore, Attorney-Advisor, Field Operations and Support Division at (202) 472-9367

ADDRESS: Information concerning this action may be found in Docket EN 79-14, Central Docket Section, Environmental Protection Agency, Gallery I—West Tower, 401 M Street, S.W., Washington, D.C. 20460.

Background

The original lead phasedown regulations were promulgated on December 6, 1973 (38 FR 33734), under Section 211(c) of the Clean Air Act, 42 U.S.C. 7545(c). They established a 0.5 gram per gallon (GPG) final standard effective January 1, 1979. In promulgating the 0.5 gpg standard, the Administrator took into consideration the known health effects of lead exposure and the difficulty of establishing a safe exposure level, and concluded "it would be prudent to reduce preventable lead exposure from automobiles emitting airborne lead to

the fullest extent possible" (38 FR 1259, January 10, 1973).

Refiners and lead manufacturers, including Ethyl, sought judicial review of the regulations. The U.S. Court of Appeals for the District of Columbia Circuit set aside the regulations by a 2-1 vote on December 20, 1974. On March 17, 1975, the Court granted the Agency's petition for rehearing *en banc* and vacated the prior judgment and opinions, and on March 19, 1976, upheld the regulations. *Ethyl Corp. v. EPA*, 541 F.2d 1 (D.C. Cir. 1976) (*en banc*), cert. denied, 426 U.S. 941 (1976). The court concluded that the Administrator had not been arbitrary and capricious in promulgating the regulations but had in fact "handled an extraordinarily complicated problem with great care and candor" (541 F.2d at 47).

EPA amended the regulations on September 28, 1976, to provide for a standard of 0.8 gpg effective January 1, 1978, and a 0.5 gpg standard effective October 1, 1979 (41 FR 42675). These amendments were designed to give refiners sufficient time to install the equipment necessary to meet the reduced lead level without causing a serious gasoline shortage.

The interruption of crude oil supplies from Iran in 1979 led the Agency to believe that a further temporary relaxation might be warranted. Therefore, on June 8, 1979, EPA proposed to amend the lead phasedown regulations to permit refiners to meet a 0.8 gpg standard until October 1, 1980, provided these refiners would produce increased percentages of unleaded gasoline (44 FR 33116). On June 20, 1979, a public hearing was held in Washington, D.C. on the proposed amendments. Ethyl participated in the rulemaking. On September 12, 1979, the regulations were amended substantially as proposed ("the 1979 rulemaking") (44 FR 53144). At that time, EPA made clear that "we continue to believe that a 0.5 gpg lead standard should be achieved as rapidly as possible for purposes of public health but that this *short-term* relaxation should not have a substantial health effect." *Id.* (emphasis added).

Under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1), the time for seeking judicial review of the 1979 rulemaking expired November 11, 1979.¹ Ethyl did not seek judicial review.

¹ The Federal Register notice appeared on September 12, 1979. Section 307(b)(1) of the Act states, in relevant part, that "any petition for review under this subsection shall be filed within sixty days from the date notice of such promulgation, approval or action appears in the Federal Register, except that if such petition is based solely on grounds arising after such sixtieth day, then any petition for review under this subsection shall be filed within sixty days after such grounds arise."

On September 4, 1980, Ethyl submitted a document to the EPA entitled "Petition to Revise Controls Applicable to Gasoline Refiners, 40 CFR 80.20."² In general, the petition seeks to demonstrate that the current standard of 0.8 gpg is sufficient to protect public health because of the proportionately higher sales of unleaded gasoline in urban areas compared to the national average. This, Ethyl asserts, results in an effective 0.5 gpg average in such areas. Further, Ethyl submits that not lowering the standard to 0.5 gpg would offer certain energy benefits.³ Ethyl, therefore, requests that EPA maintain the 0.8 gpg standard and eliminate the final 0.5 gpg standard.

Criteria for Review

Ethyl asserts that it is submitting its petition in accordance with certain procedures set forth in *Ojato Chapter of the Navajo Tribe v. EPA*, 515 F.2d 654, 666 (D.C. Cir. 1975) which govern petitions for revision of rules promulgated under the Clean Air Act. The procedure described in *Ojato* are essentially that: (1) a petition for revision of such a rule along with any supporting material should first be submitted to the Agency, (2) the Agency should respond to the petition and if it denies the petition, set forth its reasons, and (3) if the petition is denied, the petitioner may seek judicial review pursuant to section 307(b) of the Act. *Ojato, supra*, 515 F.2d at 666. By this notice, EPA is responding to Ethyl's petition and is setting forth the reasons for its decision.

In responding to similar petitions by others seeking relaxation or repeal of the lead phasedown regulations, the Agency has applied the following criteria in deciding whether to initiate a new rulemaking proceeding in response to the petitions: (1) the petition must be based on information that was not and could not reasonably have been presented during the original rulemaking and (2) the information if assumed true,

² E. I. Du Pont & Co. (Du Pont) submitted a petition on January 17, 1980, requesting that the 0.5 gpg lead standard be eliminated. Ethyl filed a letter supporting Du Pont's petition. Du Pont's petition was denied on August 7, 1980 (45 FR 54090, August 14, 1980). Du Pont filed a second petition on August 25, 1980, requesting a one year extension of the 0.5 gpg standard, which was denied on September 29, 1980, 45 FR 65581.

³ With its petition, Ethyl submitted three exhibits: Exhibit A, Ethyl memorandum, "EPA's current Lead Regulation for U.S. Pool Gasoline Meets Their Objective of 0.5 Gram Per Gallon in Major Metropolitan Areas. Exhibit B, Report by Turner, Mason, and Solomon, "Impact of Lead Anti-Knock Usage on Gasoline Production and Crude Oil Consumption." Exhibit C, "Effective Use of Anti-Knocks During the 1980's" by G. W. Michalski and C. H. Unzeiman, Ethyl Corporation.

must be of such significance that it would cause me to seriously consider revising or revoking the regulations. I will use these criteria in judging Ethyl's petition.⁴

Discussion

Ethyl raised four points in its petition: (1) the unleaded/leaded gasoline sales ratio is higher than the national average in urban areas yielding an effective lead level equal to the 0.5 gpg lead level set by EPA, (2) there is an energy savings by not reducing the standard of 0.5 gpg, (3) once any lead additive production facilities are shut down because of decreased lead additive usage, the ability to revive them is seriously impaired, and (4) the elimination of the 0.5 gpg standard would aid in the reduction of the country's dependence on foreign oil. Of these four points, only the first is arguably "new information" which satisfies the first criterion set out above. The other three points raised by Ethyl fail to meet this criterion. For the most part, Ethyl has relied on information which was presented or could have been presented during the 1979 rulemaking. In any event, all the information submitted by Ethyl, including the arguably new information dealing with the lead levels in urban areas, is not of such significance that it would cause me to seriously consider revising the rule.

Therefore, I am not required to review once again the regulations as promulgated. Indeed, as I stated in the denial of Du Pont's petitions, I continue to believe that the lead phasedown regulations are a reasonable exercise of my authority under section 211 of the Act to protect public health and welfare. Consequently, I deny Ethyl's request to delay implementation of the 0.5 gram of lead per gallon standard on October 1, 1980, in order to reconsider the need for the more stringent 0.5 gpg standard. The following sections discuss these points in more detail.

I. Discussion of the Lead Levels in Urban Areas

Ethyl's first point, concerning the lead level in urban areas, is supported by its Exhibit A. This exhibit presents data on the sales mix of leaded and unleaded grades of gasoline for Chicago and New York City. Ethyl asserts that this data is new information as envisioned by the Court in *Ojato*.

Assuming, for purposes of this determination, that Ethyl's submission is

⁴ For a more complete discussion of the Agency's interpretation of the *Ojato* scheme and its interaction with the Act's provision for judicial review of regulations under section 307(b), see the discussion in the determination regarding Du Pont's petition to repeal the lead phasedown regulations, 45 FR 54090, 54091 (August 14, 1980).

new information, this information is not of such significance as to warrant my initiating a rulemaking proceeding.⁵ Ethyl claims that "in major urban areas . . . the pool-lead levels have been at or below the level EPA has determined is protective of public health and welfare (i.e., 0.5 gpg), even with a [national] pool-lead limitation of 0.8 gpg."⁶ As supporting evidence, Ethyl submitted its calculation of the average lead content of gasoline sold in the New York City and Chicago metropolitan areas during late 1979 and early 1980. Ethyl's premise is that the accelerated growth of the unleaded gasoline market share in metropolitan areas causes a greater dilution of the lead in the metropolitan gasoline pool than would otherwise occur if metropolitan areas had the same unleaded/leaded gasoline market share relationship as the rest of the nation. Ethyl assumed that the lead content of leaded area was equivalent to the national average lead content of leaded gasoline.⁷

Ethyl then calculated that the average pool lead content of all gasolines sold in the New York City and Chicago metropolitan areas during June 1980 were 0.52 gpg and 0.47 gpg, respectively. This is based on sales of unleaded gasoline as a percentage of total gasoline of 60.9% and 63.9%, respectively, as compared to 41.5% nationally. However, the unleaded

⁵ While the exact figures regarding sales may be "new information," the concept (that "dilution" resulting from the sales mix may yield lower effective lead levels in urban areas) is not new and was, in fact, brought to the Agency's attention at the close of the comment period for the 1979 rulemaking.

⁶ Letter from Lawrence E. Blanchard, Ethyl Corporation to Douglas M. Costle, Administrator, EPA, dated September 3, 1980.

⁷ While Ethyl's assumption may be reasonable, Ethyl does not support it with data. This assumption may be reasonable because of the extensive fungible pipeline systems and the exchange arrangements between refiners of fungible gasoline. Alternatively, the average lead content of the leaded grades in these urban areas could in fact be higher because the group of supplying refineries could be using more lead in their leaded grades than the national average. This situation could occur if this group's production percentage of unleaded gasoline is higher than the national average. With only a limitation on the pool average, shifting the production mix of leaded and unleaded gasoline in favor of unleaded gasoline allows a refinery to add more lead to its leaded gasoline and still meet the pool average. For example, with a pool limitation of 0.8 gpg, a refinery whose production mix is 50% unleaded gasoline could use 1.6 gpg in the leaded gasoline and still meet the 0.8 gpg standard. A refinery whose production mix is 80% unleaded gasoline could use 2.0 gpg in its leaded gasoline and still meet the 0.8 gpg standard. Thus, if the group of refineries which supply the New York and Chicago areas have a production mix which matches the sales mix (approximately 60%), they could have a higher lead content in their leaded gasoline since the national average production mix is approximately 42%.

gasoline market shares in New York City and Chicago are the largest of any metropolitan areas. Similar calculations by EPA for other major metropolitan areas outside California show averages well above 0.5 gpg.⁸ In fact, all of the cities for which calculations were made by EPA exceeded the 0.5 gpg level and some ranged as high as 0.62 gpg. These results were discussed with Ethyl and Ethyl conformed that EPA's calculated values agreed closely with its calculations. While small discrepancies existed among certain cities, they all still exceeded the 0.5 gpg level.⁹ Thus, Ethyl's argument is not valid outside of the selected urban areas, and Ethyl has not established that the "dilution" phenomenon obviates the need for the 0.5 gpg standard. The lead phasedown regulations are designed to protect health and welfare in all areas, not just in selected areas. Thus, even if satisfactory lead levels existed in a number of areas, I would not be moved to reconsider these regulations. Therefore, it is not appropriate to consider revising the lead phasedown regulations on this basis.

II. Discussion of Other Issues

Ethyl's second contention, concerning crude oil penalties is supported by Exhibit B (dated July 17, 1979) and Exhibit C (dated May 16, 1979). Exhibit B was actually contained in the 1979 rulemaking docket and Exhibit C could easily have been submitted by Ethyl since it was prepared by employees of Ethyl. In any event, EPA was very much aware during the 1979 rulemaking of the argument concerning the possible energy savings that might result from revocation or continued relaxation of the lead phasedown regulations. The energy arguments made now are essentially the same as those made and considered during the 1979 rulemaking. Therefore, these data and arguments can hardly be considered as new information.¹⁰

Even so, current EPA estimates suggest that the crude oil penalty is very small; only two-tenths of one percent of daily usage.¹¹ Therefore, I still believe that the health benefits of the lead

phasedown regulations far outweigh the small energy penalty. Considering the nature of the health effects against which the phasedown regulations are intended to protect, I would not consider it appropriate to revise the lead phasedown regulations.

The third contention raised by Ethyl was the industry's inability to quickly restore lead additive production in the event of a gasoline shortage. This fact was also made known to the Agency during the 1979 rulemaking and as such is not new.¹² This is the only contention raised which has not already been addressed in either the 1979 rulemaking or the response to an earlier petition to revoke or revise the lead phasedown regulations.¹³

Ethyl's argument concerning the industry's inability to revive production facilities on short notice is unpersuasive. Ethyl is requesting that the Agency relax its health based regulations, to allow the continued use of lead additives at a level which is higher than what I have already determined is necessary to protect the public's health and welfare, in exchange for maintaining the industry's flexibility to respond to emergencies which may never occur. At a time when both crude oil and gasoline stocks are higher than normal, I am not persuaded that the need to provide such flexibility outweighs the health implications associated with lead usage. I am, therefore, not convinced that a new rulemaking should be convened.

Ethyl's fourth point concerns the country's need to achieve energy self-sufficiency. Ethyl suggests that "we should be doing everything we can to develop an abundance of crude oil and gasoline." I agree with the general goal, however, I regard this point as merely a restatement of Ethyl's second point concerning crude oil penalties involved in the lead phasedown program which I have already discussed above.

In summary, I am not convinced that these three points raised by Ethyl warrant a new rulemaking procedure.

Conclusions

For the reasons stated above, I believe the 0.5 gpg lead standard should take effect as scheduled and, therefore, Ethyl's petition is denied.

¹² See testimony of Donald R. Diggs, E. I. Du Pont & Co., Transcript of Proceedings, In the Matter of Lead Phasedown Regulations, Public Hearing, June 20, 1979 at 107, 108, Public Docket EN-79-14, II-B-1 at 107, 108.

¹³ See response to the Du Pont petition, *supra*, 45 FR 54090, for discussion regarding energy considerations and implementation of the lead phasedown regulations. See also the response to the second Du Pont petition, 45 FR 65581 (signed September 29, 1980).

Note.—This is a nationally applicable final Agency action. Under section 307(b)(1) of the clean Air act, 42 U.S.C. 7607(b)(1), judicial review of this action is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of the date of publication. Under section 307(b)(2), today's action may not be challenged later in a separate judicial proceeding brought by EPA to enforce the lead phasedown requirements.

Dated: October 1, 1980.

Douglas M. Costle,
Administrator.

[FR Doc. 80-31143 Filed 10-8-80; 8:45 am]
BILLING CODE 6560-33-M

40 CFR Part 80

[EN-FRL-1626-6]

Fuels and Fuel Additives; Petition To Revise Lead Phasedown Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of petition to revise regulations controlling lead content in gasoline.

SUMMARY: On September 12, 1980, National Petroleum Refiners Association (NPRA) submitted a petition seeking the delay of certain EPA regulations controlling the lead content in gasoline (the "lead phasedown regulation"). EPA has examined NPRA's petition and finds that the petition does not contain new information warranting a new rulemaking proceeding to consider revision of the regulations. For this reason, EPA denies NPRA's petition.

FOR FURTHER INFORMATION CONTACT: Thomas E. Moore, Attorney-Advisor, Field Operations and Support Division at (202) 472-9367.

ADDRESSES: Information concerning this action may be found in Docket EN 79-14, Central Docket Section, Environmental Protection Agency, Gallery I—West Tower, 401 M Street, S.W., Washington, D.C. 20460.

Background

The original lead phasedown regulations were promulgated on December 6, 1973 (38 FR 33734), under section 211(c) of the Clean Air Act, 42 U.S.C. 7545(c). They established a 0.5 gram per gallon (gpg) final standard effective January 1, 1979. In promulgating the 0.5 gpg standard, the Administrator took into consideration the known health effects of lead exposure and the difficulty of establishing a safe exposure level, and concluded "it would be prudent to reduce preventable lead exposure from automobiles emitting airborne lead to

⁸ See EPA Memorandum from Robert Summerhayes, Chemical Engineer, to Richard G. Kozlowski, Director, Field Operations and Support Division, September 25, 1980.

⁹ See EPA Memorandum from Robert Summerhayes to File regarding conversation with Mr. H. Hesselberg, Ethyl Corp., September 30, 1980.

¹⁰ The energy considerations involved with phasedown have been known since 1973. For a more complete discussion regarding the Agency's position on these energy considerations see the response to Du Pont's first petition, 45 FR 54090.

¹¹ "Environmental Protection Agency Motor Gasoline Letter," July 24, 1980, at 5.

the fullest extent possible" (38 FR 1259, January 10, 1973).

Refiners and lead manufacturers sought judicial review of the regulations. The U.S. Court of Appeals for the District of Columbia Circuit set aside the regulations by a 2-1 vote on December 20, 1974. On March 17, 1975, the Court granted the Agency's petition for rehearing *en banc* and vacated the prior judgment and opinions, and on March 19, 1976, upheld the regulations. *Ethyl Corp. v. EPA*, 541 F.2d 1 (D.C. Cir. 1976) (*en banc*), cert. denied, 428 U.S. 941 (1976). The Court concluded that the Administrator had not been arbitrary and capricious in promulgating the regulations but had in fact "handled an extraordinarily complicated problem with great care and candor" (541 F.2d at 47).

EPA amended the regulations on September 28, 1976, to provide for a standard of 0.8 gpg effective January 1, 1978, and a 0.5 standard effective October 1, 1979 (41 FR 42675). These amendments were designed to give refiners sufficient time to install the equipment necessary to meet the reduced lead level without causing a serious gasoline shortage.

The interruption of crude oil supplies from Iran in 1979 led the Agency to believe that a further temporary relaxation might be warranted. Therefore, on June 8, 1979, EPA proposed to amend the lead phasedown regulations to permit refiners to meet a 0.8 gpg standard until October 1, 1980, provided these refiners would produce increased percentages of unleaded gasoline (44 FR 33116). On June 20, 1979, a public hearing was held in Washington, D.C. on the proposed amendments. NPRA participated in the rulemaking. On September 12, 1979, the regulations were amended substantially as proposed ("the 1979 rulemaking") (44 FR 53144). At that time, EPA made clear that "we continue to believe that a 0.5 gpg lead standard should be achieved as rapidly as possible for purposes of public health but that this *short-term* relaxation should not have a substantial health effect." *Id.* (emphasis added).

Under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1), the time for seeking judicial review of the 1979 rulemaking expired November 11, 1979.¹ NPRA did not seek judicial review.

¹ The Federal Register notice appeared on September 12, 1979. Section 307(b)(1) of the Act states, in relevant part, that "any petition for review under this subsection shall be filed within sixty days from the date notice of such promulgation, approval or action appears in the Federal Register, except that if such petition is based solely on grounds arising after such sixtieth day, then any petition for review under this subsection shall be filed within sixty days after such grounds arise."

On September 12, 1980, NPRA submitted a document to the EPA entitled "Petition to defer for one year controls applicable to gasoline refiners set forth in 40 CFR 80.20." In general, the petition seeks to defer for one year the effective date of the 0.5 gpg lead standard. NPRA, in its petition, adopted the petitions for similar action submitted by Du Pont, Ethyl, and PPG Industries.² Although NPRA raised two arguments not raised in the other petitions, it did not submit any independent information to support its objections to the implementation of the 0.5 gpg standard effective October 1, 1980.

Criteria for Review

EPA has reviewed NPRA's petition in accordance with certain procedures set forth in *Oljato Chapter of the Navajo Tribe v. EPA*, 515 F.2d 654, 666 (D.C. Cir. 1975), which govern petitions for revision of rules promulgated under the Clean Air Act. The procedures described in *Oljato* are essentially that: (1) a petition for revision of such a rule along with any supporting material should first be submitted to the Agency, (2) the Agency should respond to the petition and if it denies the petition, set forth its reasons, and (3) if the petition is denied, the petitioner may seek judicial review pursuant to section 307(b) of the Act. *Oljato, supra*, 515 F.2d at 666. By this notice, EPA is responding to NPRA's petition and is setting forth the reasons for its decision.

In responding to similar petitions by others seeking relaxation or repeal of the lead phasedown regulations, the Agency has applied the following criteria in deciding whether to initiate a new rulemaking proceeding in response to the petitions: (1) the petition must be based on information that was not and could not reasonably have been presented during the original rulemaking and (2) the information if assumed true, must be of such significance that it would cause me to seriously consider revising or revoking the regulations. I will use these criteria in judging NPRA's petition.³

² E. I. du Pont & Co. (Du Pont) submitted a petition on January 17, 1980, requesting that the 0.5 gpg lead standard be eliminated. Du Pont's petition was denied on August 7, 1980 (45 FR 54090, August 14, 1980). Du Pont filed a second petition on August 25, 1980, requesting a one year extension of the 0.5 gpg standard, which was denied on September 29, 1980, 45 FR 6558. Ethyl submitted a petition on September 4, 1980 which was denied on October 1, 1980. PPG submitted a petition on September 3, 1980 which was denied on October 1, 1980.

³ For a more complete discussion of the Agency's interpretation of the *Oljato* scheme and its interaction with the Act's provision for judicial review of regulations under section 307(b), see the discussion in the determination regarding Du Pont's petition to repeal the lead phasedown regulations, 45 FR 54090, 54091 (August 14, 1980).

Discussion

NPRA adopted as part of its petition the petitions filed by Du Pont, Ethyl, and PPG. Since I have responded to these petitions separately, I refer NPRA to those decisions for my response to the issues which were raised in those petitions. NPRA only raises two other issues which were not contained in the other petitions. These arguments are (1) that some refiners will experience difficulty in meeting the 0.5 gpg standard and still being able to meet both volumetric and octane quality demands and (2) that the reduction to the 0.5 gpg level will reduce the availability of petrochemical feedstocks (primarily benzene, toluene, and xylene).

Neither of these arguments is "new information." Many refiners during previous rulemakings have stated that they will experience some difficulty in meeting both volumetric and octane demand at the 0.5 gpg level. This point was reiterated during the 1979 rulemaking. The relaxation of the phasedown schedule in 1976 was specifically designed to address this problem. The schedule was relaxed so that refiners would have the requisite lead time to install the equipment to meet volumetric demand while still maintaining the octane quality required by the automobile fleet. NPRA has not provided any additional data to suggest that the circumstances which led to that relaxation have substantially changed. Even had NPRA provided such data, it seems unlikely that I would seriously consider revising the regulations because of the health hazards associated with the use of lead.

NPRA's second point regarding the impact on the availability of petrochemical feedstocks was also raised during the 1979 rulemaking. Hence, this also is not "new information." Again, refiners have had ample opportunity to install the equipment necessary to satisfy the demands for the various refined products. Consequently, this argument does not seriously cause me to consider revising the lead phasedown regulations.

Since neither of the arguments presented by NPRA is supported by "new information," I am not required to review once again the regulations as promulgated. Indeed as I stated in the denial of Du Pont's petitions, I continue to believe that the lead phasedown regulations are a reasonable exercise of my authority under section 211 of the Act to protect public health and welfare.

Conclusions

For the reasons stated above, I believe the 0.5 gpg lead standard should take effect as scheduled and, therefore, NPRA's petition is denied.

Note.—This is a nationally applicable final Agency action. Under section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this action is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of the date of publication. Under section 307(b)(2), today's action may not be challenged later in a separate judicial proceeding brought by EPA to enforce the lead phasedown requirements.

Dated: October 1, 1980.

Douglas M. Costle,
Administrator.

[FR Doc. 80-31144 Filed 10-6-80; 8:45 am]

BILLING CODE 6560-33-M

40 CFR Part 80

[EN-FRL 1626-7]

Fuels and Fuel Additives; Petition to Defer Phasedown Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of petition to defer regulations controlling lead content in gasoline.

SUMMARY: On September 3, 1980, PPG Industries, Inc. (PPG) submitted a petition seeking to defer certain EPA regulations controlling the lead content in gasoline (the "lead phasedown regulations"). EPA has examined PPG's petition and finds that it does not contain new information warranting a new rulemaking proceeding to consider revision of the regulations. For this reason EPA denies PPG's petition.

FOR FURTHER INFORMATION CONTACT: Susan A. Finder, Attorney-Advisor, Fuels Section, Field Operations and Support Division, U.S. Environmental Protection Agency, at (202) 472-9367.

EFFECTIVE DATE: October 1, 1980.

ADDRESS: Information concerning this action may be found in Docket EN 79-14, Central Docket Section, Environmental Protection Agency, Gallery I—West Tower, 401 M St., S.W., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION:

Background

The original lead phasedown regulations were promulgated on December 6, 1973 (38 FR 33734), under section 211(c) of the Clean Air Act, 42 U.S.C. 7545(c). They established a 0.5 gram per gallon (gpg) final standard effective January 1, 1979. In

promulgating the 0.5 gpg standard the Agency took into consideration the known health effects of lead exposure and the difficulty of establishing a safe exposure level, and concluded that "it would be prudent to reduce preventable lead exposure from automobiles emitting airborne lead to the fullest extent possible." (38 FR 1259, January 10, 1973). After considering economic factors, the agency set a lead reduction schedule which it determined to be economically feasible.¹

The interruption of crude oil supplies in 1979 led the Agency to believe that a temporary relaxation might be warranted. Therefore, on June 8, 1979, EPA proposed amending the lead phasedown regulations to permit refiners to meet a 0.8 gpg standard until October 1, 1980, provided these refiners would produce increased percentages of unleaded gasoline (44 FR 33116.) On June 20, 1979, a public hearing was held in Washington, D.C. on the proposed amendments. On September 12, 1979, the regulations were amended substantially as proposed ("the 1979 rulemaking" (44 FR 53144). At that time, EPA made clear that "we continue to believe that a 0.5 gpg lead standard should be achieved as rapidly as possible for the purposes of public health but that this *short-term* relaxation should not have a substantial health effect." *Id.* (emphasis added). The Agency was concerned that shortages of unleaded gasoline would cause motorists to fuel switch, poisoning billions of dollars worth of catalytic converters, and threatening public health and the environment. 44 FR 53144 (1979). Under 307(b)(1) of the act, 42 U.S.C. 7607(b)(1), the time for seeking judicial review of the 1979 rulemaking expired on November 11, 1979.

On January 17, 1980, Du Pont submitted a petition to repeal the lead phasedown regulations. The petition was denied on August 7, 1980. 45 FR 54090 (1980). On August 25, 1980, Du Pont submitted a second petition entitled "Petition to Defer for One Year the Controls Applicable to Gasoline Refiners Set Forth in 40 CFR 80(a)(1)(ii)." Their petition sought to demonstrate that the absence of adverse health effects, the modest effect on air quality, and the impact on energy supplies support a one year delay in the implementation of the 0.5 gpg standard. The petition was denied on September 29, 1980. The PPG petition adopts the Du Pont petition, and in addition, raises an

¹ For the history of the lead phasedown regulations, see 45 FR 65581, response of the Administrator denying the petition submitted by Du Pont on August 25, 1980.

additional economic and energy argument concerning the availability of sodium supplies.

Criteria for Review of PPG's Petition

PPG did not specify the procedure under which it petitioned the Agency. For the purposes of this response, I will assume that PPG has invoked the same procedures as Du Pont, whose petition it adopted.

As a general matter, I conclude that the proper test in assessing new information in the context of a petition for revision or revocation of a rule is roughly the same as that for petitions for reconsideration under Section 307(d)(7)(b); that is, whether the petitioner has demonstrated that its objections, if assumed to be true, would cause me to seriously consider revising or revoking the rule previously promulgated.²

In summary, the criteria I am applying in deciding whether to initiate a new rulemaking proceeding in response to PPG's petition are: (1) The petition must be based on information that was not and could not reasonably have been presented during the original rulemaking; and (2) Du Pont's objections, if assumed true, must be of such significance that they would cause me to seriously consider revising the regulations.³

Discussion

PPG's petition fails to meet the criteria specified above. The Agency has responded to the virtually identical arguments raised by the Du Pont petition in its response. See 45 FR 65581 (October 3, 1980). This response will address the additional argument raised by PPG. PPG represents that once the 0.5 gpg standard is imposed, PPG will be forced to further reduce its production of antiknocks. PPG suggests that because of restrictions on PG's supply of sodium, a chemical used in the manufacture of lead antiknocks, the reactivation of antiknock capacity in response to any further shortages of crude oil and gasoline will be precluded.

PPG has relied on an argument that was presented during the 1979 rulemaking. In testifying before the June

² For the purposes of the decision on this, as was the case with the earlier Du Pont petitions, I have found it unnecessary to decide whether a greater or lesser showing is required to meet this test under section 307(d)(7)(B) than in the present context. Nor have I found it necessary to decide whether or how circumstantial factors (for example, the imminence of scheduled reviews of regulations) may affect decisions on other petitions for revision or revocation of regulations.

³ The response to Du Pont's first and second petitions, 45 FR 54090 (1980) and 45 FR 35581 (1980) explain and use these criteria.

20, 1979 public hearing concerning the proposed amendments to the lead phasedown regulation to delay imposition of the 0.5 gpg standard, Donald Diggs, of the Du Pont Corporation suggested that the lead phasedown regulation could have an adverse effect on sodium supplies.

If after capacity reductions are made, subsequent events such as increased gasoline shortages or further restrictions on crude oil availability make it advisable to increase lead usage, timely supply could be a problem.

The major constraint is the availability of sodium, a basic raw material in the manufacture of lead antiknocks and for which there is only a very small market in other uses.

Capacity reductions in sodium will parallel reductions in antiknock capacity. While antiknock production itself could be increased in reasonable time, the necessary increase in sodium production would take six to 12 months because of the peculiar nature of sodium manufacture.⁴

Since this is not new information, but rather information which was before the Agency in a previous rulemaking, I can deny PPG's petition and am not required to review once again the regulations as promulgated. However, I will discuss why the information is not of such significance that I would seriously consider revising or revoking the rule.

The additional issue raised by PPG concerns production considerations. As discussed below, the submitted information, even if correct, is not of such significance to cause me to grant this petition.

The additional issue raised by PPG concerns its inability to revive its lead anti-knock production facilities on short notice due to restrictions on the supply of sodium. PPG argues that the capability to revive production is necessary to meet any future gasoline shortages. This argument is nebulous.

PPG is requesting the Agency to relax its health-based regulations to allow the continued use of lead additives at a level which is higher than what I have already determined is necessary to protect the public's health and welfare in exchange for maintaining the industry's flexibility to respond to events which may never happen. At a time when both crude oil and gasoline stocks are higher than normal, I am not persuaded that the need to provide such flexibility outweighs the health implications associated with lead usage.

