6-9-80
Vol. 45—No. 112
BOOK 1:
PAGES
38335-38800

6-9-80
Vol. 45—No. 112
BOOK 2:
PAGES
38801-39022

6-9-80
Vol. 45—No. 112
BOOK 3:
PAGES
39023-39236

federal register

Book 1 of 3 Books
Monday, June 9, 1980

Highlights

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

CONTINUED INSIDE

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

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

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

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

Contents

Federal Register

Vol. 45, No. 112

Monday, June 9, 1980

MEETINGS ANNOUNCED IN THIS ISSUE

HEARING

CANCELLED HEARING

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 45, No. 112
Monday, June 9, 1980

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflationary Price Standards; Amendment of the Final Price Standards

AGENCY: Council on Wage and Price Stability.

ACTION: Amendment of the Final Price Standards for the Second Program Year.

SUMMARY: The Council is amending the final price standards for the second program year to enable certain compliance units to pass through increases in the cost of gold and silver. The amendment modifies the price limitation for compliance units using significant amounts of gold or silver. An eligible compliance unit may adjust its two-year price change to reflect unusually large increases in the cost of gold and silver since the base quarter.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Eugene Roberts, Office of Price Monitoring—202/456–7784; Patrick Macfarland, Office of the General Counsel—202/456–6286.

SUPPLEMENTARY INFORMATION: In the preamble to the interim final price standards (44 FR 56900), the Council indicated that it would consider adjusting price limitations for especially large, uncontrollable cost increases. Companies with such cost increases, therefore, would not be forced to apply for uncontrollable-cost exceptions. Providing for a partial cost-passthrough provision applicable only to gold and silver is preferable to the alternative of granting uncontrollable-cost exceptions to companies affected by these extraordinary cost increases, because the latter allows passthrough of *all* cost increases. Because a cost-passthrough standard provides no incentive to minimize costs that are passed through, limiting the scope of the passthrough has desirable efficiency features.

During the first program year, the price of gold rose from $217.40 per troy ounce to $397.60 per troy ounce. Gold is currently selling for $545.20 per troy ounce, an increase of 150.8 percent since the base quarter. The price of silver jumped from $5.65 per troy ounce to $16.50 per troy ounce during the first program year, and is currently selling for $13.95 per troy ounce, 146.9 percent over the base-quarter price.

Because the increases in gold and silver prices have been unusually large and rapid, the Council has concluded that a special adjustment to the second-year price limitation is warranted for companies using substantial amounts of these inputs.

Issued in Washington, D.C. June 4, 1980.

R. Robert Russell,
Director, Council on Wage and Price Stability.

1. Section 705.51 is revised to read as follows:

§ 705.51 Price standard for passthrough of gold and silver increases.

(a) *Eligibility.* (1) A compliance unit is eligible for a gold and silver passthrough if it measures its compliance under the two-year price limitation and its base-quarter costs for gold and silver constituted one percent or more of its base-quarter revenue from products that contain gold or silver and that are not excluded under § 705.4.

(2) To determine whether or not a compliance unit meets the one-percent threshold, the cost of gold (silver) in the base quarter is the quantity of gold (silver) included in products not excluded under § 705.4 that are sold during the base quarter, multiplied by the average price of gold (silver) during the base quarter (defined in § 705.79).

(3) In calculating the base-quarter cost of gold and/or silver, prices of only (i) primary and secondary shapes and forms (such as bar and bullion) and (ii) mill shapes and forms (such as wire, plate, strip, sheet, powder, granules, coil, rod, and tubing) should be used. If the material is in alloy form, only those shapes containing at least 40 percent gold and silver (by weight) may be used in the calculation of base-quarter costs. Costs of gold and silver used in products excluded under § 705.4 may not be used in the calculations.

(b) *Modified standard.* (1) A compliance unit that is eligible for the gold and silver passthrough complies with the two-year price limitation if its modified two-year price change, defined in § 705.79, is not greater than its two-year price limitation, defined in § 705.2.

(2) A compliance unit that is eligible for the gold and silver passthrough complies with the intermediate price limitations if its intermediate modified price changes, defined in § 705.79, are no greater than the intermediate price limitations in § 705.3.

2. Section 705.79 is revised to read as follows:

§ 705.79 Modified two-year price change for gold and silver passthrough.

The modified two-year price change is defined by the following formula:

BILLING CODE 3175-01-M

$$MTYPC = 100 \times \left(\left[\sum_i S_i \times \frac{P_i(t) - PT(t)}{P_i(b)} \right] - 1.0 \right)$$

where

MTYPC = modified two-year price change,

S_i = the i^{th}-product sales share in the base quarter,

$P_i(t)$ = the price of the i^{th} product in the t^{th} program quarter,

$P_i(b)$ = the price of the i^{th} product in the base quarter,

PT(t) = passthrough factor in the t^{th} program quarter,

and

$\sum_i$ = the summation sign, where the subscript i runs over all products not excluded under 705.4.

The passthrough factor is determined from the following formula:

$$PT(t) = \frac{G_i(t)}{Q_i(t)} \times P_g(t) + \frac{S_i(t)}{Q_i(t)} \times P_s(t)$$

where

$G_i(t)$ = amount of gold used in producing product i sold in the t^{th} program quarter (include only the gold and silver inputs specified in 705.51(a)(3)),

$S_i(t)$ = amount of silver used in producing product i sold in the t^{th} program quarter (include only the gold and silver inputs specified in 705.51(a)(3)),

$Q_i(t)$ = total number of units of product i sold in the t^{th} program quarter,

$P_g(t)$ = the difference between the price of gold in the t^{th} quarter and the price that would have resulted if gold prices had increased from the base quarter to the t^{th} quarter at the same rate as during the base period,

and

$P_s(t)$ = the difference between the price of silver in the t^{th} program quarter and the price that would have resulted if silver prices had increased from the base quarter to the t^{th} program quarter at the same rate as during the base period.

In calculating $P_g(t)$ and $P_s(t)$, the intermediate base-period changes are 8.54 percent, 10.25 percent, 12.06 percent, and 13.90 percent for gold (7.77 percent, 9.39 percent, 11.04 percent, and 12.71 percent for silver) for the 5th, 6th, 7th and 8th quarters. (These percentages are calculated by compounding the average quarterly rate of change during the base period over the appropriate number of quarters.)

Gold (silver) prices are calculated by taking the simple arithmetic averages of the closing prices on the COMEX in the base quarter. Thus, the base-quarter gold price is $203.030 per troy ounce ($5.472 per troy ounce for silver) and the prices for the 5th and 6th program quarters are $413.117 and $630.094 ($18.561 and $32.512).

Thus,

$$P_g(5) = \$413.117 - [\$203.030 \times (1.0 + .0854)]$$
$$= \$192.748,$$

$$P_g(6) = \$630.094 - [\$203.030 \times (1.0 + .1025)]$$
$$= \$406.253,$$

$$P_s(5) = \$18.561 - [\$5.472 \times (1.0 + .0777)]$$
$$= \$12.664$$

$$P_s(6) = \$32.512 - [\$5.472 \times (1.0 + .0939)]$$
$$= \$26.526$$

The values of $P_g(7)$, $P_g(8)$, $P_s(7)$, and $P_s(8)$ will be calculated by the Council when the gold and silver prices in the seventh and eighth program quarters are known.

[FR Doc. 80-17447 Filed 6-6-80; 8:45 am]

BILLING CODE 3175-01-C

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 640, Amendment 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment continues through January 31, 1981, the current minimum size requirement of 2.32 inches in diameter for fresh shipments of Valencia oranges grown in Arizona and designated part of California. This amendment also establishes a maximum size requirement of 3.41 inches in diameter for such oranges during the period July 4, 1980, through January 31, 1981. This action is necessary to provide markets with acceptable sizes of fruit and to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATES: June 13, 1980, and July 4, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* Valencia Orange Regulation 640 (§ 908.940; 45 F.R. 23638) during the period April 11, 1980, through June 12, 1980, limits shipments of Valencia oranges grown in Arizona and a designated part of California to oranges not smaller than 2.32 inches in diameter. This amendment continues this requirement through January 31, 1981. It also requires that such oranges be not larger than 3.41 inches in diameter during the period July 4, 1980, through January 31, 1981.

This amendment is issued under the marketing agreement and Order No. 908 (7 CFR Part 908) regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other information.

The committee met on March 25, 1980, to consider crop and market conditions and other factors affecting the need for regulation, and recommended that oranges shipped from Districts 1, 2, and 3 during the periods hereinafter specified be required to be 2.32 inches in diameter or larger, but not larger than 3.41 inches in diameter. The 1979–80 Valencia orange crop is estimated at 59,000 carlots. Demand in regulated fresh market channels is expected to require about 34 percent of this volume. The remaining 66 percent would be available for export and processing outlets. The volume and size composition of the crop are such that more than ample supplies of the more desirable sizes will be available to satisfy the demand in regulated channels; and, in these circumstances, disposition in regulated channels of the sizes eliminated by this regulation can be accomplished only at a substantial price discount which tends to depress the market for all sizes. The restricted sizes may be disposed of in processing and export markets.

Notice of the proposed amendment was pubished in the May 1, 1980, issue of the **Federal Register** (45 FR 29063). No comments were received during the period provided in the notice for interested persons to submit written comments. It is found that the regulation of shipments of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

It is further found that good cause exists for not postponing the effective dates of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) notice of rulemaking concerning the regulation, with effective dates of June 13, 1980, and July 4, 1980, was published in the **Federal Register**, and no objection to the regulation or effective dates was received; (2) the recommendation for regulation was made at an open meeting at which interested persons could submit their views; (3) to maintain orderly marketing conditions, the regulation should be continued without interruption; and (4) the regulation will not require any special preparation by persons subject thereto which cannot be completed by the effective time.

Therefore, Section 908.940 Valencia Orange Regulation 640 (45 FR 23638) is amended to read as follows: (§ 908.940 expires January 31, 1981, and will not be published in the annual Code of Federal Regulations.)

§ 908.940 Valencia Orange Regulation 640.

(a) During the period June 13, 1980, through January 31, 1981, no handler shall handle any Valencia oranges grown in Districts 1, 2, or 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) During the period July 4, 1980, through January 31, 1981, no handler shall handle any Valencia oranges grown in Districts 1, 2, or 3 which are of a size larger than 3.41 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure larger than 3.41 inches in diameter.

(c) As used in this section, "handler," "handle," "District 1," "District 2," and "District 3" mean the same as defined in the marketing order.

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

Dated: June 3, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80–17329 Filed 6–6–80; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Addition of Evergreen International Airlines, Inc. and Pacific Western Airlines, Ltd.; Contract with Transportion Lines

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This is an amendment to the regulations of the Immigration and Naturalization Service to add carriers to the list of transportation lines which have entered into agreement with the Commissioner of Immigration and Naturalization to guarantee the preinspection of their passengers and crews at places outside the United

States. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATES. Evergreen International Airlines, Inc.: February 4, 1980. Pacific Western Airlines, Ltd.: April 27, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street N.W., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment contained in this order adds transportation lines to the listing and is editorial in nature.

The Commissioner of the Immigration and Naturalization Service entered into separate agreements with the following named carriers on the dates indicated to guarantee the preinspection of their passengers and crews at places outside the United States under section 238(c) of the Immigration and Nationality Act and 8 CFR Part 238:

Evergreen International Airlines, Inc.
Effective date: February 4, 1980.

Pacific Western Airlines, Ltd. Effective date: April 27, 1980.

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

In § 238.4 *Preinspection outside the United States,* the listing of transportation lines preinspected at Freeport is amended by adding in alphabetical sequence, "Evergreen International Airlines, Inc.", and the listing of transportation lines preinspected at Calgary is amended by adding in alphabetical sequence, "Pacific Western Airlines, Ltd."

(Secs. 103 and 238(b), (8 U.S.C. 1103 and 1228(b)))

Dated: June 4, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80–17419 Filed 6–6–80; 8:45 am]

BILLING CODE 4410–10–M

8 CFR Part 343b

Special Certificate of Naturalization for Recognition by a Foreign State; Change of Name of Foreign Operations Division Passport Office

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule reflects the change in the title of the "Foreign Operations Division, Passport Office," Department of State to "Office of Citizens' Consular Services". This amendment is necessary because the heading in the address of the office has changed.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: 8 CFR 343b.11(a) provides that a special certificate of naturalization shall be issued by a district director and forwarded to the Secretary of State for transmission to the proper authority of a foreign state when a naturalized citizen desires to obtain recognition as a citizen of the United States by a foreign state. This amendment changes the title of the office in the State Department which handles such procedures.

Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment in this order is editorial in nature and makes no substantive changes.

Accordingly, the following amendment is made in Chapter I of Title 8 of the Code of Federal Regulations:

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

§ 343b.11 [Amended]

8 CFR 343b.11(a) is amended by changing the title "Foreign Operations Division, Passport Office," in the second sentence after the word "Attention:" to read, "Office of Citizens' Consular Services,"

* * * * *

(Sec. 103, 343(c); (8 U.S.C. 1103, 1454(c)))

Dated: June 4, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80–17417 Filed 6–6–80; 8:45 am]

BILLING CODE 4410–01–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 32

Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to provide new requirements for labeling of gas and aerosol detectors, including smoke detectors, and also for labeling the point-of-sale packaging for these detectors. The new requirements are intended to: (1) inform prospective purchasers and other persons that the detectors contain radioactive material, and (2) identify the radioactive material and quantity of activity in each detector.

EFFECTIVE DATE: January 1, 1981.

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: On November 30, 1979, the NRC published in the **Federal Register** (44 FR 68853) a notice of proposed amendments to 10 CFR Part 32 to revise NRC requirements for labeling of gas and aerosol detectors designed to protect life or property from fires and airborne hazards. These detectors include smoke detectors. Smoke detectors containing small quantities of radioactive material, usually americium-241, are distributed extensively to homeowners and commercial and industrial users. The homeowner or other user is exempt from regulatory requirements; the manufacturer (or distributor of imported detectors) must have a specific license from the NRC to distribute the detector. The manufacturer of the detector has been required to label the detector in such a way that the manufacturer and the radioactive material can be identified. This final rule, in addition, requires the manufacturer to label the package used in the retail sale of the detector. This new requirement for labeling of the package in which the detector is displayed for sale is intended

to inform prospective buyers that the detector contains radioactive material.

The notice of proposed rulemaking provided a period of 45 days for public comment. Copies of a value/impact assessment of the proposed amendments, prepared by the NRC staff, were sent to individuals who requested further information.

Interested persons submitted 24 letters regarding the proposed amendments. The letters generally included numerous specific comments but the most frequent and key comments could be divided into three categories:

1. The use of radioactive material in smoke detectors should be banned because there are nonradioactive detectors available; however, if radioactive smoke detectors are permitted to be used, they should be disposed of in a controlled manner as radioactive waste and should not be discarded with normal household waste.

2. The proposed amendments should not be made effective because the new labels would not be understood, would cause unnecessary concern on the part of the consumer, and would discourage the sale of a lifesaving device.

3. The proposed statement to be included on the label for the package containing the detector, "This detector contains radioactive material which presents no significant hazard to health if used in accordance with the instructions," is misleading and should be revised.

Copies of the comments may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. A summary of the NRC's response to these comments is presented below.

1. The principal question in this rulemaking is neither prohibition of the use of smoke detectors nor their disposal. The question is how to label the detector package so that prospective purchasers are informed that the detectors contain radioactive material and are informed about what and how much radioactive material is contained in the detectors.

2. Whether or not some persons may or may not understand the significance of the information required in the new labels, and whether or not sales may or may not be discouraged, it appears appropriate to provide the prospective purchaser/user an opportunity to be informed about the radioactive content of the detector. If that person then decides to reject the benefit because of the small radiation risk, if any, associated with the detector, that decision can be based upon specific information.

3. The NRC agrees that revision of the proposed statement is needed to avoid unintended meanings. For example, the statement could reasonably cause one to believe that there would be a significant hazard to health if the detector is used other than in accordance with the instructions.

Upon further consideration of the objective of conveying safety information to the prospective purchaser, the NRC has revised the statement to show that the detector contains radioactive material, that the detector has been manufactured in compliance with safety criteria of the U.S. Nuclear Regulatory Commission, and that the user of the detector is exempt from U.S. NRC regulations.