⁴Testimony of Donald R. Diggs, Du Pont Corp., Transcript of Proceedings before the Environmental Protection Agency in the Matter of: Lead Phasedown Regulations, June 20, 1979, at 107-08.

Considering the nature of the health effects against which the phasedown regulations are intended to protect—particularly for Black and Hispanic urban children, who are exposed to large quantities of lead from automobile sources and may be especially sensitive to the harmful effects of lead—I would not consider it appropriate to revise the lead phasedown regulations.

Conclusion

For the reasons stated above, PPG's petition is denied.

Note.—This is a nationally applicable, final Agency action. Under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this action is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of [date of publication]. Under Section 307(b)(2), today's action may not be challenged later in a separate judicial proceeding brought by EPA to enforce the lead phasedown requirements.

Dated: October 1, 1980.

Douglas M. Costle,
Administrator.

[FR Doc. 80-31142 Filed 10-6-80; 8:45 am]

BILLING CODE 6560-33-M

40 CFR PART 180

[PP 5E1564/P152; PH-FRL-1627-1]

Carbaryl; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate), including its hydrolysis product 1-naphthyl, calculated as 1-naphthyl *N*-methylcarbamate on sunflower seeds at 1 part per million (ppm). This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for residues of carbaryl on sunflower seeds.

DATE: Comments must be received on or before November 6, 1980.

ADDRESS: Written comments to: Clinton Fletcher, Rm. E-124, Emergency Response Section, Registration Division (TS-767), Environmental Protection Agency, 401 M St. SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, (202-426-0223).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted a pesticide petition (PP

5E1564) to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of North Dakota and Minnesota.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate), including its hydrolysis product, 1-naphthol, calculated as 1-naphthyl *N*-methylcarbamate, in or on the raw agricultural commodity sunflower seeds at 1 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance included a two-year rat feeding/oncogenicity study with a no-observable effect-level (NOEL) of 200 ppm; a one-year dog subchronic feeding study with a NOEL of 400 ppm; a Rhesus monkey teratology study which was negative at 20 milligrams (mg)/kilogram (kg) of body weight (bw), the highest level fed; an 18-month mouse oncogenicity study, negative at 400 ppm; a three-generation rat reproduction study with a NOEL of 200 mg/kg of bw/day; a dog teratology study with a NOEL of 3 mg/kg of bw. The acceptable daily intake (ADI) in humans is calculated to be 0.1 mg/kg of bw/day based on the two-year rat feeding study using a 100-fold safety factor. The maximum permitted intake (MPI) for a 60 kg human has been calculated to be 6 mg/day. Tolerances have previously been established for residues of carbaryl on a variety of raw agricultural commodities at levels ranging from 100 ppm to zero ppm. The theoretical maximal residue contribution (TMRC) for the proposed and existing tolerances is calculated to be 4.6 mg/day.

Carbaryl is a candidate for a rebuttable presumption against registration (RPAR) since it may exceed the risk criteria described in 40 CFR 162.11(a)(3)(ii)(B) for some registered uses. However, the amount of carbaryl added to the diet from the proposed use is too small to substantially increase the risk for humans. Thus, the proposed tolerance is considered to pose a negligible increment in risk.

The metabolism of carbaryl is adequately understood and an adequate analytical method (colorimetry) is available. The existing tolerances in poultry fat, meat and eggs will adequately cover any secondary residues occurring from the sunflower feed items. Even though there are no

existing meat and milk tolerances, there are existing tolerances (5-100 ppm) on a number of feed items (e.g., alfalfa hay, barley fodder, corn fodder and forage, cottonseed, etc.). Considering the established tolerances for these feed items, the agency believes that the use of carbaryl-treated sunflower hulls, meal, and soapstock will result in an increase in the carbaryl residue burden in livestock.

Thus, based on the above information considered by the Agency it concluded that the tolerance of 1 ppm in or on sunflower seed established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request by November 8, 1980 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "PP 5E1564/P152". All written comments filed in response to this petition will be available for public inspection in the office of Clinton Fletcher from 8:00 a.m. to 4 p.m., Monday through Friday.

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

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)).

Dated: September 29, 1980.

Douglas D. Camp,
Director, Registration Division Office of
Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by alphabetically inserting sunflower seeds under § 180.169 to read as follows:

§ 180.169 Carbaryl; tolerances for residues.

* * * * *	
Commodity	Parts per million
* * * * *	
Sunflower seeds.....	1
* * * * *	

[FR Doc. 80-31145 Filed 10-6-80; 8:45 am]

BILLING CODE 6560-32-M

NW., Rm. 11101, Washington, D.C.
20573, (202) 523-5764.

SUPPLEMENTARY INFORMATION: None.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 80-31158 Filed 10-6-80; 8:45 am]

BILLING CODE 6730-01-M

40 CFR Part 201

[FRL 1619-6]

Noise Emission Standards for Transportation Equipment Interstate Rail Carriers

Correction

In FR Doc. 80-30201, in the issue of Tuesday, September 30, 1980, on page 64876, the third column, under the item numbered as "4.", the second to the last line in this item is corrected to read "+ 5dB; above 12 hours activity-no".

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 521

[General Order; Docket No. 80-59]

Time for Filing and Commenting on Certain Agreements

AGENCY: Federal Maritime Commission.

ACTION: Enlargement of time to file comments.

SUMMARY: Request of counsel for North European Conferences for an additional 30 days to comment on proposed rules (FR 58923; September 3, 1980) is granted. As counsel points out, recent Commission rulemakings of equal dignity provided 60 days for comment whereas 30 days were provided here. Our intention was to allow a similar period and that is accomplished by this action.

DATE: Comments due on or before November 3, 1980.

ADDRESS: Comments (original and fifteen copies) to: Secretary, Federal Maritime Commission, 1100 L Street, NW., Rm. 11101, Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street,

Notices

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.

CIVIL AERONAUTICS BOARD

[Former Large Irregular Air Service Investigation Docket 33363; Dockets 38666, and 38667]

Applications of Imperial Enterprises Corp. d.b.a. Imperial International Airlines; Assignment of Proceeding

This proceeding, insofar as it involves the applications of Imperial Enterprises Corporation d.b.a. Imperial International Airlines, Dockets 38666 and 38667, has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., October 2, 1980.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 80-31153 Filed 10-6-80; 8:45 am]
BILLING CODE 6329-01-M

[Former Large Irregular Air Service Investigation Docket 33361; Docket 32413]

Application of Standard Airways, Inc.; Reassignment of Proceeding

This proceeding, insofar as it involves the application of Standard Airways, Inc., Docket 32413, has been reassigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., October 1, 1980.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 80-31154 Filed 10-6-80; 8:45 am]
BILLING CODE 6320-01-M

[Order 80-10-2; Docket 38774]

St. Louis Service Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (80-10-2), Docket 38774.

SUMMARY: The Board is proposing to award nonstop air route authority between St. Louis, on the one hand, and Akron/Canton, Allentown/Bethlehem/Easton, Asheville, Augusta, Bangor, Baton Rouge, Charleston (S.C.), Charleston/Dunbar (W. Va.), Chattanooga, Columbia, Columbus (Ga.), Eugene, Evansville, Fargo/Moorhead, Fort Wayne, Gainesville, Grand Junction, Greenville/Spartanburg, Harlingen/San Benito, Harrisburg/York, Huntsville-Decatur, Jackson/Vicksburg, Lansing, Lexington, Melbourne, Midland/Odessa, Mobile/Pascagoula, Montgomery, Newport News/Hampton, Providence, Saginaw/Bay City/Midland, Salinas/Monterey, San Antonio, Santa Barbara, Savannah, Scranton/Wilkes-Barre, Shreveport, and South Bend, on the other hand, to Ozark Air Lines; and between St. Louis and San Antonio to Southwest Airlines, under expedited 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 November 3, 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 38774, which we have entitled the *St. Louis Service 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 Ozark Air Lines; Southwest Airlines; Mayor of St. Louis; Manager, Lambert-St. Louis International Airport; Missouri Department of Transportation, Aviation Section; 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

Federal Register

Vol. 45, No. 196

Tuesday, October 7, 1980

Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5198.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-10-2 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.D. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-10-2 to that address.

By the Bureau of Domestic Aviation:
October 1, 1980.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-31155 Filed 10-6-80; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee: Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee will be held on Wednesday, October 22, 1980, at 11:00 a.m. in Room 1851 Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. The meeting will continue October 23, 1980, in Conference Room D, Main Commerce Building to its conclusion.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 18, 1977, August 28, 1978, and August 29, 1980 and Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(h)(1) of the Export Administration Act of 1979, 50 U.S.C.A. App. 2401 *et seq.* and the Federal Advisory Committee Act. The Microcircuit Subcommittee was established on December 28, 1977. On September 19, 1980, the Deputy Assistant Secretary for Export Administration approved the continuation of the Subcommittee pursuant to the charter of the committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of

concern to the Department, (B) worldwide availability of product and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any goods or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls in which the United States participates including proposed revisions of any such controls. The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security. The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, phone 202-377-4217.

For further information contact Mrs. Margaret Cornejo, Office of the Director of Licensing Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

Dated: October 2, 1980.

Saul Padwo,

Acting Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-31079 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee will be held on Wednesday, October 22, 1980, at 11:00 a.m. in Room 3817, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, August 28, 1978, and August 29, 1980 the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(h)(1) of the Export Administration Act of 1979, 50 U.S.C.A. App. 2401 *et seq.* and the Federal Advisory Committee Act. The Assistant Secretary for Industry and Trade established the Semiconductor Manufacturing Materials and Equipment Subcommittee on February 9, 1979, pursuant to the charter of the Committee. On September 19, 1980, the Deputy Assistant Secretary for Export Administration approved the continuation of the Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of product and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any goods or technology, and (D) exports subject to unilateral and multilateral controls which the United States participates, including proposed revisions of any such controls. The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and

strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and the formulation of recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Phone: 202-377-4217.

For further information contact Mrs. Margaret Cornejo, Room 1609, Office of the Director of Licensing, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

Dated: October 2, 1980.

Saul Padwo,

Acting Director, Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 80-31080 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-25-M

Advisory Committee on East-West Trade; Notice of Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Advisory Committee on East-West Trade will be held on Wednesday, October 22, 1980 at 9:30 a.m., in Room 6802, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee was established on February 11, 1974 to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to further its mission to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries. The Committee currently has 22 members.

The Committee meeting agenda has two parts:

General Session, Room 6802

Morning 9:30 a.m. to 12:45 p.m.

- (1) Welcome and Opening Remarks by Chairman Ottmar.
- (2) Commentary on Assistant Secretary Seidman's visit to Eastern Europe.
- (3) Review of Developments in East-West Trade.
- (4) Chinese Trade Exhibitions in the U.S.: Committee Commentary.
- (5) Committee Views on the Economic/Political Climate in Poland and the Implications for East-West Trade.
- (6) Committee Views on the Administration's Export Control Policy.

Executive Session, Room 6802

Afternoon 2:15 p.m. to 3:45 p.m.

- (7) Committee Recommendations on Administration Initiatives in East-West Trade in the Coming Four Years.
- (8) Committee Recommendations for Economic, Commercial Negotiations at the Madrid Review of the Conference on Security and Cooperation in Europe.

The General Session of the meeting will be open to public observation. Approximately 50 seats will be available (including 5 seats reserved for media representatives) on a first-come first-served basis.

A period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments may be submitted in writing at any time before or after the meeting.

With respect to agenda items (7) and (8), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on October 2, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the

Government in the Sunshine Act P. L. 49-409, that the matters to be discussed under agenda items (7) and (8) should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because it will be concerned with matters listed in 5 U.S.C. 552b (c)(9)(B); i.e., premature disclosure would be likely to significantly frustrate implementation of a proposed agency action, and 5 U.S.C. 552b(c)(1); i.e., material specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and properly classified pursuant to such Executive Order.

Copies of minutes of the open portion of the meeting will be available 30 days after the meeting by contacting Mr. Ronald Oechsler, Committee Control Officer, Office of East-West Policy and Planning, East-West Trade, International Trade Administration, Room 4816, U.S. Department of Commerce, Washington, D.C., 20230, telephone (202) 377-3110.

The complete Notice of Determination to close the aforementioned portion of the October 22 meeting of the Advisory Committee on East-West Trade is hereby published.

Dated: September 15, 1980.

Robert H. Nath,

Deputy Assistant Secretary for East-West Trade.

Office of the Assistant Secretary for Administration; Advisory Committee on East-West Trade

Notice of Determination

The Secretary of Commerce, having determined that it is in the public interest in connection with the duties imposed on the Department by law, initially established the Advisory Committee on East-West Trade ("the Committee") on February 11, 1974, pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. (1976). In December 1978, with the concurrence of the General Services Administration, the Committee's charter was renewed until December 5, 1980. Authorized membership of the Committee is approximately 20, with a current membership of 22.

The Committee provides advice to the Department on ways to promote, facilitate and coordinate the expansion of two-way trade with the Soviet Union, Poland, the German Democratic Republic, Hungary, Czechoslovakia, Romania, Bulgaria, the People's Republic of China, and certain other areas of the world with similar economic/political structures, so as to contribute materially to a more positive balance of trade and payments situation.

The Committee may identify and make recommendations concerning current and proposed government policies and programs relating to the promotion and expansion of

such trade; advise on the development of future government plans and actions directed at promoting and increasing such trade and improving trading relations; advise on ways U.S. firms could enter this trade or expand existing trade programs and activities; advise on problems encountered by U.S. business in pursuing such trade and recommend solutions; and provide a forum for business, the academic community and government to discuss problems and issues in the field of East-West trade.

The Committee's activities are conducted pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act, as amended by Section 5 (c) of the Government in the Sunshine Act, Pub. L. 94-409, provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the President, or the head of the agency to which the advisory committee reports, determines that such meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552b(c).

5 U.S.C. 552b(c)(1) provides that agency meetings or portions thereof may be closed to the public if the discussion is likely to disclose matters specifically authorized under criteria established by an Executive Order to be kept in the interest of national defense or foreign policy and are properly classified pursuant to such Executive Order.

5 U.S.C. 552b(c)(9)(B) provides that agency meetings or portions thereof may be closed to the public where the premature disclosure of information discussed at such meetings is likely to significantly frustrate implementation of a proposed agency action.

Portions of the September 28, 1977, September 27, 1978, December 13, 1978, April 18, 1979, June 27, 1979, and October 10, 1979, January 9, 1980, and April 16, 1980 meetings have previously been closed to the public in accordance with 5 U.S.C. 552b(c)(9)(B) to discuss U.S. Government negotiating positions on (1) the CSCE Review of Basket II negotiating provisions of the Helsinki Final Act, (2) future U.S.-Soviet trade in light of validated licensing controls imposed on exports of oil and gas-related equipment to the U.S.S.R., (3) U.S.-P.R.C. Trade and Economic Agreements, (4) U.S.-Soviet commercial relations, and (5) policy for U.S. commercial relations with the U.S.S.R. and P.R.C. in 1980; (6) development of U.S. negotiating positions for U.S.-East European commercial commissions and (7) U.S. business attitudes toward trading with the U.S.S.R. and Eastern Europe in the aftermath of the Soviet invasion of Afghanistan. A portion of the December 13, 1978 meeting was closed in accordance with 5 U.S.C. 552b(c)(1) to discuss U.S. economic policy initiatives towards the Soviet Union in the aftermath of the meeting of the U.S.-Soviet Joint Commerce Commission and U.S.-U.S.S.R. Trade and Economic Council.

The U.S. Government is continuing to formulate its long-range economic policy toward the centrally-planned economies in light of the developments during the past year

which have significantly affected East-West trade relations. A shorter-term concern is the development of the U.S. negotiating position on economic and commercial issues to be discussed at the Madrid Conference on Security and Cooperation in Europe (CSCE).

In order to provide advice to the Department under the terms of its charter, on October 22, 1980, from 2:15 P.M. to 3:45 P.M., the Advisory Committee on East-West Trade will make recommendations concerning longer-term Administration initiatives in the field of East-West trade and concerning the U.S. negotiating posture at the upcoming Madrid CSCE review. Discussion of these items will entail consideration of materials authorized under criteria established by Executive Order 12065 to be kept secret in the interests of national defense or foreign policy, which are properly classified pursuant to Executive Order 12065. Advise and information received from the Committee at this meeting will subsequently be used by the Department in formulating U.S. policy in the above-mentioned areas. Premature public disclosure of this information and advice would be likely to significantly frustrate effective implementation of U.S. government policy with respect to the centrally-planned economies.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of Government in the Sunshine Act, P.L. 94-409, that the portion of the Committee meeting scheduled from 2:15 p.m.-3:45 p.m. on October 22, 1980 which will address matters discussed in the preceding paragraph, shall be exempt from the provisions of Section 10(a)(1) and (a)(3) relating to open meetings and public participation therein, because the aforementioned Committee discussions will be concerned with information listed in 5 U.S.C. 552b(c)(9)(B) in that the premature disclosure of this information would be likely to significantly frustrate implementation of U.S. policy and will entail consideration of materials as defined in 5 U.S.C. 552b(c)(1) which are authorized under criteria established by Executive Order 12065 to be kept secret in the interest of national defense or foreign policy and which are properly classified pursuant to Executive Order 12065.

Remaining portions of the meeting will open to the public.

Dated: October 2, 1980.

Elsa A. Porter,
Assistant Secretary for Administration.

Dated: September 29, 1980.

Joseph M. Levine,
Acting Assistant General Counsel for Administration.

[FR Doc. 80-31132 Filed 10-6-80; 8:45 am]
BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S-676]

First American Bulk Carrier Corp.; Application

Notice is hereby given that First American Bulk Carrier Corporation

(First American) by application of September 15, 1980, requested written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, in connection with its application for operating-differential subsidy to aid in the operation of two multi-purpose dry bulk vessels in the foreign trade. First American is a Delaware corporation recently organized to construct and operate the two vessels. The company is owned by the National Marine Engineers' Beneficial Association Pension Fund, Levinston Shipbuilding Company and Viros Scheepvaart Curacao, N.V.

First American advises that Ashland Oil, Inc. (Ashland) is indirectly related to First American through ownership of all of the issued and outstanding shares of the Series B Preferred Stock of the Paden Corporation, the parent company of Levinston. Ashland is a major U.S. company which is involved in both domestic and foreign shipping. In domestic trade, Ashland transports both crude oil and refined products on the Ohio and Mississippi Rivers and their tributaries, utilizing 22 towboats (11 owned and 11 chartered) and 218 barges (169 owned and 49 chartered). In the Great Lakes, an Ashland subsidiary, Cleveland Tankers, Inc., owns and operates three tankers with a total capacity of 172,000 barrels, and operates under long-term lease one barge with a capacity of 57,000 barrels.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a)) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on November 3, 1980 together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be

prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board/
Assistant Secretary for Maritime Affairs.

Dated: October 2, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-31175 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council and Its Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Scientific and Statistical (SSC). The Gulf of Mexico Fishery Management Council and its SSC will hold separate meetings.

AGENDAS: The Gulf of Mexico Fishery Management Council will meet to review status reports on development of fishery management plans (FMP's); consider foreign fishing applications, if any; and conduct other fishery management business. The SSC will meet to review draft FMP's for billfish, shark, and coral, and to review amendments to the Stone Crab and Shrimp FMP's. These meetings are open to the public.

DATES: The Council meeting will convene on Thursday, November 6, 1980, at approximately 8 a.m., and adjourn at approximately 5 p.m.; reconvene on Friday, November 7, 1980, at approximately 8:30 a.m., and adjourn at approximately 12 noon. The SSC meeting will convene on Wednesday, November 5, 1980, at approximately 8:30 a.m., and adjourn at approximately 5 p.m.

ADDRESS: The meetings will take place at the Broadwater Beach Hotel, West Beach Boulevard, Biloxi, Mississippi.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 338-2815.

Dated: October 2, 1980.

Robert K. Crowell,
Deputy Executive Director, National Marine
Fisheries Service.

[FR Doc. 80-31150 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-22-M

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 215.13(f) of the Regulations Governing the Pribilof Islands (50 CFR Part 215), the Public Display Permit to take ten northern fur seals (*Callorhinus ursinus*) issued to Mystic Marinelife Aquarium on March 23, 1978, (43 FR 14532) and modified on August 28, 1978 (44 FR 50393), is further modified in the following manner: "The period of validity of the Permit is extended from December 31, 1981, to December 31, 1983."

This modification is effective October 7, 1980.

The Permit, as modified, and documentation pertaining to the modification is available in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service, 3300
Whitehaven Street, NW., Washington, D.C.;
Regional Director, National Marine Fisheries
Service, Northeast Region, 14 Elm Street,
Federal Building, Gloucester,
Massachusetts 01930;
Regional Director, National Marine Fisheries
Service, Northwest Region, 1700 Westlake
Avenue North, Seattle, Washington 98109;
and
Regional Director, National Marine Fisheries
Service, Alaska Region, P.O. Box 1668,
Juneau, Alaska 99802.

Dated: September 25, 1980.

Robert K. Crowell,
Deputy Executive Director, National Marine
Fisheries Service.

[FR Doc. 80-31121 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss elements of the Snapper-Grouper Fishery Management Plan (FMP); various aspects of Billfish, Sea Scallops, Calico Scallop, Shrimp, and Swordfish FMP's; other management plan business as necessary and administrative matters as appropriate.

DATES: The meetings, which are open to the public, will convene on Tuesday,

October 28, 1980 at approximately 1 p.m., and will adjourn on Thursday, October 30, 1980, at approximately 12 noon.

ADDRESS: The meetings will take place at the Council Headquarters, One Southpark Circle, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: October 2, 1980.

Robert K. Crowell,
Deputy Executive Director, National Marine
Fisheries Service.

[FR Doc. 80-31151 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council's Advisory Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), has established an advisory subpanel which will meet to discuss certain elements contained within the draft Snapper-Grouper Fishery Management Plan.

DATES: The meeting, which is open to the public, will convene on Monday, October 27, 1980, at approximately 2:15 p.m., and will adjourn at approximately 5 p.m.

ADDRESS: The meeting will take place at the Council Headquarters, One Southpark Circle, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone (803) 571-4366.

Dated: October 1, 1980.

Robert K. Crowell,
Deputy Executive Director, National Marine
Fisheries Service.

[FR Doc. 80-31149 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Activities of Advisory Committees; Public Availability of Report on Closed Meetings

AGENCY: Department of Commerce.

ACTION: Activities of advisory committees; public availability of report on closed meetings.

SUMMARY: The advisory committees of the Department which held meetings in 1979 that were closed or partially-closed to the public have prepared reports, as required by the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 of March 1974, on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at two locations:

Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, 2nd and Independence Avenue, S.E., Washington, D.C. 20540.
Department of Commerce, Central-Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 377-4217.

The reports cover the closed and partially closed meetings of 40 of the Department's 102 committees and several subcommittees, the names of which are listed below.

Committee (Subcommittee)

Advisory Committee on East-West Trade
Caribbean Fishery Management Council
Committee on Industry Sector Advisory
Committee Chairmen for Multilateral
Trade Negotiations
Computer Peripherals, Components, and
Related Test Equipment Technical
Advisory Committee
Foreign Availability Subcommittee
Memory and Media Subcommittee
Computer Systems Technical Advisory
Committee
Foreign Availability Subcommittee
Hardware Subcommittee
Technology Transfer Subcommittee*
Electronic Instrumentation Technical
Advisory Committee
Industry Policy Advisory Committee
Multilateral Trade Negotiations (MTN)
Industry Sector Advisory Committee (ISAC)
on Aerospace Equipment MTN
ISAC on Automotive Equipment for MTN
ISAC on Communication Equipment and
Non-Consumer Electronic Equipment for
MTN
ISAC on Construction, Mining, Agriculture,
and Oil Field Machinery and Equipment
for MTN
ISAC on Consumer Electronic Products and
Household Appliances for MTN
ISAC on Drugs, Soaps, Cleaners, and Toilet
Preparations for MTN
ISAC on Electrical Machinery, Power Boilers,
Nuclear Reactors, and Engines and
Turbines for MTN
ISAC on Ferrous Metals and Products for
MTN
ISAC on Food and Kindred Products for MTN
ISAC on Hand Tools, Cutlery, and Tableware
for MTN
ISAC on Industrial Chemicals and Fertilizers
for MTN
ISAC on Leather and Products for MTN
ISAC on Lumber and Wood Products for
MTN

ISAC on Machine Tools, Other Metalworking Equipment, and Other Nonelectrical Machinery for MTN
 ISAC on Miscellaneous Manufacturers, Toys, Musical Instruments, Furniture, etc., for MTN
 ISAC on Nonferrous Metal Products for MTN
 ISAC on Office and Computing Equipment for MTN
 ISAC on Other Fabricated Metal Products for MTN
 ISAC on Paints, Gum and Wood Chemicals, and Miscellaneous Chemical Products for MTN
 ISAC on Paper and Products for MTN
 ISAC on Photographic Equipment and Supplies for MTN
 ISAC on Railroad Equipment and Miscellaneous Transportation Equipment for MTN
 ISAC on Retailing for MTN
 ISAC on Rubber and Plastics Materials for MTN
 ISAC on Scientific and Controlling Instruments for MTN
 ISAC on Stone, Clay, and Glass Products for MTN
 ISAC on Textiles and Apparel for MTN
 National Advisory Committee on Oceans and Atmosphere
 Numerically Controlled Machine Tool Technical Advisory Committee
 Pacific Fishery Management Council Sea Grant Review Panel
 Semiconductor Technical Advisory Committee
 Discrete Semiconductor Device Subcommittee
 Microcircuit Subcommittee
 Semiconductor Manufacturing Materials and Equipment Subcommittee
 Telecommunications Equipment Technical Advisory Committee

*Meeting held in general session because classified documents scheduled for discussion were unavailable.

FOR FURTHER INFORMATION CONTACT:
 Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4217.

Dated: September 19, 1980.

Elsa A. Porter,

Assistant Secretary for Administration.

[FR Doc. 80-31133 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Levels of Restraint for Certain Cotton and Man-Made Fiber Textile Products Exported From Mexico

October 2, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the agreement to increase the levels of restraint previously established for other cotton

apparel products in Categories 359 and in 604 (only T.S.U.S.A. 310.5049) spun acrylic yarn, produced or manufactured in Mexico and exported during the agreement year which began on January 1, 1980.

[A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53504).]

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended, between the Governments of the United States and Mexico, letters have been exchanged further amending the agreement agreeing to increase the consultation levels previously established for cotton textile products in category 359 from 543,478 pounds to 652,174 pounds and 604 pt. from 853,659 pounds to 914,634 pounds during the agreement year which began on January 1, 1980 and extends through December 31, 1980.

EFFECTIVE DATE: October 7, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 26, 1979 there was published in the Federal Register (44 FR 76383) a letter dated December 18, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton and man-made fiber textile products, including Categories 359 and 604 pt., produced or manufactured in Mexico which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. On May 23, 1980, a further letter was published in the Federal Register (45 FR 36107) amending the consultation level for cotton textile products in Category 359 for that period. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption or withdrawal from consumption of cotton and man-made fiber textile products produced or manufactured in Mexico and exported during the twelve-month period in the

foregoing categories which began on January 1, 1980 in excess of the designated increased levels of restraint.
 Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

October 2, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
 Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 18, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Mexico.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Textile Agreement of February 26, 1979, as amended, between the Governments of the United States and Mexico; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 7, 1980, and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Mexico in excess of the following levels of restraint:

Category	Amended 12-month level of restraint ¹
359	652,174 pounds.
604 (only T.S.U.S.A. No. 310.5049)	914,634 pounds.

¹ The levels of restraint have not been adjusted to reflect any imports after December 31, 1979.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton and man-made fiber textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,
 Paul T. O'Day,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-31131 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-25-M

Announcing Additional Import Controls and Charging Overshipments for Certain Wool and Man-Made Apparel From Mexico

October 2, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Controlling wool dresses in Category 436, at the consultation level of 2,033 dozen; and (2) charging overshipments from 1979 of 6,731 dozen to the level of restraint previously established for Category 641 (Women's Girls' and Infants' woven blouses of man-made fibers) during the agreement year which began on January 1, 1980. The adjusted level will be 229,938 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 F.R. 13172), as amended on April 23, 1980 (45 F.R. 27463), and August 12, 1980 (45 F.R. 53506).)

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended, between the Governments of the United States and Mexico, the United States Government has decided to control imports of wool textile products in Category 436, produced or manufactured in Mexico and exported to the United States during the twelve-month period which began on January 1, 1980, in addition to those categories previously designated. Also pursuant to the bilateral agreement, prior overshipments of man-made fiber textile products in Category 641 amounting to 6,731 dozen are being charged, reducing the level of restraint for the Category to 229,938 dozen for the agreement year which began on January 1, 1980.

EFFECTIVE DATE: October 7, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 26, 1979, there was published in the Federal Register (44 F.R. 76383) a letter dated December 18, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton and man-made fiber textile products, produced or manufactured in Mexico, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on

January 1, 1980 and extends through December 31, 1980.

In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of wool textile products in Category 436, produced or manufactured in Mexico and exported to the United States during the twelve-month period which began on January 1, 1980. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, effective on October 7, 1980, to prohibit entry for consumption, or withdrawal from warehouse for consumption, of wool textile products in Category 436, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1980, in excess of the designated level of restraint. The level has not been adjusted to reflect any imports after December 31, 1979. Imports during the January-July 1980 period amounted to 1,610 dozen and will be charged. As the data become available, further charges will be made to account for the period which began on August 1, 1980 and extends through the effective date of this action. Further, overshipments in Category 641 amounting to 6,731 dozen are being charged to the ceiling for the agreement period which began on January 1, 1980, reducing that level to 229,938 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

October 2, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 18, 1979 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended, between the Governments of the United States and Mexico; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 2, 1980, and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the

United States for consumption, and withdrawal from warehouse for consumption, of wool and man-made fiber textile products in the following categories, produced or manufactured in Mexico, in excess of the following levels of restraint:

Category	12-mo level of restraint: ¹
436	2,033 dozen.
641	229,938 dozen.

¹ The level of restraint has not been adjusted to reflect any entries after December 31, 1979. Imports during the January-July 1980 period have amounted to 1,610 dozen in Category 436.

Textile products in Category 436 which have been exported to the United States prior to January 1, 1980 shall not be subject to this directive.