This method of communicating safety information to consumers by citing an applicable Federal regulation is used for other radiation-emitting consumer products. For example, the U.S. Department of Health and Human Services requires that certification tags which give indication of product conformance to applicable Federal standards be attached to television receivers and microwave ovens. The fact that a product's manufacture is subject to Federal standards and regulation by a Federal agency may be significant to the prospective purchaser.

After careful consideration of the comments on the notice of proposed rulemaking and the other factors involved, the Commission has adopted the rule in effective form with the significant changes discussed below.

1. The proposed amendments would have required package labeling only if the detector were individually packaged. The final rule does not limit package labeling to individually packaged detectors. Although individual packaging is most frequently used in marketing of detectors intended for residential use, many detectors intended for commercial and industrial establishments are not individually packaged. An opportunity for informing this latter group of users will be provided by the requirement that all point-of-sale packages be labeled.

2. The proposed amendments would have been effective after July 14, 1980. The final rule becomes effective January 1, 1981. This change is based on industry's representations that additional time is needed to avoid dumping of present supplies of labels and to design and produce new labels. Also, no safety question in need of immediate action is involved in this change in the effective date.

3. The proposed amendments would have required the detector label to identify the manufacturer or initial transferor of the product. The final rule requires both the detector label and the package label to identify the person with an NRC license authorizing distribution of the detectors. Usually that person is the manufacturer if the detector is made in the U.S., or the importer if the detector is manufactured abroad. In either case, identification of the NRC licensee will assure identification of the person with responsibility for distributing a product that meets NRC safety criteria.

4. The proposed amendments would have required that the dectector label be located on the external surface of the detector. The final rule retains that requirement and also specifies that the label must be visible when the detector is removed from its mounting, i.e., from its installed position. This additional detail on location of the detector label was prompted by several comments about the need for label to be visible when the detector is installed. Because of the safety criteria that each detector must meet, particularly those relating to external radiation levels, and because of the other provisions for location of labels, a highly visible label on the external surface of an installed detector is not needed.

5. The proposed amendments would have required that the label on the point-of-sale package contain the statement "This detector contains radioactive material which presents no significant hazard to health if used in accordance with the instructions." The final rule does not require that statement. As discussed before, the point-of-sale package label will state that the detector contains radioactive material, that it has been produced in compliance with NRC safety criteria, and that the purchaser is exempt from any regulatory requirements.

6. The proposed amendments would not have changed a general provision whereby the Commission, on a case-by-case basis, may require the manufacturer to provide additional labeling or marking information, including disposal instructions when appropriate. The final rule changes this provision. The final rule omits specific reference to disposal instructions in order to avoid any suggestion that the labeling or marking imposes regulatory requirements on the consumer. The labeling or marking is intended only to inform the consumer.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 32 are

published as a document subject to codification to be effective January 1, 1981.

1. Section 32.26(b)(10) is revised to read as follows:

§ 32.26 Gas and aerosol detectors containing byproduct material: requirements for license to manufacture, process, produce, or initially transfer.

* * * * *

(b) * * * The information should include:

* * * * *

(10) The proposed methods of labeling or marking the detector and its point-of-sale package to satisfy the requirements of § 32.29(b);

2. Section 32.29(b) is revised to read as follows:

§ 32.29 Conditions of licenses issued under § 32.26: quality control, labeling, and reports of transfer.

Each person licensed under § 32.26 shall:

* * * * *

(b) Label or mark each detector and its point-of-sale package so that:

(1) Each detector has a durable, legible, readily visible label or marking on the external surface of the detector containing:

(i) The following statement: "CONTAINS RADIOACTIVE MATERIAL";

(ii) The name of the radionuclide and quantity of activity; and

(iii) An identification of the person licensed under § 32.26 to transfer the detector for use pursuant to § 30.20 of this chapter or equivalent regulations of an Agreement State.

(2) The labeling or marking specified in paragraph (b)(1) of this section is located where its will be readily visible when the detector is removed from its mounting.

(3) The external surface of the point-of-sale package has a legible, readily visible label or marking containing:

(i) The name of the radionuclide and quantity of activity;

(ii) An identification of the person licensed under § 32.26 to transfer the detector for use pursuant to § 30.20 of this chapter or equivalent regulations of an Agreement State; and

(iii) The following or a substantially similar statement: "THIS DETECTOR CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NRC SAFETY CRITERIA IN 10 CFR 32.27. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS."

(4) Each detector and point-of-sale package is provided with such other information as may be required by the Commission; and

* * * * *

(Secs. 81, 161b, Pub. L. 83-703, 68 Stat. 935, 948b (42 U.S.C. 2111, 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Bethesda, Md. this 27th day of May, 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-17400 Filed 6-6-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 590

[Correction to No. 80-234]

Regulations for Federally-Related Mortgage Loans; Preemption of State Usury Laws; Correction

Dated: April 3, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Correction of Final Regulations.

SUMMARY: This document corrects the Board's recent regulations concerning Federally-related residential mortgage loans published in the **Federal Register** on April 9, 1980. (45 FR 24112)

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT:

James C. Stewart, Attorney, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552 ((202) 377-6457).

SUPPLEMENTARY INFORMATION:

By Resolution 80-234, the Board adopted regulations to implement the permanent mortgage interest ceiling preemption contained in § 501 of the Depository Institutions Deregulation and Monetary Control Act (Pub. L. No. 96-221, 94 Stat. 161). Because of a typographical error in § 590.2 of those regulations, there are two paragraphs numbered § 590.2(b). Accordingly, the Board is changing the second § 590.2(b) to § 590.2(c). The other paragraphs of § 590.2 should be redesignated to be consistent with this change.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-17451 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11, 21, 25, 29, 37, 91, 121, 127 and 135

[Docket No. 19589; Amdt. Nos. 11-18; 21-50; 25-52; 29-19; 37-47; 91-163; 121-158; 127-38; and 135-4]

Technical Standard Order (TSO) Revision Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to adopt a new public procedure to expedite the issuance of standards, known as Technical Standard Orders (TSO), for specified materials, parts, processes, and appliances used on civil aircraft. In accordance with Executive Order 12044, Improving Government Regulations, the new procedure will expedite TSO issuance and amendment, and will result in the substantial reduction of existing regulatory material. Consistent with the President's goal of reforming the regulatory process to eliminate unnecessary requirements, these amendments will enable the FAA to issue and amend TSO's in a timely manner. In addition, it is part of the FAA's continuing effort to simplify the Federal Aviation Regulations. The expeditious issuance of new TSO's and amendment of existing TSO's (presently published as Subpart B of Part 37) are necessary to stay current with the continuing growth and technological advances in aeronautics.

EFFECTIVE DATE: September 9, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Eli S. Newberger, Regulatory Projects Branch, AVS-24, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

Whenever a material, part, process, or appliance is to be used on an aircraft, it must be approved under the Federal Aviation Regulations (FAR) before it can be utilized. The approval can be obtained in one of the following ways: (1) under a Parts Manufacturer Approval issued under 14 CFR 21.303; (2) in conjunction with type certification procedures for a product, including approvals granted by a supplemental type certificate; (3) under a Technical

Standard Order authorization or approval issued under 14 CFR Part 37; or (4) in any other manner approved by the Administrator.

One of the several methods of obtaining approval is by designing and testing the article (material, part, process, or appliance) in accordance with a TSO which contains minimum performance and quality control standards for specified articles. The standards for each TSO are those the Administrator finds necessary to ensure that the article concerned will operate satisfactorily. Since compliance with a TSO is only one method of obtaining an approval, the standards contained in the TSO are not mandatory but are only an optional way of obtaining approval for a particular article. For example, an applicant can obtain approval to deviate from a particular TSO if it shows that the design features provide an equivalent level of safety.

A TSO is not a standard of general or particular applicability designed to implement or prescribe law or policy. It does not fall within the definition of "rule" contained in the Administrative Procedure Act (5 U.S.C. 551). There is no requirement that a TSO be published as a notice of proposed rule making in the **Federal Register.**

Future TSO's will, through incorporation by reference, make maximum practical use of "voluntary standards" as defined by the Office of Management and Budget (OMB) Circular A–119, "Federal Participation in the Development and Use of Voluntary Standards," issued January 17, 1980 (45 FR 4326). By definition of OMB Circular A–119, "voluntary standards" are established generally by the private sector "voluntary standards bodies" and are available for use by any person or organization, private or government. The term includes what are commonly referred to as "industry standards" as well as "consensus standards" but does not include professional standards of personal conduct, private standards of individual firms, or standards mandated by law. "Voluntary standards bodies" are nongovernmental bodies which are broad based, multimember, domestic, and multinational organizations including; for example, nonprofit organizations, industry associations, and professional technical societies which develop, establish, or coordinate voluntary standards.

The FAA has determined, for the reasons stated in Notice 79–15, published in the **Federal Register** on October 1, 1979 (44 FR 56370), that, in the interest of safety, it is appropriate to adopt new public procedures to facilitate the issuance of TSO's for specified articles used on civil aircraft. The safety aspect of this rule making is particularly important. The fact that TSO's have been part of the complex regulatory structure of the FAA has caused a substantial lag time between regulations and state of the technology. This procedural change should advance by months and even years the implementation of technological improvements in the U.S. aviation system.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented. Significant comments received in response to Notice 79–15 are discussed below. A number of substantive, editorial, and clarifying changes have been made to the proposed rules based on relevant comments and on further review within the FAA. Except for minor editorial and clarifying changes and the changes discussed below, these amendments and the reasons for their adoption are the same as those contained in Notice 79–15.

These amendments are consistent with the agency's responsibility to review the continuing need for regulations and the need to eliminate unnecessary regulations. By eliminating TSO's from the regulations, previously published as Subpart B of 14 CFR Part 37, and making them available through the multiple procedures described below, the FAA has improved the availability of the TSO's and made it easier for the public to locate the most up-to-date standard. In addition, by removing TSO's from the agency's regulatory process, the time available for other matters within the regulatory system will be increased. This will enable the agency to respond in a more timely manner to other issues submitted by the public. This improvement of the regulatory process, to be more responsive to the public, is consistent with Executive Order 12044, issued by President Carter on March 23, 1978.

Discussion of Comments

Twenty-two individual sets of public comments were submitted in response to Notice 79–15. Several of the commenters were associations that presented the views of manufacturers, operators, and pilots. While the great majority of the commenters were in general agreement with the objective of the proposal, a number of them suggested changes, requested clarification or guidance, and offered specific criticisms. Other commenters proposed changes that are beyond the scope of this rulemaking.

Discussion of Comments to the New Public Procedure

In general, the commenters concerned themselves with the following questions: How would TSO authorizations be obtained? Would foreign countries accept them? How would a request for approval to deviate from any performance standard be handled? How would an interested party request a revision to a TSO? How would a current TSO be affected when a revision to the TSO is made? How would the public comment on a draft TSO? How would the FAA revise the sections of the Federal Aviation Regulations which reference a TSO by TSO number? One commenter expressed concern that adopting the proposal would abolish existing TSO's.

Based on comments received, the FAA has determined that the proposed new public procedure may not have been fully understood as it was explained in Notice 79–15. The purpose of the new public procedure is to expedite the issuance of TSO's for specified articles used on civil aircraft by deleting unnecessary rulemaking steps and by deleting unnecessary material from the regulations. This effort is consistent with Executive Order 12044. There is no change in the requirements for the issuance of TSO authorizations which are relocated from Subpart A of Part 37 to new Subpart O of Part 21. There is no change in the procedure to issue TSO authorizations, to process requests for approval to deviate from any performance standard, or to request a revision to a TSO. Existing holders of TSO authorizations will continue to retain their current status when new or amended TSO's are issued, unless otherwise specified in the TSO. Manufacturers may request approval to deviate from any TSO using the same procedures as before, now described in new § 21.609.

The new public procedure does not affect the right of the public to comment on a proposed TSO. The public will continue to be invited to participate in the development of documents prepared and issued by industry organizations which the FAA will use by reference in a TSO. The FAA will use the rulemaking process to revise the sections of the Federal Aviation Regulations which reference a TSO by TSO number when there is a need to change to referenced TSO number. The FAA will make available to any interested person an index of each current TSO and each TSO the FAA anticipates will be issued within the succeeding 12 months. The FAA will also invite comments from interested persons on each proposed

TSO using a notice in the Federal Register.

Public Procedure

The following is the public procedure, in detail, the FAA will use to develop and issue final TSO's for specified articles used on civil aircraft:

- The FAA will continue to develop draft TSO's and will continue to use, by reference in the TSO, documents prepared and issued by organizations such as the Radio Technical Commission for Aeronautics (RTCA) and the Society of Automotive Engineers (SAE). Notices of RTCA meetings and invitations will continue to be published in the Federal Register. This will allow public participation at the early stages of document development.
- Any interested person may request the Administrator to revise or issue a new TSO by submitting a description of the revision sought or a description of the new article for which a TSO is requested.
- The FAA will use several methods to ensure that the public is afforded early opportunities to take part in the TSO decisionmaking process. A draft TSO will be circulated for public comment through the use of mailing lists. Any individual or organization can request to be placed on the TSO mailing list. All those on the list will receive drafts of each TSO. In addition, Advisory Circular 20–110, Index of Aviation Technical Standard Orders, will list those TSO's the FAA anticipates will be issued within the succeeding 12 months. Advisory Circular 20–110 will also list each current TSO and provide information on how to obtain copies of those desired. Finally, the FAA will publish periodically a notice in the Federal Register of each proposed TSO and provide notice of how to obtain a copy.
- Any individual or organization wishing to obtain copies of Advisory Circular 20–110, specific draft TSO's, or all such TSO's proposed by the FAA may be placed on a mailing list by submitting a request addressed to the Federal Aviation Administration, Office of Airworthiness, Aircraft Engineering Division, Systems Branch (AWS–130), 800 Independence Avenue, S.W., Washington, D.C. 20591, or by telephoning (202) 426–8395. Interested persons will receive copies of the Advisory Circular and copies of those draft TSO's requested. Any person wishing to submit comments on a proposed TSO will be given 90 days from its issuance date to submit comments.
- All comments received on or before the closing date for comments will be considered by the Administrator before issuing a final TSO.
- All comments submitted will be available, both before and after the closing date for comments, for examination by interested persons in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, S.W., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.
- Copies of the final TSO will be mailed to all persons on the mailing list. As in the past, documents prepared and issued by an organization that are incorporated by reference in the TSO will continue to be available to any interested person only from that organization. Final TSO's will not be published in the Federal Register.
- Copies of all draft and final TSO's will also be available at FAA Headquarters in the Office of Airworthiness, Aircraft Engineering Division, Systems Branch (AWS–130), and at all regional Flight Standards Engineering and Manufacturing offices.

In summary, the new procedure has numerous opportunities for the public to participate in the development of each TSO. These are: (1) participation in the development of documents prepared and issued by industry organizations, which the FAA may use by reference in a TSO; (2) mailing lists to circulate a draft TSO to the public for comment; (3) an advisory circular to list for the public each TSO the FAA anticipates will be issued within the succeeding 12 months; (4) notice in the Federal Register announcing the availability of each draft TSO and invitation for comment; and (5) at least 90 days to submit comments.

Discussion of General Comments

One commenter recommended tightening the TSO requirements, citing three airplane incidents (the loss of a piece of tall, the loss of a wing flap, and the failure of a rear bulkhead). This amendment does not address the requirements of any individual TSO. Furthermore, TSO authorizations are not issued for the airframe parts that the commenter cited. FAA approval for these airframe parts is accomplished under the type design approval for the specific airplane.

One commenter cited TSO references in §§ 91.24(a), 91.52, and 121.360 and questioned if the FAA plans to revise these sections to delete the referenced TSO. The FAA is not revising the referenced TSO in these sections. Since Part 37 is being revoked by this amendment, references to TSO's using sections of Part 37 (§ 37.XXX) are revised to reference each TSO by the TSO number.

One commenter stated that there may be problems relating to the enforcement of the provisions of Advisory Circular 20–110 under proposed §§ 21.603(a), 21.607(a), 21.609, and 21.611. It is unclear to what this commenter is referring since the advisory circular merely lists each current TSO and each TSO the FAA anticipates will be issued within the succeeding 12 months.

Discussion of Comments to § 11.49(b)

Present § 11.49(b)(2) delegates authority to the Director, Flight Standards Service, to issue, amend, and repeal TSO's under Part 37. The notice proposed deletion of this delegation since Part 37 is being revoked. No unfavorable comments were received on the proposal. Accordingly, the proposal is adopted without change. However, it should be noted that the current FAA official responsible for TSO's is the Director of Airworthiness.

Discussion of Comments to § 21.3

Two commenters pointed out that § 21.3 contained most of the requirements of proposed § 21.617 and suggested deleting requirements in proposed § 21.617 that are duplicated in § 21.3. The FAA agrees and comments to proposed § 21.617 are discussed under § 21.3. Section 21.617 adopted by this amendment relates to a different subject than that of proposed § 21.617 which is discussed under § 21.617.

One commenter suggested revising proposed § 21.617 (a) and (b) to require mechanical reliability reporting of TSO articles (currently required for Parts 121, 127, and 135 operators) for Part 91 operators or owners. The commenters cited greater user awareness of such problems for justification. Because the FAA is currently reviewing the entire mechanical reliability reporting program and the issue will be addressed at a latter date, the suggestion was not adopted.

Another commenter asked if imported articles would be exempt from the reporting requirements of proposed § 21.617. Section 21.3(d)(2) does exempt foreign manufacturers from the reporting requirements of § 21.3(a) because there are existing means by which the FAA obtains the necessary information from the appropriate airworthiness authorities in the country of manufacture. As a result of the information provided by the foreign authorities, it is not necessary to apply the requirements of § 21.3(a) to foreign manufacturers.

Another commenter suggested removing the phrase "After January 3, 1971" from proposed § 21.617 (a) and (b). Based on these comments and upon further consideration, the FAA has amended § 21.3 (a), (b), (d), and (e)(3)(ii) to make them applicable to holders of a TSO authorization, relocated proposed § 21.617(f) to new § 21.3(f), deleted the phrase "After January 3, 1971," from § 21.3 (a) and (b), and deleted proposed § 21.617.

Discussion of Comments to Subpart O of Part 21

No unfavorable comments were received on the proposal to amend § 21.305(b) or on proposed §§ 21.609, 21.611, 21.613, 21.615, 21.619, and 21.621. Accordingly, these proposals are adopted without substantive change.

One commenter suggested deleting § 21.305(d) and amending § 43.7 to specify that any alteration of major repair approvals granted under Part 43 be limited to the specific aircraft (by type and serial number) upon which work is performed. The commenter stated that the provisions of § 21.305(d) in conjunction with discretionary functions of § 43.7 would "administratively lead to arbitrary and capricious application of subjective standards." No proposal was made in Notice 79–15 to amend §§ 21.305(d) and 43.7 as suggested by the commenter. Furthermore, since the FAA does not have sufficient information at the present time to justify such amendments to §§ 21.305(d) and 43.7, the suggestion is not adopted.

One commenter suggested placing the TSO procedural requirements under Subpart K instead of proposed Subpart O and questioned the need for the proposed new Subpart O. Relocation of the procedural requirements of Subpart A of Part 37 in new Subpart O, as proposed, would retain the same paragraph format subdivisions which are easy to read and use. This would make the regulations easier to use for all members of the public. Therefore, these requirements are relocated in Subpart O.

One commenter suggested that TSO authorizations be transferable. The FAA does not agree. TSO authorizations are not transferable like type certificates because authorizations are issued based on the person's quality control system and ability to duplicate the article under the TSO system.

§ *21.601*

No unfavorable comments were received on proposed § 21.601. However, the FAA is adopting an amendment to § 21.601 by adding paragraph 21.601(c) which states that the Administrator does not issue a TSO authorization if the manufacturing facilities for the product are located outside of the United States, unless the Administrator finds that the location places no undue burden on the FAA in administering applicable airworthiness requirements. This additional requirement is necessary to ensure that proper surveillance can be maintained over the manufacturer's facilities. The need to impose this restriction is based upon the type of surveillance necessary over a manufacturer having a TSO authorization. It is identical to the restriction placed upon manufacturing facilities to which type certificates are issued in accordance with § 21.43 and to which production certificates are issued in accordance with § 21.137 and reflects current practice. A new § 21.617 is adopted to address current practices for approving foreign-manufactured articles designed to TSO performance standards. The procedures of new § 21.617 provide an approved equivalent to the domestic TSO authorization.

§ *21.603*

One commenter objected to proposed § 21.603(b) which continues to allow the holder of an FAA letter of acceptance of a statement of conformance, issued for an article before July 1, 1962, to continue to manufacture that article without obtaining a TSO authorization. The commenter stated that this establishes different levels of safety for the same product because it allows a product to continue to be manufactured under obsolete standards when that product could not meet current standards. Holders of such letters must comply with the requirements of §§ 21.607 through 21.615, 21.619, and 21.621. In general, when an application for TSO authorization is made, the applicable standards for the article are those in effect on the date of application. The FAA did not propose to revise § 21.603(b) to withdraw letters of acceptance issued before July 1, 1962, or any TSO authorization issued after July 1, 1962, and to require all manufacturers to demonstrate compliance with the current TSO performance standards. No unfavorable comments were received on the proposal to relocate the substance of § 37.3 to new § 21.603. Accordingly, the proposal is adopted without substantive change.

§ *21.605*

One commenter recommended revising proposed § 21.605(a)(2) to require one copy of the technical data required in the applicable TSO issued by the Administrator unless additional copies are requested by the Administrator. The FAA agrees this would reduce the number of copies of the technical data the applicant would need to submit. Another commenter suggested revising the last sentence of proposed § 21.605(a)(3) to add the phrase "or numbers (or combinations thereof)" between the words "letters" and "will." The commenter stated this would allow the use of suffix numerals as well as letters to designate minor changes to TSO articles. The FAA agrees. After further review, the FAA has determined that the use of part numbers in proposed §§ 21.605(a)(3) and 21.611(a) to identify minor design changes would simplify and expedite approval of such changes. This is consistent with Executive Order 12044 in that it lessens the regulatory burden on the public. Accordingly, § 21.605 is adopted with the noted changes.

§ *21.607*

One commenter suggested deleting proposed § 21.607(d)(3) because the required weight information is not necessary as a part of the nameplate and it is provided elsewhere. The FAA agrees. Section 21.607(d)(3) is deleted and § 21.607(d) is renumbered. The same commenter recommended amending proposed § 21.607 to list the required data and information currently listed in the performance standards of each TSO to futher simplify the TSO system. The FAA has determined that since the data and information listed in each TSO are not common to all TSO's, the recommendation, if adopted, would impose unnecessary requirements on some TSO authorization holders. Accordingly, proposed § 21.607 is adopted without substantive change.

Issue of Letters of TSO Design Approval: Import Appliances

New § 21.617

In order to implement the requirements contained in §§ 21.601(b)(2), 21.603(d) and 21.609(b), the FAA is adopting procedural requirements which reflect current practice for the issuance of letters of TSO design approval for import appliances (see discussion of § 21.601). New § 21.617, which is totally different in subject from proposed § 21.617 (see § 21.3), prescribes the procedural requirements and, as adopted, §§ 21.601(b)(3), 21.603(a), and 21.609(b) are revised to address foreign manufacturers. These procedural requirements reflect the current practice. Adopting this procedure causes no burden on any person and it has the benefit of formalizing the current

practice. The FAA finds that notice and public procedure are unnecessary.

Note.—This rule contains provisions for the issuance of a TSO authorization and a letter of TSO design approval. To differentiate, a TSO authorization is limited to manufacturers of articles (materials, parts, processes, or appliances) located in the United States. These manufacturers must comply with the requirement to submit quality control system data in addition to certifying that their design complies with the pertinent TSO. Conversely, a letter of TSO design approval is processed under the provisions of airworthiness bilateral agreements and is limited to appliances as defined in pertinent airworthiness bilateral agreements. Such approvals do not require submitting quality control data. The quality control integrity of these appliances is attested to by the Certificate of Airworthiness for Export issued by the civil airworthiness authority of the country of manufacture under the provisions of § 21.502.

Note.—Any article approved under an FAA TSO authorization (domestic) or under a letter of TSO design approval (foreign) only attests to the conformity of the design and quality of the particular article against the TSO perfomance and quality control standards. It does not convey an installation approval. Accordingly, installation approval must be obtained in a manner acceptable to the Administrator for each particular product on which the article is to be installed. This is not a change in existing practice.

Discussion of Comments to Part 37

One commenter suggested revoking only Subpart B of Part 37. The FAA has determined that there is benefit in having all of the certification procedures for products and parts in Part 21 of the Federal Aviation Regulations. Accordingly, the proposal to revoke Part 37 is adopted without charge.

Note.—There is no change in reporting and/or recordkeeping requirements which are relocated from Subpart A of Part 37 to new Subpart O of Part 21.

Adoption of the Amendments

Accordingly, Parts 11, 21, 25, 29, 37, 91, 121, 127, and 135 of the Federal Aviation Regulations (14 CFR Parts 11, 21, 25, 29, 37, 91, 121, 127, and 135) are amended as follows, effective September 9, 1980.

PART 11—GENERAL RULEMAKING PROCEDURES

§ 11.49 [Amended]

1. By deleting and reserving § 11.49(b)(2).

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

2. By revising § 21.3 (a), (b), (d)(1) introductory text, (d)(2), (e)(3)(ii)–(v) and adding paragraphs (e)(3)(vi) and (f) to read as follows:

§ 21.3 Reporting of failures, malfunctions, and defects.

(a) Except as provided in paragraph (d) of this section, the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a Type Certificate shall report any failure, malfunction, or defect in any product, part, process, or article manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this section.

(b) The holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a Type of Certificate shall report any defect in any product, part, or article manufactured by it that has left its quality control system and that it determines could result in any of the occurrences listed in paragraph (c) of this section.

* * * * *

(d) * * *

(1) Failures, malfunctions, or defects that the holder of a Type Certificate (including a Supplemental Type Certificate), Parts Manufacturer Approval (PMA), or TSO authorization, or the licensee of a Type Certificate—

(i) * * *

(ii) * * *

(iii) * * *

(2) Failures, malfunctions, or defects in products, parts, or articles manufactured by a foreign manufacturer under a U.S. Type Certificate issued under § 21.29 or § 21.617, or exported to the United States under § 21.502.

(e) * * *

(3) * * *

(i) * * *

(ii) When the failure, malfunction, or defect is associated with an article approved under a TSO authorization, the article serial number and model designation, as appropriate.

(iii) When the failure, malfunction, or defect is associated with an engine or propeller, the engine or propeller serial number, as appropriate.

(iv) Product model.

(v) Identification of the part, component, or system involved. The identification must include the part number.

(vi) Nature of the failure, malfunction, or defect.

(f) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under a TSO authorization is unsafe because of a manufacturing or design defect, the manufacturer shall, upon request of the Administrator, report to the Administrator the results of its investigation and any action taken or proposed by the manufacturer to correct that defect. If action is required to correct the defect in existing articles, the manufacturer shall submit the data necessary for the issuance of an appropriate airworthiness directive to the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), of the FAA regional office in the region in which it is located.

3. By revising § 21.305(b) to read as follows:

§ 21.305 Approval of materials, parts, processes, and appliances.

* * * * *

(b) Under a Technical Standard Order issued by the Administrator. Advisory Circular 20–110 contains a list of Technical Standard Orders that may be used to obtain approval. Copies of the Advisory Circular may be obtained from the U.S. Department of Transportation, Publication Section (M–443.1), Washington, D.C. 20590;

* * * * *

4. By adopting a new Subpart O to Part 21 to read as follows:

Subpart O—Technical Standard Order Authorizations

Sec.

§ 21.601 Applicability.

(a) This Subpart prescribes—

(1) Procedural requirements for the issue of Technical Standard Order authorizations;

(2) Rules governing the holders of Technical Standard Order authorizations; and

(3) Procedural requirements for the issuance of a letter of Technical Standard Order design approval.

(b) For the purpose of this Subpart—

(1) A Technical Standard Order (referred to in this Subpart as "TSO") is issued by the Administrator and is a minimum performance standard for specified articles (for the purpose of this Subpart, articles means materials, parts, processes, or appliances) used on civil aircraft.

(2) A TSO authorization is an FAA design and production approval issued to the manufacturer of an article which has been found to meet a specific TSO.

(3) A letter of TSO design approval is an FAA design approval for a foreign-manufactured article which has been found to meet a specific TSO in accordance with the procedures of § 21.617.

(4) An article manufactured under a TSO authorization, an FAA letter of acceptance as described in § 21.603(b), or an appliance manufactured under a letter of TSO design approval described in § 21.617 is an approved article or appliance for the purpose of meeting the regulations of this chapter that require the article to be approved.

(5) An article manufacturer is the person who controls the design and quality of the article produced (or to be produced, in the case of an application), including the parts of them and any processes or services related to them that are procured from an outside source.

(c) The Administrator does not issue a TSO authorization if the manufacturing facilities for the product are located outside of the United States, unless the Administrator finds that the location of the manufacturer's facilities places no undue burden on the FAA in administering applicable airworthiness requirements.

§ 21.603 TSO marking and privileges.

(a) Except as provided in paragraph (b) of this section and § 21.617(c), no person may identify an article with a TSO marking unless that person holds a TSO authorization and the article meets applicable TSO performance standards.

(b) The holder of an FAA letter of acceptance of a statement of conformance issued for an article before July 1, 1962, or any TSO authorization issued after July 1, 1962, may continue to manufacture that article without obtaining a new TSO authorization but shall comply with the requirements of §§ 21.3, 21.607 through 21.615, 21.619, and 21.621.

(c) Notwithstanding paragraphs (a) and (b) of this section, after August 6, 1976, no person may identify or mark an article with any of the following TSO numbers:

(1) TSO–C18, –C18a, –C18b, –C18c.

(2) TSO–C24.

(3) TSO–C33.

(4) TSO–C61 or C61a.

§ 21.605 Application and issue.

(a) The manufacturer (or an authorized agent) shall submit an application for a TSO authorization, together with the following documents, to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the applicant is located (or in the case of the Western Region, the Chief, Aircraft Engineering Division):

(1) A statement of conformance certifying that the applicant has met the requirements of this Subpart and that the article concerned meets the applicable TSO that is effective on the date of application for that article.

(2) One copy of the technical data required in the applicable TSO.

(3) A description of its quality control system in the detail specified in § 21.143. In complying with this section, the applicant may refer to current quality control data filed with the FAA as part of a previous TSO authorization application.

(b) When a series of minor changes in accordance with § 21.611 is anticipated, the applicant may set forth in its application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.

(c) After receiving the application and other documents required by paragraph (a) of this section to substantiate compliance with this Part, and after a determination has been made of its ability to produce duplicate articles under this Part, the Administrator issues a TSO authorization (including all TSO deviations granted to the applicant) to the applicant to identify the article with the applicable TSO marking.

(d) If the application is deficient, the applicant must, when requested by the Administrator, submit any additional information necessary to show compliance with this Part. If the applicant fails to submit the additional information within 30 days after the Administrator's request, the application is denied and the applicant is so notified.

(e) The Administrator issues or denies the application within 30 days after its receipt or, if additional information has been requested, within 30 days after receiving that information.

§ 21.607 General rules governing holders of TSO authorizations.

Each manufacturer of an article for which a TSO authorization has been issued under this Part shall—

(a) Manufacture the article in accordance with this Part and the applicable TSO.

(b) Conduct all required tests and inspections and establish and maintain a quality control system adequate to ensure that the article meets the requirements of paragraph (a) of this section and is in condition for safe operation;

(c) Prepare and maintain, for each model of each article for which a TSO authorization has been issued, a current file of complete technical data and records in accordance with § 21.613; and

(d) Permanently and legibly mark each article to which this section applies with the following information:

(1) The name and address of the manufacturer.

(2) The name, type, part number, or model designation of the article.

(3) The serial number or the date of manufacture of the article or both.

(4) The applicable TSO number.

§ 21.609 Approval for deviation.