Textile products in Category 436 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of wool and man-made fiber textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-31130 Filed 10-6-80; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Futures Contract; Availability

The Commodity Futures Trading Commission ("Commission") is making available and requesting public comment on an amended Gulf Coast No. 2 heating oil contract proposed to be traded by the New York Mercantile Exchange. Copies of this proposed contract will be available at the Commission's offices in Washington, New York, Chicago, Minneapolis, Kansas City and San Francisco. The Commission will also furnish copies upon request made to the Commission Secretary.

Any person interested in expressing views on the terms and conditions of this proposed amended contract should send comments by November 6, 1980 to Ms. Jane Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. (202) 254-6314. Copies of all comments will be available for inspection at the Commission's Washington office.

Issued in Washington, D.C. on October 1, 1980.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 80-31128 Filed 10-6-80; 8:45 am]
BILLING CODE 6351-01-M

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Amendment to the GNMA-CD Futures Contract of the Chicago Board of Trade

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. 95-405, § 12, 92 Stat. 871 (1978), has determined that the proposed amendment to regulation 2036.01(b)(2) of the Chicago Board of Trade concerning acceptable grade of delivery for the GNMA-CD futures contract is of major economic significance. This amendment could affect the value of outstanding contracts. The proposed amendment would allow delivery of certain GNMA securities which are excluded from delivery under the previously proposed amendments to rule 2036.01 of the Chicago Board of Trade. The previously proposed amendments to regulation 2036.01 of the Chicago Board of Trade, which would authorize the Financial Instruments Committee, with the approval of the Board of Directors, to exclude GNMA securities which do not conform to the standards of the particular contract or market characteristics for GNMA securities which are otherwise of deliverable grade for the GNMA-CD contract, were published in the Federal Register as a matter of public interest. 45 FR 61653 (September 17, 1980).

The amendment to regulation 2036.01(b)(2) concerning acceptable grade of delivery for the GNMA-CD contract is printed below showing deletions in black brackets and additions in italics:

2036.01—Standards

(b) Coupons which may be delivered against a futures contract in a given delivery month shall be designed as follows:

(1) Any coupon at or below the current production rate is deliverable. If the current production rate is lower than the previous production rate, then the previous production rate is also deliverable through the next three months following the month in which the production rate was lowered.

(2) The above is subject to the provision that no substitution of coupon is made for any delivery date until forty-five (45) days have transpired after the effective date of the rate change. That is, if the current production rate is changed, certificates bearing the new coupon rate are not deliverable on the Board of Trade futures contract until 45 days after the new coupon rate is in effect. The one exception to this rule will be the delivery of [a new issue dated and issued after the date of record of the rate change and bearing the new rate] issues with the same coupon as the current production rate which are dated and issued during the current delivery month or three months preceding the current delivery month.

Any person interested in submitting written data, views, or arguments on the regulation should send comments by November 6, 1980 to Ms. Jane K. Stuckey, Secretariat, Commodity Futures Commission, 2033 K Street, NW., Washington, D.C. 20581.

Issued in Washington, D.C., on October 1, 1980.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 80-31125 Filed 10-6-80; 8:45 am]
BILLING CODE 6351-01-M

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Amendments to the 90-Day U.S. Treasury Bill Futures Contract of the Chicago Mercantile Exchange

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. 95-405, section 12, 92 Stat. 871 (1978), has determined that the proposed amendments to rule 3203A of the Chicago Mercantile Exchange concerning acceptable securities for delivery under the 90-Day United States Treasury Bill futures contract are of major economic significance. The proposed amendments would allow delivery of One-Year United States Treasury Bills as well as delivery of 90-Day United States Treasury Bills and Six-Month United States Treasury Bills on the 90-Day United States Treasury Bill futures contract.

The amendments to rule 3203A of the Chicago Mercantile Exchange concerning deliverable securities on the 90-Day United States Treasury futures contract are printed below showing

deletions in black brackets and additions in *italics*:

3203. A. Delivery Days

Delivery shall be made on ~~the~~ three successive business days. ~~Beginning with the day of issue of 13 week Treasury bills in the third week of the spot month. For purpose of the rule, the "third week of the spot month" shall mean the week commencing on the third Monday of the spot month.~~ *The first delivery day shall be the first day of the spot month in which a 13-week Treasury bill is issued and a one-year Treasury bill has thirteen (13) weeks remaining to maturity.*

Any person interested in submitting written data, views, or arguments on the regulations should send comments by November 6, 1980 to Ms. Jane K. Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Issued in Washington, D.C., on October 1, 1980.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 80-31128 Filed 10-6-80; 8:45 am]
BILLING CODE 6351-01-M

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Amendments to the Silver Futures Contract of the Chicago Board of Trade

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the futures Trading Act of 1978, Pub. L. 95-405, section 12, 92 Stat. 871 (1978), has determined that the proposed amendments to regulations 1404.01, 1412.01, 1436.01, and 1444.01 of the Chicago Board of Trade concerning its 5,000 troy ounce silver futures contract are of major economic significance. These proposed amendments supersede the proposed 1,000 troy ounce silver futures contract designation application previously submitted to the Commission by the Chicago Board of Trade. The Commission announced the public availability of, and solicited public comment on, the terms and conditions of that proposed contract on July 25, 1980. 45 FR 49633 (July 25, 1980).

The amendments proposed herein could affect the liquidity of the silver futures market and the use of the market as a price discovery and hedging vehicle. The amendments would affect current regulations governing the 5,000 troy ounce silver contract with respect to the size of the unit of trading and deliverable bar weight. The

amendments would allow trading in the 5,000 troy ounce silver contract to continue for months listed prior to Commission approval of the amendments proposed herein, and for trading to occur only in 1,000 ounce contracts for each month listed thereafter.

The amendments to regulations 1404.01, 1412.01, 1436.01, and 1444.01 of the Chicago Board of Trade concerning its 5,000 troy ounce silver futures contract are printed below showing deletions in brackets and additions underscored:

1404.01 Unit of Trading—The unit of trading for Silver shall be five thousand (5,000) troy ounces for all months listed prior to the effective date of the change of this regulation and thereafter one thousand (1,000) troy ounces for all new months listed. Bids and offers may be accepted in lots of 5,000 troy ounces or multiples thereof or in lots of 1,000 troy ounces or multiples thereof, depending on the unit of trading being executed.

1412.01 Position Limits—(a) the limit on the maximum net long or net short position which any other person may hold or control in Silver, either alone or in conjunction with any other person, is 600 contracts of 5,000 troy ounces each, or 3,000 contracts of 1,000 troy ounces each, as the case may be, in any one future or in all futures combined. The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations and trusts, and shall also include any omnibus account except to the extent that the carrying member, registered partnership or registered corporation maintains books and records in the United States, available to the Association upon request, which disclose the identity and positions held by the customers comprising such omnibus accounts.

On and after the effective date of this provision, the Board may direct any member, registered partnership or registered corporation holding, controlling or carrying a position in excess of the limits set herein to liquidate or otherwise reduce the position in conformity with this provision.

The foregoing limit on positions shall not apply to bona fide hedging transactions.

(b) A position of 250 or more contracts of 5,000 troy ounces each, or 1,250 or more contracts of 1,000 troy ounces each, as the case may be, long or short, in any one future whether owned or controlled or carried for any person, either alone or in conjunction with any other person, shall be a reportable position or trade. Every member, or

partnership or corporation for which a membership is registered under Rule 230.00, shall report each and every such reportable position or trade to the Office of Investigations and Audits at such times and in such form and manner as shall be prescribed by the Business Conduct Committee. The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations and trusts.

(c) *The total net long or short position which any person may hold or control in Silver traded on the Exchange is 3,000,000 troy ounces in the aggregate. The provisions of the Regulation 1412.01 shall apply in all instances.*

1436.01 Standards—The contract grades for delivery on futures contracts made under these regulations shall be refined Silver in bars cast in basic weights:

(a) *for the 5,000 troy ounce contract unit, of 1,000 or 1,100 troy ounces (each bar may vary no more than 10% more or less); assaying not less than 99.9 fineness and made up of one or more brands and markings officially listed by the Exchange. Delivery against contracts shall be in units of 5,000 troy ounces (6% more or less) comprised of 4 or 5 individual bars,*

or (b) for the 1,000 troy ounce contract unit, of 1,000 troy ounces (each bar may vary no more than 12% more or less); assaying not less than 99.9 fineness and must be a brand and marking officially listed by the Exchange.

No Communist Chinese or North Korean material shall be eligible for delivery.

1444.01 Receipt Format—The following form of vault receipt shall be used:

(a) *for the 5,000 troy ounce contract unit,*
(Name of Issuer) _____
(Address) _____
Bearer Receipt No. _____
Chicago, Illinois, _____, 19____
Received from _____

and stored at the above address in the safety deposit vaults of the undersigned, as a Bailee, subject to the provisions of Article 7 of the Illinois Uniform Commercial Code and the terms and conditions stated hereon, four (4) or five (5) bars said to contain the total amount shown hereon of Silver 99.9 fine.

Said bars are deliverable only at said vault to the Bearer of this receipt upon surrender hereof cancellation of the registration hereof with the Board of Trade of the City of Chicago, and payment of storage charges and other proper charges and expenses relating to said bars, for which charges and expenses the undersigned claims a lien.

Payment of handling charges for deposit of said bars and of storage charges to the end of the current calendar quarter is hereby acknowledged. Storage for each subsequent calendar quarter are to be paid to the undersigned, in advance, at or before the expiration of the preceding calendar quarter.

Bar identification markings of bars covered by this receipt, as shown hereon, have been recorded by the undersigned on the basis of markings appearing on said bars. The undersigned has not ascertained, and is not responsible for, the authenticity or correctness of markings on, or the content, weight or fineness of, said bars.
(Issuer) _____

By (Authorized Signature) _____
or (b) for the 1,000 troy ounce contract unit,
(Name of Issuer) _____
(Address) _____
Bearer Receipt No. _____
Chicago, Illinois, _____, 19____
Received from _____

and stored at the above address in the safety deposit vaults of the undersigned, as a Bailee, subject to the provisions of Article 7 of the Illinois Uniform Commercial Code and the terms and conditions stated hereon, one (1) bar said to contain the total amount shown herein of Silver 99.9 fine. Said bar is deliverable only at said vault ~~for Bearer~~ to the Bearer of this receipt upon surrender hereof cancellation of the registration hereof with the Board of Trade of the City of Chicago and payment of storage charges and other proper charges and expenses relating to said bar, for which charges and expenses the undersigned claims a lien.

Payment of handling charges for deposit of said bar and storage charges to the end of the current calendar quarter is hereby acknowledged, in advance, at or before the expiration of the preceding calendar quarter.

Bar identification and markings of the bar covered by the receipt, as shown hereon, have been recorded by the undersigned on the boxes of markings appearing on said bar. The Undersigned Has Not Ascertained, and Is Not Responsible for The Authenticity or Correctness of Markings on, or the Content, Weight or Fineness of Said Bar

(issuer) _____
By (Authorized Signature) _____

Any person interested in submitting written data, views, or arguments on these regulations should send comments by November 6, 1980 to Ms. Jane K. Stuckey, Secretariat, Commodity

Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

Issued in Washington, D.C., on October 1, 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-31127 Filed 10-6-80; 8:45 am]

BILLING CODE 6351-01-M

COPYRIGHT ROYALTY TRIBUNAL

Compulsory License for Making and Distributing Phonorecords; Royalty Adjustment Proceeding; Correction

TIME AND DATE: 7:00 p.m., Tuesday, October 7, 1980.

PLACE: Room 450, 1111 20th St., N.W., Washington, D.C. 20036.

STATUS: Closed to the Public.

MATTER TO BE CONSIDERED: Pursuant to the specific exemptions of 5 USC 552(c)(5) and (6) and in conformity with 37 CFR 301.13(e) and (f) and 37 CFR 301.14, the Tribunal has determined to hold a closed meeting on a matter which may relate to the Compulsory License for Making and Distributing Phonorecords; Royalty Adjustment Proceeding.

The vote to close the meeting was: Chairman Burg, yes; Commissioner Brennan, yes; Commissioner Coulter, yes; Commissioner James, no; Commissioner Garcia, yes.

The meeting will be attended by counsel to all parties in the phonorecord adjustment proceeding, and Mr. Stanley Gortikov, President of Record Industry Association of America.

CONTACT PERSON FOR FURTHER

INFORMATION: Mary Lou Burg, Chairman, Copyright Royalty Tribunal, (202) 653-5175.

Mary Lou Burg,
Chairman.

[FR Doc. 80-31120 Filed 10-6-80; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Department of the Army

U.S. Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases.

Date of Meeting: 30 & 31 October 1980.

Time and Place: 0845 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public on 30 October 1980 from 0845 to 1015 to discuss the scientific research program of the Parasitic Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, US Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on 30 October from 1015 to 1630 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. If the review of research proposals requires additional time, the closed portion of the meeting may be extended into 31 October.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Committee members, and substantive program information.

For the Commander.

Harry G. Dangerfield,
Colonel, MC, Deputy Commander.

[FR Doc. 80-31116 Filed 10-6-80; 8:45 am]

BILLING CODE 3710-08-M

U.S. Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Medical Entomology; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Medical Entomology.

Date of Meeting: 27 & 28 October 1980.

Time and Place: 0845 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public on 27 October 1980 from 0845 to 1015 to discuss the scientific research program of the Medical Entomology Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on 27 October from 1015 to 1630 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical

Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. If the review of research proposals requires additional time, the closed portion of the meeting may be extended into 28 October.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Committee members and substantive program information.

For the Commander.

Harry G. Dangerfield,
Colonel, MC, Deputy Commander.

[FR Doc. 80-31117 Filed 10-6-80; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Commission on the Review of the Federal Impact Aid Program; Meeting

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program, the members of which were appointed by the President on August 15, 1979, will hold a business meeting on November 6, 1980 through November 7, 1980, in Washington, D.C. The meeting will be open to the general public, and all interested persons are invited to attend. Notice of the meeting is given in accordance with policies of the Commission in favor of proper notice to the public of Commission proceedings and public participation therein.

DATE: November 6-7, 1980. The Commission will meet at 9:00 a.m. and continue until business is completed.

ADDRESS: The Dupont Room of the Washington Hilton Hotel, 1919 Connecticut Avenue, N.W., Washington, D.C. 20009.

TENTATIVE AGENDA: The Commission members will consider a preliminary report and other Commission business.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036, tel. no. (202) 653-5817.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education

Amendments of 1978 (Pub. L. 95-961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Pub. L. 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Pub. L. 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C. on the 2nd day of October, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-31146 Filed 10-6-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Intent To Prepare a Supplement to Existing Final Environmental Impact Statements

AGENCY: Department of Energy.

ACTION: Notice of intent to prepare a single supplement to the following final environmental impact statements (FEIS's):

FEIS for Strategic Petroleum Reserve (SPR) Seaway Group of Salt Domes, Brazoria County, Texas. (DOE/EIS-0021, 6/78)

FEIS for SPR Texoma Group of Salt domes, Cameron and Calcasieu Parishes, Louisiana, and Jefferson County, Texas. DOE/EIS-0029, 11/78).

SUMMARY: The Department of Energy announces its intent to prepare an Environmental Impact Statement (EIS) Supplement to assess the site-specific environmental implications of a proposed Department of Energy action to provide 210 million barrels (MMB) of crude oil storage as Phase III of the SPR

program.

Interested agencies, organizations, and members of the general public are invited to submit comments or suggestions for consideration in connection with this EIS Supplement. Upon completion of the Supplement, its availability will be announced in the Federal Register, at which time comments will again be solicited.

Written comments may be submitted to: Harry A. Jones, Deputy Assistant Secretary, Strategic Petroleum Reserve Office, U.S. Department of Energy, Room 3g-072, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-4410.

For general information on the Department of Energy Environmental Impact Statement (EIS) process contact: Ms. Susan P. Walker, NEPA Affairs Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, Room 4G-064, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-4610.

Background Information: The Energy Policy and Conservation Act (EPCA) of 1975 authorized creation of the SPR. Congress declared in the EPCA that it be the policy of the U.S. Government to provide for storage of up to one billion barrels of crude oil and petroleum products to diminish U.S. vulnerability to disruptions in petroleum supplies and to meet U.S. obligations under the International Energy Program (IEP).

To implement the EPCA, and SPR Plan was transmitted to Congress as Energy Action No. 10 of February 16, 1977, and became effective on April 18, 1977. The SPR Plan called for the establishment of an Early Storage Reserve (ESR) of at least 150 MMB by December 1978 and 500 MMB by December 1982. The SPR Plan has been subsequently revised by Amendments No. 1, No. 2 and No. 3 in 1977, 1978 and 1979, respectively.

The 1977 National Energy Plan goal of a one billion barrel reserve continues to be the overall SPR program objective. The SPR program is being developed in four phases. Phase I involved the development of five oil storage sites and one marine terminal with total storage capacity of 248 MMB. Phase II is the current expansion of three existing sites—Bryan Mound salt dome in Texas, and West Hackberry and Bayou Choctaw salt domes in Louisiana—by 290 MMB. Capability of SPR storage facilities through completion of Phase II will include a combined storage capacity of 538 MMB and a drawdown capability of approximately 3.5 MMB per day.

The principal objectives of Phase III are:

- To increase total SPR storage capacity from 538 MMB to 750 MMB of crude oil; and
- To increase the average drawdown capability from 3.5 MMB to 4.5 MMB per day.

The preferred alternative for accomplishing Phase III is the same as that used for Phases I and II, solution mining of salt domes in the Gulf Coast region to create underground storage caverns. It is proposed to further expand two existing SPR sites—Bryan Mound by 40 MMB, and West Hackberry by 30 MMB—and to develop a new 140 MMB site at Big Hill salt dome. The Bryan Mound salt dome is in the southwestern part of Brazoria County, Texas, three miles southwest of Freeport, 65 miles south of Houston, and 45 miles southwest of Galveston. West Hackberry salt dome is in north-central Cameron Parish of southwestern Louisiana. Big Hill salt dome is in southwestern Jefferson County, Texas, about 26 miles southwest of Nederland and 70 miles east of Houston.

During 1979, the Department of Energy conducted feasibility studies to analyze the further expansion alternative for existing Phase II projects at Bryan Mound, West Hackberry, and Bayou Choctaw. The sites offer advantages of cost effectiveness through utilization of current on-site and off-site facilities and services. The feasibility studies indicated the possibility of adding six new caverns (10 MMB each) at Bryan Mound, three new caverns (10 MMB each) at West Hackberry, and five new caverns (10 MMB each) at Bayou Choctaw. Brine disposal at Bayou Choctaw has been found to be severely limited since underground brine injection must be used there, and increasing the brine disposal rate to accommodate new Phase III caverns is not recommended. It is therefore considered feasible to increase the storage capacity at Bryan Mound and West Hackberry by a combined total of 90 MMB. To achieve the 750 MMB reserve, development of a new 100+ MMB storage site would be necessary. Site selection studies conducted in 1976 provided three prime candidates with sufficient size potential: Big Hill, Texas; Napoleonville, Louisiana; and Weeks Island, Louisiana. All three sites offer the convenience of a Gulf Coast location for access to major pipelines and distribution terminals. However, Napoleonville and Weeks Island presented major Brine disposal problems. Brine disposal at Napoleonville would be limited to underground injection wells which have proven impractical in terms of land requirements and construction and operations costs. Weeks Island brine

disposal would require incurring extraordinary costs in an offshore brine disposal pipeline over 50 miles long. Also, the offshore brine pipeline would involve major construction problems in crossing producing oil fields.

The Bryan Mound site was last addressed for Phase II in the EIS for the Seaway Group of Salt Domes (DOE/EIS-0021, 6/78). The West Hackberry site was last addressed in the EIS for the Texoma Group at Salt Domes (DOE/EIS-0029, 11/78). Weeks Island and Napoleonville were addressed in the EIS for the Capline Group of Salt Domes (DOE/EIS-0024, 7/78), and Big Hill was addressed in the EIS for the Texoma Group of Salt Domes. On the basis of these EIS's, it was concluded that Napoleonville is environmentally unacceptable due to wetland considerations and Big Hill offered major advantages of being an undeveloped salt dome with 100+ MMB potential, having excellent provisions for brine disposal and having minimal effects on wetlands.

An EIS Supplement addressing Phase III will be prepared to supplement the Seaway and Texoma FEIS's since those documents did not address the total capacity now proposed at the Bryan Mound, West Hackberry and Big Hill sites for Phase III. The purpose of this Notice is to present pertinent background information regarding the proposed scope and content of the EIS Supplement and to solicit comments and suggestions for consideration in its preparation. Environmental effects of the proposed SPR Phase III will be addressed in the Supplement to the extent that they were not done so in previous documents.

Identification of Environmental Issues

In preparing the draft EIS Supplement, the Department of Energy will utilize the concept of "tiering" as discussed in the Council on Environmental Quality Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR 1500 et seq.). This will be accomplished by incorporating by reference or summary, as appropriate, material discussed by other SPR EIS's and concentrating on issues specific to the current proposal and alternatives.

Material presented in the EIS Supplement will be limited to that necessary to identify and discuss significant changes and additions to the Texoma and Seaway FEIS's. Changes and additions presented in the EIS Supplement can be expected to occur in

one or more of the following categories:

- Nature of the proposal and reasonable alternatives and the projected environmental conditions resulting from implementation;
- Baseline conditions from which environmental effects are measured;
- Institutional requirements (i.e., laws and regulations) under which the project would operate or which could affect baseline conditions; and
- The type and/or volume of data presently available to perform an analysis as compared with that available when the documents being supplemented were prepared.

After each potential change or addition is identified, a determination shall be made whether it represents a significant and substantive change or addition to the findings reported in the documents being supplemented, thereby warranting inclusion and analysis under present efforts.

Alternatives: The EIS Supplement for the proposed development to implement Phase III of the SPR will examine the environmental effects of that development and compare them to effects of reasonable alternatives. Alternatives currently under consideration for the supplement include, but are not limited to the following: greater expansion than now planned at one or two of the three sites other than the three at which Phase III activities are now proposed; use of the sites which may or may not have been considered in the past; use of offshore domes; use of inland domes; and a "no action" alternative whereby no additional storage would be developed for the SPR beyond that already under development in SPR Gulf Coast facilities.

All suggestions, comments, and questions submitted to the Department of Energy on or before October 27, 1980, will be carefully considered in the preparation of the draft EIS Supplement. Comments received after that date will also be carefully considered in the preparation of the draft EIS Supplement to the maximum extent practicable.

Dated at Washington, D.C. this 2nd of October 1980. For the United States Department of Energy.

Carol Jolly,

Acting Assistant Secretary for Environment.

[FR Doc. 80-31321 Filed 10-6-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RA80-116]

ABC Union Cab Co.; Filing of Petition for Review Under 42 U.S.C. 7194

September 25, 1980.

Take notice that ABC Union Cab Company on September 12, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 10, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 10, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31062 Filed 10-6-80; 8:45 am]

BILLING CODE 6450-05-M

**[Docket Nos. G-14711, et al.]
Amerada Hess Corp., et al.;
Applications for Certificates,
Abandonment of Service and Petitions
To Amend Certificates¹**

September 24, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the

Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

James Follensbee, Manager, Central Montana Electric G & T, 705 Lincoln Lane, Billings, Montana 59101.

Project Description.—The proposed project would consist of a new penstock and powerhouse, to be constructed on the east side of the existing stilling basin, with a capacity in the range of 1.4 to 4.0 MW and a 12.4 kV transmission line approximately 1,000 feet long. Applicant estimates the annual generation would average 10.2 MWh.

Purpose of Project.—Energy produced at the above project would be utilized primarily within the Applicant's own system by member cooperatives.

Proposed Scope and Cost of Studies Under Permit.—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be \$51,770.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 28, 1980, either the

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-14711, E, 7/2/80	Amerada Hess Corp., 1200 Milam, 6th Floor, Houston, Tex. 77002.	Southern Natural Gas Co., Dexter Field, Marion and Welthall Counties, Miss.	(1)	15.025
C180-494, A, 8/27/80	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Texas Gas Transmission Corp., High Island Block A-573 Field, Offshore Texas.	(1)	14.73
C180-501, A, 9/2/80	ARCO Oil & Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., Blocks 148, 192, and 193, Mississippi Canyon, Offshore Louisiana.	(1)	15.025

¹By instrument dated 1-15-69, reflects the merger of Hess Oil and Chemical Corporation, Division Amerada into Amerada Hess Corporation, effective 1-20-69. By application filed 7-2-80, Amerada Hess Corporation filed to succeed to interest of Hess Oil and Chemical Corporation, Division Amerada under its Rate Schedule No. 1 and related certificate in Docket No. G-14711.

²Applicant is willing to accept a certificate conditioned as to price in accordance with the NGPA of 1978.

³Applicant is filing under Gas Purchase Contract dated 7-28-80.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total succession. F—Partial succession.

[FR Doc. 80-31067 Filed 10-6-80; 8:45 am]

BILLING CODE 6450-95-M

[Project No. 3280]

**Central Montana Electric G & T
Cooperative, Inc.; Notice of
Application for Preliminary Permit**

September 25, 1980.

Take notice that Central Montana Electric G & T Cooperative (Applicant)

filed on July 31, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for the proposed Project No. 3280 to be known as the Fresno Power Plant Project located at the Water and Power Resources Service's Fresno Dam on the Milk River near Havre, in Hill County, Montana. Correspondence with the Applicant should be directed to: Mr.

competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 27, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 28, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31068 Filed 10-6-80; 8:45 am]

BILLING CODE 6450-95-M

Columbia Gas Transmission Corp., et al.; Motion for Severance of Investigation Proceedings

September 25, 1980.

In the matter of Columbia Gas Transmission Corporation, Columbia LNG Corporation, Consolidated Gas Supply Corporation, Consolidated LNG Company, Southern Natural Gas Company, Docket Nos. TA80-2-21 (PGA80-3), TA80-2-22 (PGA80-5) (IPR80-3) (LFUT80-2) and (RD&D80-2) and RP80-136.

Southern Natural Gas Company (Southern Natural) and Southern Energy Company (Southern Energy) filed a motion for severance of investigation proceedings in the captioned proceedings on September 11, 1980,

pursuant to § 1.12 of the Commission's Rules of Practice and Procedure.

In support of this request movants argue that the circumstances of its LNG operations are unique and fail to raise issues sufficiently similar to the issues which are the subject of complaint against Columbia Gas Transmission Corporation, Columbia LNG Corporation, Consolidated Gas Supply Corporation, and Consolidated LNG Company, to warrant consolidation of the investigation. Movants urge that confusion and prejudice to its position will result from such consolidated proceedings, stating that the factual situation confronting Southern Natural and Southern Energy is distinctly different from the factual and political situation affecting the Columbia and consolidated investigations, in light of the fact that movants have adopted a modified LNG delivery schedule which is allegedly supported in full by Southern Natural's customers.

Any person desiring to be heard or to protest said request should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1980. Protests will be considered by the Commission in determining the appropriate parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this request are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31063 Filed 10-6-80; 8:45 am]

BILLING CODE 6450-95-M

[Project No. 3334]

Continental Hydro Corp.; Application for Preliminary Permit

September 24, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 19, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3334 to be known as the Clearwater Lake Project located on the Black River in Reynolds and Wayne Counties, Missouri. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description.—The proposed project would utilize the U.S. Army Corps of Engineers' existing Clearwater Dam and would consist of: 1) a powerhouse located on the Southwest bank; 2) turbine/generator units rated at 5.27 MW; 3) a penstock leading from the existing 23 feet in diameter conduit to the powerhouse; 4) transmission lines, leading 10 miles to the Union Electric Company's 138-kV lines and; (5) appurtenant facilities.

Applicant estimates annual generation to average 21.07 GWh.

Purpose of Project.—Project power would be sold to the Union Electric Company.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates that the cost of studies under the permit would be approximately \$25,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 24, 1980, either the

competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 23, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c), (*as amended* 44 Fed. Reg. 61328, October 25, 1979). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d), (*as amended*, 44 Fed. Reg. 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 24, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31069 Filed 10-6-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-143]

Crouse-Hinds Co.; Petition for the Institution of an Investigation and Request for Expedited Action

September 25, 1980.

Take notice that on September 23, 1980, the Crouse-Hinds Company (Crouse-Hinds), Wolf and Seventh North Streets, Syracuse, New York 13221, filed a petition for the institution of an investigation of a plan by InterNorth, Inc., to acquire 100% of the common shares of Crouse-Hinds at a capital cost to InterNorth of approximately \$500 million.¹

Crouse-Hinds is a manufacturer and marketer of electrical products used in

the construction industry. InterNorth, through its principle operating Division, Northern Natural Gas Company, is engaged in the transmission and sale of natural gas to utilities serving 1,094 communities in seven mid-western states. InterNorth also distributes natural gas at retail in 319 cities and towns.

The Board of Directors of Crouse-Hinds opposes the takeover attempt by InterNorth because, it believes, the acquisition is not in the best interests of Crouse-Hinds and its shareholders. Crouse-Hinds also believes that the acquisition, if consummated, could adversely affect the customers and ratepayers of Northern Natural.

Crouse-Hinds therefore requests the Commission to exercise its power under the Natural Gas Act to investigate and determine whether the acquisition of Crouse-Hinds by InterNorth would constitute a practice unreasonably affecting the rates and charges of Northern and to investigate whether the acquisition will adversely affect Northern's ability to discharge its certificate obligations under the Natural Gas Act.

Crouse-Hinds also requests that the Commission exercise its powers under section 14 of the Act in order to determine whether it should recommend legislation to Congress to strengthen the Commission's ability to protect the customers of interstate pipelines under circumstances like those presented here.

Because of the request for expedited action, any person desiring to be heard, submit comments or make any protest with reference to said petition should, before October 6, 1980 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, comments, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31070 Filed 10-6-80; 8:45 am]
BILLING CODE 6450-85-M

[Dockets Nos. CP80-367 and CI80-311 through CI80-320]

El Paso Natural Gas Co. and El Paso Exploration Co.; Notice of FERC Staff Field Audit

September 24, 1980.

On May 15, 1980, El Paso Natural Gas Company (EPNG) filed an application in Docket No. CP80-367 for permission and approval to abandon certain service to El Paso Exploration Company (EPEC), its wholly owned subsidiary. EPEC simultaneously filed 10 "Applications for Certificates of Public Convenience and Necessity" in Docket Nos. CI80-311 through CI80-320 seeking authorization for the sale of natural gas to EPNG with respect to the same production properties EPNG seeks to abandon in Docket No. CP80-367.

Take notice that pursuant to the aforementioned applications of EPNG and EPEC, two members of FERC's Office of Pipeline and Producer Regulation will be at the companies' El Paso, Texas, facilities October 2 to October 10, 1980, to inspect their books and records.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31071 Filed 10-6-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. RP80-134 and RP79-10]

Great Lakes Gas Transmission Co.; Order Accepting for Filing and Suspending Proposed Rate Increase, Consolidating Proceedings, Initiating a Hearing, and Granting Waivers

September 24, 1980.