(a) Each manufacturer who requests approval to deviate from any performance standard of a TSO shall show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

(b) The request for approval to deviate, together with all pertinent data, must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located (or in the case of the Western Region, the Chief, Aircraft Engineering Division). If the article is manufactured in a foreign country, the request for approval to deviate, together with all pertinent data, must be submitted through the civil aviation authority in that country to the FAA.

§ 21.611 Design changes.

(a) *Minor changes by the manufacturer holding a TSO authorization.* The manufacturer of an article under an authorization issued under this Part may make minor design changes (any change other than a major change) without further approval by the Administrator. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes) and the manufacturer shall forward to the appropriate Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), any revised data that are necessary for compliance with § 21.605(b).

(b) *Major changes by manufacturer holding a TSO authorization.* Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with a TSO is a major change. Before making such a change, the manufacturer shall assign a new type or model designation to the

article and apply for an authorization under § 21.605.

(c) *Changes by person other than manufacturer.* No design change by any person (other than the manufacturer who submitted the statement of conformance for the article) is eligible for approval under this Part unless the person seeking the approval is a manufacturer and applies under § 21.605(a) for a separate TSO authorization. Persons other than a manufacturer may obtain approval for design changes under Part 43 or under the applicable airworthiness regulations.

§ 21.613 Recordkeeping requirements.

(a) *Keeping the records.* Each manufacturer holding a TSO authorization under this Part shall, for each article manufactured under that authorization, keep the following records at its factory:

(1) A complete and current technical data file for each type or model article, including design drawings and specifications.

(2) Complete and current inspection records showing that all inspections and tests required to ensure compliance with this Part have been properly completed and documented.

(b) *Retention of records.* The manufacturer shall retain the records described in paragraph (a)(1) of this section until it no longer manufactures the article. At that time, copies of these records shall be sent to the Administrator. The manufacturer shall retain the records described in paragraph (a)(2) of this section for a period of at least 2 years.

§ 21.615 FAA inspection.

Upon the request of the Administrator, each manufacturer of an article under a TSO authorization shall allow the Administrator to—

(a) Inspect any article manufactured under that authorization;

(b) Inspect the manufacturer's quality control system;

(c) Witness any tests;

(d) Inspect the manufacturing facilities; and

(e) Inspect the technical data files on that article.

§ 21.617 Issue of letters of TSO design approval: import appliances.

(a) A letter of TSO design approval may be issued for an appliance that is manufactured in a foreign country with which the United States has an agreement for the acceptance of these appliances for export and import and that is to be imported into the United States if—

(1) The country in which the appliance was manufactured certifies that the appliance has been examined, tested, and found to meet the applicable TSO designated in § 21.305(b) or the applicable performance standards of the country in which the appliance was manufactured and any other performance standards the Administrator may prescribe to provide a level of safety equivalent to that provided by the TSO designated in § 21.305(b); and

(2) The manufacturer has submitted one copy of the technical data required in the applicable performance standard through its civil aviation authority.

(b) The letter of TSO design approval will be issued by the Administrator and must list any deviation granted to the manufacturer under § 21.609.

(c) After the Administrator has issued a letter of TSO design approval and the country of manufacture issues a Certificate of Airworthiness for Export as specified in § 21.502(a), the manufacturer shall be authorized to identify the appliance with the TSO marking requirements described in § 21.607(d) and in the applicable TSO. Each appliance must be accompanied by a Certificate of Airworthiness for Export as specified in § 21.502(a) issued by the country of manufacture.

§ 21.619 Noncompliance.

The Administrator may, upon notice, withdraw the TSO authorization or letter of TSO design approval of any manufacturer who identifies with a TSO marking an article not meeting the performance standards of the applicable TSO.

§ 21.621 Transferability and duration.

A TSO authorization or letter of TSO design approval issued under this Part is not transferable and is effective until surrendered, withdrawn, or otherwise terminated by the Administrator.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

§ 25.1415 [Amended]

5. By amending § 25.1415(d) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91".

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

§ 29.1415 [Amended]

6. By amending § 29.1415(d) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91".

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

7. By revoking Part 37 and marking it to read as follows:

PART 37 [Reserved]

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.52 [Amended]

8. By amending § 91.52 by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91" in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in paragraph (d)(2).

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.339 [Amended]

9. By amending the first sentence of § 121.339(a)(4) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91," by deleting the phrase "of Part 37 of this chapter," and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in the second sentence.

§ 121.353 [Amended]

10. By amending the first sentence of § 121.353(b) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91," by deleting the phrase "of Part 37 of this chapter," and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in the second sentence.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

§ 127.103 [Amended]

11. By amending § 127.103(b) by replacing the phrase "§ 37.20 of this chapter" with the term "TSO–C10b".

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

§ 135.167 [Amended]

12. By amending the first sentence of § 135.167(b) by replacing the phrase "§ 37.200 of this chapter" with the phrase "the applicable requirements of TSO–C91" and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in the second sentence.

(Sections 303(d), 313(a), 601, 603, and 605, Federal Aviation Act of 1958, as amended (49 U.S.C. 1344, 1354(a), 1421, 1423, 1424, and 1425; Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves regulations which are not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on June 2, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-17198 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 78-WE-12-D; Amdt. 39-3787]

AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 Series Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 series engines by providing for the installation of alternate part in the accomplishment of the modification required by the original AD. The amendment is needed to provide increased flexibility in AD accomplishments with the same, or higher level of safety than that specified in the original AD.

DATE: Effective June 12, 1980.

Compliance schedule—As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39-3367, AD 78-25-08, as amended by Amendments 39-3389 and 39-3607, which currently requires the incorporation of a modified fuel control drive system on AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 series engines. After issuing Amendment 39-3607 the manufacturer has produced an alternate configuration torque sensor which the FAA has determined is suitable for use in accomplishing AD 78-25-08. Therefore, the FAA is further amending Amendment 39-3367, as amended, by authorizing incorporation of an alternate configuration torque sensor on AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 series engines.

Since this amendment provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by further amending Amendment 39-3367, AD 78-25-08, as amended by Amendments 39-3389 and 39-3607 by revising paragraph (a) to read as follows:

* * * * *

(a) Within the next 3100 hours' time in service after July 1, 1979, or at the next overhaul after July 1, 1979, or prior to December 31, 1985, whichever comes first, unless already accomplished, incorporate the modified engine fuel control drive gear train in the main reduction gear box of the TSE331-3U and TPE331-1, -2, -3U, -3UW, -5, and -6 series engines in accordance with AiResearch Service Bulletin TPE331-72-0061, revision 1, dated December 18, 1978 or revision 2 dated October 18, 1979. Torque sensor assembly P/N 3101726-2 may be used in place of P/N 3101726-1. Installation of torque sensor assembly P/N 3101726-2 is per paragraph 2.E of AiResearch Service Bulletin TPE331-72-0232, Revision 1, dated December 5, 1979.

* * * * *

Amendment 39-3367 became effective January 19, 1979

Amendment 39-3389 became effective January 8, 1979

Amendment 39-3607 became effective November 19, 1979

This Amendment becomes effective June 12, 1980.

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

Issued in Los Angeles, Calif., on May 22 1980

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-17375 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 20403, Amdt. 39-3796]

Government Aircraft Factories Nomad Models N22B and N24A Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection and modification of the rudder intercostals and rudder trim tab control rod on Government Aircraft Factories (GAF) of Australia models N22B and N24A airplanes. This AD is necessary to detect and prevent partial failure of a rudder intercostal and chafing of the rudder trim tab control rod during aircraft operation which could lead to failure of the rudder trim tab on U.S. registered aircraft.

DATES: Effective June 23, 1980.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The manufacturer's applicable alert service bulletin may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. The document may also be examined at the Federal Aviation Administration, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and Rules Docket, Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Federal Aviation Administration, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850. Telephone: (808) 546-8650/546-8658, or C. Christie, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: Government Aircraft Factories (GAF) Nomad Models N22B and N24A airplanes are manufactured in Australia. A number of mandatory corrective actions applicable to these aircraft have been imposed by the Australian Department of Transport (DOT). Although none of these service difficulties have been encountered by U.S. registered Nomad aircraft to date, it is likely the same unsafe conditions could exist on U.S. registered aircraft. Accordingly, an AD is being issued related to the inspection and modification of rubber intercostals and the rudder trim control rod. Loose rivets

and cracked intercostal flanges in the rudder structure will result in chafing of the rudder trim tab control rod and could lead to loss of rudder trim tab control on the Government Aircraft Factories of Australia Models N22B and N24A airplanes.

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

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Government Aircraft Factories (GAF). Applies to Models N22B (Serial Nos. N22B–5 and up) and N24A (Serial Nos. N24A–42 and up), certificated in all categories.

Compliance required as indicated. To prevent possible failure of rudder trim tab control, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of the AD, unless already accomplished, visually inspect the rudder skin for loose rivets, and cracked intercostal flanges, and the rudder trim tab control rod for chafing, in accordance with GAF Nomad Alert Service Bulletin No. ANMD–55–11 (hereinafter referred to as the Service Bulletin) dated January 29, 1980, Part I and Part II, or an FAA-approved equivalent.

(1) If no cracks are found as a result of the inspection required by paragraph (a) of this AD, within the next 100 hours time in service after the effective date of this AD, unless already accomplished, perform the following modification in accordance with Part III of the Service Bulletin:

(i) Replace rudder intercostal between W.L. 140.55 and W.L. 165.95 with an improved type or strengthen existing intercostal flanges.

(ii) Rework lower rudder intercostal lightening hole and angle to prevent chafing of rudder trim tab control rod.

(iii) Cut inspection hole in lower rib.

(2) If loose rivets or cracked flanges are found, before further flight, accomplish the modifications required by sub-paragraph (1)(i), (ii) and (iii) of this paragraph.

(b) Aircraft may be flown in accordance with FAR § 21.197 and FAR § 21.199 to a location where the modification can be performed.

(c) For purposes of complying with this AD, an FAA-approved equivalent must be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

Note.—All persons affected by this directive who have not already received the Service Bulletin from the manufacturer, may obtain copies upon request to the Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. These documents may also be examined at the FAA, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, or Rules Docket, Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591.

This Amendment becomes effective June 23, 1980.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on June 2, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-17376 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 20404; Amdt. 39-379]

British Aerospace (Formerly Hawker Siddeley Aviation, Ltd.) DH/BH/HS-125 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires installation of a steel strap at the aft lug on each center flap hinge arm assembly, repetitive inspections of the flap outer hinge assembly, and replacement of cracked parts on certain British Aerospace DH/BH/HS–125 series airplanes, and trimming of the reinforcing on the flap lower skin on these airplanes except series 700 airplanes. This AD supersedes an existing AD applicable to certain series airplanes which requires inspection of the lugs at the flap upper attachment fittings and the flap lower hinge arm fittings. This AD is needed to prevent loss of flaps which could result in loss of control of the airplane. This amendment also amends another existing AD by relieving those persons required to comply with the new AD from compliance with related provisions of the AD being amended.

EFFECTIVE DATE: June 23, 1980.

Compliance—As prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from: Technical Manuals Distribution Center, Product Support Department, British Aerospace—Aircraft Group, Hatfield, Hertfordshire AL10 9TL, England.

A copy of each of the service bulletins is contained in the rules docket for this amendment in Rm. 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30 or C. Christie, Chief, Technical Standards Branch, AFS–110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426–8374.

SUPPLEMENTARY INFORMATION: This amendment supersedes Amendment 39–3133 (43 FR 4420) by superseding AD 78–03–03, and by further amending Amendment 37–1676 (39 FR 16348), AD 73–13–10.

AD 78–03–03 requires inspection at three month intervals of the lugs of the flap upper attachment fittings and the flap lower hinge arm fittings on certain British Aerospace DH/BH/HS–125 series airplanes. AD 78–03–03 was first issued as a telegram on December 1, 1977, and was made immediately effective to all persons receiving the telegram. It was published in the **Federal Register** at 43 FR 4420 on February 2, 1978 and made effective as to all other persons. After issuing AD 78–03–03, the FAA has determined, based on service experience and a finding by the manufacturer, that a modification of the outer flap hinge assembly is required to maintain its structural integrity and that appropriate AD action be made applicable to all British Aerospace DH/BH/HS–125 series airplanes except 700 series airplanes above Serial No. NA–0244. Therefore AD 78–03–03 is being superseded by a new AD that requires installation of a steel strap on the outer flap hinge assembly, repetitive inspections at one year intervals of the flap outer hinge assembly for cracks, replacement of cracked parts on these British Aerospace DH/BH/HS–125 series airplanes, and, except on Series 700 airplanes, trimming of the reinforcing on the flap lower skin. Although the repetitive inspection following incorporation of the modification is required at one year intervals, this AD first requires an inspection (within the next three months after the effective date of this AD) on those airplanes which before the effective date of this AD had incorporated British Aerospace Modification 252670. This inspection is

needed because the post-modification inspection required by this AD is more extensive than that required by AD 78–03–03, which applied to many, but not necessarily all, of the modified airplanes. Furthermore, the FAA has no way of knowing how long a period has elapsed since any such modification was accomplished; what, if any, inspections have been performed; and whether the trimming has been accomplished. Therefore, this initial inspection is required before those airplanes begin the repetitive inspection at one year intervals. If, however, an airplane with modification incorporated has already been inspected in accordance with the more extensive inspection requirements (British Aerospace Service Bulletin 57–55) and the trimming, if required, was accomplished concurrently or before such an inspection, the first inspection required by this AD must be accomplished within the next three months after the effective date of this AD or within 12 months after the last inspection performed in accordance with S.B. 57–55, whichever occurs later.

Amendment 39–3133 amended Amendment 39–1676 (38 FR 16348; June 22, 1973), AD 73–13–10, by relieving operators required to comply with the AD issue by telegram on December 1, 1977, i.e., AD 78–03–03, from compliance with related provisions of AD 73–13–10. Since AD 78–03–03 is being superseded by a new AD, the FAA is further amending Amendment 39–1676 to make those same provisions inapplicable to operators required to comply with the new AD.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

1. By further amending Amendment 39–1676 (38 FR 16348), AD 73–13–10, as amended by Amendment 39–3133 (43 FR 4420), by revising paragraph (f) to read as follows: "(f) Paragraphs (b), (c), and (d) of this AD do not apply to airplanes required to comply with AD 80- ".

2. By adopting a new AD to read as follows:

British Aerospace (Formerly Hawker Siddeley Aviation, Ltd.). Applies to Model DH/BH/HS–125 series airplanes except 700 series airplanes above Serial No. NA–0244, certificated in all categories.

Compliance is required as indicated.

To prevent the possible loss of flaps, accomplish the following:

(a) For those airplanes to which AD 78–03–03 did not apply, before further flight, except that the airplane may be flown in accordance with FAR 21.197 and FAR 21.199 to a base where the work can be accomplished, and for those airplanes to which AD 78–03–03 applied, within the next 3 months after the last inspection performed in accordance with AD 78–03–03, unless already accomplished—

(1) Incorporate British Aerospace Modification No. 252670 or an FAA-approved equivalent in accordance with all items set forth in paragraph 2, "Accomplishment Instructions", British Aerospace Service Bulletin SB. 57–54–(2670), dated March 10, 1978 or an FAA-approved equivalent; and

(2) Concurrently with incorporation of the modification, inspect the aft lug of the hinge arm brackets and, except for 700 series airplanes, trim, blend, and de-burr the reinforcing on the flap lower skin, in accordance with "Additional Action to be Carried Out Concurrently with SB. 57–54 paras. 2.A (4) to (7)", page 8, British Aerospace Service Bulletin SB. 57–54–(2670), dated March 10, 1978, or an FAA-approved equivalent. However, if before the effective date of this AD, an airplane had incorporated modification 252670 or an FAA-approved equivalent, but any of the actions specified in paragraph (a)(2) of this AD, if applicable, had not been accomplished, comply with paragraph (c) of this AD.

(b) For those airplanes which before the effective date of this AD had not incorporated British Aerospace Modification 252670 or an FAA-approved equivalent and had not performed the lug inspection and the trimming, etc., of the reinforcing specified in paragraph (a)(2) of this AD, within the next 12 months after concurrently accomplishing this work in accordance with paragraph (a) of this AD, inspect in accordance with paragraph (e) of this AD.

(c) For those airplanes which before the effective date of this AD had already incorporated British Aerospace Modification 252670 or an FAA-approved equivalent—

(1) Except for 700 series airplanes—(i) Within the next 3 months after the effective date of this AD, unless already accomplished, trim, blend, and de-burr the reinforcing on the flap lower skin in accordance with paragraph 1, "Additional Action to be Carried Out Concurrently With SB. 57–54 para. 2A (4) to (7)", page 8, British Aerospace Service Bulletins 57–54–(2670), dated March 10, 1978. or an FAA-approved equivalent; and

(ii) Within the next 3 months after the effective date of this AD but not before paragraph (c)(1) of this AD has been accomplished, inspect in accordance with paragraph (e) of this AD.

However, for an airplane on which before the effective date of this AD, British Aerospace Service Bulletin S.B. 57–55 dated May 5, 1978 (hereinafter Service Bulletin S.B. 57–55) had been accomplished and either before such accomplishment or concurrently with such accomplishment the trimming, etc., of the reinforcing on the flap lower skin specified in paragraph (c)(1) of this AD had been accomplished, within the next 3 months after the effective date of this AD or within the next 12 months after the last accomplishment of Service Bulletin S.B. 57–55, whichever occurs later, inspect in accordance with paragraph (e) of this AD.

(2) For 700 series airplanes, within the next 3 months after the effective date of this AD or within the next 12 months after the last accomplishment of Service Bulletin S.B. 57–55 of this AD, whichever occurs later, inspect in accordance with paragraph (e) of this AD.

(d) Within the next 12 months after the inspection required by paragraph (b) or (c) of this AD, and thereafter at intervals not to exceed 12 months from the last inspection, inspect in accordance with paragraph (e) of this AD.

(e) Inspect the flap outer hinge assemblies using the dye penetrant method in accordance with paragraph 2, "Accomplishment Instructions" of Service Bulletin SB. 57–55 or an FAA-approved equivalent. This inspection requires full compliance with Items 1 through 7 of paragraph 2 of the Service Bulletin.

If, during any inspection required by this AD, any cracks are found:

(1) Before further flight—(i) Replace the cracked part with a new part in accordance with Service Bulletin S.B. 57–55, or and FAA-approved equivalent. In addition, if the rear lug of a hinge arm is found to be cracked, also replace the associated steel strap with a new strap in accordance with Service Bulletin S.B. 57–55 or an FAA-approved equivalent;

(ii) Re-protect and reassemble the assemblies, complying fully with Items 9 through 13, paragraph 2, "Accomplishment Instructions" of Service Bulletin S.B. 57–55 or an FAA-approved equivalent.

(2) Continue the repetitive inspection required by this AD.

(g) If, during any inspection required by this AD, no cracks are found, re-protect and re-assemble the assemblies complying fully with Items 9 through 13, paragraph 2, "Accomplishment Instructions" of Service Bulletin S.B. 57–55 or an FAA-approved equivalent, and continue the repetitive inspections required by this AD.

(h) For purposes of this AD, an FAA-approved equivalent must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

This supersedes Amendment 39–3133 (43 FR 4420), AD 78–03–03.

This amendment becomes effective June 23, 1980.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by writing to the person

identified above under the caption "FOR FURTHER INFORMATION CONTACT
* * *"

Issued in Washington, D.C., on June 2, 1980

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 80-17377 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 80-EA-11]

Designation of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a VOR Federal Airway V-373 from Gordonsville, Va., to SABBI Intersection, which is east of Brooke, Va. This action designates as an airway a route that is presently used as an arrival vector route to the Washington area thereby reducing the coordination and communication time required for its use.

EFFECTIVE DATE: September 4, 1980.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8525.

SUPPLEMENTARY INFORMATION:

History

On March 27, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to add Airway No. V-373 (45 FR 20115). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The only comments received expressed no objections. Section 71.123 of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 307). This amendment is the same as proposed in the notice.

The Rule

This amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates airway V-373 to replace a present arrival vector route from Gordonsville, Va., to the Washington area, thereby reducing the coordination time required for its use.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) is amended, effective 0901 G.m.t., September 4, 1980, as follows:

Under § 71.123,

"V-373 From Gordonsville, Va., via the Gordonsville 065° radial to the intersection of Richmond, Va., 009° and Brooke, Va., 075° radials." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on June 3, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-17372 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 73

[Airspace Docket No. 79-SO-63]

Alteration of Restricted Area; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the **Federal Register** on May 15, 1980, (45 FR 31976) that altered the description of Restricted Area R-4404 by redesignating the area as R-4404A/B/C, an error was noted in the geographical coordinates that describes R-4404B. This action corrects that mistake, thereby conforming to the original intent not to change the current lateral boundaries.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION: FR Doc. 80-14944 was published on May 15, 1980, which altered Restricted Area R-4404 by redesignating the area as R-4404A/B/C. The current lateral boundaries would remain the same. A mistake was noted in the geographical coordinates of R-4404B. This action corrects that error.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 80-14944 as published in the **Federal Register** on May 15, 1980, is corrected to read as follows:

Under R-4404B

Beginning on the second line, "Long. 88°04'41"W." is deleted and "Long. 88°40'41"W." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on June 3, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-17373 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9016]

Herbert R. Gibson, Sr., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order requires, among other things, a Dallas, Texas retailer of sundry items, to cease coercing, intimidating, boycotting or taking other action against suppliers because they do not appear in the Gibson Trade Shows; further, the order prohibits certain Gibson officials and corporations from receiving brokerage commissions from a supplier while acting as a buyer for Gibson retail stores.

DATES: Complaint issued Feb. 25, 1975. Final order issued April 30, 1980.*

FOR FURTHER INFORMATION CONTACT: Juereta P. Smith, Director, 5R, Dallas Regional Office, Federal Trade

*Copies of the Initial Decision, Opinion of the Commission and Final Order filed with the original document.

Commission, 2001 Bryan St., Suite 2665, Dallas, Texas. 75201. (214) 767–0032.

SUPPLEMENTARY INFORMATION: In the Matter of Herbert R. Gibson, Sr., et al. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Discriminating In Price Under Section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or Other Compensation Under 2(c): § 13.800 Buyers' agents; § 13.817 Decreased brokerage; § 13.822 Lowered price to buyers. Subpart—Discriminating In Price Under Section 5, Federal Trade Commission Act: § 13.870 Charges and prices; § 13.894 Unequal discounts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

The Final Order, including further order requiring report of compliance therewith, is as follows:

Final Order

This matter having been heard by the Commission upon the appeals of complaint counsel and respondents from the initial decision, and upon briefs and oral argument in support thereof and in opposition thereto, and the Commission for the reasons stated in the accompanying Opinion having determined to sustain the initial decision with certain modifications:

It is ordered that the initial decision of the administrative law judge, pages 1–214, as amended, be adopted as the Findings of Fact and Conclusions of Law of the Commission, except to the extent indicated in the accompanying Opinion. Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered that the following Order to Cease and Desist be, and it hereby is, entered:

I.

It is ordered that respondents Herbert R. Gibson, Sr., individually and doing business as Gibson Products Company and The Gibson Trade Show, Belva Gibson, Herbert R. Gibson, Jr., Gerald Gibson, individually and/or as officers of corporate respondents; and corporate respondents Gibson's, Inc., Gibson's Discount Center, Inc., Ideal Travel Agency, Inc., Gibson Warehouse, Inc. and Gibson Products Co., Inc., their successors and assigns, officers, directors, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the operation of a trade show, the operation or franchising of any retailing business, or the operation of any business related to retailing in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Combining, agreeing, engaging in an understanding, or conspiring with any of said other respondents, or any other person, partnership or corporation, to eliminate or boycott any supplier in order to prevent or hinder the supplier's sales to or business dealings with any of the respondents or any other person, partnership, or corporation; provided that nothing herein shall prevent respondents from acting collectively to further legitimate business decisionmaking with respect to businesses, including retail stores, which said respondents own collectively.

2. Coercing or intimidating any supplier in any manner to prevent such supplier from competing for the sale of any products to any retailer or any other person, partnership or corporation.

3. Representing directly or indirectly or implying to any supplier that the supplier may not compete for the sale of any products to any other person, partnership or corporation.

4. Taking any individual action to eliminate a supplier or to prevent or hinder the supplier's sales to or business dealings with any other person, partnership or corporation because such supplier does not appear in shows conducted by the Gibson Trade Show.

5. Recommending, suggesting or advising any retailer or any other person, partnership or corporation not to deal with a supplier becuase such supplier does not appear in shows conducted by the Gibson Trade Show, or because such supplier is unwilling to meet the price, delivery, or billing terms demanded by respondent[s] or by any retailer or any other person, partnership or corporation.

II.

It is further ordered that Herbert R. Gibson, Sr., individually and doing business as Gibson Products Company and The Gibson Trade Show, Belva Gibson, Herbert R. Gibson, Jr., Gerald Gibson, Gibson Products Co, Inc., Gibson's Inc., Gibson's Discount Centers, Inc., their successors and assigns, officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the purchase of merchandise, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Receiving or accepting, directly or indirectly, as a buyer or acting for or in behalf of or subject to the direct or indirect control of a buyer, from any seller or seller's broker anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof upon any purchase for the account of any retailer using or licensed to use one of respondents' trade names, including "Gibson Discount Center."

2. Assuming control of or influencing any seller or seller's broker to induce such seller or seller's broker to pay to respondent[s] anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof upon any purchase for the account of any retailer using or licensed to use one of respondents' trade names, including "Gibson Discount Center."

III.

It is further ordered that Count I of the complaint be, and it hereby is, dismissed.

IV.

It is further ordered that Count III of the complaint be, and it hereby is, dismissed as to respondents Ideal Travel Agency, Inc., Gibson Warehouse, Inc., and Al Cohen Associates, Inc.

V.

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

VI.

It is further ordered that respondents shall notify the Commission at least thrity (30) days prior to any proposed change in the corporate respondents such as disolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of which may affect compliance obligations arising out of the Order.

VII.

It is further ordered that respondents herein shall within sixty (60) days after

service upon them of this Order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this Order.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-17420 Filed 6-6-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 1

[Docket No. RM79-32]

Requests for Adjustments Under the Natural Gas Policy Act; Cancellation of Public Hearing

June 4, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Cancellation of public hearing.

SUMMARY: The Federal Energy Regulatory Commission hereby cancels a public hearing regarding amendments made to its interim rules regarding requests for adjustments under the Natural Gas Policy Act of 1978 (45 FR 20785 (March 31, 1980)), because no requests to appear at such a hearing have been received. The hearing was to have been held on June 10, 1980, at 10:00, at the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426.

EFFECTIVE DATE: June 4, 1980.

FOR FURTHER INFORMATION CONTACT: Christine P. Benagh, Regulatory Development Section, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426. (202) 357-8363 or (202) 357-8033.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17370 Filed 6-6-80; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 141

[Docket No. RM80-63; Order No. 89]

Electric Utilities; Order Discontinuing Reporting Requirement

June 2, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) hereby discontinues reporting requirement RO211, "Report of impending emergencies, load reductions, and/or service interruptions in bulk electric power supply and related power supply facilities" (18 CFR 141.58), because the information collected by means of the reporting requirement is no longer needed by the Commission to carry out its regulatory responsibilities.

EFFECTIVE DATE: September 1, 1980.

FOR FURTHER INFORMATION CONTACT: Daniel G. Lewis, Federal Energy Regulatory Commission, Office of Electric Power Regulation, 825 North Capital Street, NE., Mail Stop 300 RB, Washington, D.C. 20426 (202) 376-9227.

I. Background and Summary

The Federal Energy Regulatory Commission (Commission) by this rule eliminates from its regulations "Form RO211" [1], a reporting requirement set forth in 18 CFR 141.58, because the Commission no longer needs the data collected therein to carry out its regulatory responsibilities. That section of the Commission's regulations required electric utilities, licensees or other entities engaged in the generation or transmission of electric energy to report impending emergencies, load reduction, and/or service interruptions in bulk electric supply and related power supply facilities.

Form RO211 was established by Federal Power Commission (FPC) [2] Order No. 331 (issued December 20, 1966), and was amended by FPC Order No. 331-1 (issued May 21, 1970) under authority granted the FPC by sections 202(c) [3] and 311 [4] of the Federal Power Act (FPA) (16 U.S.C. 824a(c) and 825j). The Commission's authority under those sections was transferred to the Secretary of Energy (Secretary) by section 301(b) of the Department of Energy Organization Act (DOE Act) 42 U.S.C. 7151, *et seq.*). [5] The Secretary in turn delegated the authority to administer sections 202(c) and 311 to the Economic Regulatory Administration (ERA). [6] The authority to administer section 311 was also delegated to the Commission to the extent needed to perform its other vested or delegated functions. [7]

As a result of these changes in the Commission's regulatory responsibilities, the Commission has determined that the data required by Form RO211 is not sufficiently central to its functions to justify continued collection of the data by this Commission. In view of this, the Commission is eliminating from its regulations that section which provides for the Commission's collection of the information pursuant to Form RO211. [8]

The ERA, however, has determined that collection of the data contained in this form is necessary in order to discharge its statutory responsibilities. [9] To allow ERA sufficient time to complete its own rulemaking proceedings and receive OMB approval for collection of the information, the Commission will comply with ERA's request to continue Form RO211 until September 1, 1980. Accordingly, the effective date for the discontinuance of Form RO211 and the revocation of § 141.58 of the Commission's regulations is September 1, 1980.

II. Public Procedure and Effective Date

The elimination of Form RO211 is simply a ministerial act, whereby the Commission's regulations will be made to reflect the Commission's actual practice. For this reason, the Commission finds that notice and public procedure are unnecessary pursuant to 5 U.S.C. 553(b).

In order to allow ERA sufficient time to implement regulations which would include the reporting requirement RO211, elimination of the form and the

[1] The reporting requirement set forth in 18 CFR 141.58 was not given an official designation by the Commission. "Form RO211" is the clearance number assigned to the reporting requirement by the Office of Management and Budget (OMB). For purposes of convenience the term "Form RO211" will be used to describe the reporting requirement in 18 CFR 141.58.

[2] The Commission's predecessor agency.

[3] Section 202(c) authorizes the temporary connection of facilities, during times of war or national emergency, for the generation of electric energy.

[4] Section 311 authorizes investigations and information gathering relating to electric energy.

[5] Section 301(b) vests in the Secretary the powers of the FPC under the FPA and the Natural Gas Act (NGA) (15 U.S.C. 717, *et seq.*) which were not transferred to the Commission by Title IV of the DOE Act.

[6] Department of Energy Delegation Order No. 0204-4 (10 CFR 1001.1).

[7] Delegation Order No. 0204-1, October 1, 1977 (42 FR 55637, October 18, 1977).

[8] Section 206 of the Public Utility Regulatory Policies Act (PURPA) (16 U.S.C. 824a) provides, among other things, that the Commission shall require each public utility to report any anticipated shortage of electric energy or capacity that would affect the utility's capability of serving its wholesale customers. Although that section might appear to require information similar to that contained in Form RO211, the issues relating to section 206 and the Commission's determination on what data are required under that section are being considered by the Commission in a separate docket. See *Notice of Inquiry*, Docket No. RM79-52, issued April 22, 1980 (45 FR 28162, April 28, 1980). See also Interim Regulations (18 CFR Part 294).

[9] ERA has issued a Notice of Proposed Rulemaking which would effect this transfer of authority to receive these reports of incidents on the electric power system (45 FR 20109, March 27, 1980).

corresponding amendment to the Commission's regulations will become effective on September 1, 1980.

(Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*; E. O. 12009, 3 CFR 142 (1978))

For the foregoing reasons, Chapter I of Title 18, Code of Federal Regulations, is amended in Part 141, effective September 1, 1980, as set forth below.

§ 141.58 [Deleted]

1. Section 141.58 is deleted in its entirety.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17371 Filed 6-6-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 80-152]

Bermuda; Vessels in Foreign and Domestic Trades

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

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to add Bermuda to the lists of nations which permit vessels of the United States to transport certain articles specified in section 27, Merchant Marine Act of 1920, as amended, between their ports. Satisfactory evidence has been obtained by the Department of State that Bermuda places no restriction on the transportation of the specified articles by vessels of the United States between ports in Bermuda. This amendment provides reciprocal privileges for vessels of Bermudian registry.