On August 29, 1980, Great Lakes Gas Transmission Company (Great Lakes) filed revised tariff sheets to its FERC Gas Tariff¹ which would increase annual jurisdictional revenues by \$24,141,431 or 4.12% above revenues at the present rates inclusive of purchased gas costs and 32.81% above revenues at the present rates exclusive of such costs. The proposed effective date is October 1, 1980. The proposed increase is based on a cost of service for the twelve months ended April 30, 1980, as adjusted for known and measurable changes through January 31, 1981.

Great Lakes states that the proposed rate increase is necessitated by increased operating expenses; increased depreciation expense attributable to increased plant in service; increased taxes including payroll, use, and Michigan Single Business taxes; increased Federal and State income

¹ The offer is made through In Holdings, Inc., a wholly owned subsidiary of InterNorth.

¹ See Appendix A.

taxes; and revenue requirements to provide an increase over its present 10.5% overall rate of return. Great Lakes states that the proposed rate increase would result in Great Lakes receiving an overall rate of return of 11.77% yielding a return of 15.75% on common equity which, according to Great Lakes, constitutes 43.16% of total capitalization.

Public notice of the filing was issued on September 5, 1980, providing for filing of protests or interventions by September 19, 1980. Petitions for intervention were filed by the parties listed in Appendix B. For good cause shown, petitioners are granted intervention in this proceeding.

We note that Great Lakes' filing reflects utilization of the *Atlantic Seaboard (Seaboard)* methodology of cost allocation, classification and rate design. Use of the *Seaboard* methodology is contrary to current Commission policy. Accordingly, Great Lakes is placed on notice of its potential liability for undercollections in the event that the cost classification, allocation and rate design adopted in this proceeding assigns more fixed costs to the commodity component than one assigned under the *Seaboard* formula.

On September 5, 1980, Staff Counsel filed a response to Great Lakes' rate filing, in Docket No. RP80-134. As part of that response, Staff filed a motion to sever from the instant filing the issues common to both Docket Nos. RP79-10 and RP80-134, and to consolidate the proceedings, should the Commission accept for filing and suspend, subject to refund, the tariff sheets in Docket No. RP80-134.² The Commission notes that no parties have opposed the motion. Since all parties have served testimony concerning these common cost allocation and rate design issues that are presently being litigated in Docket No. RP79-10, the Commission finds good cause to grant Staff's motion and consolidate the proceedings in those dockets.

Based upon a review of Great Lakes' filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Great Lakes' filing, suspend the effective date of the proposed tariff, and make them subject to refund and the conditions set forth below, and set the matter for hearing.

A recent decision of the Court of Appeals for the District of Columbia

² Response of Commission Staff to Notice of Rate Filing, and Motion for Severance of Common Issues and Consolidation of Proceedings.

Circuit has led the Commission to reassess the standards that it uses to fix the appropriate duration of a suspension period as we may impose with respect to rate increase filings.³ We have done this as a predicate to our acting on this matter.

Though the regulatory schemes that the Commission administers involve a subtle and a difficult balancing of producer and transporter interests with consumer and shipper interests, their primary purpose is to protect the consumer and shipper against excessive rates and charges. Hence, it is our view that the discretionary power to suspend should be exercised in a way that maximizes this protection.

The decision to suspend a proposed rate increase rests on the preliminary finding that there is good cause to believe that the increase may be unjust and unreasonable or that it may run afoul of other statutory standards. The governing statutes say that "any (emphasis added) rate or charge that is not just and reasonable is hereby . . . declared unlawful."⁴ This declaration places on the Commission a general obligation to minimize the incidence of such illegality.

Based on the foregoing, the Commission has determined that, in the exercise of its rate suspension authority, rate filings should normally be suspended and the *status quo ante* preserved for the maximum period permitted by statute in circumstances where preliminary study leads the Commission to believe that there is substantial question as to whether a filing complies with applicable standards. Such circumstances are presented here. The Commission is unable to conclude on the basis of the filings before it, the applied for rates are just and reasonable, and believes that the rates may be unjust and unreasonable. Accordingly, we will suspend the applied for rate change for a period of five months permitting the rates to take effect subject to refund thereafter on March 1, 1981.

Particular circumstances will often warrant shorter suspensions. Situations present themselves time to time in which rigid adherence to the general policy for preserving the *status quo ante* for the maximum statutory period makes for harsh and inequitable results. No such showing has been made here.

The Commission notes that Great Lakes' filing includes in its rate base

³ *Connecticut Light and Power Company v. Federal Energy Regulatory Commission*, — F.2d — (D.C. Cir. May 30, 1980).

⁴ Section 205(a) of the Federal Power Act, Section 4(e) of the Natural Gas Act, and Section 15 of the Interstate Commerce Act.

approximately \$30,385,659 of facilities which were not certified and in service at the time of filing. Under Section 154.63(e)(2)(ii) of the Commission's Regulations, (18 C.F.R. 154.63(e)(2)(ii)), only facilities which have been certificated by the filing date and placed in service by the end of the test period can be included in rate base. The Commission, however, will waive this regulation and accept Great Lakes' filing including such uncertificated facilities provided that 30 days prior to the end of the test period Great Lakes files revised tariff sheets eliminating all costs associated with any facilities that are not in service by January 31, 1981 and reflecting the effective GRI Funding Unit on that date. This waiver will be granted upon the condition that Great Lakes shall not be permitted to make offsetting adjustments other than those made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders.

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the proposed increased rates by United.

(B) Pending hearing and decision, and subject to the conditions in this order, the effectiveness of Great Lakes' tariff sheets shown in Appendix A is suspended for five months, until March 1, 1981, when they may become effective, subject to refund, in the manner provided by Section 4 of the Natural Gas Act.

(C) Great Lakes shall file revised tariff sheets to reflect:

(1) Elimination of all costs associated with facilities which will not be in service by January 31, 1981; such revised filing to be made 30 days before January 31, 1981; and

(2) The effective GRI Funding Unit on the effective date of the increased rates.

(D) The Commission grants waiver of Section 154.63(e)(2)(ii) of its Regulations to the extent necessary to permit compliance with paragraph (C) above. This waiver is granted upon the condition that Great Lakes shall not be permitted to make offsetting adjustments other than those made pursuant to Commission approved tracking provisions, those adjustments required by this order, and those required by other Commission orders.

(E) The Commission Staff shall prepare and serve top sheets on all parties on or before January 9, 1981.

(F) The petitioners noted in Appendix A are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however*, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *provided, further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(G) The cost classification, cost allocation and rate design issues in Docket No. RP80-134 are severed and consolidated for purposes of hearing and decision with the common issues in Docket No. RP79-10.

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.

Lois D. Cashell,
Acting Secretary.

Appendix A—Great Lakes Gas Transmission Co. Docket No. RP80-134

First Revised Volume No. 1
Tenth Revised Sheet No. 4
Second Revised Sheet No. 7
First Revised Sheet No. 10
Second Revised Sheet No. 12
First Revised Sheet No. 48
First Revised Sheet No. 49
First Revised Sheet No. 50
Thirty-Seventh Revised Sheet No. 57

Original Volume No. 2

Sixteenth Revised Sheet No. 53
Third Revised Sheet No. 55
Seventh Revised Sheet No. 77
First Revised Sheet No. 78
First Revised Sheet No. 81
First Revised Sheet No. 96
First Revised Sheet No. 97
Second Revised Sheet No. 126
Second Revised Sheet No. 127
Third Revised Sheet No. 152
First Revised Sheet No. 183
First Revised Sheet No. 206
First Revised Sheet No. 223
First Revised Sheet No. 245
First Revised Sheet No. 246

Appendix B—Petitions for Intervention

Michigan Power Company
TransCanada Pipeline Limited

[FR Doc. 80-31064 Filed 10-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3332]

Hydro Corp. of Pennsylvania; Notice of Application for Preliminary Permit

September 25, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant) filed on August 19, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3332 to be known as the Foster Joseph Sayers Project located on Bald Eagle Creek in Centre 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 Trichter, President, Hydro Corporation of Pennsylvania, P.O. Box 34, Chatham, Pennsylvania 19381.

Project Description.—The proposed project would utilize the U.S. Army Corps of Engineers existing Foster Joseph Sayers Dam and Reservoir. The project would consist of: (1) a penstock leading from the existing outlet conduit to; (2) a powerhouse to be located on the southeastern bank of the river; and (3) appurtenant works. The installed generating capacity would be 2,100 kW, with an average annual energy production of 8,650,000 kWh.

Purpose of Project.—Project energy would be sold to the local utility.

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 study the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be \$60,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 28, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 27, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 28, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31072 Filed 10-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3357]**Hydro Corp. of Pennsylvania; Notice of Application for Preliminary Permit**

September 25, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant) filed on August 25, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3357 to be known as the Tioga-Hammond Project located on Crooked Creek and the Tioga River in the Town of Tioga, Tioga County, Pennsylvania. Correspondence with the Applicant should be directed to: Fred Fiechter, President and Treasurer, P.O. Box 34, Chatham, Pennsylvania 19318.

Project Description: The proposed project would utilize the existing U.S. Army Corps of Engineers' Tioga and Hammond Dams and would consist of: (1) a 100-foot-long penstock located along the left (west) bank of the Tioga River at the base of the Tioga Dam; (2) a powerhouse containing a generating unit having a rated capacity of 2,900-kW; (3) a short tailrace; and (4) appurtenant facilities. Project energy would be connected to Pennsylvania Electric Company transmission lines within several miles of the project. Applicant estimates the annual generation would average about 10,200,000 kWh.

Purpose of Project: Project energy would be sold to Pennsylvania Electric Company.

Proposed Scope and Cost of Studies Under Permit: Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be \$72,000.

Purpose of Preliminary Permit: A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments: Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit

comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications: Anyone desiring to file a competing application must submit to the Commission, on or before November 28, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 27, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene: Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed; but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 28, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31073 Filed 10-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3154]**John M. Jordan; Notice of Application for Preliminary Permit**

September 24, 1980.

Take notice that John M. Jordan (Applicant) filed on April 23, 1980, and supplemental on August 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for the proposed Project No. 3154 to be known as the Bynum Dam Project located on the Haw River in Chatham County, North Carolina. Correspondence with the Applicant should be directed to: Mr. John M. Jordan, Sellers Manufacturing Company, P.O. Box 128, Saxapahaw, North Carolina 27340.

Project Description: The proposed project would consist of: (1) an existing 12-foot high and 900-foot long stone masonry dam consisting of an uncontrolled spillway, headworks, and a bulkhead; (2) an existing 20-acre reservoir with 100 acre-feet of gross storage capacity at the normal maximum surface elevation of 315 feet m.s.l.; (3) an existing 2,000-foot long headrace canal with a width varying from 25 to 40 feet; (4) an existing powerhouse with a proposed installed capacity of 2,530 kW and an annual energy generation estimated to be 6,400 MWh; and (5) appurtenant facilities.

Purpose of Project: John M. Jordan proposes to develop the hydroelectric potential of the project and sell the power output to either nearby towns such as Bynum or to Carolina Power and Light Company.

Proposed Scope and Cost of Studies Under Permit: Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic, and financial aspects of the project will be defined, investigated, and assessed to support and investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is \$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 November 24, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 23, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene: Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 24, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31074 Filed 10-6-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. EL80-33]

Laurens County Water Resources Commission; Notice of Declaration of Intention

September 25, 1980.

Take notice that on June 10, 1980, Laurens County Water Resources Commission (Declarant) filed a declaration of intention to construct and operate a run-of-the-river hydroelectric facility on Rabon Creek near Laurens, in Laurens County, South Carolina. The declaration of intention was filed under § 23(b) of the Federal Power Act, 16 U.S.C. § 817(b), and requests the Commission to conduct an investigation to determine if a license will be required for the project. Correspondence with the declarant should be directed to: Mr. William Buford, Executive Director, Laurens County Water Resources Commission, P.O. Box 158, Laurens, South Carolina 29360.

The project would consist of: (1) a proposed dam and reservoir; (2) penstocks; (3) a powerhouse; and (4) appurtenant facilities. The declarant estimates the capacity of the proposed project to be 275 to 300 kW, and the annual energy output to be 1.74 GWh.

All energy developed from the site will be used to supplement the power and/or pumping requirements of the declarant's proposed water treatment plant.

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, protests, or petition to intervene must be filed on or before November 7, 1980. The Commission's address is: 825 North

Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31075 Filed 10-6-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RA80-111]

Lynn's Country Store; Filing of Petition for Review Under 42 U.S.C. 7194

September 25, 1980.

Take notice that Lynn's Country Store on September 2, 1980, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 10, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the commission proceeding, must file a petition to intervene on or before October 10, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31065 Filed 10-6-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RA80-107]**Mojave Petroleum Co.; Filing of Petition for Review Under 42 U.S.C. 7194**

September 25, 1980.

Take notice that Mojave Petroleum Company on September 2, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 10, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 10, 1980, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31066 Filed 10-6-80; 8:45 am]
BILLING CODE 6450-95-M

[Project No. 3301]**Water Power Development Corp.; Notice of Application for Preliminary Permit**

September 25, 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. 3301 to be known as the Pemigewasset Franklin Falls Project located on the Pemigewasset River in Merrimack County, New Hampshire. 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. 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 U.S. Army Corps of Engineers' existing Franklin Falls Dam and Reservoir. The project would consist of: (1) a proposed powerhouse with new penstock; and (2) appurtenant facilities. The installed capacity would be approximately 5MW with an average annual energy production of up to 45,000,000 kWh.

Purpose of Project: Project energy would be sold to public utilities or to local industries and institutions.

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 conduct studies of the hydraulic, structural, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for an FERC license. Applicant estimates the cost of studies under the permit would be \$50,000.

Purpose of Preliminary Permit: A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments: Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications: Anyone desiring to file a competing application must submit to the Commission, on or before November 28, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 27, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene: Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 28, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-31078 Filed 10-6-80; 8:45 am]
BILLING CODE 6450-95-M

ENVIRONMENTAL PROTECTION AGENCY**[A-IV-FRL 1627-3]****Approval of PSD Permit to Western Kraft Paper Group, Willamette Industries, Inc.**

Notice is hereby given that on June 2, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration permit PSD-KY-146 to Western Kraft Paper Group for approval to construct a wood-waste boiler and lime kiln at their existing plant in Hawesville, Kentucky.

This Federal permit to Construct has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR § 52.21), subject to certain conditions, including:

General Conditions No. 1 through 16.
Special Conditions: Erie City Wood Waste Boiler and Associated Fuel Handling System:

1. Particulate emissions shall not exceed 0.04 gr/dscf and 20% opacity.
2. Sulfur dioxide emissions shall not exceed 0.315 lbs/10³Btu.
3. Nitrogen oxides emissions shall not exceed 0.40 lbs/10³Btu.
4. Maximum hourly heat input shall not exceed 450 × 10³Btu.
5. Natural gas and wood waste shall not be fired in combination.
6. Particulate emissions from the fuel handling system shall be controlled in accordance with 401 KAR 63:010.
Used Allis Chalmers Lime Kiln:
 1. Particulate emissions and total reduced sulfur shall not exceed the limitations specified by 401 KAR 59:081.
 2. Calcium oxide daily production shall not exceed 175 tons.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the United States Circuit Court for the Sixth Circuit. A petition for review must be filed on or before 60 days from the date of publication in the Federal Register.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region IV Air Facilities Branch, Room 402, 345 Courtland Street, N.E.,
Atlanta, Georgia 30309.

Department for Natural Resources and Environmental Protection, Division of Air Pollution Control, West Frankfort Office Complex, 1050 U.S. 127 Bypass South, Frankfort, Kentucky 40601.

Dated: September 26, 1980.

Rebecca W. Hanmer,
Regional Administrator, Region IV.

[FR Doc. 80-31152 Filed 10-6-80; 8:45 am]

BILLING CODE 6560-26-M

[OPTS 41004; TSH-FRL 1627-2]

**Toxic Substances Control Act
Interagency Testing Committee;
Chemicals To Be Reviewed by the
TSCA Interagency Testing Committee;
Public Meeting**

AGENCY: Toxic Substances Control Act (TSCA) Interagency Testing Committee.

ACTION: Notice of public meeting.

SUMMARY: The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) will hold a public meeting to receive comments on a new list of chemicals selected for review by the ITC. The chemicals on the list are candidates for possible recommendation to the U.S. Environmental Protection Agency, to be given priority consideration for testing for adverse health and environmental effects pursuant to section 4 of TSCA.

DATES:

Meeting: The meeting will be held on Thursday, November 6, 1980, 9:00 a.m.

Comments: Written comments should be submitted at the meeting, or sent to the Executive Secretary, ITC, no later than January 5, 1981.

ADDRESSES:

Meeting: The meeting will be held at: New Executive Office Building, Room 2008, 726 Jackson Place (17th and H Streets, N.W.)
Washington, D.C. 20006.

Comments: Address comments to: Martin Greif, Executive Secretary, TSCA Interagency Testing Committee, Environmental Protection Agency (TS-792)

401 M Street, S.W.,
Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:
Martin Greif (202-472-3316).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(a) of the Toxic Substances Control Act, 15 U.S.C. 2601 *et seq* (TSCA) empowers the Administrator of the U.S. Environmental Protection Agency (EPA) to require the testing of chemicals if the Administrator makes certain findings that are set forth in section 4(a) of TSCA. Section 4(e) of TSCA established the Interagency testing Committee (ITC). The ITC is charged with making recommendations to the EPA Administrator regarding chemical substances or mixtures (chemicals) to which EPA should give priority consideration in the development of requirements for testing for adverse health and environmental effects under section 4(a) of TSCA.

The ITC consists of representatives of agencies designated in section 4(e)(2)(A) of TSCA as statutory members. They are: Council on Environmental Quality, Department of Commerce, Environmental Protection Agency, National Cancer Institute, National Institute of Environmental Health Sciences, National Institute for Occupational Safety and Health, National Science Foundation, and Occupational Safety and Health Administration.

The ITC has invited several other federal agencies, with programs related to the control of toxic substances, to participate as liaison agencies. They are: Consumer Product Safety Commission, Department of Agriculture, Department of Defense, Department of the Interior, Food and Drug Administration, and National Toxicology Program.

In developing its recommendations, the ITC is directed by section 4(e)(1)(A) of TSCA to consider, together with all other relevant information the following priority factors with respect to chemicals under consideration:

1. Quantity manufactured;
2. Quantity which will enter the environment;
3. Occupational exposure;
4. Nonoccupational human exposure;
5. Similarity in chemical structure to other substance known to present an unreasonable risk of injury to health or the environment;
6. Existence of data concerning health and environmental effects;
7. The extent to which testing will develop useful data on the risk of injury to health or the environment; and
8. The reasonably foreseeable availability of testing facilities and personnel.

The ITC is also directed by section 4(e)(1)(A) of TSCA to give priority attention, in establishing its list of recommendations, to chemicals which are known or suspected to cause cancer, gene mutations or birth defects.

Within 12 months of an ITC recommendation, the EPA Administrator must give priority consideration to a chemical substance or mixture designated by the ITC pursuant to section 4(a) of TSCA. The EPA Administrator must either initiate a proceeding under Section 4(a) of TSCA, or if such a proceeding is not initiated within that period, publish in the Federal Register the Administrator's reasons for not initiating such a proceeding.

Section 4(e) of TSCA requires that the ITC update its list of designated chemicals to the EPA Administrator at least every six months. An initial report was issued on October 1, 1977. Five additional reports have been subsequently issued. Section 4(e) of TSCA stipulates that the total number of chemicals designated by the ITC for priority consideration on the list (the Section 4(e) Priority List) may not, at any time, exceed 50. To date, 39 chemicals and categories of chemicals have been recommended by the ITC for priority consideration.

In July, 1980 the ITC completed its third round of scoring chemicals to select those which will be reviewed for

possible recommendation to the EPA Administrator for testing. This scoring exercise produced a list of 107 chemicals. They will be reviewed by the ITC during the next 18-24 months.

The scoring of chemicals took into consideration the likelihood that a given chemical may present an unreasonable risk of injury to health or the environment and the extent to which health or environmental hazards may be expected, based upon structure-activity relationships, by extrapolation from chemicals for which such hazards have been characterized.

BILLING CODE 6560-31-M

II. 1980 LIST OF CHEMICALS SELECTED FOR REVIEW BY TSCA INTERAGENCYTESTING COMMITTEE

(Ascending CAS No. Sequence)

<u>CAS NO.</u>	<u>CHEMICAL NAME</u>	<u>FORMULA</u>
70553	Benzenesulfonamide, 4-methyl-	$C_7H_9NO_2S$
75343	Ethane, 1,1-dichloro-	$C_2H_4Cl_2$
75796	Silane, trichloromethyl-	CH_3Cl_3Si
75865	Propanenitrile, 2-hydroxy-2-methyl-	C_4H_7NO
75876	Acetaldehyde, trichloro-	C_2HCl_3O
76017	Ethane, pentachloro-	C_2HCl_5
76084	2-Propanol, 1,1,1-tribromo-2-methyl-	$C_4H_7Br_3O$
77736	4,7-Methano-1H-indene, 3A,4,7,7A-tetrahydro-	$C_{10}H_{12}$
78831	1-Propanol, 2-methyl-	$C_4H_{10}O$
78897	1-Propanol, 2-chloro-	C_3H_7ClO
79027	Acetaldehyde, dichloro-	$C_2H_2Cl_2O$
79049	Acetyl chloride, chloro-	$C_2H_2Cl_2O$
79367	Acetyl chloride, dichloro-	C_2HCl_3O
85698	1,2-Benzenedicarboxylic acid, butyl 2-ethylhexyl ester	$C_{20}H_{30}O_4$
88197	Benzenesulfonamide, 2-methyl-	$C_7H_9NO_2S$
90437	[1,1'-Biphenyl]-2-ol	$C_{12}H_{10}O$
91087	Benzene, 1,3-diisocyanato-2-methyl-	$C_9H_6N_2O_2$
92524	1,1'-Biphenyl	$C_{12}H_{10}$
95498	Benzene, 1-chloro-2-methyl-	C_7H_7Cl
95636	Benzene, 1,2,4-trimethyl-	C_9H_{12}
98511	Benzene, 1-(1,1-dimethylethyl)-4-methyl-	$C_{11}H_{16}$

98566	Benzene, 1-chloro-4-(trifluoromethyl)-	$C_7H_4ClF_3$
98599	Benzenesulfonyl chloride, 4-methyl-	$C_7H_7ClO_2S$
98873	Benzene, (dichloromethyl)-	$C_7H_6Cl_2$
100185	Benzene, 1,4-bis(1-methylethyl)-	$C_{12}H_{18}$
103651	Benzene, propyl-	C_9H_{12}
104723	Benzene, decyl-	$C_{16}H_{26}$
105055	Benzene, 1,4-diethyl-	$C_{10}H_{14}$
107120	Propanenitrile	C_3H_5N
108805	1,3,5-Triazine-2,4,6(1H,3H,5H)-trione	$C_3H_3N_3O_3$
110009	Furan	C_4H_4O
110656	2-Butyne-1,4-diol	$C_4H_6O_2$
110883	1,3,5-Trioxane	$C_3H_6O_3$
111693	Hexanedinitrile	$C_6H_8N_2$
115286	Bicyclo[2.2.1]hept-5-ene-2,3-dicarboxylic acid, 1,4,5,6,7,7-hexachloro-	$C_9H_4Cl_6O_4$
120127	Anthracene	$C_{14}H_{10}$
121142	Benzene, 1-methyl-2,4-dinitro-	$C_7H_6N_2O_4$
123013	Benzene, dodecyl-	$C_{18}H_{30}$
123024	Benzene, tridecyl-	$C_{19}H_{32}$
131113	1,2-Benzenedicarboxylic acid, dimethyl ester	$C_{10}H_{10}O_4$
137268	Thioperoxydicarbonic diamide, tetramethyl-	$C_6H_{12}N_2S_4$
140089	Ethanol, 2-chloro-, phosphite (3:1)	$C_6H_{12}Cl_3O_3P$
140669	Phenol, 4-(1,1,3,3-tetramethylbutyl)-	$C_{14}H_{22}O$
540498	Ethene, 1,2-dibromo-	$C_2H_2Br_2$
541888	Acetic acid, chloro-, anhydride	$C_4H_4Cl_2O_3$
542756	1-Propene, 1,3-dichloro-	$C_3H_4Cl_2$
563473	1-Propene, 3-chloro-2-methyl-	C_4H_7Cl

577117	Butanedioic acid, sulfo-, 1,4-bis(2-ethylhexyl) ester, sodium salt	$C_{20}H_{38}O_7S \cdot Na$
584849	Benzene, 2,4-diisocyanato-1-methyl-	$C_9H_6N_2O_2$
594423	Methanesulfonyl chloride, trichloro-	CCl_4S
606202	Benzene, 2-methyl-1,3-dinitro-	$C_7H_6N_2O_4$
719324	1,4-Benzenedicarbonyl dichloride, 2,3,5,6-tetrachloro-	$C_8Cl_6O_2$
760236	1-Butene, 3,4-dichloro-	$C_4H_6Cl_2$
764410	2-Butene, 1,4-dichloro-	$C_4H_6Cl_2$
1000824	Urea, (hydroxymethyl)-	$C_2H_6N_2O_2$
1119853	3-Hexenedinitrile	$C_6H_6N_2$
1241947	Phosphoric acid, 2-ethylhexyl diphenyl ester	$C_{20}H_{27}O_4P$
1313275	Molybdenum oxide	MoO_3
1459105	Benzene, tetradecyl-	$C_{20}H_{34}$
1476115	2-Butene, 1,4-dichloro-, (Z)-	$C_4H_6Cl_2$
1497683	Phosphonochloridothioic acid, ethyl-, O-ethyl ester	$C_4H_{10}ClOPS$
1772254	1,3,6-Hexanetricarbonitrile	$C_9H_{11}N_3$
2431507	1-Butene, 2,3,4-trichloro-	$C_4H_5Cl_3$
2524030	Phosphorochloridothioic acid, O,O-dimethyl ester	$C_2H_6ClO_2PS$
2782572	1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3-dichloro-	$C_3HCl_2N_3O_3$
2893789	1,3,5-Triazine,2,4,6(1H,3H,5H)-trione, 1,3-dichloro-, sodium salt	$C_3HCl_2N_3O_3 \cdot Na$
2941642	Carbonochloridothioic acid, S-ethyl ester	C_3H_5ClOS
3268493	Propanal, 3-(methylthio)-	C_4H_8OS
4461523	Methanol, methoxy-	$C_2H_6O_2$
4553622	Pentanedinitrile, 2-methyl-	$C_6H_8N_2$
4635874	3-Pentenenitrile	C_5H_7N

5216251	Benzene, 1-chloro-4-(trichloromethyl)-	$C_7H_4Cl_4$
6742547	Benzene, undecyl-	$C_{17}H_{28}$
7327608	Acetonitrile, 2,2',2'',-nitrilotris-	$C_6H_6N_4$
8075749	Lignosulfonic acid, chromium iron salt	
9066506	Lignosulfonic acid, chromium salt	
10025782	Silane, trichloro-	Cl_3HSi
10026047	Silane, tetrachloro-	Cl_4Si
10039540	Hydroxylamine, sulfate (2:1)	$H_3NO \cdot 1/2H_2O_4S$
12200883	Vanadic acid, hexasodium salt	$H_6O_{28}V_{10} \cdot 6Na$
12656858	C.I. Pigment Red 104	
13042029	2-Hexenedinitrile	$C_6H_6N_2$
13414545	Benzene, 1-[(2-methyl-2-propenyl)oxy]-2-nitro	$C_{10}H_{11}NO_3$
13414556	Benzofuran, 2,3-dihydro-2,2-dimethyl-7-nitro-	$C_{10}H_{11}NO_3$
15547178	9,10-Anthracenedione, 6-ethyl-1,2,3,4-tetrahydro-	$C_{16}H_{16}O_2$
15883597	Benzenesulfonic acid, 2,2'-(1,2-ethenediyl)bis [5-nitro-,sodium salt	$C_{14}H_{10}N_2O_{10}S_2 \cdot xNa$
16529569	3-Butenenitrile, 2-methyl-	C_5H_7N
17773410	Butanenitrile, 2-hydroxy-4-(methylthio)-	C_5H_9NOS
19355692	Propanenitrile, 2-amino-2-methyl-	$C_4H_8N_2$
25155300	Benzenesulfonic acid, dodecyl-, sodium salt	$C_{18}H_{30}O_3S \cdot Na$
25321099	Benzene, bis(1-methylethyl)-	$C_{12}H_{18}$
25322207	Ethane, tetrachloro-	$C_2H_2Cl_4$
25340174	Benzene, diethyl-	$C_{10}H_{14}$
25340185	Benzene, triethyl-	$C_{12}H_{18}$
25550145	Benzene, ethylmethyl-	C_9H_{12}
26471625	Benzene, 1,3-diisocyanatomethyl-	$C_9H_6N_2O_2$

26545733	Propanol, dichloro-	$C_3H_6Cl_2O$
27176870	Benzenesulfonic acid, dodecyl-	$C_{18}H_{30}O_3S$
30995654	Benzenesulfonic acid, ethyl-, sodium salt	$C_8H_{10}O_3S \cdot Na$
36452218	1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, disodium salt	$C_3H_3N_3O_3 \cdot 2Na$
38640629	Naphthalene, bis(1-methylethyl)-	$C_{16}H_{20}$
50854949	Benzenesulfonic acid, undecyl-	$C_{17}H_{28}O_3S$
61790134	Naphthenic acids, sodium salts	
63494597	Ethanesulfonamide, 2-[ethyl(3-methyl-4-nitrosophenyl)amino]-N-methyl	$C_{12}H_{19}N_3O_3S$
68081812	Benzenesulfonic acid, mono-C10-16-alkyl derivs., sodium salts	
68279549	9,10-Anthracenediol, 6-ethyl-1,2,3,4-tetrahydro-	$C_{16}H_{18}O_2$
68298464	7-Benzofuranamine, 2,3-dihydro-2,2-dimethyl-	$C_{10}H_{13}NO$

III. November 6, 1980, Meeting of the ITC

A public meeting of the ITC will be held in Washington, D.C. on November 6, 1980, beginning at 9:00 a.m. Interested persons are invited to present relevant written or oral comments on the chemicals listed in Section II of this notice at the November 6, 1980 meeting. Oral comments are to be limited to 10 minutes per person. Additional comments may be submitted to the Committee in writing at the public meeting, or sent to the Executive Secretary, TSCA Interagency Testing Committee, not later than January 5, 1981. Written comments should be submitted in triplicate.