EFFECTIVE DATE: September 14, 1979.

FOR FURTHER INFORMATION CONTACT: John A. Mathis, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883) (the Act), provides generally that no merchandise shall be transported by water, or by land and water, between points in the United States except in vessels built in and documented under the laws of the United States and owned by U.S. citizens. However, the Act, as amended by Pub. L. 90-474 (82 Stat. 700; T.D. 68-227), provides that if the Secretary of State advises the Secretary of the Treasury that a foreign nation does not restrict the transportation of certain articles between its ports by vessels of the United States, reciprocal privileges will be accorded to vessels of that nation, and the prohibition against the transportation of those articles between points in the United States will not apply to its vessels.

Section 4.93(b)(1), Customs Regulations (19 CFR 4.93(b)(1)), lists those nations found to extend reciprocal privileges to vessels of the United States for the transportation of empty cargo vans, empty lift vans, and empty shipping tanks. Those nations found to grant reciprocal privileges to vessels of the United States for the transportation of equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and certain equipment for use with such barges; certain empty instruments of international traffic; and certain stevedoring equipment and material are listed in § 4.93(b)(2), Customs Regulations (19 CFR 4.93(b)(2)).

On September 14, 1979, the Department of State advised the Secretary of the Treasury that Bermuda places no restriction on the transportation of the articles listed in the Act by vessels of the United States between ports in Bermuda. Therefore, reciprocal privileges are accorded to vessels of Bermudian registry as of that date.

Finding

On the basis of the information received from the Secretary of State, as described above, I find that the Government of Bermuda places no restriction on the transportation of the articles specified in section 27 of the Merchant Marine Act of 1920, as amended, by vessels of the United States between points in Bermuda. Therefore, reciprocal privileges are accorded to vessels of Bermudian registry as of September 14, 1979.

Amendment to the Regulations

To reflect the reciprocal privileges granted to Bermuda, § 4.93(b)(1) and (b)(2), Customs Regulations (19 CFR 4.93(b)(1), (b)(2)), are amended by inserting "Bermuda" in appropriate alphabetical order in the lists of nations under those sections.

(Sec. 27, 41 Stat. 999, as amended, sec. 14, 67 Stat. 516, Pub. L. 90-474, 82 Stat. 700 (5 U.S.C. 301, 19 U.S.C. 1322(a), 46 U.S.C. 883))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because these are minor amendments in which the public is not particularly interested and there is a statutory basis for the described extension of reciprocal privileges, notice and public procedure pursuant to 5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. 553(d)(1), a delayed effective date is not required because these amendments grant an exemption.

Regulation Determined to be Nonsignificant

In a directive published in the **Federal Register** on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations," the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the **Federal Register** and codified in the Code of Federal Regulations to be significant. However, regulations which are nonsubstantive, are essentially procedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected, with Secretarial approval may be determined not to be significant. Accordingly, it has been determined that this document does not meet the Treasury Department criteria in the directive for "significant" regulations.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and the Treasury participated in its development.

Dated: May 16, 1980.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 80-17411 Filed 6-6-80; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 220

[Docket No. R-80-820]

Urban Renewal Mortgage Insurance and Insured Improvement Loans

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: On April 30, 1977, Congress amended Section 220 of the National Housing Act to eliminate the requirement that to be eligible for insurance under Section 220, a mortgaged property must be located in an urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight. Subpart C of 24 CFR Part 220 is being amended to implement this legislative change.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Frank D. Brown, Office of Housing, Multifamily Housing Development, Development Division, Room 6116, 451 7th Street, SW., Washington, D.C. 20410; (202) 755-9280 (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Pub. L. 95-24, Title I, Supplemental Authorizations and Extensions of HUD Programs, Section 105(b), dated April 30, 1977, amended Section 220(d)(1)(A)(ii) of the National Housing Act to eliminate the requirement that to be eligible for insurance under Section 220, a mortgaged property must be located in an urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight.

These amendments to Part 220 implement changes which are mandated by law, do not involve the exercise of policy discretion and confer benefits that will inure to the public. Therefore, the undersigned official has determined in regard to these amendments that advance publication, notice and public procedures are unnecessary and contrary to the public interest and that cause exists for making these amendments effective as soon as possible.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk.

This rule is listed as item number H-51-79 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Chapter II is revised as follows:

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

Paragraph (b) of § 220.502 is amended to read as follows:

§ 220.502 Location of property.

* * * * *

(b) An urban renewal area (as defined in title I of the Housing Act of 1949, as amended) or

* * * * *

(Sec. 105, Pub. L. 95-24; sec. 211, National Housing Act, as amended; (12 U.S.C. 1715b))

Issued at Washington, D.C. June 3, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-17470 Filed 6-6-80; 8:45 am]

BILLING CODE 4210-01-M

VETERANS ADMINISTRATION

38 CFR Part 17

Grants to States for Construction of State Home Facilities

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: These regulations delete the requirements of war service in the determination of veterans' eligibility for State home care and in the determination of the number of State nursing home beds in each State for construction purposes. In addition, (1) the term "construction" has been expanded to include construction of new domiciliary buildings to provide care in State homes, (2) the term "cost of construction" has been expanded to include the amount found necessary for a construction project, (3) the percentage of bed occupancy has been amended to allow no more than 25 percent occupancy by non-veterans in buildings constructed with grant funds, (4) general standards of construction and equipment have been expanded to include domiciliary and hospital facilities, and (5) the recapture period for construction funds, when a facility is no longer operated for the purpose for which the grant was made, is now no greater than 20 nor less than seven years based on the magnitude of the project and the grant amount involved. Also, the number of beds required to provide adequate nursing home care to veterans residing in each State has been adjusted. These regulations implement legislation.

EFFECTIVE DATE: October 1, 1977 except Appendix A which is effective May 28, 1980.

FOR FURTHER INFORMATION CONTACT: Harold F. Graber, State Home Program Coordinator, Office of Extended Care, Department of Medicine and Surgery, Veterans Administration, Washington, D.C. 20420, (202) 389-3679.

SUPPLEMENTARY INFORMATION: On page 24307 of the **Federal Register** of April 25, 1979, there was published a notice of proposed revision of Sections 17.170 through 17.176 and an addition of Section 17.177 to assist the States to construct new State home facilities for furnishing domiciliary or nursing home care to veterans and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home or hospital care to veterans in State homes. These regulations implement sections 5031-5037, Title 38, United States Code, as amended by Public Law 94-581 and Public Law 95-62. Interested persons were given 30 days in which to submit comments, regarding the proposed regulations. Comments were received from four organizations and changes were made to provide additional accessibility to an usability of State home facilities by the physically disabled § 17.177 (h)(2)(i), (t)(12), and (t)(15); to incorporate current standards for fire-resistive carpets § 17.177(i)(3)(iii), and to include fuses as well as circuit breakers for switchboard and power panels § 17.177(t)(5). A comment concerning review by health planning agencies was addressed in § 17.173(a)(4) by providing for State (and areawide) clearinghouse review in accordance with OMB Circular A-95, Revised. One comment was not responsive to the issue and would require legislative authority.

Detailed descriptions which are in the Life Safety Code have been deleted to simplify the regulations and minor editorial changes have been made for clarity. Appendix A has been revised to reflect the veteran population as of

September 30, 1979 and the resulting changes in numbers of beds.

Paragraph (b)(8) of § 17.173 has been added to incorporate provisions of 38 U.S.C. 5005, which require that structures constructed shall be of fire, earthquake and other natural disaster resistant construction. The Administrator of the Veterans Administration has made the determination to incorporate this paragraph without opportunity for comment since the requirement is statutory in nature and it would not be in the public interest to further delay the issuance of the regulations.

The proposed revision of the regulations is hereby adopted and is set forth below.

Approved: May 28, 1980.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

1. The center title, note §§ 17.170 through 17.176 and Appendix A are revised, Appendix B is revoked and § 17.177 is added so that the added and revised material reads as follows:

Grants to States for Construction of State Home Facilities

Note.—The purpose of the regulations concerning grants to States for construction of State home facilities is to effectuate the provisions of 38 U.S.C. 5031–5037 and to assist the several States to construct new State home facilities for furnishing domiciliary or nursing home care to veterans, and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home or hospital care to veterans in State homes.

§ 17.170 Definitions.

For the purpose of the regulations concerning grants to States for construction of State home facilities:

(a) The veteran population of each State shall be determined on the basis of the latest figures certified by the Department of Commerce.

(38 U.S.C. 5031(a))

(b) The term "State" does not include any possession of the United States.

(38 U.S.C. 5031(b))

(c) The term "construction" means the construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of existing buildings for the provision of domiciliary, nursing home, or hospital care in State homes and the provision of initial equipment for any such buildings. The term includes necessary support systems and work performed over and above that required for maintenance and repair. Generally, facilities such as parking lots, landscaping, sidewalks, streets, storm sewers, etc., are excluded except to the extent the work is inextricably involved with new construction or the remodeling, modification or alteration of existing facilities.

(38 U.S.C. 5031(c))

(d) The term "cost of construction" means the amount found by the Administrator to be necessary for a construction project, including architect fees, supervision and site inspection services, printing and advertising costs, but excluding land acquisition costs, and the purchase of buildings.

(38 U.S.C. 5031(d))

(e) The term "State agency" means that State agency or instrumentality of a State designated by a State as authorized to apply for assistance to construct State home facilities for veterans and thereafter administer such construction program.

§ 17.171 Nursing home beds required for veterans by State.

(a) For purposes of the regulations concerning grants to States for construction of State home facilities, appendix A prescribes the number of beds required to provide adequate nursing home care to veterans residing in each State. Such number shall not exceed two and one-half beds per 1,000 veteran population of such State.

(38 U.S.C. 5034(1))

(b) At the time an application is filed by a State for a grant under the regulations concerning grants to States for construction of State home facilities, such State must submit a certified statement listing the total number of State-operated nursing home care beds for veterans together with all other State projects under construction for beds to furnish nursing home care to veterans in such State.

(38 U.S.C. 5035(a)(3))

§ 17.172 Scope of grants program.

Subject to the availability of an appropriation, a grant may be made to a State which has submitted, and has had approved by the Administrator, an application for assistance to construct State home facilities as prescribed in §§ 17.170 through 17.177.

(38 U.S.C. 5033(a))

§ 17.173 Applications with respect to projects.

(a) A State desiring to receive Federal assistance for construction of State home facilities shall submit to the Administrator a pre-application and an application for such assistance in compliance with the uniform requirements for grant-in-aid to State and local governments prescribed by Office of Management and Budget Circular No. A–102, Revised. The applicant will submit as part of the application or as an attachment thereto:

(1) The amount of the grant requested with respect to such project which may not exceed 65 per centum of the estimated cost of construction of such project.

(2) A description of the site for such project.

(3) Plans and specifications as required by §§ 17.170 through 17.177.

(4) Any comments or recommendations made by appropriate State (and areawide) clearinghouses pursuant to policies outlined in part I, OMB Circular A–95, Revised.

(38 U.S.C. 5035(a))

(b) The applicant must furnish reasonable assurance that:

(1) Upon completion of such project the facilities will be used principally to furnish to veterans the level of care for which such application is made, and that not more than 25 per centum of the bed occupancy at any one time will consist of patients who are not receiving such level of care as veterans, and that such level of care will meet the standards prescribed by the Administrator.

(2) Title to such site is or will be vested solely in the applicant, State home, or other agency or instrumentality of the State.

(3) Adequate financial support will be available for the construction of the project, and for its maintenance, repair and operation when complete.

(4) The State will make such reports in such form and containing such information as the Administrator may from time to time reasonably require, and give the Administrator, upon demand, access to the records upon which such information is based.

(5) The rates of pay for laborers and mechanics engaged in construction of the project will be not less than the prevailing local wage rates for similar work as determined in accordance with sections 276a through 276a–5 of title 40, United States Code (known as the Davis-Bacon Act).

(6) Contractors engaged in the construction of the project will be required to comply with the provisions of Executive Order 11246 of September 24, 1965 (30 FR 12319), as amended by Executive Order 11375 of October 13, 1967 (32 FR 14303), and by Executive Order 12086 of October 5, 1978 (43 FR 46501), and rules, regulations, or orders as the Secretary of Labor may issue or adopt.

(7) The project conforms to the applicable requirements for the implementation, maintenance and enforcement of ambient air quality standards adopted pursuant to section 108 of the Clean Air Act, as amended (42 U.S.C. 1857d); that it conforms to the applicable requirements for water pollution prevention and control adopted pursuant to section 106 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1256); that the project will comply with the standards provided under the National Environmental Policy Act of 1969, Pub. L. 91–190, as amended (42 U.S.C. 4321) and Executive orders issued pursuant thereto; that it will comply with Pub. L. 90–480, as amended (42 U.S.C. 4151), which provides that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped; that when applicable, the requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. 93–234 (42 U.S.C. 4012a), and Executive Order 11988 (42 FR 26951) have been met; that the project will comply with provisions of section 504, Rehabilitation Act of 1973, Pub. L. 93–112, as amended (29 U.S.C. 794) providing for prevention of discrimination against the handicapped in federally assisted programs; and that the project will comply with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

(38 U.S.C. 5035(a))

(8) Upon completion of a project for new construction or expansion of existing State home facilities, the structures constructed shall be of fire, earthquake, and other natural disaster resistant construction.

(38 U.S.C. 5005)

(c) The Administrator will approve any such application if the Administrator finds that there are sufficient funds available to make the grant requested with respect to such project and that:

(1) It has been determined by the Veterans Administration that the application meets the requirements of paragraphs (a) and (b) of this section.

(2) The plans and specifications for such projects are in accordance with Veterans Administration standards and regulations.

(3) The construction of such project, together with other projects under construction, and other facilities will not exceed the two and one-half nursing home beds per thousand veteran population limitation prescribed in § 17.171.

(38 U.S.C. 5035(b))

(d) The Administrator shall certify approved applications to the Secretary of the Treasury in the amount of the grant requested, but in no event an amount greater than 65 per centum of the estimated cost of construction of the project, and shall designate the appropriation from which it shall be paid. Such certification shall provide for payment to the applicant or, if designated by the applicant, the State home for which such project is being constructed or any other agency or instrumentality of the applicant. Funds paid for the construction of an approved project will be used solely for carrying out such project as so approved.

(38 U.S.C. 5035(d)(1))

(e) Any amendment of any application whether or not approved under paragraph (c) of this section will be subject to review and approval pursuant to the regulations concerning grants to States for construction of State home facilities in the same manner as an original application.

(38 U.S.C. 5035(e))

§ 17.174 Disallowance of a grant application and notice of a right to hearing.

(a) No application for the construction of State home facilities for furnishing domiciliary, nursing home and hospital care to veterans shall be disapproved until the Administrator has afforded the applicant notice and an opportunity for a hearing.

(38 U.S.C. 5035(c))

(b) Whenever a hearing is requested under this section, notice of hearing, procedure for the conduct of such hearing and procedures relating to decisions and notices shall be in accordance with the provisions of §§ 18.9 and 18.10 of this chapter. Failure of an applicant to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to be heard and constitutes consent to the making of a decision on the basis of such information as is available.

(38 U.S.C. 210(c), 5035(c))

§ 17.175 Recapture provisions.

If, within 20 years after completion of any project for construction with respect to which a grant has been made under the regulations concerning grants to States for construction of State home facilities (except that the Administrator, may at the time of such grant provide for a shorter period than 20, but not less than 7 years, based on the magnitude of the project and the grant amount involved, in the case of the expansion, remodeling, or alteration of existing facilities), such facilities cease to be operated by a State, a State home, or an agency or instrumentality of a State principally for furnishing domiciliary, nursing home, or hospital care for veterans, the United States shall be entitled to recover from the State which was the recipient of the grant or from the then owner of such construction (but in no event an amount greater than the amount of assistance provided for such construction under these regulations), 65 per centum of the then value of such facilities, as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such facilities are situated.

(38 U.S.C. 5036)

§ 17.176 State to retain control of operations.