Any person wishing to make an oral presentation at the November 6, 1980 meeting should notify the Executive Secretary, at the address or telephone number set forth in this notice, before October 31, 1980. Such notification should include the name of the respondent, affiliation, and the CAS number(s) of the chemical(s) that will be addressed in the respondent's remarks.

Dated: September 25, 1980.

James M. Sontag,
Chairman, TSCA, Interagency Testing Committee.

[FR Doc. 80-31147 Filed 10-6-80; 8:45 am]
BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-632-DR]

Texas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Texas (FEMA-632-DR), dated September 26, 1980, and related determinations.

DATED: September 26, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7848.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief

Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 26, 1980, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas resulting from Tropical Storm Danielle, intermittent rains and flooding, beginning on or about September 5, 1980, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Texas.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration. Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Declaration of Authority, I hereby appoint Mr. Dale Milford of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Texas to have been affected adversely by this declared major disaster:

Precinct One of Nolan County for Individual Assistance and Public Assistance. (Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718-02)

September 30, 1980.

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

[FR Doc. 80-31092 Filed 10-6-80; 8:45 am]
BILLING CODE 4210-23-M

U.S. Fire Administration**Board of Visitors for the National Fire Academy; Open Meeting**

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy.

Date of Meeting: October 23-24, 1980.

Place: United States Fire Administration, 2400 M Street, NW, Washington, DC.

Time: 9:00 a.m. to 5:00 p.m.

Proposed Agenda: October 23, 1980: Meet with Regional Fire Representatives; Meet jointly with National Professional Qualifications Board to discuss recognition of the Academy, accreditation of courses,

use of professional standards, and such other items that may be of interest to the Board.

October 24, 1980: Uncompleted Agenda and Administrative Items.

The meeting will be open to the public with approximately ten seats available on a first come first serve basis. Members of the general public who plan to attend the meeting should contact Mr. Clem R. Lakin, National Fire Academy, 16825 South Seton Avenue, Emmitsburg, Maryland 21727 (phone 301/447-6771) on or before October 16, 1980.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Superintendent's Office, National Fire Academy, Emmitsburg, Maryland. Copies of the minutes will be available upon request thirty days after the meeting.

Dated: September 30, 1980.

Gordon Vickery,

Administrator, U.S. Fire Administration.

[FR Doc. 80-31093 Filed 10-6-80; 8:45 am]

BILLING CODE 4210-23-M

FEDERAL MARITIME COMMISSION

[Agreement No. T-3916]

Notice of Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced agreement do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321 *et seq.* and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Agreement No. T-3916, between Matson Navigation Company (Matson) and its wholly-owned subsidiary Matson Terminals, Inc. (Terminals), is a memorandum of understanding wherein Terminals will perform, at cost, full terminal and or stevedoring services and administrative and general services for Matson at the port of Los Angeles and Oakland, California; Portland, Oregon; Seattle, Washington; Honolulu, Hawaii; and Richmond, California. Matson shall reimburse Terminals for all costs incurred in the performance of the services provided for in the agreement. The cost transfers will be made on the basis of experience rather than a fixed schedule. The agreement will supersede,

and terminate FMC Agreement No. T-2737, approved by the Commission on March 23, 1973. The OEA's major environmental concern was whether the proposed services to be performed by Matson would significantly increase energy usage and/or effect the quality of the air, water, noise and biological environment.

The OEA has determined that the Commission's final resolution of Agreement No. T-3916 will cause no significant adverse environmental effects in excess of those created by existing uses.

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725. Interested parties may comment on the environmental assessment within 20 days following publication of this Notice in the Federal Register (October 27, 1980). Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 80-31159 Filed 10-6-80; 8:45 am]
BILLING CODE 6730-01-M

[Docket No. 80-68]

U.S. Cargo Over Canada; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by Sea-Land Industries, Inc. requesting that the Commission: (1) issue a Declaratory Order in which it is determined that the services offered by any carrier which involve the transportation of United States cargoes over Canadian ports with the use of a United States port involved in the itinerary, are services which are, in fact, transportation services in the foreign commerce of the United States as defined in Section 1 of the Shipping Act, 1916 and the holding of *Austasia Intermodal Lines v. Federal Maritime Commission*, 580 F. 2d 642 (D.C. Cir. 1978) and cases cited in that opinion; (2) determine that Section 18(b)(1) of the Act requires that common carriers conducting such services file appropriate tariffs governing that carriage; and (3) issue an appropriate Order requiring all such carriers providing services described above and found to be in the foreign commerce of the United States to file appropriate

tariffs governing those transportation services as required by Section 18(b)(1) of the Shipping Act, 1916.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101 or may inspect the petition at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested persons may submit replies to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 on or before November 3, 1980. An original and fifteen copies of such replies shall be submitted and a copy thereof served on petitioner. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 80-31148 Filed 10-6-80; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 80M-0387]

Medicornea, Inc.; Premarket Approval of Softflow™ (Deltafilcon A) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Softflow™ (deltafilcon A) Hydrophilic contact Lens sponsored by Medicornea, Inc., Bellevue, WA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by November 6, 1980.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-8162.

SUPPLEMENTARY INFORMATION: The sponsor, Medicornea, Inc., submitted an application for premarket approval of Softflow™ (deltafilcon A) Hydrophilic Contact Lens to FDA on June 30, 1978. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic, Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On March 6, 1980, FDA approved the application by a letter to the sponsor from the Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (Pub. L. 94-295, 90 Stat. 539-583 (the amendments)), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 301(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the office of the Hearing Clerk (address above) and is available upon request from that office. Requests should be identified with the name of the device and the Hearing Clerk docket number found in brackets in the heading of this document.

The labeling of the Softflow™ (deltafilcon A) Hydrophilic Contact Lens, like that of other approved soft contact lenses, states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling helps to inform new lens users that they must avoid purchasing inappropriate products, e.g., solutions for use with hard contact lenses. However, the restrictive labeling needs to be updated periodically to refer

to new solutions that FDA approves for use with an approved contact lens. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, and time and place where the review will occur, and other details.

Petitioners may, at any time on or before November 6, 1980, file with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the Hearing Clerk docket number found in brackets

in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 24, 1980.

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

[FR Doc. 80-30915 Filed 10-6-80; 8:45 am]

BILLING CODE 4110-01-M

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations: Determination of noncompliance.

SUMMARY: On November 30, 1979, the Office of Health Maintenance Organizations determined that Community Health Plan of Suffolk, Inc. (CHPS), 3001 Express Drive North, Hauppauge, New York 11787, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would maintain a fiscally sound operation and have in its policymaking body at least one-third HMO membership representation. The determination of noncompliance does not itself affect the status of CHPS as a federally qualified HMO. Rather, CHPS has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the assurances it gave the Secretary.

FOR FURTHER INFORMATION CONTACT: Howard R. Veit, Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)) (the Act), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then she shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish a notice of the determination of non-compliance in the **Federal Register**.

OHMO has officially notified CHPS that, as of November 30, 1979, it was not in compliance with the assurance that it had given the Secretary that it would

maintain a fiscally sound operation, as required by Section 1301(c)(1)(A) of the Act, and that it would be organized in such a manner that assures that at least one-third of the membership of its policymaking body are HMO members, as required by Section 1301(c)(6)(A)(i) of the Act.

Dated: September 26, 1980.

Howard R. Veit,
*Director, Office of Health Maintenance
Organizations.*

[FR Doc. 80-31061 Filed 10-6-80; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before September 26, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by October 22, 1980.

Carol Shull,
Acting Chief, Registration Branch.

ALABAMA

Jefferson County

Birmingham, *Forest Park*, Roughly bounded by Clairmont and 11th Aves., Overlook, Linwood and Cliff Rds., 38th and 41st Sts.

ILLINOIS

Morgan County

Jacksonville, *Grierson, Gen. Benjamin Henry, House*, 825 E. State St.
Jacksonville, *Jacksonville Labor Temple*, 228 S. Mauvaisterre St.

INDIANA

Allen County

Fort Wayne, *McCullach, Hugh, House*, 616 W. Superior St.

Tippecanoe County

Lafayette, *Downtown Lafayette Historic District*, Roughly bounded by 2nd, Ferry, 6th and South Sts.

NEVADA*Lyon County*

Yerington vicinity, *East Walker River Petroglyph Site*, S of Yerington (boundary increase)

NEW JERSEY*Camden County*

Runnemed vicinity, *St. John's Episcopal Church and Burying Ground*, Chews Landing Rd. and Old Black Horse Pike

NEW MEXICO*Dona Ana County*

Mesilla, *La Mesilla Historic District*, NM 28

Otero County

Sacramento, *Circle Cross Ranch Headquarters*, SW of Sacramento

Sandoval County

Jemez Springs, *Jemez Hot Springs Mineral Bathhouse*, NM 4

NEW YORK*Madisan County*

Oneida, *Cottage Lawn*, 435 Main St.

Steuben County

Rheims, *Plesant Valley Wine Company*, SR 88

NORTH CAROLINA*Bertie County*

Windsor vicinity, *King House*, NW of Windsor off NC 308 (move)

Brunswick County

Southport, *Southport Historic District*, Roughly bounded by Cape Fear River, Rhett, Bay, Short and Brown Sts.

Pitt County

Greenville, *Janes-Lee House*, 805 E. Evans St.

Rowan County

Salisbury, *Livingstone College Historic District*, W. Monroe St.

OHIO

BELL, C. S., THEMATIC RESOURCES
Reference—see individual listings under Highland County.

Adams County

Winchester, *Lewis, Dr. A. C., House*, 103 South St.

Ashland County

Jeromesville vicinity, *Lakefork School*, SE of Jeromesville

Athens County

Athens, *Herrold, Thomas Jefferson, House and Store*, 234 W. Washington St.

Brown County

Ripley vicinity, *Pisgah Christian Church*, NW of Ripley on Pisgah Rd.

Clermont County

Milford, *Promont (Gov. John M. Pattison House)* 906 Goshen Pike

Clinton County

Wilmington, *Main Building*, Sugartree St.
Wilmington, *Smith Place*, N. South St.

Crawford County

Bucyrus, *Jones, Alonzo M., House*, 405 E. Charles St.

Cuyahoga County

Berea, *Berea Union Depot*, 30 Depot St. North
Olmsted, *First Universalist Church of Olmsted*, 5050 Porter Rd.

Strongsville, *Strong, John Stoughton, House*, 18910 Westwood St.

Fairfield County

Rushville, *Rushville Historic Districts*, Bremen Ave., Main and Market Sts.

Franklin County

Columbus, *Capital University Historic District*, E. Main St., and College Ave.

Columbus, *Welsh Presbyterian Church*, 315 E. Long St.

Hamilton County

Cincinnati, *Mount Adams Public School*, 1125 St. Gregory St.

Highland County

Hillsboro, *Bell, C. S., Foundry and Showroom (Bell, C. S., Thematic Resources)* 154-158 W. Main St.

Hillsboro, *Bell, Mansion (Bell, C. S., Thematic Resources)* 225 Oak St.

Hillsboro, *Bell's First Home (Bell, C. S., Thematic Resources)* 222 Beech St.

Hillsboro, *Bell's Opera House (Bell, C. S., Thematic Resources)* 109-119 S. High St.

Licking County

Johnstown, *Monroe Township Hall-Opera House*, 1 Main St.

Mercer County

Celina, *Otis Hospital*, 441 E. Market St.

Muskingum County

Zanesville, *West View*, 444 Sunkel Blvd.

Pickaway County

Circleville, *Memorial Hall*, 165 E. Main St.
South Bloomfield vicinity, *Renick Farm*, N of South Bloomfield on U.S. 23

Wyandot County

Upper Sandusky vicinity, *Armstrong Farm*, S of Upper Sandusky

OREGON*Jackson County*

Medford, *BPOE Lodge No. 1188*, 202 N. Central Ave.

PENNSYLVANIA*Bucks County*

Wycombe, *Lacey, Gen. John, Homestead*, Forest Grove Rd.

Philadelphia County

Philadelphia, *Dunn, Charles B., House District*, 8810, 8840 and 8860 Norwood Ave.

SOUTH DAKOTA*Bon Homme County*

Springfield, *Main Hall*, University of South Dakota campus
Tabor, *Tabor School*, Off SD 50

Codington County

Watertown, *Mathiesen House*, 914 N. Maple St.

Hughes County

Pierre, *Farr House*, 106 W. Wynoka St.

Lyman County

Oacoma, *Lower Brule Agency House*, 1st St. and Lichtenstien Ave.

Spink County

Frankfort vicinity, *Harlow Farmstead*, NE of Frankfort
Redfield, *Chicago and Northwestern Depot*, U.S. 212

Union County

Elk Point, *Murtha, Charles, House and Brick Yard*, W. Main St.

TEXAS*El Paso County*

El Paso, *El Paso High School*, 1600 N. Virginia St.

UTAH*San Juan County*

Blanding vicinity, *Patterson, Nancy, Site*

VERMONT*Caledonia County*

Lyndonville, *Darling Inn*, Depot St.

Rutland County

Fair Haven, *Fair Haven Green Historic District*, Park Pl., Adams and Main Sts.

WASHINGTON*Ferry County*

Curlew, *Curlew School*, Off WA 4A

Kittitas County

Cle Elum, *Cle Elum-Roslyn Beneficial Association Hospital*, 505 Power St.
Ellensburg, *Governor's Mansion*, 716 E. 3rd Ave.

Whatcom County

Bellingham, *Black, Alfred L., House*, 158 S. Forest St.

WISCONSIN*Milwaukee County*

Glendale, *Elderwood*, 6780 N. Elm Tree Rd.
* * * * *

Properties Determined Eligible for Inclusion in the National Register of Historic Places; Additions, Deletions, and Corrections

Determinations of eligibility are made in accordance with the provisions of 36 CFR 1204, procedures for requesting determinations of eligibility, under the authorities in section 2 (b) and 1 (3) of

Executive Order 11593 and section 106 of the National Historic Preservation Act of 1966, as amended, as implemented by the Advisory Council on Historic Preservation's procedures, 36 CFR Part 800. Properties determined to be eligible under § 1204.3 (63.3) of the procedures for requesting determinations of eligibility are designated by § 1204.3.

Properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on an eligible property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

The following list of additions, deletions, and corrections to the lists of properties determined eligible for inclusion in the National Register is intended to supplement the cumulative version of that list published March 18, 1980.

ALABAMA

Baldwin County

Bayou St. John, *Archeological Site 1 BA 376, Ono Island*

Bibb County

Centreville-Brent Lagoon Site 1Bb12 (1204.3)

ARIZONA

Apache County

Window Rock, *Archeological Site AZ-P-24-1*

Coconino County

Cross Canyon Corridor Historic District, Grand Canyon National Park (1204.3)

Navajo County

Shonto Junction vicinity, *Archeological Site AZ-D-10-16*

ARKANSAS

Crittenden County

Berry Cemetery Site 3CT47 (1204.3)

Union County

El Dorado, *Post Office (Federal Building)*

CALIFORNIA

Contra Costa County

Richmond, *Richmond Ford Motor Company Assembly Plant*

Fresno County

Squaw Leap *Archeological District*

Humboldt County

Van Duzen River Bridge

Van Duzen River Bridge No. 4-97, CA 38 (1204.3)

Van Duzen River Bridge No. 4-94, CA 36 (1204.3)

Honeydew vicinity, *Honeydew Creek Bridge, Wilder Ridge Rd.* (1204.3)

Lake County

Clear Lake Oaks, *Archeological Site CA-LAK-986*

Los Angeles County,

Long Beach, *U.S. Post Office and Federal Building, 300 N. Long Beach Blvd.*

Napa County

Napa, *Alexandria Hotel (Plaza Hotel) 840-844 Brown St.*

Napa, *Bank of Napa (Bank of America) 903 Main St.*

Napa, *Gordon Building, 1130 1st St.*

Napa, *Napa County Courthouse, Brown and 2nd Sts.*

Napa, *Napa Register Building (Stage One Building) 1202 1st St.*

Napa, *U.S. Post Office-Franklin Station, 1351 2nd St.*

Nevada County

North Columbia, *Archeological Site 4-Nevada-251, South Yuba Recreation Area* (1204.3)

San Benito County

K-T Bridge (1204.3)

San Diego County

San Diego, *Boston House Hotel Site* (1204.3)
San Diego, *Lowton-Davidson House Site* (1204.3)

San Diego, *Pantoja House Site* (1204.3)

San Diego, *Porter Hall Site* (1204.3)

San Diego, *Rosario Hall Site* (1204.3)

San Diego, *Wetherbee Mill and Residence Site* (1204.3)

San Francisco County

San Francisco, *Fort Funston, W of Lake Merced*

Santa Barbara County

Santa Barbara, *San Rogue Canyon Bridge, CA 192* (1204.3)

Solano County

Fairfield vicinity, *Archeological Site CA-Sol-60, Ledgewood Creek*

COLORADO

Fremont County

Florence, *Florence Historic District*

Garfield County

Glenwood Springs, *Bair Ranch, 66586 U.S. 6* (1204.3)

Gunnison County

Cimarron vicinity, *Archeological Sites 5CN239, 240, 246, 248, 314, 251, 252, 238, 234, 249, 237 and 245, U.S. 50*

La Plata County

Durango, *Main Post Office, Main Ave. and 11th St.*

Larimer County

Fort Collins, *Laurel School Historic District* (1204.3)

Montrose County

Archeological Sites 5MN 1056, 1062, 1066, 1067, 1068, 1069, 1071, (1204.3)

Cimarron vicinity, *Archeological Site 5MN820, U.S. 50*

CONNECTICUT

Hartford County

New Britain, *Main Post Office, 120, W. Main St.*

Middlesex County

Middletown, *North End Meetinghouse, 706-712 Main St.*

New Haven County

Waterbury, *Building at 1605 Thomaston Avenue*

New London County

New London, *Buildings at 138, 144, 146, and 148 Huntington Street*

New London, *Franklin Street Historic District, Franklin, High and Home Sts.*

DELAWARE

New Castle County

Wilmington, *Rodney Square Historic District* (1204.3)

Wilmington, *Terminal Snack Bar*

Wilmington, *200 Block of East Front Street,*

217-219, 221 and 223 E. Front St.

Wilmington, *Wilmington Rail Viaduct*

DISTRICT OF COLUMBIA

Washington, *Tivoli Theater* (1204.3)

FLORIDA

Miami, *Central Baptist Church, 500 NE. 1 Ave.* (1204.3)

Miami, *Chaille Block and Abe's Rooming House, 433-433 N. Miami Ave. and 22nd NE, 5th St.* (1204.3)

Miami, *Clyde Court Apartments, 68 SE, 2nd St.* (1204.3)

Miami, *Salvation Army Citadel, 49 NW, 5th St.* (1204.3)

GEORGIA

Coweta County

Archeological Site AS-UGA-CC-11, Structure 9M

DeKalb County

Atlanta, *Fairlie-Poplar Historic District*

Elbert County

Archeological Sites AB 1301, 1301-2, 1304, 1304-2A, 1304-3, EB 501, 731-1, 731-1 and 1514 A-D (also in Abbeville County, SC)

Blackwell Bridge (also in Abbeville County, SC)

Georgia-South Carolina Memorial Bridge (also in Abbeville County, SC)

Gregg Shoals Dam (also in Abbeville County, SC)

Lake Secession Dam (also in Abbeville County, SC)

Savannah River Bridge (also in Abbeville County, SC)

Smith-McGee Bridge (also in Abbeville County, SC)

Evans County

Hagan, Sapp, Loren, House

Floyd County

Rocky Mountain, Archeological Site 45A and B

Rocky Mountain, Archeological Site 36 A, B, and C

Rocky Mountain, Archeological Site 33

Glynn County

Brunswick-Altamaha Canal, Between Turtle and Altamaha Rivers (1204.3)

Richmond County

Augusta, Bon Air Hotel

Troup County

La Grange, Smith, Samuel P., Historic District (1204.3)

HAWAII**Honolulu County**

Oahu, Kanohuluiwi Fishpond, Kaneohe Bay (1204.3)

Maui County

Island of Kahoolawe, 35 Archeological Sites of Kahoolawe

IDAHO**Scott County**

Davenport, Buildings at 305—307 West Second Street

Davenport, Buildings at 325—327 West Second Street

Davenport, Bergfeld, Fritz, Block, 321—323 W. 2nd St.

Davenport, Schmidt, George M., Block, 301—303 W. 2nd St.

Shoshone County

Wallace, Building at 216 Second Street (1204.3)

ILLINOIS**Cook County**

Hines, Old Airmail and Postal Service Buildings, VA Medical Center

Jackson County

Rockwood vicinity, Archeological Sites 24A2-24 and 24A2-204 (also in Randolph County)

Lake County

North Chicago, Dewey House, VA Medical Center

Livingston County

Pontiac, Main Post Office

Pulaski County

Mound City, Mound City National Cemetery (1204.3)

INDIANA**Bartholomew County**

Archeological Site 12B-351 (1204.3)

Archeological Site 12B-352 (1204.3)

Clark County

Jeffersonville, Jeffersonville Commercial and Riverfront Historic District

Elkhart County

Goshen, Former Goshen Main Post Office, 301 Lincoln Ave.

Greene County

Worthington vicinity, Shaffer Archeological Site (1204.3)

Hamilton County

Baltimore-Petit Through Truss

Wayne County

Hagerstown, Building at 145 West Walnut Street (1204.3)

KANSAS**Dickinson County**

Kandt-Domann Farmstead (1204.3)

Douglas County

Stull vicinity, Archeological Site 14DO154 (1204.3)

KENTUCKY**Hancock County**

Hawesville, Texas Gas Transmission Site 1 (15 Ha-27) (1204.3)

Jefferson County

Louisville, Abell Elevator Company

Louisville, Barth, Paul C., Engine House

Louisville, Building at 824 East Muhammed Ali Boulevard

Louisville, Buildings at 831—839 East Broadway

Louisville, Calvary Methodist Church

Louisville, District A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P Phoenix Hill

Louisville, District Q

Louisville, First Lutheran Church

Louisville, St. Boniface Church

Louisville, Vermont American Machine Company

McCreary County

Greenwood, Archeological Site 15 Mcy 28

LOUISIANA**Cameron Parish**

Cameron Shipwreck

Lafayette Parish

Gordon Hotel (1204.3)

Orleans Parish

Warehouse Historic District (1204.3)

Red River Parish

Coushatta, Old Bank of Coushatta, Carroll and Abney Sts.

Coushatta, Wilson, Fred, House, Carroll St.

St. John the Baptist Parish

Edgard, Suski House, SR 1

Vacherie, Zeringue Rice Barn, SR 3

St. Mary Parish

Centerville, Commercial Bank and Trust Company

Terrebonne ParishChacahoula, Goodland Sawmill and Black Residential Area, LA 309 and LA 20
Donner, Donner Sawmill Area (16TR 116) (1204.3)**MAINE****Kennebec County**

Togus, Eastern Branch-National Home for Disabled Volunteer Soldiers (1204.3)

MARYLAND**Corroll County**

Westminster, Westminster Historic District

Cecil County

Elkton vicinity, Cecil County Detention Center Sites 18CE 29, Hollingsworth Farm

Montgomery County

Glen Echo, Carrousel at Glen Echo Park (1204.3)

St. Mary's County

Portion of Point Lookout Civil War Camp Archeological Site

Talbot County

Trappe, Ferry Farm House (1204.3)

MASSACHUSETTS**Bristol County**

New Bedford-Farihaven Bridge (1204.3)

Franklin County

Wendell, Old Stoneville Village Site.

Hampden County

Springfield, Lower Maple Historic District.

Middlesex County

Cambridge, Atheneum Press Building, 215 1st St.

Cambridge, Henderson Carriage Factory, 2067-2089 Massachusetts Ave.

Cambridge, Old Middlesex County Superior Courthouse, 90 3rd St.

Watertown, Watertown Arsenal.

Plymouth County

Hull, Former Old Point Allerton Lifeboat Station, Mantasket Ave.

Suffolk County

Chelsea, Chelsea City Hall, 500 Broadway (1204.3)

Worcester County

Clinton, Van Brode Mill, 56 Sterling St. Sterling, Buss, Ebenezer, Place (1204.3).

Webster, Main Street Historic District (1204.3).

MICHIGAN**Berrien County**

Niles, Niles Post Office, 322 E. Main St.

Chippewa County

Sault Ste. Marie, Fort Street Bridge, Fort St. (1204.3).

Sault Ste. Marie, Spruce Street Bridge, Spruce St. (1204.3).

MINNESOTA**Ottertail County**

Waterstreet Bridge (1204.3).

St. Louis County

Duluth, Duluth City Hall.

MISSISSIPPI*Harrison County*

Biloxi, *Veterans Administration Medical Center Biloxi, Gulfport Division* (1204.3).

MISSOURI*Adair County*

Kirksville, *Kirksville Depot*.

Clay County (Partial Inventory).

PASEO TROOST MULTIPLE RESOURCE AREA. This area includes: Kansas City, Buildings at 1316, 1320-1322, 1324-1326, 1328-1330, and 1332-1334 Paseo Street; 1412-1414 East 14th Street.

Gasconade County

Hermann vicinity, *Archeological Site 23GA142, E of Hermann*.

Gentry County

Albany, *Gentry County Courthouse*.

Holt County

Oregon, *Holt County Jail*.

Jackson County

Kansas City, *Old Westport Historic District*.

Knox County

Edina, *Edina Depot*.

Lewis County

LaBelle, *LaBelle Depot*.

Pike County

Louisiana, *Archeological Site 23PI89* (1204.3).

St. Louis County

St. Louis, *Carondelet Park Bondstand*.

St. Louis, *O'Fallon Park Boathouse*.

St. Louis, *St. Louis Municipal Courts Building*.

St. Louis, *West End Recreation Center*, 5250 Enright Ave.

Taney County

Old Forsyth Site 23TA41 (1204.3).

MONTANA

Killdeer West Archeological Site 24FA11 (1204.3).

Broodwater County

Townsend, *Pilgrim Site 24 BW 675*.

Lewis and Clark County

York Bridge, *Spans Hauser Lake* (1204.3).

Phillips County

Smith, Henry, *Bison Kill Site (24PH794)* (1204.3).

NEBRASKA*Lincoln County*

Maxwell, *Fort McPherson National Cemetery* (1204.3).

NEW HAMPSHIRE*Belknap County*

Tilton-Belmont Townships, *Archeological Site NH 31-20-5*.

Hillsborough County

Manchester, *Cavanaugh Brothers Sale Stoble*, 58 W. Central St. (1204.3).

Manchester, *New Hampshire State Union Armory*, 60 Pleasant St. (1204.3).

Manchester, *Sullivan, R. G., 7-20-4 Cigar Factory and Annex*, 175 Canal St. (1204.3)

Manchester, *Thorpe, T. L., Building*, 19 Traction St. (1204.3).

NEW JERSEY*Bergen County*

Hackensack, *Building at 36 Essex Street (James Brinkerhoff Property)*.

Essex County

Newark, *Jackson Street Bridge* (1204.3).

Hudson County

Jersey City, *Building at 88-92 Erie Street* (1204.3).

Mercer County

Hamilton Township, *Mount Homestead*, 4631 Nottingham Way (1204.3).

Trenton, *Former CF and I Complex, S.*

Clinton, *Mott and Hudson Sts.*

Trenton, *Thropp, William R., Sons Company Complex*, 960 E. State St.

Middlesex County

Milltown, *Meyer-Michel Site* (1204.3).

New Brunswick, *College Farm Site 28-Mi-75* (1204.3).

Passaic County

Wayne Township, *Two Bridges Road Bridge* (1204.3).

Trenton County

South Broad Street Bridge (1204.3).

Union County

Elizabeth, *Brood Street Bridge*, Spans Elizabeth River (1204.3).

NEW MEXICO*McKinley County*

Navajo New Mexico High School Site (1204.3).

Son Juan County

Archeological Site DCA-79-364 (1204.3).
Farmington, *Archeological Site DCA-80-19* (1204.3).

Allegheny County

Hume, *Fillmore Bridge*, Snyder Hill Rd.

Bronx County

Bronx, *Kingsbridge Heights Community Center*, 3101 Kingsbridge Ter.

Chemung County

Elmira, *Aspen Ridge Historic District* (1204.3).

Elmira, *East Chemung Place Historic District* (1204.3).

Elmira, *Mople Avenue Historic District* (1204.3).

Erie County

Buffalo, *Buffalo Savings Bank*, 545 Main St. (1204.3).

Kenmore, *Wheel Choir Home*, 2746 Delaware Ave. (1204.3).

Greene County

Catskill, *Catskill Historic District*.

New York County

New York, *Stadt Huys (Lovelace Tavern Site)* (1204.3).

Steuben County

Bath *Veterans Administration Medical Center* (1204.3).

NORTH CAROLINA

German Submarine U-352, Atlantic Ocean.

Chatham County

Archeological Site 31 Ch 427.

Archeological Site 31 Ch 430.

Jackson County

Archeological Site A 7.

Wake County

Raleigh, *Boylan Avenue Bridge*, Boylan Ave. (1204.3).

NORTH DAKOTA*McKenzie County*

Buford vicinity, *Mondrian Tree Site 32mz58* (1204.3).

Stutsman County

Jamestown, *Archeological Site 32 SN 22* (1204.3).

OHIO*Allen County*

Lima, *U.S. Post Office*, 326 W. High St.

Franklin County

Columbus, *Barber Shop*, 82-86 E. Town St. (1204.3).

Columbus, *Beggs Building*, 21 E. State St.
Columbus, *Central National Bank Building*, 152-166 S. High St. (1204.3).

Columbus, *Hartman Theater Building*, 73-87 E. State St. (1204.3).

Columbus, *LaSalle Wine Store*, 242-244 S. High St. (1204.3).

Columbus, *Owen, Jim, Real Estate*, 232 S. High St. (1204.3).

Columbus, *Trailways*, 246-254 S. High St. (1204.3).

Hamilton County

Cincinnati, *Avondale Historic District*, Reading Rd.
Cincinnati, *Properties in West End Community*.

Montgomery County

Dayton, *Biltmore Hotel*, 210 N. Main St.
Dayton, *VA Notional Home for Disabled Soldiers*.

Van Wert County

Van Wert, *Van Wert Main Post Office*, Central Ave. and Market St. (1204.3).

OREGON*Multnomah County*

Portland, *Commercial Building*, 1015 SW. Yamhill (1204.3).