Neither the Administrator of Veterans Affairs nor any employee of the Veterans Administration shall exercise any supervision or control over the administration, personnel, maintenance, or operation of any State home for which facilities are constructed with assistance received under the regulations concerning grants to States for construction of State home facilities except as prescribed in these regulations and § 17.167.

(38 U.S.C. 5037)

§ 17.177 General standards of construction and equipment for State home facilities for furnishing domiciliary, nursing home, and hospital care.

The various codes, requirements, recommendations and any amendments or revisions thereof of State and local authorities or technical and professional organizations to the extent and manner in which reference is made in the standards set forth in this section are applicable to grants for construction of State home facilities. The material is either available for inspection at, or further information concerning the source may be obtained from, the Veterans Administration (10), 810 Vermont Avenue, NW., Washington, D.C. 20420.

(a) *Introduction.*

(1) The standards set forth in this section are established as required by 38 U.S.C. 5034(2). Such standards constitute general criteria for construction and equipment and shall apply to all projects for which Federal assistance is

requested under 38 U.S.C. 5035. They are considered necessary to insure properly planned and well-constructed State home facilities which can be maintained and efficiently operated to furnish domiciliary, nursing home and hospital care.

(2) No attempt has been made in developing these standards to comply with all of the various State and local codes and regulations which must be observed. The standards set forth herein must be followed where they exceed any State or local codes and regulations. Conversely, compliance is required with minimum standards of construction and equipment promulgated by the State agency where such requirements provide a higher standard than the standards contained in this regulation. However, the additional cost, if any, in upgrading over VA standards should be carefully considered and justified. These standards apply to construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of buildings for the provision of domiciliary, nursing, or hospital care in State homes and the provision of initial equipment for any such buildings which are constructed with assistance received under 38 U.S.C. 5035.

(3) The space criteria, functional areas, equipment and construction standards contained in this regulation should be used as a guide. Additional facilities beyond those specified as basic facilities may be included if found to be required by the program but are subject to approval by VA. Substantial deviation from the space, equipment and construction standards included in this regulation should be carefully considered and justified. Except for occasional variances which would require individual justification, failing to meet or exceeding the space criteria by more than 10 percent in the aggregate would be regarded respectively as evidence of inferior construction or as exceeding the boundaries of professional requirements as ordinarily comprehended by such care. VA participation may be subject to proportionate reduction in those projects which exceed the aggregate maximum space criteria by more than 10 per centum or contain functional areas which are not approved.

(4) Preapplication for Federal assistance is required for all construction projects for which the need for Federal funding exceeds $100,000.

(i) Preapplication is required to determine the applicants eligibility, establish communication between the Federal agency and the applicant, and to identify those proposals for which sufficient funds are not available to award the grant requested prior to the applicant incurring significant expenditures in preparing a formal application.

(ii) The preapplication submission shall include schematic plans and space outline in addition to the attachments required by the uniform administrative requirements for Grant-In-Aid to State and local governments prescribed in Office of Management and Budget Circular No. A–102, Revised.

(iii) The preapplication submission shall also include environmental assessment to determine if an Environmental Impact Statement is necessary for compliance with section 102(2)(C) of the National Environmental Policy Act of 1969. The Environmental Assessment shall briefly describe the possible beneficial and/or harmful effect on the following impact categories because of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. (A) Transportation, (B) Air Quality, (C) Noise, (D) Solid Waste, (E) Utilities, (F) Geology, (Soils/Hydrology/Flood Plains), (G) Water Quality, (H) Land Use, (I) Vegetation, Wildlife, Aquatic, Ecology/Wetlands, etc., (J) Economic Activities, (K) Cultural Resources, (L) Aesthetics, (M) Residential Population, (N) Community Services and Facilities, (O) Community Plans and Projects, and (P) Other.

(b) *Environmental Impact Statement (EIS).*—(1) An EIS will be prepared when construction or remodeling of a State veteran's home will result in a major action significantly affecting the quality of the human environment, and will require VA review and approval prior to approval of a formal application for Federal assistance.

(2) An EIS is a detailed statement discussing the following considerations for each of the Impact Categories:

(i) The environmental impact of the proposed actions.

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

(iii) Alternatives to the proposed action.

(iv) The relationship between a local short-term use of man's environment and the maintenance and enhancement of long-term productivity.

(v) Any irreversible or irretrievable commitment of resources which would be involved in the proposed action should it be implemented.

(3) In general an EIS will have the following characteristics:

(i) It will contain a description of the physical and environmental aspects of the proposed action.

(ii) It would be sufficiently descriptive to allow evaluation and appraisal of the favorable and adverse environmental effects of each proposal.

(iii) Its length will be suited to the proposal and the nature of its impact.

(iv) It will be submitted as a separate document and not as an enclosure or an appendix to another document.

(v) It will not be based on ultimate conclusions, but should show consideration of the potential impact of the proposal on the environment.

(vi) It will summarize information and cite sources of overall appraisals with attention to the following:

(A) Include and comment on the views of those opposing the proposal for environmental reasons.

(B) Summarize the views of agencies having environmental responsibilities.

(C) Include a full and objective appraisal of the environmental effects, good and bad, and of available alternatives.

(D) Do not overstate favorable effects.

(E) Discuss regional significance when the environmental impact extends beyond the immediate area.

(F) Include significant relationships between the proposal and other developments, both existing and authorized.

(c) *Site Selection.*—(1) The site should be reasonably accessible to the center of community activities, and the transportation facilities typical of the area.

(2) Establish whether the site is subject to mineral rights which have not been developed.

(3) The site should not be near insect-breeding areas, noise or other nuisance producing industrial developments, airports, railways or highways producing noise or air pollution, or near a cemetery, or near a natural or potential flood water hazard. In the event that a potential flood hazard site cannot be avoided, then adequate provision must be made to eliminate or minimize the effect of the hazard.

(d) *Boundary and Site Survey and Soil Investigation.*—(1) The State agency shall provide for a survey and soil investigation of the site and furnish a plat of the site. The purpose of this survey and soil investigation is to obtain data necessary for the development of the site, structural design and utility service connections. It is suggested that this matter be deferred until the architect has been selected in order that he/she may cooperate with the engineer who obtains the data.

(2) The plat shall show:

(i) The outline and location referenced to boundaries, of all existing buildings, streets, alleys (whether public or

private), block boundaries, easements, encroachments, the names of streets, railroads and streams, and other information as hereinafter specified. If there is nothing of this character affecting the property, the Surveyor shall so state on the plat.

(ii) The point of beginning, bearings, distances, and interior angles. Closure computations shall be furnished with the plat and error of closure shall not exceed 1 foot for each 10,000 feet of lineal traverse. Boundaries of an unusual nature (curvilinear, off-set, or having other change of direction between corners), shall be referenced with curve data (including measurement chord) and other data sufficient for replacement and such information shall be shown on the map. For boundaries of such nature, coordinates shall be given for all angle and other pertinent points.

(iii) The area of each parcel in acres or in square feet.

(iv) The location of all monuments.

(v) The signature and certification of the Surveyor.

(3) The Site Survey shall show:

(i) The courses and distances of property lines.

(ii) Dimensions and location of any buildings, structures, easements, rights-of-way, or encroachments on the site.

(iii) Details of party walls, or walls and foundations adjacent to the lot lines.

(iv) The position, dimensions, and elevations of all cellars, excavations, wells, back-filled areas, etc., and the elevation of any water therein.

(v) All areas which may be affected by the building operations.

(vi) Detailed information relative to established curb and building lines and street, alley, sidewalk and top and bottom curb grades at or adjacent to the site and the materials of which they are constructed.

(vii) All utility services and the size, characteristics, etc., of these services.

(viii) The location of all piping, mains, sewers, poles, wires, hydrants, manholes, etc., upon, over or under the site or adjacent to the site if within the limits of the survey. Invert elevations of all sanitary and storm lines at manholes and first manhole outside the property line.

(ix) Complete information as to the disposal of sanitary, storm water and subsoil drainage and suitability of subsoil for rainwater or sanitary disposal purposes if dry wells are used.

(x) Official datum upon which elevations are based and a bench mark established on the site.

(xi) Elevations on a grid pattern of not more than 50-foot intervals, except where terrain features require greater detail over the survey area.

(xii) Contours at a maximum 2-foot interval.

(xiii) Elevations of contours, bottoms of excavations, etc.

(xiv) Contemplated date and description of any proposed improvements to approaches or utilities adjacent to the site.

(xv) Delineation of 100-year flood plan.

(xvi) The signature and certification of the Surveyor.

(4) Soil Investigation.

(i) Adequate investigation shall be made to determine the subsoil conditions. The investigation shall include a sufficient number of test pits or test borings as will determine, in the judgment of the architect, the true conditions.

(ii) Samples of strata of soil or rock taken in each pit or boring shall be retained in suitable containers. Each sample container shall be identified as to the boring and elevation at which taken and the label initialed by the engineer making the soil investigations.

(iii) The following information shall be covered in the report:

(A) Thickness, consistency, character, and estimated safe bearing value of the various strata encountered in each pit or boring.

(B) Amount and elevation of ground water encountered in each pit or boring, its probable variation with the seasons and effect on the subsoil.

(C) The elevation of rock, if known, and the probability of encountering quicksand.

(D) Average depth of frost effect below surface of ground.

(E) High and low water levels of nearby bodies of water affecting the ground water level.

(F) Whether the soil contains alkali in sufficient quantities to affect concrete foundations.

(G) The elevations and location of the top of workings relative to the site, if the site is underlaid with mines, or old workings are located in the vicinity.

(H) Recommendations for structural and site design.

(e) *Demolition Plan.*—If any existing structures or improvements on the site are to be removed, the buildings or improvements must be designated on the Demolition Plan.

(f) *Site Development Requirements.*—(1) *General.* Adequate roads, walks and parking shall be provided within the lot lines to the main entrance.

(2) *Road Widths.* Principal roads and primary service roads shall be 24'0" wide between faces of curbs; secondary service roads shall be 12'0" between faces of curbs.

(3) *Surface and Structure Parking:*

(i) Acceptable dimensions for 90° parking angle are as follows:

	Bay width	Minimum stall width
If cars overhang curbs on both sides	60'0"	8'6"
If cars overhang curbs on one side	62'6"	8'6"
If cars will not overhang either curb or will be parked in the center bumper to bumper	65'0"	8'6"
	64'0"	8'9"
	63'0"	9'0"

(ii) Parking at angles other than 90° may be used only when justifiable.

(iii) Parking facilities shall include provisions to accommodate the physically handicapped. Spaces that are accessible and proximate to the main entrance to the facility shall be set aside and identified for use by individuals with physical disabilities. When placed between two conventional diagonal or head-on parking spaces, single parking spaces for individuals with physical disabilities shall be 13 feet 6 inches wide. If multiple parking spaces are provided for individuals with physical disabilities, each of the parking spaces shall be not less than 9 feet wide; in addition, a clear space 4 feet wide shall be provided between the adjacent parking spaces and also on the outside of the end spaces. Curb ramps (curb cuts) shall be provided between the parking spaces used by individuals with physical disabilities and the access walks to those parking spaces. The curb ramps shall comply with the detailed standards in subparagraph (7) below.

(4) *Pavement Design.*

(i) The pavement section of all roads, service areas and parking areas shall be designed for the maximum anticipated traffic loads and existing soil conditions.

(ii) Service court areas shall be constructed of reinforced portland cement concrete pavement.

(5) *Curbs.* Bituminous roads shall be provided with integral curbs and gutters constructed of portland cement concrete. Free standing curbs may be substituted when the advantage of using them is clearly indicated.

(6) *Curb Radii.* The radii of curbs at road intersections shall not be less than 25'0".

(7) *Curb Ramps (Curb Cuts).* Curb ramps shall be provided to accommodate the physically handicapped and lawnmowers. Curb ramps shall be provided at all intersections of roads and walks. The curb ramps shall be not less than 4 feet wide; they shall not have a slope greater

than 8 percent, and preferably not greater than 5 percent. The vertical angle between the surface of a curb ramp and the surface of a road or gutter shall not be less than 176 degrees; the transition between the two surfaces shall be smooth. Warning lines that meet the requirements in subparagraph (8) below shall be provided on a curb ramp at its intersection with a vehicular traffic lane. Curb ramps shall have nonslip surfaces.

(8) *Walks.* Walks shall be of portland cement concrete and shall be at least 6'0" wide (8'0" minimum where abutting parking stalls). Main entrance walks may be designed in combination with accent and patio areas. Walks shall be designed to accommodate the physically handicapped. Walks shall have a gradient not greater than 3 percent. A ramp shall be substituted for any walk where the gradient of the walk would otherwise exceed 3 percent. The ramps shall comply with the requirements prescribed later in this subparagraph. Walks that have gradients of from 2 to 3 percent shall be provided with level platforms at 200-foot intervals and at intersections with other walks. A walk shall have a level platform that is at least 6 feet by 6 feet, at the entry to a building, or where the direction of traffic flow changes. These platforms shall extend at least 18 inches beyond each side of the doorway for single leaf doors and 12 inches for double leaf doors. Walks and platforms shall have nonslip surfaces. Warning lines of a contrasting color shall be provided across the full width of a walk at its intersection with a vehicular traffic lane. In order to be perceptible to the touch when swept by the cane of a blind person, the warning lines shall be composed of durable nonslip abrasive strips that project approximately 1/16 inch above the finished surface of the walk. The strips shall be 3 inches wide; a 3-inch clear space shall be left between them. Any walk shall be ramped if the slope exceeds 3 percent. Ramps shall not have a slope greater than 8 percent, and preferably not greater than 5 percent. The ramps shall have handrails on both sides; every handrail shall have clearance of not less than 1½ inches between the back of the handrail and the wall or any other vertical surface behind it. Ramps shall not be less than 4 feet wide between curbs; curbs shall be provided on both sides. The curbs shall not be less than 4 inches high and 4 inches wide. A level platform in a ramp shall not be less than the full width of the ramp and not less than 5 feet long. Entrance platforms and ramps shall be provided with protective weather barriers to shield them against hazardous conditions resulting from inclement weather. Ramps and level platforms in ramps shall have nonslip surfaces.

(9) *Steps.* Exterior steps shall not be included in the site development design unless unavoidable.

(10) *Grading.* Minimum lawn slopes shall be 2 percent; critical spot grade elevations shall be shown on the contract drawings. Insofar as practicable, lawn areas shall be designed without steep slopes.

(11) *Landscaping.*

(i) Provide open lawn spaces framed by groups of large and small trees.

(ii) Limit the use of shrubs to building and patient use areas and the control of pedestrian traffic.

(iii) Select plants that are indigenous to the area, require little maintenance, and are disease and insect resistant.

(iv) Avoid selection of poisonous or aromatic plants and plants which may be deleterious or irritating to hospitalized patients. Plants having large thorns, or branches and leaves ending in thorns, shall not be used in patient areas.

(v) Provide plant bed outlines having minimum radii of 3 feet in lawn areas to be mowed by tractor and gang mowers. Provide lawn areas of sizes and delineation that can be easily maintained.

(vi) Provide metallic edging or curbs around shrub beds (essential where Bermuda or similar grasses are grown).

(vii) Lawn slopes steeper than 3:1 (e.g., 3 feet horizontally to 1 foot vertically) shall be planted with ground covers.

(12) *Surface Drainage.* Surface grades shall be determined in coordination with the architectural, structural, and mechanical design of buildings and facilities so as to provide proper surface drainage of all areas.

(g) *General Design Considerations.*—(1) Nursing homes and domiciliaries should be planned to approximate the home atmosphere as closely as possible. It is desirable that larger bedrooms be provided than are generally provided in general hospitals and that each bed be equitably placed in relation to the windows. Wardrobe and closet space in patients' rooms should be more generous. The use of more open, informal planning, the provision of inviting recreational spaces both indoors and out, lounging areas, the use of decoration, color, furnishings, etc., to minimize institutional effect are recommended.

(2) Existing buildings must be adaptable in size, shape and construction to the proposed use and be basically sound to warrant remodeling, modifying or altering. The continuing effect and cumulative cost over the period of the economic life of the property should be considered against the cost of the initial alterations. Deviations from the specific requirements of the standards for economical or functional reasons are permissible provided the essential features and intent of these standards are observed. In no case shall the total cost of remodeling exceed the cost of constructing a new building or facility.