Portland, *German Aid Society (Morrison Hotel)*, 1022-1038 SW. Morrison (1204.3).

Portland, *Eaton Hotel*, 626 SW. 9th Ave. (1204.3).

Portland, *Masonic Lodge (Pythian Building)*, 902-912 SW. Yamhill.

Portland, *Mohawk Building*, 220 SW. Morrison and 708-716 SW. 3rd Ave. (1204.3).
 Portland, *Portland Fire Station No. 18*, 1436 SW. Montgomery St.
 Portland, *Portland Y.M.C.A. (Commercial Building)*, 411-415 SW. Yamhill and 721-735 SW. 4th Ave. (1204.3).
 Portland, *Powers, Iro F., Furniture Company*, 804 SW. 3rd Ave. (1204.3).
 Portland, *Professional Building*, 1033 SW. Yamhill (1204.3).

Union County

Marshmeadow Site (1204.3).
 North Power vicinity, *Stockhoff Basalt Quarry Site*, N of North Powder (1204.3).

Wallowo County

Indian Village Groves (1204.3).
Thomson Meadows (1204.3).

PENNSYLVANIA**Allegheny County**

McKees Rocks, *Mann's Hotel*.
 Pittsburgh, *Monchester Historic District* (1204.3).

Chester County

Coatsville, *Thompson Building*.

Crawford County

Meadville, *Former Meadville Main Post Office*, 296 Chestnut St.

Erie County

Erie, *Arbuckle-Carey-Murphy House*.

Franklin County

Chambersburg, *Chombersburg Historic District* (1204.3).

Lackawanna County

Carbondale, *Carbondale Main Post Office*, N. Main St. and Lincoln Ave.

Lycoming County

Waterville Bridge.

McKeon County

Chestnut, *Former Brodford Main Post Office*, 80 Corydon St. (1204.3).

Northumberland County

Sunbury, *Aldine Hotel*, 3rd and Arch Sts.

Venango County

Franklin, *Franklin Historic District*.

SOUTH CAROLINA**Beaufort County**

Archeological Sites 38 BU 67 and 38 BU 168, Off U.S. 278.

Berkeley County

Archeological Sites 38CH316, 38CH323, and 38CH333 (also in Charleston County).

Underwater Sites 8 and 9 (also in Charleston County).

Georgetown County

Murrells Inlet Historic District.

SOUTH DAKOTA**Beadle County**

Huron, *Huron Main Post Office*, 410 Dakota Ave., SE.

Spink County

Archeological Site 39SP11, Drifting Goose Valley (1204.3).

Walworth County

Mobridge, *Walth Bay Site 39WW203 (Gravel Pit Site)*.

TEXAS**Bexor County**

San Antonio, *Son Pedro Acequia* (1204.3).

El Poso County

El Paso, *EPCM: 32, 33, 34, 36, 37*.

Tarrant County

Fort Worth Post Office, Lancaster and Jennings Aves. (1204.3).

Fort Worth Public Market Building, 1400 Henderson (1204.3).

Trovis County

Austin, *Old Austin Public Library* (1204.3).

Willomson County

Round Rock, *Georgetown Milepost, Chisholm Trail*.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Palikir Historic Area (Archeol Sites) (1204.3).

VIRGINIA**Loudon County**

Leesburg, *Bolls Bluff National Cemetary* (1204.3).

Lynchburg County

Lynchburg, *Court Street Baptist Church*.
 Lynchburg, *Court Street United Methodist Church*.

Lynchburg, *Lewis House*.

Lynchburg, *Paramount Theater*.

Lynchburg, *Porks Funeral Home*.

Lynchburg, *Y.W.C.A. Building*.

Staunton County

Staunton, *Downtown Y.M.C.A.*, N. Augusta and E. Frederick Sts.

WASHINGTON**King County**

Seattle, *Columbia City Historic District*.

WEST VIRGINIA**Jackson County**

Silverton Bridge (1204.3).

WISCONSIN**Clark County**

Warner, *Hemlock Bridge*, Spans Black River (1204.3).

Outagamie County

Appleton, *Washington School* (124.3).

Rocine County

Racine, *Franklin Neighborhood Center*, 924 Center St.

Winnebago County

Menasha, *Menasha Fire Station (City Hall)* 124 Main St.

WYOMING**Campbell County**

Gillette vicinity, *Wogensen Tipi Ring Site*, Off WY 14/16 (1204.3).

Fremont County

San Draw, *Wagon Bed Spring Site* (1204.3).

Pork County

Cody, *Main Post Office*, Back Ave.

Teton County

Fishing Bridge, Yellowstone National Park.

* * * * *

The following properties have been demolished and/or removed from the list of determinations of eligibility.

DISTRICT OF COLUMBIA

Mount Vernon Apartments (demo.)
 Pepco Power Substation.

ILLINOIS**De Kalb County**

De Kalb, *Haish Borbed Wire Factory*, Corner of 6th and Lincoln Sts.

INDIANA**Wayne County**

Richmond, *Harrison, Thomas H. House*, 514 W. Main St.

IOWA**Cerro Gordo County**

Mason City, *Old Central Fire House*, 19 1st St., SW.

MASSACHUSETTS**Worcester County**

Worcester, *Worcester Car Barn*, 99-109 Main St.

NEW JERSEY**Essex County**

Newark, *Building at 585 Mount Prospect Avenue*.

NEW YORK**Steuben County**

Hornell, *Merill Silk Mill*, Canistee and Pleasant Sts.

NORTH CAROLINA**Guilford County**

Greensboro, *Buick Motor Company*, 309 N. Elm St.

Greensboro, *Greensboro Motor Company*, 315 N. Elm St.

Greensboro, *O'Henry Hotel*, SW corner of intersection of N. Elm and Bellemeade Sts.

OHIO**Adams County**

Wrightsville Vicinity, *Grimes Site (33 AD 39)*, Killen Electric Generating Station.

Wrightsville vicinity, *Killen Bridge Site (33 AD 36)*, Killen Electric Generating Station.

Belmont County

Bellaire, *Union Street Bridge*, Union St. over McMahon's Creek.

Warren County

- Massie, Carr Mill Site (33 WA 75) Caesar Creek Lake Project.
 Massie, Jonah's Run Site (33 WA 82) Caesar Creek Lake Project.
 Massie, King Road Site (33 WA 112) Caesar Creek Lake Project.
 Massie, Oglesby-Harris Site (33 WA 83).
 Massie, Pipeline Site (33 WA 78).
 Massie, Wood 73 Site (33 WA 92) Caesar Creek Lake Project.

PENNSYLVANIA**Adams County**

Irishtown, Lilly's Mill Covered Bridge.

WASHINGTON**Skamania County**

North Bonneville, Site 45SA11, Bonneville Dam Second Powerhouse Project.

WISCONSIN**La Crosse County**

La Crosse, Lacrosse Post Office.

* * * * *

The following is a list of corrections to properties previously listed in the Federal Register. Additional corrections will appear in subsequent updates.

OHIO**Fayette County**

Dayton, Columbia Bridge, SR 145-140 (previously listed as Columbia Bridge Works).

[FR Doc. 80-30823 Filed 10-6-80; 8:45 am]

BILLING CODE 4310-03-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before October 1, 1980. Pursuant to section 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 October 22, 1980.

Carol Shull,

Acting Chief, Registration Branch.

NEW MEXICO**Otero County**

La Luz Townsite Multiple Resource Area (Partial Inventory). This area includes: La Luz, La Luz Historic District, Off NM 83; Garcia, Juan, House, Tularosa St.; Queen

Anne House, Kearny St.; Sutherland, D. H., House, Main St.

[FR Doc. 80-31000 Filed 10-6-80; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management**Arizona Strip District; Off-Road Vehicle Designations**

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The Shivwits Resource Area, located in the northwest corner of Arizona, is designated as limited and closed to off-road motorized vehicle use.

DATE: Effective September 26, 1980.

ADDRESS: Any inquiries should be addressed to: Billy R. Templeton, District Manager, Arizona Strip District, P.O. Box 250, St. George, Utah 84770 (801) 673-3545.

FOR FURTHER INFORMATION CONTACT: Kenneth C. Moore, Shivwits Resource Area Manager, P.O. Box 250, St. George, Utah 84770, (801) 628-1691.

SUPPLEMENTARY INFORMATION: These designations are made in accordance with the authority and requirements of Executive Orders 11644 and 11989 and regulations contained in 43 CFR Part 8340. Under 43 CFR 4.21, an appeal of this designation may be filed within 30 days with the U.S. Department of Interior Board of Land Appeals.

The affected public lands include all of the 1,396,908 acres in the Shivwits Resource Area located in the northwest corner of Mohave County. These designations are based on land use decisions made in the 1978 Management Framework Plan (MFP) for the Grand Wash Planning Unit and amended in the spring of 1980. In addition to the public participation and review involved in the formulation of these plans, public participation was solicited through a mailing and open houses held during the summer 1980, specifically on the Off-Road Vehicle (ORV) designations. An environmental assessment was prepared after the Step II recommendation in the MFP. These documents are available for public review in the Shivwits Resource Area Office of the Arizona Strip District.

Designations**A. Travel Limited to Existing Roads and Trails**

This designation was chosen to give maximum resource protection on approximately 1,336,452 acres while allowing most existing uses to continue.

B. Travel Limited to Designated Roads and Trails

This designation was chosen for approximately 20,364 acres of Beaver Dam Slope and Virgin Slope. The Beaver Dam Slope is defined as immediately north of I-15 up to the Utah State line between U.S. Highway 91 on the west and Beaver Dam Mountains on the east. The Virgin Slope is defined as the area between the Virgin Mountains, I-15, and Elbow Canyon Road. This designation was chosen to provide protection for the wildlife habitat.

C. Closed

The Paiute Primitive Area of 35,092 acres will continue to be closed as stated in ORV regulations 43 CFR Part 8342.1(d). In addition, approximately 5,000 acres of riparian habitat along the Arizona segment of the Virgin River and Beaver Dam Wash will be closed. This designation includes all riparian vegetation immediate and adjacent to the river except for two access roads leading to the river in T41N, R15W Sec. 35 NW¼ and in T41N, R15W Sec. 25 S½.

Billy R. Templeton,
District Manager.

[FR Doc. 80-31124 Filed 10-6-80; 8:45 am]

BILLING CODE 4310-84-M

Amendment of Bureau Order No. 701; Redelegation of Authority

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Redelegation of authority to State directors and district managers—amendment of bureau order No. 701.

SUMMARY: The redelegation of authority from the Director, Bureau of Land Management, to the State Directors of the Bureau of Land Management, contained in Bureau Order Number 701, Section 1.9—LAND USE, which was: "(z) Recreation. All actions relating to recreation management pursuant to 43 CFR Parts 6000 through 6290." is revised to: "(z) Recreation. All actions relating to recreation programs pursuant to 43 CFR Parts 8000 through 8400." Likewise, the redelegation of authority from the Director, Bureau of Land Management, to the District Managers of the Bureau of Land Management contained in Bureau Order Number 701, Section 3.9—LAND USE, which was: "(z) Recreation. All actions relating to recreation management pursuant to 43 CFR Parts 6000 through 6290." is revised to: "(z) Recreation. All actions relating to recreation programs pursuant to 43 CFR Parts 8000 through 8400."

SUPPLEMENTARY INFORMATION: Under the authority of section 310 of the Federal Land Policy and Management Act 1976 (43 U.S.C. 1740), Chapter II of Title 43 of the Code of Federal Regulations was amended by removing all recreation regulations from the 6000 series in subchapter F and placing them in the 8000 series in subchapter H (43 FR 40734). The above redelegation brings Bureau Order Number 701, "Lands and Resources-Redelegations of Authorities", into conformity with 43 CFR.

Dated: October 1, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 80-30681 Filed 10-6-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

[DES-80-65]

General Management Plan, Delaware Water Gap National Recreation Area Pennsylvania-New Jersey; Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a draft environmental impact statement for the proposed general management plan. The proposal involves long range management and development of Delaware Water Gap National Recreation Area based on a free-flowing Delaware River. The alternatives considered are: no action, deauthorization, no development served by U.S. 209, public transportation system within the national recreation area, Mount Minsi development fee collection, required permits for canoes, provide fastfood service at Copper Mine Inn, pedestrian ferries and rerouting portion of Appalachian Trail.

A limited number of copies are available upon request to: Chief, Environmental Quality Division, Mid-Atlantic Regional Office, National Park Service, 143 South Third Street, Philadelphia, Pennsylvania 19106.

Public reading copies will be available for review at the following locations: Office of Public Affairs, National Park Service, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240; telephone (202) 343-6843. Mid-Atlantic Regional Office, National Park Service, Department of the Interior, 143 South Third Street, Philadelphia, Pennsylvania 19106; telephone (215) 597-2785.

Superintendent, Delaware Water Gap, National Recreation Area, Bushkill,

Pennsylvania 18324; telephone (717) 588-6637.

Comments on the draft environmental impact statement and general management plan are invited from all interested parties and should be forwarded to the following official no later December 8, 1980. Regional Director, Mid-Atlantic Region, National Park Service, Department of the Interior, 143 South Third Street, Philadelphia, Pennsylvania 19106.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 80-91157 Filed 10-6-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 199]

Assignment of Hearings

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 144858 (Sub-9F), Denver Southwest Express, Inc., now assigned for hearing on October 28, 1980 (1 day) at Tampa, FL at the Suite 901, Park Trammel Bldg., 313 North Tampa Street.

MC 141108 (Sub-8F), D&C Express, Inc., now assigned for hearing on November 17, 1980 (2 days) at Chicago, IL in a hearing room to be later designated.

MC 146874 (Sub-2F), Palwood Transportation, Inc., now assigned for hearing on November 19, 1980 (3 days) at Chicago, IL in a hearing room to be later designated.

MC 29883 (Sub-9F), Fischer Motor Lines, Inc., now assigned for hearing on October 1, 1980 at Detroit, MI is transferred to Modified Procedure.

MC 148090F, Cities Transit, Inc., now assigned for hearing on October 29, 1980 at Tampa, FL is transferred to Modified Procedure.

MC 145481 (Sub-12F), Coyote Truck Lines, Inc., now being assigned for prehearing conference on November 4, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 149348F, Loomis Armored Car Service, Inc., now being assigned for prehearing conference on November 5, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133189 (Sub-31F), Vant Transfer, Inc., is transferred to Modified Procedure.

No. 37472, American Tree and Wreath Company, Et al., Louisville & Nashville Railroad Company, now being assigned for hearing on November 5, 1980 (3 days) at Lexington, KY location of hearing room will be designated later.

No. 37460, Union Carbide Corporation, Nuclear Division v. Illinois Central Gulf Railroad, now being assigned for prehearing conference on October 31, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 19311 (Sub-62F), Central Transport, Inc., is transferred to Modified Procedure.

No. 37333, Farmers Marketing Association v. Burlington Northern, Inc., Union Pacific Railroad Company, the Division & Rio Grande Western RR & Southern Pacific Transportation Company, now assigned for hearing on October 28, 1980 (3 days) at Denver, CO in Division 2, U.S. Court of Appeals, 1927 Stout Street.

MC 135524 (Sub-29, 31, 35, 40, 74, 87, and 102F), G. F. Trucking Company, now being assigned for Prehearing Conference on November 3, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 2 (Sub-29F), Louisville and Nashville Railroad Company—Abandonment between Bruceton and Rose Hill, TN; No. 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 Railroad Company—Abandonment between Hopkinsville, KY and Nashville, TN; F.D. 29362, Illinois Central Gulf Railroad Company—Exemption of Acquisitions; F.D. 29381, Louisville & Nashville Railroad Co.—Acquisition and Trackage Rights; FD 29382, Tenmet, Inc. and Nashville and Ashland City Railroad Company—Acquisition and Operation; FD 29413, Louisville & Nashville R. Co.—Acquisition and Trackage Rights-Exemption; MC 86779F, Illinois Central Gulf Railroad Company—Modification of Certificate and MC 86779 (Sub-33F), Illinois Central Gulf Railroad Company—Modification of Certificate, now being assigned for prehearing conference on October 1, 1980 at Nashville, TN, in Room A-761, Federal Building, 801 Broadway.

MC-C-10565, V.I.P. Limousine, Inc., v. Fugazy Continental Corp. of Connecticut on September 22, 1980 at New York, NY is cancelled.

MC 141804 (Sub-307F), Western Express, Divisions of Interstate Rental, Inc., now being assigned for hearing on November 13, 1980 at Los Angeles, CA location of hearing room will be designated later.

MC 147521 (Sub-4F), J.S.I., now being assigned for hearing on November 17, 1980 at Los Angeles, CA location of hearing room will be designated later.

- MC 43038 (Sub-484F), Commercial Carriers, Inc., now assigned for hearing on October 6, 1980 at Albuquerque, NM in Room No. 4210, Federal Building, 517 Gold Avenue, S.W.
- MC 119441 (Sub-50F), Baker Hi-Way Express, Inc., is transferred to Modified Procedure.
- MC 19227 (Sub-247F), Leonard Bros. Trucking Co., Inc. is transferred to Modified Procedure.
- MC 133541 (Sub-8F), McKibben Motor Service, Inc., is transferred to Modified Procedure.
- MC 111320 (Sub-M1F), Keen Transport, Inc., is transferred to Modified Procedure.
- MC 141033 (Sub-58F), Continental Contract Carriers, Corp., is transferred to Modified Procedure.
- MC 95540 (Sub-1105F), Watkins, Motor Lines, Inc., assigned for hearing on October 6, 1980 at Milwaukee, WI is canceled and reassigned for Prehearing Conference on November 7, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
- 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 a hearing room to be later designated.
- MC 133189 (Sub-31F), Vant Transfer, Inc., now assigned for hearing on November 17, 1980 (1 week) at Chicago, IL in a hearing room to be later designated.
- MC 42487 (Sub-928F), Consolidated Freightways Corporation of Delaware, now assigned for hearing on October 28, 1980 (9 days) at Duluth, MN in a hearing room to be later designated.
- MC 56679 (Sub-141F), Brown Transport Corp., now assigned for hearing on October 8, 1980 (5 days) at Orlando, FL is canceled and application dismissed.
- MC 118838 (Sub-58F), Cabor Trucking, Inc., now assigned for hearing on October 29, 1980 (3 days) at Seattle, WA in a hearing room to be later designated.
- MC 1335518 (Sub-20F), Western Carriers, Inc., now assigned for hearing on November 3, 1980 at Portland, OR, in Room 103, Pioneer Courthouse, 555 S.W. Yamhill Street.
- MC 145733 (Sub-2F), American Auto Shippers, now assigned for hearing on September 22, 1980 at New York, NY is canceled and application dismissed.
- MC 150181F, Rudy's Limousine Service, Inc., MC-C-10540, V.I.P. Limousine, Inc., -V-Rudy's Limousine Service, Inc., now assigned for hearing on September 24, 1980 at New York, NY is postponed indefinitely.
- MC 107 (Sub-11F), Boro Bussess Company, now assigned for hearing on November 13, 1980 (2 days) at Redbank, NJ, in a hearing room to be later designated.
- AB 10 (Sub-21F), Wabash Railroad Company and Norfolk and Western Railway Company—Abandonment—In Elkhart, Lagrange, Noble and Steuben Counties, IN, and Williams County, OH, now assigned for hearing on October 28, 1980 (9 days) at La Grange, IN, in a hearing room to be later designated.
- MC 29079 (Sub-144F), Brada Miller Freight System, Inc., now assigned for hearing on September 24, 1980 at Washington, D.C., is canceled and application dismissed.
- MC 145311 (Sub-2F), Roadrunner Transportation, Inc., now assigned for hearing on October 2, 1980 (2 days) at Houston, TX, in the Appraisal Store Building, 7300 Wingate.
- MC 531 (Sub-379F), Younger Brothers, Inc., now assigned for hearing on October 6, 1980 (5 days) at Houston, TX, at the Sheraton-Houston Hotel, 777 Polk Avenue.
- MC 133689 (Sub-264F), Overland Express, Inc., now assigned for hearing on October 16, 1980 (1 day) at St. Paul, MN, in the Court Room No. 584, Federal Building, 316 North Robert.
- MC 95876 (Sub-296F), Anderson Trucking Service, Inc., now assigned for hearing on October 20, 1980 (1 day) at St. Paul, MN, in the Court Room No. 584, Federal Building, 36 North Robert.
- MC 138627 (Sub-67F), Smithway Motor Xpress, Inc., now assigned for hearing on October 21, 1980 (1 day) at St. Paul, MN, in the Court Room No. 584, Federal Building, 316 North Robert.
- MC 128951 (Sub-26F), Robert H. Ditrich, d.b.a. Bob Ditrich Trucking, now assigned for hearing on October 22, 1980 (2 days) at St. Paul, MN, in the Court Room No. 584, Federal Building, 38 North Robert.
- 37417, Shipments in Marine Containers On Railroad Flatcars, April 1980, now assigned for hearing on October 14, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
- 37417, Shipments in Marine Containers On Railroad Flatcars, April 1980, now assigned for continued hearing on October 21, 1980 (4 days) at San Francisco, CA in Room 510, 5th Floor, 211 Main Street.
- MC 125985 (Sub-29F), Auto Driveaway Company, now assigned for hearing on October 21, 1980 (1 day) at Houston, TX in Room No. 225, Appraisal Store Building, 7300 Wingate.
- MC 110420 (Sub-828F), Quality Carriers, Inc., now assigned for hearing on October 22, 1980 (2 days) at Houston, TX in Room No. 225, Appraisal Store Building, 7300 Wingate.
- MC 127840 (Sub-128F), Montgomery Tank Lines, Inc., now assigned for hearing on October 23, 1980 (2 days) at Houston, TX in Room No. 225, Appraisal Store Building.
- MC 87909 (Sub-31F), Kroblin Transportation Systems, Inc., now assigned for hearing on October 28, 1980 (9 days) at Chicago, IL in Room 349, Kluczynski Building, 230 South Dearborn Street.
- MC 118457 (Sub-30F), Roobins Distributing Company, Inc., now assigned for hearing on October 1, 1980 at Milwaukee, WI is transferred to Modified Procedure.
- MC 147039 (Sub-2F), Transportation Services, Inc., now assigned for hearing on October 8, 1980 (2 days) at Detroit, MI is canceled and application dismissed.
- MC 73081 (Sub-1F), Anytime Delivery Systems, Inc., now assigned for hearing on October 7, 1980 (4 days) at New York, NY, will be held as follows: October 7, 8 and 10, 1980 in Room No. E-2220, Federal Building, 26 Federal Plaza, New York, NY and October 9, 1980 in Room No. 305-B, Federal Building, 26 Federal Building, New York, NY.
- MC 4024 (Sub-6F), Horn Trucking Company, A Corp., is transferred to Modified Procedure.
- MC 4024 (Sub-4F), Horn Trucking Company, A Corp., is transferred to Modified Procedure.
- MC 110988 (Sub-411F), Schneider Tank Lines, Inc., now assigned for hearing on October 29, 1980 at Chicago, IL is canceled and application is dismissed.
- MC 4963 (Sub-73F), Jones Motor Co., Inc., is canceled and application is dismissed.
- MC 142998 (Sub-11F), Laughlin Lines, Inc., is canceled and application is dismissed.
- MC 144122 (Sub-49F), Carretta Trucking, Inc., now assigned for hearing on September 30, 1980 at New York, NY, is transferred to Modified Procedure.
- MC 147484 (Sub-1F), Myers Transfer, Inc., now assigned for hearing on September 30, 1980 at Jacksonville, FL is transferred to Modified Procedure.
- MC 1824 (Sub-96F), Preston Trucking Company, Inc., now assigned for hearing on November 18, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
- MC 135524 (Sub-93F), G. F. Trucking Co., now assigned for hearing on October 30, 1980 at San Francisco, CA is canceled and reassigned to Prehearing Conference on November 3, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
- MC 43038 (Sub-484F), Commercial Carriers, Inc., now assigned for hearing on October 8, 1980 at Albuquerque, NM is canceled and application is dismissed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-31085 Filed 10-6-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and

to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before November 6, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before November 6, 1980 or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 348

Decided: July 25, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 142206 (Sub-1F), filed June 30, 1980, and previously noticed in the FR issue of August 26, 1980, and republished this issue. Applicant: SPORT AND WATER SAFETY INSTITUTE, LTD., 3365 Main St., College Park, GA 30337. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., N.E., 5th Fl.—Lenox Towers So., Atlanta, GA 30326. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, (1) from points in GA on and west of U.S. Hwy 441 and on and north of U.S. Hwy 80 and points in Bibb and Crisp Counties, GA, to points in the U.S. (except HI), and return, and (2) from points in the destination territory described in (1) above, to points in the origin territory described in (1) above, restricted in (2) to the transportation of passengers having a prior movement by air.

Note.—The purpose of this republication is to correctly state applicant's requested authority.

Volume No. 349

Decided: October 1, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill, Member Hill not participating.

MC 52793 (Sub-34F), filed October 4, 1979. Applicant: BEKINS VAN LINES CO., 333 So. Center Street, Hillside, IL 60162. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., NW., Washington, DC 20004. Transporting *new furniture*, from Okolona, New Albany, Guntown and Tupelo, MS, to points in CT, MA, RI, ME, NH, VT, NY and NJ.

MC 95293 (Sub-2F), filed December 10, 1979. Applicant: O'BOYLE TRANSFER CO., INC., 1800 N. Western Avenue, Chicago, IL 60647. Representative: Carl Minnberg (same as applicant). Transporting *household goods, antiques, artwork, pianos, organs, baggage, and stare and office fixtures*, (1) from Chicago, IL, and points in Cook, Du Page, Kane, Kendall, Lake, and Will Counties, IL, and Portage County, IN, to points in IL, IN, IA, MN, WI, NE, OH, AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, KS, KY, LA, MD, MA, MI, MS, MO, NV, NJ, NM, MY, NC, ND, OK, PA, RI, SC, SD, TN, TX, UT, VA, WV, WY and DC, and (2) between points in IL, IN, IA, MN, WI, NE, OH, AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, KS, KY, LA, MD, MA, MI, MS, MO, NV, NJ, NM, NY, NC,

ND, OK, PA, RI, SC, SD, TN, TX, UT, VA, WY and DC.

MC 115162 (Sub-524F), filed May 6, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1)(a) *pipe and iron and steel articles* (except pipe), from points in Bay County, FL, to points in the U.S. (except AK and HI), and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (a) above (except commodities in bulk, in tank vehicles), in the reverse direction, and (2)(a) *pipe and iron and steel articles* (except pipe), and (b) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (a) above (except commodities in bulk, in tank vehicles), between points in the U.S. (except AK and HI), restricted in (2) above to traffic originating at or destined to the facilities used by Berg Steel Pipe Corporation.

MC 13882 (Sub-364F), filed May 6, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: Robert E. Tate, P.O. Box 517 Evergreen, AL 36401. Transporting (1)(a) *pipe and iron and steel articles* (except pipe), from points in Bay County, FL to points in the U.S. (except AK and HI), and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (a) above (except commodities in bulk, in tank vehicles), in the reverse direction; and (2)(a) *pipe and iron and steel articles* (except pipe), and (b) *material, equipment, and supplies* used in the manufacture and distribution of the commodities in (a) above (except commodities in bulk, in tank vehicles), between points in the U.S. (except AK and HI), restricted in (2) above to traffic originating at or destined to the facilities used by Berg Steel Pipe Corporation.

MC 146732 (Sub-3F), filed October 1, 1979. Applicant: JOHN LAUBENTHAL, d.b.a. LAUBENTHAL REFRIGERATED TRANSPORT, 1421 Garford Ave., Elyria, OH 44035. Representative: Richard H. Brandon, 220 West Bridge St., Dublin, OH 43017. Transporting *edible flour compounds* (except pipe), between Brook Park, OH and points in MA. Agatha L. Mergenovich, Secretary.

[FR Doc. 80-31084 Filed 10-6-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before November 21, 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. On or before December 8, 1980, an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Note.—All applications 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. OPI-043

Decided: September 26, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 111310 (Sub-62F), filed September 23, 1980. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. 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.

Volume No. OPI-045

Decided: September 30, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 106961 (Sub-4F), filed September 25, 1980. Applicant: SPEAR TRUCKING CORP., 3 Brick Kiln Road, North Billerica, MA 01862. Representative: Irving Klein, 371 Seventh Ave., New York, NY 10001. 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 108631 (Sub-18F), filed September 25, 1980. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road at Industrial Dr., Bethlehem, PA 18017. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 151950F filed September 22, 1980. Applicant: JOHN'S SUPER COURIER, INC., 114 33rd St., Union City, NJ 07087. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich, Secretary.

[FR Doc. 80-31086 Filed 10-6-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier 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.

Finding

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before November 21, 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. On or before December 8, 1980, an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All Applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications

for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP1-042

Decided: September 26, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 4491 (Sub-23F), filed September 23, 1980. Applicant: GREAT COASTAL EXPRESS, INC., 5600 Midlothian Turnpike, Richmond, VA 23224. Representative: Paul D. Collins (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 11220 (Sub-217F), filed September 23, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of General Motors Corporation, at or near Wentzville, MO, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

MC 67500 (Sub-10F), filed September 22, 1980. Applicant: BLUE RIDGE TRUCKING COMPANY, INC., Sweeten Creek Rd., Asheville, NC 28813. Representative: Allen Ray (same address as applicant). Transporting *scrap polyester film*, from points in Transylvania County, NC, to points in Carter County, TN.

MC 111401 (Sub-602F), filed September 23, 1980. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). Transporting (1) *petroleum products*, in bulk, in tank vehicles, between points in St. Louis County, MO, on the one hand, and, on the other, points in AR, CO, IA, IL, IN, KS, KY, LA, MI, MN, NE, NM, OK, TN, TX, and WI, and (2) *chemicals*, in bulk, in tank vehicles, between points

in St. Louis County, MO, on the one hand, and, on the other, points in OK.

MC 111401 (Sub-603F), filed September 23, 1980. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). Transporting (1) *fertilizer solutions*, in bulk, between points in Finney County, KS, on the one hand, and, on the other, points in CO, NE, NM, OK, and TX, and (2) *petroleum products*, in bulk, between points in Wyandotte County, KS, on the one hand, and, on the other, points in FL.

MC 115331 (Sub-548F), filed September 23, 1980. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Road, St. Louis, MO 63122. Transporting (1) *expanded plastic articles*, from Pevely, MO, to those points in the U.S. on and east of U.S. Hwy 85, and (2) *chemicals*, in containers, from points in Columbia and Union Counties, AR, to points in Will County, IL.

MC 125951 (Sub-68F), filed September 23, 1980. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road—Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same address as applicant). Transporting (1) *foodstuffs*, and (2) *materials and supplies* used in the manufacture and distribution of foodstuffs, between Omaha and Lincoln, NE, and Council Bluffs, IA, on the one hand, and, on the other, points in the U.S.

MC 128320 (Sub-11F), filed September 23, 1980. Applicant: ART QUIRING, P.O. Box 1481, Grand Island, NE 68801. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of confectionery, between points in the U.S., under continuing contract(s) with E. J. Brach & Sons, Division of American Home Products Corporation of Chicago, IL.

MC 133221 (Sub-40F), filed September 23, 1980. Applicant: OVERLAND CO., INC., 1991 Buford Hwy., Lawrenceville, GA 30245. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *fireplaces, and parts and accessories for fireplaces*, from points in Los Angeles County, CA, and Jefferson County, KY, to points in AL, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, LA, MD, MI, MO, MS, NC, NE, NJ, NM, NV, NY, OH, OR, PA, SC, TN, TX, VT, WA, and WI, and (2) *materials, equipment, and supplies* used in the

manufacture of the commodities in (1) above, in the reverse direction.

MC 141641 (Sub-11F), filed September 23, 1980. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. 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 146290 (Sub-7F), filed September 22, 1980. Applicant: DON THREDE d.b.a. DON THREDE TRUCKING COMPANY, 1777 Arnold Industrial Hwy., Concord, CA 94520. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting (1) *food processing machinery*, and (2) *materials, equipment and supplies* used in the manufacture of food processing machinery, between points in the U.S., under continuing contract(s) with FMC Corporation of Madera, CA.

MC 146780 (Sub-5F), filed September 23, 1980. Applicant: MABE BROTHERS, INC., 5591 Williams Rd., Norcross, GA 30093. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Transporting (1) *paper and paper products*, and (2) *plastic and plastic products*, between points in the U.S., under continuing contract(s) with Rock-Tenn Company of Norcross, GA.

MC 150530 (Sub-1F), filed September 23, 1980. Applicant: IKE HALL AND JAMES THARPE d.b.a. IKE HALL WHOLESALE CO., 717 McLain St., Newport, AR 72112. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting *ground limestone and roofing granules*, between points in Shelby County, TN, on the one hand, and, on the other, points in Pulaski and Independence Counties, AR.

MC 151610 (Sub-1F), filed September 23, 1980. Applicant: BUCKLEY O. CARPENTER & THOMAS C. CARPENTER, d.b.a. CARPENTER & SON, 368 Webb Circle, Monroe, CT 06468. Representative: Thomas Polchowski, 810 Union Ave., Bridgeport, CT 06607. Transporting *galvanized and cold rolled strip steel*, between points in the U.S., under continuing contract(s) with Dolan Steel Company, Incorporated, of Bridgeport, CT.

Volume No. OP1-046

Decided: Sept. 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 148370 (Sub-11F), filed September 16, 1980. Applicant: TRAFIK SERVICES, INC., 11 Newark St., Providence, RI 02908. Representative: A. Joseph Mega (same address as applicant). Transporting (1) *Rubber products*, and (2) *materials and supplies* used in the manufacture of rubber products, between points in the U.S., under continuing contract(s) with Fulflex, Inc., of Bristol, RI, and Fulflex of North Carolina, Inc., of Scotland Neck, NC.

Volume No. OP2-061

Decided: Sept. 30, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 5623 (Sub-56F), filed September 23, 1980. Applicant: ARROW TRUCKING CO., a corporation, P.O. Box 7280, Tulsa, OK 74105. Representative: J.G. Dail, Jr., P.O. Box LL, McLean, VA 22101. 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; (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, except in connection with main or trunk pipelines; (3) *earth drilling machinery and equipment*; and (4) *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 or 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 or wells, (a) between points in MT and ND, on the one hand, and, on the other, points in KS, OK, TX, and LA; and (b) between points in CO and NM.

MC 61403 (Sub-296F), filed September 22, 1980. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Ave., New York, NY 10017. Transporting *commodities*, in bulk, between points in Anderson, Greenville, Laurens, and Spartanburg Counties, SC, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 99273 (Sub-2F), filed September 22, 1980. Applicant: KINDLE TRUCKING COMPANY, INC., 148 Walnut St., P.O. Box 311, Agawam, MA 01001. Representative: Robert F. Bethaume (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) between points in VT, NH, ME, RI, CT and MA, on the one hand, and, on the other, points in CA, IL, KS, FL, NV and TX.

MC 103993 (Sub-1064F), filed September 22, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *pipe and piping systems*, between points in Berrien County, MI and North Hampton County, PA, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 109443 (Sub-31F), filed September 25, 1980. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, PA 18512. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from Paulsboro, NJ, to points in Lackawanna, Luzerne, Wyoming, Wayne, Pike, Susquehanna, Monroe, Lehigh, Dauphin, and Berks Counties, PA.

MC 111812 (Sub-737F), filed September 25, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). Transporting (1) *ethylene oxide*, in containers, from Slate Hill, NY to points in the U.S.; and (2) *returned empty containers*, in the reverse direction.

MC 111812 (Sub-739F), filed September 26, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). Transporting *adhesives*, from Marshall, MI, to Points in NJ.

MC 112713 (Sub-312F), filed September 23, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: Robert E. DeLand (address same as applicant). Transporting *carbon black*, between points in Grant County, KS and points, in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MN, MO, NE, NJ, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VT, WV, WI and DC.

MC 115322 (Sub-200F), filed September 25, 1980. Applicant:

REDWING REFRIGERATED, INC., P.O. Box 1077, Taft, FL 32809. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in FL, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NY, PA, RI, VA, and VT, restricted to traffic having a prior or subsequent movement by rail.

MC 124673 (Sub-56F), filed September 23, 1980. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768. Transporting *commodities*, in bulk, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Ralston Purina Company.

MC 124692 (Sub-339F), filed September 24, 1980. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting *moulding and millwork*, from points in Sacramento County, CA, to points in AR, LA, OK, and TX.

MC 124692 (Sub-340F), filed September 24, 1980. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: William J. Gambucci, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting (1) *composition board*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of composition board, between points in Baraga County, MI, on the one hand, and, on the other, points in AZ, CA, and NV.

MC 126693 (Sub-2F), filed September 25, 1980. Applicant: NEWARK INDUSTRIAL SUPPLY, A Corporation, 409 Wallingford Terrace, Union, NJ 07983. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. Transporting *steel studs, steel track, and steel coil*, between points in Essex and Camden Counties, NJ, on the one hand, and, on the other, points in CT, DE, FL, ME, MD, MA, NH, NY, NC, PA, RI, VT, VA, and DC.

MC 128273 (Sub-405F), filed September 23, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Transporting *general commodities*, between points in CA, on the one hand, and, on the other,

points in the U.S. (except AK and HI). Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 128333 (Sub-8F), filed September 23, 1980. Applicant: LES CALKINS TRUCKING, INC., 19501 North Hwy 99, Acampo, CA 95220. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006. Transporting *fly ash and pozzolan*, in bulk, between points in NV and points in CA north of the northern boundaries of San Luis Obispo, Kern and San Bernardino Counties, CA.

MC 129923 (Sub-19F), filed September 23, 1980. Applicant: SHIPPERS TRANSPORTS, INC., 5005 Commerce St., West Memphis, AR 72301. Representative: Edward G. Grogan, Twentieth Fl., First Tennessee Bldg., Memphis, TN 38103. Transporting *fabricated fireplace logs*, from Suffolk, VA to points in the U.S.

MC 136782 (Sub-30F), filed September 25, 1980. Applicant: R.A.N. TRUCKING COMPANY, a corporation, P.O. Box 128, Eau Claire, PA 61030. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B, and C in Appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the facilities of Northside Packing Company, at Pittsburgh, PA, on the one hand, and, on the other, points in TX, LA, OK, FL, AL, KS, MO, AR, MS, KY, TN, GA, NC, and SC.

MC 139193 (Sub-118F), filed September 22, 1980. Applicant: ROBERTS OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St., NW., Washington, DC 20006. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with Lamb-Weston, Inc., of Portland, OR.

MC 143853 (Sub-12F), filed September 23, 1980. Applicant: S.M.E. EXPRESS, INC., 101 East Washington, St., Upland, IN 46989. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *paper and paper products*, (2) *plastic and plastic products*, and (3) *materials,*

equipment and supplies used in the manufacture and distribution of the commodities in (1) and (2) between points in the U.S., under continuing contract(s) with the Crown Zellerbach Corporation, of South Glens Falls, NY.

MC 144303 (Sub-22F), filed September 23, 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 (1) *containers, container ends and container closures*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) between points in the U.S., under continuing-contract(s) with Armstrong Containers, Inc., of Westchester, IL.

MC 144622 (Sub-186F), filed September 24, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Transporting *drugs, toilet preparations, health care items, alumina hydroxide, magnesium hydroxide, and bottles*, between Philadelphia, PA, points in Cabell County, WV, Midland County, MI, St. Louis County, MO, Lee County, NC, Alameda County, CA, and Montgomery County, PA, on the one hand, and, on the other, points in CA, FL, GA, IL, IN, IA, KS, MO, and PA.

MC 145183 (Sub-1F), filed September 22, 1980. Applicant: R. L. LEE d.b.a. L & T TRUCKING COMPANY, INC., Rte. 2, Box 132 B, Keithville, LA 71047. Representative: Eleanor B. Lee (same address as applicant). Transporting *lumber*, between points in AR, TX, AL, and MS.

MC 145593 (Sub-9F), filed September 25, 1980. Applicant: HAROLD SHULL TRUCKING, INC., P.O. Box 1533, Hickory, NC 28601. Representative: Harold D. Shull, Curley Fish Camp Rd., Hildebran, NC 28637. Transporting (1) *new furniture and furniture parts*, from points in Catawba, Iresell, Caldwell, Wilkes, Burke, Lincoln, Rutherford, Cleveland, Alexander, Mitchell, Davie, Guilford, and McDowell Counties, NC, to points in WV, and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) (except commodities in bulk), from points in WV, to points in Burke, McDowell, Cleveland, Davie, and Guilford Counties, NC.

MC 146643 (Sub-56F), filed September 23, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Marc J. Blumenthal, 39 South LaSalle St., Chicago, IL 60603.

Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic containers, between points in the U.S., under continuing contract(s) with Hoover Universal, of Georgetown, KY.

MC 146643, (Sub-57F), filed September 25, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 11th St., Chicago, IL 60628.

Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting (1) *flour*, and (2) *motoriols, equipment, and supplies* used in the manufacture and distribution of flour (except commodities in bulk), between points in the U.S., under continuing contract(s) with Seaboard Allied Milling Corporation, of Shawnee Mission, KS.

MC 146643, (Sub-58F), filed September 25, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628.

Representative: Marc J. Blumenthal, 39 S. LaSalle St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals and allied products, between points in the U.S., under continuing contract(s) with Cook Paint and Varnish Company, of North Kansas City, MO.

MC 146643, (Sub-59F), filed September 25, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628.

Representative: Marc J. Blumenthal, 39 S. LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 146703; (Sub-12F), filed September 22, 1980. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St., NW., Washington, D.C. 20006. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) paints and (b) adhesives, (1) between points in Shelby County, TN, on the one hand, and, on the other, points in GA, IL, VA, FL, OH, IN, MI, AR, MO, NC, SC, NY, and NJ, (2) between points in Jackson County, MO, on the one hand, and, on the other, points in GA, FL, NC, SC, VA, and TN, and (3) between points in Langlade County, WI, on the one hand, and, on the other, points in Erie County, NY.

MC 147723 (Sub-2F), filed September 25, 1980. Applicant: E. B. COMPANY, a corporation, 5100 West 164th St., Brookpark, OH 44142. Representative: Andrew Jay Burkholder, 275 East State

St., Columbus, OH 43215. Transporting (1) *petroleum products*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of petroleum products (except commodities in bulk), between points in Summit County, OH, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 147832 (Sub-3F), filed September 24, 1980. Applicant: JIM EDDLEMAN, d.b.a. J & J CATTLE CO., 3395 Wright St., Wheatridge, CO 80033.

Representative: John H. Lewis, the 1650 Grant St. Bldg., Denver, CO 80203. Transporting *food or kindred products*, as described in Item 20 of the Standard Transportation Commodity Code Tariff, (1) between points in CO and NE, and (2) between points in CO and NE, on the one hand, and, on the other, points in AL, AZ, AR, CA, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NV, NM, OH, OK, OR, TN, TX, UT, WA, and WI.

MC 148893 (Sub-3F), filed September 25, 1980. Applicant: WREN TRUCKING, INC., 1989 Harlem Rd., Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043. Transporting *foodstuffs (except in bulk), and materials, supplies, and equipment* used in the manufacture, and distribution of foodstuffs, (except commodities in bulk), between the facilities of General Mills, Inc., at Buffalo, NY, on the one hand, and, on the other, points in CT, ME, MA, MD, MI, IL, IN, NJ, NY, OH, PA, RI, WV, and DC.

MC 150432 (Sub-4F), filed September 23, 1980. Applicant: H & M TRANSPORTATION, INC., U.S. 42 and 70, London, OH 43140. Representative: Owen B. Katzman, 1828 L St., NW., Suite 1111, Washington, DC 20036. Transporting *iron and steel articles*, between points in the U.S., under continuing contracts with Ridg-U-RAK, Inc., of North East, PA.

MC 150883 (Sub-1F), filed September 23, 1980. Applicant: PDR TRUCKING, INC., P.O. Box 609, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Transporting *food or kindred products*, as described in Item 20 of the Standard Transportation Commodity Code Tariff, (1) (a) between points in Lucas and Sandusky Counties, OH, (b) Allegheny County, PA, (c) Muscatine and Johnson Counties, IA, and (d) Ottawa County, MI, on the one hand, and, on the other, points in TX, SC, and FL, and (2) (a) between points in Muscatine and Johnson Counties, IA, and (b) Ottawa County, MI, on the one hand, and, on the other, points in NJ and PA.

MC 151162 (Sub-2F), filed September 25, 1980. Applicant: LOWELL E. CAWOOD, d.b.a. CAWOOD PRODUCE, P.O. Box 83, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701.

Transporting *confectionery products*, from the facilities of R. M. Palmer Candy Company, at or near West Reading, PA, to points in the U.S. (except AL, CT, DE, FL, GA, MA, MD, ME, MT, NC, NH, NJ, NY, OR, RI, SC, VA, VT, WA, WV, and WY).

MC 151343 (Sub-1F), filed September 19, 1980. Applicant: SHIPPERS CONTRACT CARRIER, INC., P.O. Box 190, Richfield, OH 44286.

Representative: J. M. Rowland (same address as applicant). Transporting *mobile demineralizers*, between points in the U.S., under continuing contract(s) with Arrowhead Puritas Water, Inc., Industrial Water Division, of Columbus, OH.

Note.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 151352 (Sub-6F), filed September 23, 1980. Applicant: E.L.M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104. Transporting *paper and paper products*, from the facilities of Alabama Kraft, division of Georgia Kraft Company, at or near Cottonton, AL, to points in the U.S.

MC 151762F, filed September 22, 1980. Applicant: COMMERCIAL TOWING CO., a Corporation, 4980 West 21st South, Salt Lake City, UT 84120. Representative: Mark K. Boyle, 10 Broadway Bldg., Suite 400, Salt Lake City, UT 84101. Transporting *wrecked or disabled motor vehicles*, between points in AZ, CA, CO, ID, KS, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY.

MC 151783 (Sub-1F), filed September 25, 1980. Applicant: S. GOSKI & SONS, INC., 318 Massachusetts St., Westfield, NJ 07090. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *paper articles and plastic articles*, between points in the U.S., under continuing contract(s) with American Can Company, American Lane, of Greenwich, CT.

MC 151873F, filed September 15, 1980. Applicant: PRIDE CARGO CARRIERS, INC., 1920 West First St., Winston-Salem, NC 27104. Representative: Francis W. McInerney, 1000 16th St., NW., Washington, D.C. 20036. Transporting *general commodities*,

between points in the U.S. Condition: (1) The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary. (2) To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issue.

MC 151883 (Sub-1F), filed September 19, 1980. Applicant: WALTERS DELIVERY SERVICE, INC., 9012 South Moody, Oak Lawn, IL 60453. Representative: Edward G. Finnegan, 134 North LaSalle St., Suite 1010, Chicago, IL 60602. Transporting *decorating materials and supplies, office machines and supplies, electrical fixtures, components and supplies*, between points in IL and WI.

MC 151933F, filed September 19, 1980. Applicant: TLX, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Gerald S. Duzinski (same address as applicant). Transporting *automobile parts, materials, equipment and supplies*, used in the manufacture and distribution of automobiles, between points in the U.S., under continuing contract(s) with Volkswagen of America, Inc., of Warren, MI.

Volume No. OP2-062

Decided: October 1, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 58923 (Sub-58F), filed September 25, 1980. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Rd., SE, Atlanta, GA 30315. Representative: Fritz R. Kahn, Suite 1100, 1660 L St., NW., Washington, D.C. 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Belk Stores Services, Inc., of Charlotte, NC, and (b) Federated Department Stores, Inc., of Cincinnati, OH. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 103993 (Sub-1067F), filed September 26, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Kenneth M. Hays (same address as applicant). Transporting (1)

steel containers, steel shipping racks, storage racks, pallets, and skids, and (2) *materials and supplies* used in the erection and completion of the commodities in (1) above, between points in Summit and Portage Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 127042 (Sub-301F), filed July 30, 1980, published in the Federal Register issue of August 19, 1980, and republished, as corrected, this issue. Applicant: HAGEN, INC., P.O. Box 3208, Sioux City, IA 51102. Representative: Joseph B. Davis (same address as applicant). Transporting *non-exempt food or kindred products*, between points in Finney County, KS, and those points in the U.S., in and west of MI, OH, KY, MO, AR, and LA. The purpose of this republication is to correct the commodity description.

MC 133173 (Sub-1F), filed September 16, 1980. Applicant: ARMSTRONG TRANSFER AND STORAGE CO., INC., 3927 Winchester Rd., Memphis, TN 38118. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting *household goods*, as defined by the Commission, between points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, NC, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, WI, and DC.

MC 133272 (Sub-4F), filed September 26, 1980. Applicant: WHALING CITY TRUCKING, INCORPORATED, 567 Coleman Street, New London, CT 06320. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852. Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, and VT.

MC 138882 (Sub-371F), filed July 30, 1980, published in the Federal Register issue of August 19, 1980, and republished, as corrected, this issue. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Henderson Rd., Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting (1) *beverages* (except in bulk, in tank vehicles), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of beverages (except commodities in bulk, in tank vehicles), (a) between St. Louis, MO, on the one hand, and, on the other, points in AL, GA, and TN, and (b) between points in GA, on the one hand, and, on the other, points in AL and TN. The purpose of this republication is to correct the commodity and territorial descriptions.

MC 144662 (Sub-187F), filed September 23, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Transporting *hardwood flooring, and materials and supplies* used in the manufacture, distribution, and installation of hardwood flooring, between points in Orange Counties, CA and Maricopa County, AZ, on the one hand, and, on the other, points in AR and TN.

MC 149333 (Sub-1F), filed September 24, 1980. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *lumber or wood products* (except furniture), *primary metal products* (including galvanized, except coating or other allied processing), *fabricated metal products* (except ordnance), *machinery* (except electrical), and *transportation equipment*, in Items 24, 33, 34, 35, and 37 respectively, as described in the Standard Transportation Commodity Code, between points in the U.S.

MC 151352 (Sub-7F), filed September 23, 1980. Applicant: E.L.M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104. Transporting *primary metal products*, (including galvanized; except coating or other allied processing) as described in Item 33 of the Standard Transportation Commodity Code Tariff between points in Troup County, GA on the one hand, and, on the other, points in Harris County, TX.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-31087 Filed 10-0-80; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the Thirty-ninth meeting of the Board for International Food and Agricultural Development (BIFAD) on October 23, 1980.

The purpose of the meeting is to receive and discuss several formal papers on the role of women in the

agricultural development process in developing countries; receive and discuss the report of the Committee on Alternative Future Roles of BIFAD; receive and discuss reports of the Joint Committee for Agricultural Development (JCAD), and the Joint Research Committee (JRC); and meet with the BIFAD/Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:00 noon; and will be held in room 1107 New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meeting with the BIFAD/Support Staff will begin at 1:30 p.m. and adjourn at 3:00 p.m.; and will be held in Room 2248 New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting room.

Dr. Erven J. Long, Coordinator Title XII Strengthening Grants and University Relations, Development Support, Agency for International Development (A.I.D.), is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: October 1, 1980.

Dr. Erven J. Long,

*AID Advisory Committee Representative,
Board for International Food and Agricultural
Development.*

[FR Doc. 80-31176 Filed 10-6-80; 8:45 am]

BILLING CODE 470-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Allen County, Ind., Bar Association, Inc.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court for the Northern District of Indiana in *United States v. Allen County Bar Association, Inc.*, 79 Civ. 0042, were received by the Department of Justice and are published

herewith, together with the Department of Justice response to the comments.

Joseph H. Widmar,

Director of Operations Antitrust Division.

August 25, 1980.

J. W. Poole, Jr.,

*Chief, Special Litigation Section, Antitrust
Division, Department of Justice,
Washington, D.C. 20530.*

Dear Mr. Poole: I see by the Federal Register, Vol. 45, No. 139, Thursday July 17, 1980, Notices, that notice has been given and public comment is invited for sixty days, and I understand that this sixty days will not be up until September 16, 1980.

The proposed decree as outlined in the Federal Register sets out, in my opinion, the exact relationship which the attorney should have with his client when dealing with Title Insurance, with the exception of that portion of decree that reads, "The decree also provides that an attorney or firm, acting alone, is not prohibited from giving legal advice to a client, or from otherwise expressing an opinion, concerning the use or acceptance of title insurance in residential real estate transactions."

This allows attorneys on individual basis to tell their client that they would need an abstract so he could give his opinion on the abstract in lieu of title insurance. What the attorney is not telling the client, in this instance, is the fact that he can not see from an abstract a forged deed, deeds by minors, deeds of persons of unsound mind, deeds by persons supposedly single and secretly married, or a man who has two wives. He can not see deeds delivered after death of grantor or grantee, or without consent of grantor; and he is unable to discover undisclosed or missing heirs, and many other things.

This decree should instruct the attorney—first, that title insurance is available to his client which provides better protection than the abstract or attorney's opinion, then second, the abstract and title opinion is available to him if he does not desire title insurance.

Yours truly,

Alfred C. Vance.

John W. Poole, Jr.,

*Chief, Special Litigation Section, Antitrust
Division, Department of Justice, Room
7218, 10th and Pennsylvania Avenue, N.W.,
Washington, D.C. 20530.*

Re: Comments of the American Land Title Association Regarding Proposed Final Judgment in *United States v. Allen County Indiana Bar Association, Inc.*

Dear Mr. Poole: Pursuant to the notice published in 45 FR 47993 the American Land Title Association submits herewith its comments regarding the proposed final judgment to be entered in *United States v. Allen County Indiana Bar Association, Inc.*

The complaint brought by the United States against the Allen County Bar Association charged defendant and other unnamed co-conspirators with violating Sections 1 and 2 of the Sherman Act by combining and conspiring to monopolize and to restrain trade in the business of certifying titles to residential real estate in Fort Wayne, Indiana.

The American Land Title Association is a national organization representing over 2,000 members engaged in the business of searching, examining and insuring titles to land. The Association has a vital interest in the final disposition of this lawsuit since the proposed judgment is intended to insure that title insurance companies are not competitively disadvantaged by unlawful restraints by attorneys. Under the terms of the proposed consent judgment the defendant is prohibited from entering any conspiracy or agreement with any person which has the purpose or effect of discouraging the use or acceptance of title insurance. Prohibited conduct by the defendant includes, but is not limited to, encouraging, recommending or requiring that title insurance be based upon an attorney's title opinion. It is clear beyond any doubt that entry of the proposed final judgment is in the public interest.

The conduct which gave rise to the Justice Department's action against the Fort Wayne, Indiana Bar Association is not, unfortunately, isolated or unique to that bar association. Through various devices, and most frequently through charges of the unauthorized practice of law, lawyers have attempted to prevent legitimate competition in the field of real estate transactions. Such activities are thinly disguised efforts to protect the economic self interest of those members of the bar engaged in a real estate practice.

Members of the American Land Title Association do not advocate eliminating lawyers from their proper roles in real estate transactions. The Association does believe, however, that the filling in of forms of deeds or other instruments of title, which are provided by statute or prepared by lawyers, and are those which literate and educated non-lawyers are fully able to do, is not the unauthorized practice of law. The issuance of title commitments or binders and the issuance of title insurance policies do not constitute the rendering of legal opinions. Likewise, the handling of real estate closings, that is, filling out forms required by the government, settlement statements, receiving and disbursing funds, and recording instruments pursuant to the parties' instructions do not constitute activities which, in the public interest, must be limited to lawyers.

It is the Association's position, stated in numerous forums, that lawyers, through their organizations or as individuals, may not exclude lay persons from competing with them in the activities detailed above. At the same time, the association has been very careful to stress that it does not advocate that lay persons should give legal advice, that is, advice which lay persons might not be expected to know; nor should they hold themselves out as qualified to give legal advice or to do more than fill out standard form instruments. Indeed, the Association does not believe that even form instruments should be prepared by lay persons except as part of the service ultimately resulting in the issuance of a title insurance policy.

The American Land Title Association has stated that title insurance companies and their agents should insist that all parties to a transaction know that they are entitled, if they choose, to be represented by

independent counsel, and to seek such advice; and, beyond informing them, to encourage each party to obtain independent counsel, and especially whenever any specific circumstance arises in which legal advice appears to be needed. The Association has formulated and crystallized these principles over a period of years to the end that there be a logical and proper resolution of the long controversy between lawyers and laymen, in the public interest and so that the proper economic forces and incentives of competition shall freely and fairly obtain.

Accordingly, believing that the proposed final judgment conforms with these principles, the American Land Title Association supports and endorses the entry thereof in the Allen County, Indiana Bar Association lawsuit and believes that the judgment should serve as a signal that the public is entitled to a limit on the scope of the lawyers' protected monopoly, not to protect the lawyer's economic well being, but to preserve competition.

Respectfully submitted,

Thomas S. Jackson

Patricia D. Gurne

General Counsel to the American Land Title Association.

U.S. District Court for the Northern District of Indiana, South Bend Division

United States of America, Plaintiff, v. Allen County Indiana Bar Association, Inc., Defendant.

Civil Action No. F-79-0042.

Response To Comments Submitted by A. C. Vance and American Land Title Association Pursuant To the Proposed Consent Judgment With Defendant Allen County Ind. Bar Association, Inc.

In a letter of August 25, 1980, Alfred C. Vance of Vance Abstract Company, Russellville, Arkansas has proposed certain revisions in the proposed consent judgment. A copy of his letter is attached.

Mr. Vance proposes that the decree give explicit instructions to attorneys, presumably the members of the defendant Bar Association, as to the kinds of information and advice they should give to clients regarding title insurance. Specifically, he states that attorneys should be required to tell clients that title insurance is available which gives "better" protection than abstracts or attorney's opinions.

The Complaint in this case charged the defendant and others with a conspiracy to prevent competition from title insurance companies and the decree seeks to enjoin the defendant from engaging in any plan or concert of action with any person which has the purpose or effect of discouraging the use of title insurance or from promulgating any rule or resolution with that effect. It is concerted action by attorneys which was the gist of the offense charged and it is concerted action which the decree is fashioned to prevent.

Traditionally, it is the right and duty of each attorney to give the advice to a client which is best in that individual attorney's judgment. This decree does not seek to interfere with that function of the individual

attorney nor, we think, would it be in the public interest for it to do so. We believe that the decree as presently drafted should ensure that consumers in Allen County have sufficient opportunity to make an informed choice about their need for title insurance and that is the basic purpose of the decree.

Secondly, Thomas S. Jackson and Patricia D. Gurne have submitted a letter of September 11, 1980, on behalf of the American Land Title Association, which states the Association's view that entry of the proposed judgment would be in the public interest. A copy of that letter is also attached. Both letters referred to herein will be promptly published in the *Federal Register*.

We respectfully submit that entry of the proposed judgment would be in the public interest.

Dated: September 24, 1980.

Charles R. Schwidde,

Attorney, U.S. Department of Justice Antitrust Division.

Attachments.

Certificate of Service

I, Charles R. Schwidde, attorney for plaintiff, hereby certify that I have served the foregoing "Response to Comments Submitted by A. C. Vance and American Land Title Association Pursuant to the Proposed Consent Judgment with Defendant Allen County Indiana Bar Association, Inc." by First Class mail on:

Richard A. Solomon, Esq., Solomon & Foley, 1020 Buhl Building, Detroit, Michigan 48226.

David A. Lundy, Esq., Lundy & Associates, 1020 Anthony Wayne Bank Building, Fort Wayne, Indiana 46802.
Attorneys for Defendant.

Dated: September 24, 1980, Washington, D.C.

Charles R. Schwidde,

Attorney, U.S. Department of Justice.

[FR Doc. 80-31123 Filed 10-6-80; 845 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one

area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C. this 2nd day of October 1980.

Joseph T. Paslawski,
Acting Director, Office of Program Services.

**Applications Received During the Week
Ending Oct. 4, 1980**

Name of applicant and location of enterprise	Principal product or activity
Consolidated Energy Group Limited, Gowrie, Iowa.	Manufacture of anhydrous ethanol.
Seafood Products, Inc., Hyannis, Mass.	Processing of fish products.
Bob R. Andersen Company, Inc., Lockeford, Calif.	Manufacture pre-engineered steel buildings components, frame & sheeting.

[FR Doc. 80-31174 Filed 10-6-80; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-80-97-M]

**AMAX Chemical Corp.; Petition for
Modification of Application of
Mandatory Safety Standard**

AMAX Chemical Corporation, P.O. Box 279, Carlsbad, New Mexico 88220 has filed a petition to modify the application of 30 CFR 57.11-50 (escapeway requirements) to its AMAX mine and mill located in Eddy County, New Mexico. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner's potash mine has one mining level connected to the surface by two separate shafts.
2. The No. 1 Shaft is a two-compartment ore hoisting shaft and is designated as the secondary escapeway. This shaft serves as the main fresh air intake.
3. The No. 2 Shaft is designated as the primary escapeway and has two hoisting compartments and a manway compartment. Conveyances in this shaft consist of two double-deck cages used for hoisting men and supplies. This shaft is partitioned from top to bottom to make the hoisting compartments fresh air intake and the other half of the shaft the exhaust airway.
4. The main exhaust fan is located on the surface and an auxiliary natural gas fueled stand-by power plant provides power to operate the No. 2 shaft hoist in the event of a power failure in the public utility system. A diesel fueled motor generator unit supplies emergency power for the main exhaust fan.
5. As an alternative to compliance with the standard, petitioner proposes to be allowed to consider a refuge chamber an alternative escapeway while one of the escapeways is temporarily out of

service for repairs. The refuge chamber is maintained at all times as required by 30 CFR 57.11-52 and 57.11-54.

6. Petitioner states that this proposed alternative method will provide the same degree of safety to the miners as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before November 6, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 30, 1980.

Frank A. White,
Director, Office of Standards, Regulations
and Variances.

[FR Doc. 80-31089 Filed 10-6-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-127-C]

**Consolidation Coal Co.; Petition for
Modification of Application of
Mandatory Safety Standard**

Consolidation Coal Company, Consol Plaza, Pittsburgh PA 15241 has filed a petition to modify the application of 30 CFR 75.1701 (location of boreholes) to its Renton Mine located in Allegheny County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The Renton Mine's advancing 16 South faces are running parallel to Republic Steel Corporation's Newfield Mine's 23 South faces.
2. The Newfield Mine's 23 South faces have been fully developed and no second or retreat mining is planned because of surface development.
3. Newfield's 23 South faces are accessible for travel and inspection and are inspected at least every seven days as required.
4. No dangerous accumulations of water or gas are present in the Newfield 23 South faces.
5. The barrier existing between Renton's advancing 16 South faces and Newfield's 23 South faces is approximately 150 feet.
6. As an alternative to drilling boreholes, petitioner proposed that the distance between the mines will be maintained by check surveys by a professional engineer or registered land surveyor in Newfield's workings and certified in Renton's advancing 16 South faces.

7. Petitioner states that this proposal will at all times provide no less than the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before November 6, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: September 30, 1980.

Frank A. White,
Director, Office of Standards, Regulations
and Variances.

[FR Doc. 80-31090 Filed 10-6-80; 8:45 am]

BILLING CODE 4510-43-M

Wage and Hour Division

**Certificates Authorizing the
Employment of Learners at Special
Minimum Wages**

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

- Big River Mfg. Co., Kittanning, PA; 8-31-80 to 8-30-81. (Boys' shirts)
- Bland Sportswear, Inc., Bland, VA; 7-24-80 to 7-23-81; 5 learners. (Men's and boys' shirts)
- Chatham Knitting Mills, Inc., Chatham, VA; 7-22-80 to 7-21-81; 5 learners. (Men's jackets)

Cordele Uniform Co., Cordele, GA; 9-8-80 to 9-7-81. (Washable service apparel)

Crane Mfg. Co., Crane, MO; 8-14-80 to 8-13-81. (Men's, boys', and women's jeans)

Crane Mfg. Co., Marionville, MO; 8-14-80 to 8-13-81. (Men's, boys', and women's jeans)

Elder Mfg. Co., Dexter, MO; 8-21-80 to 8-20-81. (Men's and boys' slacks)

Giles Mfg. Corp., Narrows, VA; 9-5-80 to 9-4-81. (Children's shirts)

Soperton Mfg. Co., Soperton, GA; 9-10-80 to 9-9-81. (Men's shirts)

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended).

Junior Form Lingerie, Inc., Boswell, PA; 6-23-80 to 6-22-81; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Ladies' pajamas)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before October 21, 1980.

Signed at Washington, D.C. this 30th day of September 1980.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 80-31088 Filed 10-6-80; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-66)]

NASA Advisory Council (NAC) Space and Terrestrial Applications Advisory Committee (STAAC); Meeting

The *Ad Hoc* Informal Advisory Subcommittee on Weather, Climate and Oceans of the NAC-STAAC will meet on October 23, 1980, from 9:00 a.m. to 5:00 p.m. and on October 24, 1980, from 8:30 a.m. to 11:45 a.m. at the Schrafft's Colony 7 Motel, Baltimore-Washington Parkway at Maryland Route 32, Annapolis Jct. MD 20701.

The meeting is open to the public. Members of the public will be admitted

to the meeting at 8:30 a.m. on a first-come, first-served basis and will be required to sign a visitor's register. The seating capacity of the meeting room is for 50 persons.

This Subcommittee, comprised of 21 members of the NAC-STAAC including the Chairperson, Dr. Richard Goody, will review the Global Weather Program and related issues in the Environmental Observations Program.

The approved agenda for the meeting is as follows:

October 23, 1980

Time and Topic

9:00 a.m., Chairperson's Remarks.
9:15 a.m., Committee Business.
9:30 a.m., Review of Global Weather Program.
5:00 p.m., Adjourn.

October 24, 1980

Time and Topic

8:30 a.m., National Oceanic Satellite Service (NOSS) Research and Air Sea Interactions and Related Areas.
9:30 a.m., Topographical Experiment (TOPEX)/Gravitational Satellite (GRAVSAT) Buoys and Related Areas.
10:15 a.m., Program Status and Overview Report.
10:45 a.m., Conclusions and Recommendations.
11:45 a.m., Adjourn.

For further information regarding the meeting, please contact William Bishop, Deputy Director, Environmental Observations Division, NASA Headquarters, Washington, DC 20546, (202) 755-8604.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

September 24, 1980.

[FR Doc. 80-31078 Filed 10-6-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Advisory Committee; Notice of Change

This is to announce a change in the Humanities Panel meeting to be held October 23 and 24, 1980 at the National Endowment for the Humanities, 806 15th Street, N.W., Washington, D.C. 20506, notice of which was published in the *Federal Register* on September 22, 1980. The purpose of the meeting is to review applications for the Research Conferences Program submitted to the National Endowment for the Humanities for projects beginning after December 1, 1980. The panel will convene as follows:

October 30 and 31, 1980, from 9:00 a.m. to 5:30 p.m. in Room 1134.

The dates have been changed from the original dates of October 23 and 24, 1980, and the Room number has been changed from Room number 1023.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 80-31115 Filed 10-6-80; 8:45 am]

BILLING CODE 7530-01-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by November 3, 1980. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the 7 June 1979 *Federal Register*. Additional information was

published in the 31 July 1980 Federal Register, page 51004.

The applications received are:

1. *Applicant:* David G. Ainley, Point Reyes Bird Observatory, Stinson Beach, California 94970.

Activities for which Permit Requested:

Taking (capture—band and release 500 South Polar Skuas; salvage 15 dead birds). Import into U.S.A. (skeletons of 15 South Polar Skuas). Enter Site of Special Scientific Interest—Cape Crozier.

This is a continuing population study of South Polar Skuas nesting at Cape Crozier. Many of these birds were banded in 1961–70; the applicant proposes to re-band a large portion of them. Dead birds that are encountered will be salvaged for scientific specimens. These will be sent to the U.S. National Museum of Natural History.

Location: Cape Crozier, Ross Island.

Dates: December 1, 1980 to March 1, 1981.

2. *Applicant:* Robert W. Risebrough, Bodega Marine Laboratory, University of California, Bodega Bay, California 94923.

Activities for Which Permit Requested:

Taking birds (*Oceanites aceanicus*, 10 adults and 10 eggs; *Pygascelis adeliae*, 20 chicks and 10 eggs; *P. antarctica*, 20 adults; *Doption capense*, 20 adults; *Fulmarus glacioides*, 20 adults).

Import into U.S.C., Enter Specially Protected Area (Litchfield Island).

Bird specimens are required for analysis of body tissues and stomach contents for petroleum, biological and chlorinated hydrocarbons.

Permission is requested to visit Litchfield Island three times to census breeding penguins. Time ashore will be minimal; no specimens will be taken.

Location: Palmer Station and vicinity, Antarctic Peninsula; Litchfield Island.

Dates: December 15, 1980 to March 15, 1981.

3. *Applicant:* Wayne Trivelpiece, Mt. Desert Island Biological Laboratory, Salisbury Cove, Maine 04672.

Activities for Which Permit Requested:

Taking birds (Adelie Penguin, 25 adults; Gentoo Penguin, 25 adults; Chinstrap Penguin, 25 adults)

Enter Site of Special Scientific Interest—Admiralty Bay.

The applicant proposes to study comparative feeding habits of penguins.

Location: Admiralty Bay.

Dates: December 1, 1980 to April 30, 1981.

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 80-31119 Filed 10-6-80; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Developmental Biology; Amendment to Notice of Meeting

The Advisory Committee for Developmental Biology is holding a meeting in Washington, D.C. on October 16, 17, and 18, 1980. The meeting is being amended/changed as follows: This is a date change only.

From: October 15, 16, 17, 1980

To: October 16, 17, 18, 1980

The notice for this meeting appeared in the Federal Register on September 9, 1980, Vol. 45, No. 176 page 59460.

Dated: October 2, 1980.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80-31118 Filed 10-6-80; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Procedures for Meetings

Background

Procedures to be followed with respect to meetings conducted by the Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards, which were published October 1, 1979 (44 FR 56408) are renewed by this notice. These procedures are set forth in order that they may be incorporated by reference in future individual meeting notices.

The Advisory Committee on Reactor Safeguards (ACRS) is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements from members of the public to be considered as a part of the Committee's information gathering procedure, they are not adjudicatory hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS reviews do not normally encompass matters pertaining to environmental impacts other than those pertaining to radiological safety. ACRS full Committee, Subcommittee, and Working Group meetings are conducted in accordance with sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.).

General Rules Regarding ACRS Meetings

An agenda is published in the Federal Register for each meeting. Practical considerations may dictate some alterations in the agenda. The Chairman of the Committee, Subcommittee or Working Group which is meeting is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete session from one day to the next.

With respect to public participation in ACRS meetings, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy at the beginning of the meeting. When meetings are held at locations other than Washington, D.C., reproduction facilities are usually not available. Accordingly, 15 additional copies should be provided for use at such meetings. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy addressed to the Designated Federal Employee specified in the Federal Register notice for the individual meeting in care of the ACRS, NRC, Washington, D.C. 20555. Comments postmarked no later than one calendar week prior to a meeting will normally be received in time for reproduction, distribution and consideration at the meeting.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the beginning of the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee, Subcommittee or Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether a meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call, on the working day prior to the meeting, to the Office of the Executive Director of the Committee (telephone 202-634-3265, ATTN: the Designated Federal Employee specified in the Federal Register Notice for the meeting) between 8:15 a.m. and 5:00 p.m., Washington, D.C. time.

(d) Questions may be asked only by ACRS Members, Consultants and Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc., being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the open portions of the meetings where factual information is presented will be available at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, for inspection within one week following the meeting. A copy of the minutes of the meeting will be available at the same location on or before three months following the meeting. Copies may be obtained upon payment of appropriate charges.

Copies of the above-mentioned minutes and transcript will also be placed in the NRC Local Public Document Room, when appropriate, on the same time schedule. The location of the Public Document Room will be indicated in these cases in the individual Federal Register notice for the meeting.

Special Provisions When Proprietary Sessions Are To Be Held

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that it can be confirmed and a determination made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the

agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Employee prior to the beginning of the meeting.

Dated: October 1, 1980.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 80-31104 Filed 10-6-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on October 22 and 23, 1980 at the Westbank Motel Coffee Shop, 475 River Parkway, Idaho Falls, ID to review new data from the LOFT and Semiscale Programs on Reactor Coolant Pump Trip, and the progress of and plans for these programs. Notice of this meeting was published September 18.

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public; recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday and Thursday, October 22 and 23, 1980; 8:30 a.m. Until the Conclusion of Business Each Day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements

and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Andrew L. Bates (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 30, 1980.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 80-31105 Filed 10-6-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-325]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR-71, issued to Carolina Power & Light Company which revised Technical Specifications for operation of the Brunswick Steam Electric Plant, Unit No. 1 (the facility) located in Brunswick County, North Carolina. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications for safety-relief settings by extending the effective end date until the completion of the T-quencher modification, rather than applying a specific end date.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 15, 1980, (2) Amendment No. 30 to License No. DPR-71, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport-Brunswick

County Library, 109 W. Moore Street, Southport, North Carolina 28461.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of September 1980.

For the Nuclear Regulatory Commission,
Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 80-31110 Filed 10-6-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-237-SP and 50-249-SP]

Commonwealth Edison Co. (Dresden Station, Units 2 and 3); Hearing on Proposed Amendment of Facility Operating License

October 1, 1980.

On August 3, 1978, the United States Nuclear Regulatory Commission (the Commission) issued a notice of "Proposed Issuance of Amendments to Operating Licenses" relating to the above identified facilities (43 FR 35763 August 11, 1978). The proposed amendments would permit an increase in the storage capacity of the spent pool at Dresden Station.

The State of Illinois submitted a petition to intervene, dated September 8, 1978 pursuant to §§ 2.714 and 2.715(c) of the Commission's Rules of Practice.

In a notice of Hearing dated March 29, 1979 the Atomic Safety and Licensing Board, originally appointed to hear this matter, found that the State of Illinois' petition was clearly sufficient to meet the requirements of both §§ 2.714 and 2.715(c) and accordingly, it granted the petition to intervene.

The Board as reconstituted under § 2.721 of the Commission's Rules of Practice, as amended, (44 FR 45496, August 2, 1979) recognizes and reaffirms the granting of the State of Illinois' petition to intervene.

Please take notice that a hearing on the proposed license amendments will be held on November 19, 20, and 21, 1980 in: the Old Courtroom, at Grundy County Courthouse, 11 E. Washington Street, Morris, Illinois. Each hearing session will begin at 9 a.m.

The members of the Atomic Safety and Licensing Board designated by the Atomic Safety and Licensing Board Panel to conduct the above-noticed hearings are Dr. Linda W. Little, Dr. Forrest J. Remick, as technically qualified members and Mr. John F. Wolf, as chairman.

Members of the public are invited to attend this evidentiary hearing. Pursuant to 10 CFR 2.715(a). Individuals or organizations wishing to make limited appearances will be permitted to so after opening statements by the parties have been concluded. Oral statements will be limited to five (5) minutes each but written statements may be submitted without limitation on length.

It is so ordered.

Dated at Bethesda, Maryland this 1st day of October 1980.

For the Atomic Safety and Licensing Board,
John F. Wolf,
Chairman.

[FR Doc. 31112 Filed 10-6-80; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee) for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. This amendment is effective within 60 days of its date of issuance.

The amendment modifies the provisions of the Appendix A Technical Specifications: (1) to incorporate limiting conditions for operation and surveillance requirements for new fire protection equipment being added to the plant in accordance with License Amendment No. 42 and (2) to authorize a change in the requirements for the minimum fire brigade shift size.

The application for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendments dated January 31 and February 1, 1980, (2) Amendment No. 60 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of August 1980.

For the Nuclear Regulatory Commission,
Dennis M. Crutchfield,
Chief, Operating Reactors Branch No. 5,
Division of Licensing.

[FR Doc. 80-31108 Filed 10-6-80; 8:45 am]
BILLING CODE 7590-01-M

Atomic Safety and Licensing Board

[Docket No. 50-409-SC; Prov. Op. Lic. DPR-45]

Dairyland Power Cooperative (La Crosse Boiling Water Reactor; Hearing September 30, 1980.

On February 25, 1980 the Nuclear Regulatory Commission issued an order directing Dairyland Power Cooperative (Licensee) to show cause why it should not submit a detailed design proposal for a site dewatering system to preclude the occurrence of liquefaction under certain conditions, and why it should not make such system operational no later than February 25, 1981. The order was published in the Federal Register of March 3, 1980, 45 FR 13850. It provided that the Licensee or any other person whose interest may be affected by the order might request a hearing within 25 days of the date of the order.

Timely requests for a hearing were received from Mr. Frederick M. Olsen III, and from the Coulee Region Energy Coalition (CREC). In addition, the licensee submitted a detailed answer to the show-cause order which, it claimed, satisfied the order; it requested a hearing if the NRC Staff should not agree with its answer.

By order dated July 29, 1980, published at 45 FR 52290 (August 6, 1980), the Commission delegated to a Licensing Board the authority to consider and rule on the requests for a hearing and, if it determined a hearing was required, to conduct an adjudicatory hearing.

On August 29, 1980 the NRC Staff advised the Licensing Board that it had changed its position and that it no longer believed that the design and installation of a site dewatering system was necessary to protect the health and safety of the public. By taking that position the Staff made moot the Licensee's conditional hearing request. At a prehearing conference held in La Crosse, Wisconsin on September 11, 1980, the Licensing Board granted the hearing requests of Mr. Olsen and CREC and it consolidated those two parties. These rulings are memorialized by the Licensing Board's Prehearing Conference Order dated September 30, 1980, LBP-80-26, 12 NRC —.

Please take notice that a hearing will be conducted in this show-cause proceeding. The Atomic Safety and Licensing Board which has been designated to preside over this proceeding consists of Dr. George C. Anderson, Ralph S. Decker and Charles Bechhoefer, who will serve as Chairman of the Board.

During the course of the proceeding, the Board will hold one or more prehearing conferences pursuant to 10 CFR 2.752. The public is invited to attend any prehearing conferences, as well as the evidentiary hearing. During some or all of these sessions, and in accordance with 10 CFR 2.715(a), any person, not a party to the proceeding, will be permitted to make a limited appearance statement, either orally or in writing, stating his or her position on the issues. The number of persons making oral statements and the time allowed for each oral statement may be limited depending upon the total time available at various sessions. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Written statements supplementing or in lieu of oral statements may be of any length and will be accepted at any session of the proceeding or may be mailed to the Secretary of the Commission.

For further details, see the Staff's letter dated October 30, 1979 to the Licensee and enclosures 1 and 2 thereto; a Dames and Moore Report dated September 28, 1979, entitled "Liquefaction Potential at La Crosse Boiling Water Reactor (LACBWR) Site, near Genoa, Vernon County, Wisconsin;" the Licensee's letter to NRC dated November 29, 1979; the Staff's Order to Show Cause dated February 25, 1980; the Safety Evaluation by the Office of Nuclear Reactor Regulation relating

to Liquefaction Potential at the La Crosse site, dated August 29, 1980; and papers filed concerning the request for hearing, including the Prehearing Conference Order Granting Requests for a Hearing and Certifying Question to Appeal Board, dated September 30, 1980, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the LaCrosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Dated at Bethesda, Maryland, this 30th day of September 1980.

For the Atomic Safety and Licensing Board.
Charles Bechhoefer,
Chairman.

[FR Doc. 80-31106 Filed 10-6-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver valley power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance and is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-approved Safeguards Contingency Plan as part of the license.

The licensee's filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need

not be prepared in connection with issuance of the amendment.

The licensee's filing dated March 22, 1980 is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 31 to License No. DPR-66 and (2) the Commission's related letter to the licensee dated September 12, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue Aliquippa, Pennsylvania 15001. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of September 1980.

For the Nuclear Regulatory Commission.
Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 80-31111 Filed 10-6-80, 8:45 a.m.]

BILLING CODE 7590-01-M

"Guidelines for Utility Management Structure and Technical Resources," Report NUREG-0731

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comments.

SUMMARY: The Nuclear Regulatory Commission is developing guidelines to be used for evaluating the management structure and technical resources of utilities operating, or having applications to operate, nuclear power plants. Early versions of these guidelines have been used by the NRC staff in its evaluation of the management organizations and technical support resources available to several utilities who had applications pending for operation of nuclear power plants. Comments on the early versions of the guidelines were received from various parties. Based upon the experienced gain through trial use and the comments received on early drafts, the NRC staff has modified the guidelines and is now issuing them for interim use and comment as NUREG-0731, "Guidelines for Utility Management Structure and Technical Resources."

Related documents, on which comments also have been requested, are NUREG/CR-1280, "Power Plant

Staffing," and NUREG/CR-1656, "Utility Management and Technical Resources." These two documents, prepared under contract for the NRC, also address the general areas of staffing levels, education and training of personnel and organization for nuclear power plant operation.

The NRC staff intends to consider these two contractor prepared documents and the comments received on these documents in conjunction with the comments received on NUREG-0731. NUREG-0731 then will be re-issued.

DATE: Comment period expires November 20, 1980.

ADDRESS: Copies of the report are available free upon written request to Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence P. Crocker (301) 492-9437.

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written comments to Mr. Harold R. Denton, Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before November 20, 1980.

Dated at Bethesda, Maryland, this 29th day of September 1980.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,
Chief, Licensee Qualifications Branch,
Division of Human Factors Safety.

[FR Doc. 80-31103 Filed 10-6-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

This amendment incorporates 10 CFR Part 50, Appendix I design objectives for gaseous effluents.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the

Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 15, 1980, (2) Amendment No. 49 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of August, 1980.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,
Chief, Operating Reactors Branch No. 5,
Division of Licensing.

[FR Doc. 80-31109 Filed 10-6-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric & Gas Co. et al.; Issuance of Amendment to Facility Operating License

In the matter of Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company, and Atlantic City Electric Company.

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company (the licensee), which revised the license for operation of the Salem Nuclear Generating Station, Unit 1 (the facility), located in Salem County, New Jersey. The amendment is effective as of the date of issuance and is to be fully implemented within the 30 days of the Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-

approved Safeguards Contingency Plan as part of the license.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated June 30, 1980 is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 26 to License No. DPR-70 and (2) the Commission's related letter to the licensee dated September 15, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of September 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,
Chief, Operating Reactors Branch No. 1,
Division of Licensing.

[FR Doc. 80-31107 Filed 10-6-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

SES Performance Review Board

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

DATE: October 7, 1980.

FOR FURTHER INFORMATION CONTACT:

Joseph E. Nordsieck, Career Management Division, Office of Personnel, Office of Personnel Management, 1900 E Street, NW, Washington, DC, 20415 (202-632-7484).

SUPPLEMENTARY INFORMATION: Sec. 4314(c) (1) through (5) of title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

Office of Personnel Management.

Kathryn Anderson Fetzer,

Assistant Issuance System Manager.

The members of the Performance Review Board are:

1. Anthony F. Ingrassia, Assistant Director for Labor-Management Relations.
2. S. B. Pranger, Associate Director for Agency Relations.
3. Robert J. Dunn, Director, Rocky Mountain Region.
4. Ann Brassier, Director, Office of Management.
5. Myra H. Shiplett, Assistant Director for National Security and International Affairs.
6. Joseph M. Lowell, Director, Office of Internal Evaluation.
7. Carlos F. Esparza, Deputy Director, Mid-Atlantic Region.
8. Jerome D. Julius, Assistant Director for Pay Programs.
9. Blair G. Ewing, Assistant Director for Productivity Programs.

[FR Doc. 80-31122 Filed 10-6-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF THE TREASURY**Comptroller of the Currency**

[Docket No. 80-3]

Termination of Closed Receivership Fund; Fourth Notice

Note.—The following document originally appeared in the *Federal Register* for Tuesday, September 16, 1980. It is reprinted in this issue at the request of the agency.

AGENCY: Office of the Comptroller of the Currency.

ACTION: Notice of termination.

SUMMARY: Notice is given that all rights of depositors and other creditors of national banks placed in receivership on or before January 22, 1934, to collect liquidating dividends from the "closed receivership fund" shall be barred after October 7, 1981.

FOR FURTHER INFORMATION CONTACT:

Howard J. Finkelstein, Attorney, Legal Advisory Services Division, Comptroller of the Currency, Washington, D.C. 20219. (202) 447-1880.

SUPPLEMENTARY INFORMATION: Pursuant to section 723(a) of the Depository Institutions Deregulation and Monetary Control Act, Pub. L. 96-221 (March 31, 1980), notice is hereby given that all rights of depositors and other creditors of closed national banks to collect liquidating dividends from the "closed receivership fund" will be barred after October 7, 1981.

Prior to the assumption of closed national bank receivership functions by the Federal Deposit Insurance Corporation, the Comptroller of the Currency appointed individual receivers for all closed national banks pursuant to his authority under 12 U.S.C. 191-200. After settling the affairs of the closed banks and issuing final distributions to the creditors of the banks, the receivers transferred to the custody of the Office of the Comptroller of the Currency ("Office"), all remaining funds which represented distributions which were undeliverable or had not been presented for payment. The "closed receivership fund" ("fund") consists of the aggregation of undistributed liquidating dividends from national banks closed on or before January 22, 1934. Pub. L. 96-221, section 722(1). Due to the uncertain legal status of the fund, the Office sought clarification from Congress. Congress provided such clarification in sections 721-723 of Pub. L. 96-221 by establishing a procedure for the satisfaction or cancellation of all outstanding claims for liquidating dividends and the termination of the fund.

Under the provisions of the new law, the Office will publish notices in the *Federal Register* once each week for four consecutive weeks that all rights of depositors and creditors of the fund will be barred after twelve months following the last date of publication of such notice. This is the first such notice. During this twelve-month period, the Office will accept claims for liquidating dividends from the fund. A claim should consist of a Proof of Claim form received from the receiver at the time of the bank's closing or other acceptable evidence of an unsatisfied claim. Claims should be sent to the attention of Mr. Robert L. Teets, Finance and Planning Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

Following the close of the twelve-month period, all unclaimed dividends, together with income earned on liquidating dividends and other moneys

remaining in the fund, will be covered into the general funds of the Office.

Dated: September 9, 1980.

John G. Heimann,
Comptroller of the Currency.

[FR Doc. 80-28545 Filed 9-15-80; 8:45 am]

BILLING CODE 4810-33-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 196

Tuesday, October 7, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-294, 2d Amdt., Oct. 2, 1980]

CIVIL AERONAUTICS BOARD.

Notice of deletion from the October 2, 1980 meeting.

TIME AND DATE: 9:30 a.m., October 2, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 2. Docket 36767, Miami/New Orleans-San Jose, Costa Rica Case, Opinion and Order. (OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1847-80 Filed 10-3-80; 3:48 pm]

BILLING CODE 6320-01-M

2

[M-295, Oct. 1, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., October 8, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. U.S.-London Case (1981), Docket 37937—Instructions to staff.
3. Miami/Ft. Lauderdale-Netherlands Antilles Service Case, Docket 37576—Instructions to staff.
4. Docket 37088; Final Rule to Incorporate the Passenger Origin-Destination Survey into the Reporting Requirements of Part 241, Uniform System of Accounts and Reports for Certificated Air Carriers. (OEA, OC, BCAA, BDA, BIA, OGC)
5. Registration of air taxis. (OGC, BDA)
6. Docket 37730, Standard Foreign Fare Level Investigation—Petition for

Reconsideration filed by the Seattle Parties. (Memo 9960, OGC)

7. Dockets 29159 and 29328; Termination of inactive dockets regarding Seaboard's petition for authority to engage in cargo rate discussions with other North Atlantic Cargo Carriers, and United's petition for an investigation of domestic discount fares. (DDA)

8. Docket 37392, *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation*. (Memo 4395-P, BDA)

9. Agreement CAB 28326. Agreement between Alaska Airlines, Inc. and Wien Air Alaska, Inc. under which Wien will provide bush route mail service in the Nome/Kotzebue area on behalf of Alaska. (BDA)

10. Dockets 38272 and 38408, Piedmont's notice to suspend all service at Hickory and application for an exemption from conditions (4) and (5) of its certificate. (BDA).

11. Dockets 38593 and 38678, Notice and exemption request of Piedmont Aviation to terminate scheduled service at Princeton/Bluefield, West Virginia. (BDA, OCCR)

12. Docket 36785, Motion of Internacional de Aviacion (Inair) to revoke the exemption authority granted to Trans-Panama, S.A. to provide cargo flights between Panama and Miami and New York. (BIA, OGC, BAL)

13. Docket 34851—Lufthansa application for amendment of foreign air carrier permit. (BIA, OGC, BAL)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1642-80 Filed 10-2-80; 4:17 pm]

BILLING CODE 6320-01-M

3

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 2 p.m., Tuesday, October 14, 1980.

PLACE: Board conference room, sixth floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTER TO BE CONSIDERED: Selection of EEO Director.

CONTACT PERSON FOR MORE INFORMATION: Robert Volger, Acting Executive Secretary, Washington, D.C. 20570; telephone: (202) 254 9430.

Dated: October 3, 1980, Washington, D.C.

By direction of the Board.

Robert Volger,

Acting Executive Secretary, National Labor Relations Board.

[S-1845-80 Filed 10-3-80; 3:06 pm]

BILLING CODE 7545-01-M

4

[NM-80-35]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Wednesday, October 15, 1980.

PLACE: NTSB board room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Pipeline Accident Report*—Pipelines of Puerto Rico, Inc., Petroleum Products Pipeline Rupture and Fire, Bayamon, Puerto Rico, January 30, 1980, and *Recommendations* to the Pipelines of Puerto Rico, Inc., the Public Service Commission of the Commonwealth of Puerto Rico, the Governor of the Commonwealth of Puerto Rico, the Puerto Rico Telephone Company, and the Research and Special Programs Administration of the U.S. Department of Transportation.

2. *Special Investigation Report*—Assessment of Tank Car Structural Integrity in the Derailment Environment, and *Recommendations* to the Association of American Railroads, the Research and Special Programs Administration, and the Federal Railroad Administration.

3. *Safety Report*—The Status of General Aviation Crashworthiness, and *Recommendations* to the Federal Aviation Administration.

4. *Letter to Air Line Pilots Association* re reconsideration of probable cause, National Airlines, Inc., B-727 accident, Escambia Bay, Pensacola, Florida, May 8, 1980.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

October 3, 1980.

[S-1848-80 Filed 10-3-80; 3:24 pm]

BILLING CODE 4910-58-M

5

NUCLEAR REGULATORY COMMISSION.

DATE: October 9, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, DC

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Thursday, October 9:

10 a.m.

1. Time Reserved for Discussion of Management-Organization and Internal Personnel Matters (2 hours closed—Exemption 2 and 5).
2. Affirmation Session (approx 10 minutes, public meeting).
 - a. General Revision of Part 5 Appendices G and H.
 - b. Amendments to Part 2 (2.786(a) and 2.206(c)).
 - c. Order Concerning Intervention Petition in Skagit.
 - d. Order on Board Certified Question in Black Fox.
3. Time Reserved for Discussion and Vote on Affirmation Items (if required).

CONTACT PERSON FOR MORE

INFORMATION: Walter Magee (202) 634-1410.

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.

October 2, 1980.

Walter Magee,

Office of the Secretary.

[S-1843-80 Filed 10-3-80; 1:26 pm]

BILLING CODE 7590-01-M

6

[OP0401]

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: 9:30 a.m., Tuesday, October 7, 1980.

PLACE: Room 724; 320 First Street, NW., Washington, DC 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, U.S. Parole Commission (202) 724-3094.

[S-1844-80 Filed 10-3-80; 2:38 pm]

BILLING CODE 4410-01-M