(3) No overhauling or replacement, in kind, of mechanical, electrical, structural and architectural work, or maintenance and repair of any features, in kind, will be considered except as the work is involved inextricably with remodeling, modification or alteration of existing patient/member care areas.

(4) Limited deviation from the fire safety requirements established in these standards may be granted and shall be fully justified by the State agency.

(i) Generally, standards may be waived in projects involving only minor functional changes.

(ii) Where substantial functional changes are involved in nonpatient member care areas, deviation may be allowed if adequate fire separation is provided around the functionally changed area.

(iii) Where substantial functional changes are involved in patient member care areas, deviation will not be permitted.

(h) *Architectural Requirements.*—(1) *Finishes.*

(i) Floors shall be easily cleanable and shall have wear resistance appropriate for the space served. Floors in kitchens and related spaces shall be waterproof, greaseproof, nonslip and resistant to heavy wear. All floors subject to wetting shall have a nonslip finish. Adjacent dissimilar floor materials shall be flush with each other. Floor materials in anesthetizing areas and rooms used for storage of flammable anesthetics shall comply with NFPA Standard No. 56A. Flame spread requirements shall conform to the limits specified in the section on fire safety herein.

(ii) Walls shall be washable or easily cleaned and smooth. Walls in kitchens and related spaces shall have glazed materials or similar finish and bases shall be waterproof and free from voids. Walls subjected to wetting should also be glazed to a point above the splash or spray line. Wainscots of durable material should be used in patient corridors and other corridors where there is considerable wheeled traffic. Walls in areas used for surgical procedures shall have glazed materials

with the base integral with the wall or floor material without voids.

(iii) Ceilings shall be acoustically treated in all areas except mechanical spaces, equipment rooms, etc. The acoustical material shall be washable and moisture proof in dietary, surgical and other areas of high humidity or asepsis.

(2) *Details.* (i) All construction of State home facilities shall provide for the physically handicapped necessary ingress, egress and movement throughout the facility. Such ingress and egress shall provide disabled persons with access and use that is independent, convenient, and substantially equivalent to that provided able-bodied persons.

(ii) Exit facilities shall comply with the requirements of the Life Safety Code, NFPA Standard No. 101.

(iii) Such items as drinking fountains, telephone booths and vending machines shall be so located that they do not restrict the required width of exit corridors.

(iv) All doors to patient-room toilets or patient-room bathrooms shall be equipped with hardware which will permit access in any emergency.

(v) All doors to corridors shall be swinging type except elevator doors. Alcoves and similar spaces which generally do not require doors may be excluded from this requirement.

(vi) Thresholds and expansion joint covers, if used, shall be flush with the floor.

(vii) The location and arrangement of plumbing fixtures with blade handles intended for handwashing purposes shall provide clearance necessary for operation without use of hands.

(viii) Paper towel dispensers shall be provided at all lavatories and sinks used for handwashing.

(ix) If linen and refuse chutes are used, they shall be designed as follows:

(A) Minimum diameter of gravity-type chutes shall be 2'0".

(B) Chutes shall be vented through an aluminum vent having cross sectional area of not less than 10 percent chute area. Vent shall extend through the roof and terminate in a weatherproof aluminum cap.

(x) Dumbwaiters, conveyors, and material handling systems shall open into rooms enclosed by not less than 1-hour fire-resistive construction. The entrance door to such room shall be the same rating as the room construction.

(xi) Protection requirements of X-ray and Gamma-ray installations shall conform to NBS Handbooks, as follows:

(A) X-ray: Handbook 76.

(B) Gamma-ray: Handbook 73.

(xii) Ceiling heights.

(A) Operating rooms, cystoscopic rooms, radiographic rooms, and rooms having ceiling-mounted surgical light fixtures. Not less than 9'–0".

(B) Corridors, storage rooms, patient rooms, toilet rooms, and other rooms. Not less than 8'–0".

(xiii) The width of stairways shall be not less than 3'–8". The width shall be measured between handrails where handrails project more than 3½ inches.

(xiv) Water closet stalls for patient use shall have grab bars on both sides.

(xv) Bathtubs may not be elevated. Grab bars shall be provided at all bathtubs.

(xvi) Showers should be approximately 4 feet square and should have grab bars and curtains. Curbs shall be omitted. If shower doors are used, they shall be made from a shatterproof material.

(xvii) Public toilets shall be provided for both men and women convenient to the lobby area and elsewhere in each separate building to meet needs and to include accessibility for the handicapped in conformance with ANSI A117.1.

(i) *Fire safety criteria.*

(1) *Applicable codes*—(i) *Means of egress.* Means of egress (exit access, exit and exit discharge) shall comply with the latest edition of the Life Safety Code of the National Fire Protection Association (NFPA No. 101).

(ii) *Fire protection systems and equipment.* Fire protection systems such as standpipe systems, sprinkler systems, portable fire extinguishers, and fire alarm systems shall conform to the requirements of the latest edition of the appropriate NFPA Standards.

(2) *Construction requirements.* (i) One-story buildings shall be protected noncombustible construction of 1-hour fire-resistive rating meeting or exceeding the defined requirements of the Standard on types of building construction (NFPA No. 220—1975 edition).

(ii) Buildings more than one story in height shall be of fire resistive construction per NFPA No. 101 and NFPA No. 220.

(3) *Interior finish.* (i) Interior finish shall conform to the requirements of the latest edition of the Life Safety Code (NFPA No. 101).

(ii) Window draperies and window curtains shall be made of inherently noncombustible materials or permanently flameproofed materials tested in accordance with NFPA No. 701, Standard Method of Fire Tests for Flame Resistant Textiles and Films. Testing shall incorporate both the small and large scale test procedures of NFPA No. 701.

(iii) Carpet used on floors of exit access corridors and enclosed exits in health care and residential-custodial care occupancies shall satisfactorily withstand a minimum critical radiant flux of greater than or equal to 0.45 watts per square centimeter when tested in accordance with NFPA 253—1978, or flame spread and smoke developed ratings of not greater than 75 and 450 respectively when tested in accordance with NFPA 255—1972. Carpet installed in all rooms or enclosed spaces shall comply with the provisions of the CPSC FF 1–70 "pill test" standard.

(iv) Insulation, vapor barriers, adhesives, covering and linings for piping, ducts and related equipment shall have flame spread rating not exceeding 25 and a smoke developed rating not higher than 50.

(4) *Additions.* When an addition is to be made to an existing structure, it shall be separated from the existing structure by a fire wall having at least a 2-hour fire resistance rating unless the entire resulting building (addition plus existing structure) conforms to the NFPA No. 101 requirements for new buildings.

(j) *Structural Requirements.* In addition to compliance with the standards set forth herein, all applicable local and State building codes and regulations must be observed. In areas not subject to local or State building codes, the recommendations of any one of the following national codes shall apply insofar as such recommendations are not in conflict with the standards set forth herein.

(1) *National Building Code.* American Insurance Association, Engineering and Safety Service, 85 John Street, New York, New York, 10038.

(2) *Basic Building Code.* Building Officials Conference of America, 1313 East 60th Street, Chicago, Illinois 60637.

(3) *Southern Building Code.* Southern Building Code Congress, Brown-Marx Building, Birmingham, Alabama 35203.

(4) *Uniform Building Code.* International Conference of Building Officials, 5360 S. Workman Road, Whittier, California 90601.

(5) *Code for Safety to Life from Fire in Buildings and Structures.* National Fire Protection Association, 470 Atlantic Ave., Boston, MA 02210.

(k) *Design Data*—(1) *General.* The buildings and all parts thereof shall be of sufficient strength to support all dead, live and lateral loads without exceeding the working stresses permitted for the materials in the applicable code.

(2) *Special.* Special provisions shall be made for machine or apparatus loads which would cause a greater stress than that produced by the specified minimum live load, with due consideration to

vibration or impact resulting from operation of such equipment. Consideration shall be given to structural members and connections of structures which may be subject to hurricanes, tornadoes and earthquakes. Suitable allowance shall be made for future partition changes.

(3) *Live Loads.* The unit live loads shall be taken as the minimum uniformly distributed live loads for the occupancies listed in the above codes. Any loads not specifically listed will be determined by the VA.

(4) *Foundations.* Foundation design (water protection, bearing depths and pressures, minimum penetration depths, wall pressures, compaction specifications, critical slope limits, etc.) shall be based on recommendations determined by a subsurface investigation and must be in accordance with local and/or State codes and recognized standards.

(l) *Site Conditions.* The State agency shall provide current "as-built" drawings showing existing grades, parking, roads, walks, utilities services, and buildings. The building or buildings involved in the proposed project shall be distinctively identified. Any proposed alterations of the existing site shall also be noted. Soil investigation will not be required unless the proposed alterations increase the existing loads on the structure to the extent that new foundations are necessary.

(m) *Mechanical Requirements.* Existing mechanical systems shall be utilized as far as is possible. Where boilers or incinerators are provided, the design and specifications shall comply with the standards relating to control of air pollution.

The heating system, boilers, steam system, ventilation system and air-conditioning system shall be furnished and installed to meet all requirements of the local and State codes and regulations, and the regulations of the National Fire Protection Association and the minimum general standards as set forth. Where there is no local or State boiler code, the recommendations of the American Society of Mechanical Engineers (ASME) shall apply. Gas and oil fired equipment shall comply with the regulations of applicable codes and published recommended practices.

(n) *Heating*—(1) *Boilers.* Boilers shall have the capacity, when operating at normal rating, to supply the heating system, hot water, and steam operated equipment with one boiler in reserve. All steam and hot water boilers shall be ASME labeled. Fuel storage shall be adequate to the procurement method of the area.

(2) *Boiler Accessories.* Boiler feed pumps, return pumps and circulating pumps shall be furnished in duplicate, each of which has a capacity to carry the full load. Provide blow-off valves, relief valves, nonreturn valves, injectors and fittings to meet the requirements of the city and State codes.

(3) *Temperatures.* The heating system shall maintain a minimum temperature of 70°F. in each habitable room and occupied space. Storerooms, workrooms and similar areas may be maintained at lower design temperatures. In spaces where radiant heat is used, the minimum temperatures specified may be reduced to maintain an equivalent comfort level.

(4) *Covering.* Boilers, smoke breeching and all steam and hot water supply and return piping shall be adequately insulated with noncombustible covering at all economic levels.

(o) *Ventilation.* (1) Rooms which do not have outside windows and which are used by patients or hospital personnel, such as utility rooms, toilets, baths, and food storage rooms, shall be provided with forced or suitable ventilation to permit 10 air changes per hour.

(2) Kitchens and laundries which are located inside the building shall be ventilated by exhaust systems which will discharge the air above the main roof or 50 feet from any window.

(3) The ventilation of these spaces shall comply with the State or local codes, but if no code governs, the air in the workspaces shall be exhausted at least once every six minutes with the greater part of the air being taken from the flatwork ironer and ranges. Air from the laundry sorting area shall be discharged with no recirculation. Rooms used for the storage of combustible anesthetic agents, paints and other highly flammable materials shall be ventilated to the outside air with intake and discharge ducts.

(p) *Air Conditioning.* Buildings may be air conditioned, but the following areas are excluded: Laundry, toilets, showers, locker rooms, and personnel quarters.

(q) *Plumbing and Drainage.* Plumbing systems shall comply with all applicable local and State codes, the requirements of the State Department of Health, and the minimum general standards as set forth herein. Where no State or local codes are in force or where such codes do not cover special hospital equipment, appliances, and water piping, the National Plumbing Code ASA–A40.8, latest edition, shall apply.

(1) *Drains.* Drains from sinks which use chemicals shall be of acid resistant material.

(2) *Standpipe Systems.* Where no local or State codes are in force, the standpipe system shall comply with the requirements of the National Fire Protection Association.

(3) *Sprinkler System.* All new construction regardless of height or structural fire resistance shall be protected throughout with an automatic fire extinguishment system. For remodeling projects provide automatic sprinkler systems in all hazardous areas required by the Life Safety Code, NFPA101 and throughout all existing buildings other than those of fire resistive construction or one-story protected noncombustible construction (see paras. (i)(1)(ii) and (i)(2)(i) of this section).

(r) *Kitchen Equipment.*—(1) *Codes.* The kitchen equipment shall comply with the applicable local and State laws, codes, regulations and requirements, and with the applicable sanitation standards of Public Health Bulletin No. 37, entitled "Ordinance and Code Regulating Eating and Drinking Establishments, Recommended by the U.S. Public Health Service," and with the minimum general standards set forth herein. Commercial cooking equipment shall be protected in accordance with NFPA No. 96, with a dry chemical extinguishing system.

(i) Adequate cabinets or other facilities shall be provided for the storage or display of food, drink and utensils, and shall be designed as to protect them from contamination by insects, rodents, other vermin, splash, dust and overhead leakage.

(ii) Adequate facilities shall be provided for the washing and bactericidal treatment of utensils used for eating, drinking, and food preparation. Where utensils are to be washed by hand, there shall be provided an adequate sink equipped with heating facilities, to maintain a water temperature of at least 180° F. in the bactericidal treatment compartment throughout the dishwashing period. Where utensils are to be washed by machine, there shall be provided facilities for supplying to the dishwashing machine an adequate supply of rinse water at 180° F. measured at the rinse sprays, throughout the dishwashing period. All tables, shelves, counters, display cases, stoves, hoods and similar equipment shall be so constructed as to be easily cleaned and shall be free of inaccessible spaces providing harborage for vermin. Where there is not sufficient space between equipment and the walls or floor to permit easy cleaning, the equipment shall be set tight against the walls or floor and the joint properly sealed. All

utensils and equipment surfaces with which food or drink comes in contact shall be of smooth, not readily corrodible material free of breaks, corrosion, open seams or cracks, chipped places and V-type threads. All surfaces with which food or drink comes in contact shall be easily accessible for inspection and cleaning and shall be self-draining, and shall not contain or be plated with cadmium or lead. All water supply and waste line connections to kitchen equipment shall be installed in compliance with the plumbing requirements of these standards.

(2) *Refrigerators.* Refrigerators shall be provided in all kitchens and other preparation centers where perishable foods will be stored. In the main kitchen, at least two refrigerators shall be provided, one for meats and dairy products, and one for general storage.

(s) *Laundry Codes.*—The laundry equipment shall be designed and installed to comply with all local and State codes and laws, the requirements of the State Department of Health, and the minimum general standards as set forth herein. Where laundries are provided, they shall be complete with washers, extractors, tumblers, ironers, and pressers which shall be provided with all safety appliances and sanitary requirements.

(t) *Electrical Requirements.*—(1) *Codes and Regulations.* The installation of electrical work and equipment shall comply with the National Electrical Codes (NFPA Nos. 70 and 76A), all local and State codes and laws applicable to electrical installations and the minimum general standards as set forth herein. The regulations of the local utility company shall govern service connections. All materials shall be new and shall equal standards established by the Underwriters' Laboratories, Incorporated. Aluminum busways should not be used as a conducting medium in the electrical distribution system.

(2) *Existing Materials.* Existing materials may be used on an individual project basis only. Materials shall be tested after installation and proven to be satisfactory or replaced.

(3) *Service.* Connections from the service mains, with meter connections and service switches, shall be installed as required by the public service company.

(4) *Feeders and Circuits.* Service feeders to terminate in a distribution switchboard and from this point subfeeders are to be provided for power and lighting panels as necessary for the project. Branch circuits for motor and heating loads are to terminate at the power panel and circuits for lighting and receptacles are to terminate at the lighting panel. Wiring shall be copper and conductor installed in conduit.

(5) *Switchboard and Power Panels.* Circuit breakers and/or fuses with their associated switches are to be provided in the switchboard for the subfeeders; also circuit breakers and/or fuses of proper capacity are to be provided in power and lighting panels. Where motor control centers are to be employed, provide a subfeeder from the main switchboard for the unit.

(6) *Lighting Panels.* Lighting panels shall be provided on each floor for the lighting circuits on that floor. Lighting panels shall be located near the load centers not more than 100 feet from the farthest outlet.

(7) *Lighting Outlets and Switches.* All occupied areas shall be adequately lighted as required by duties performed in the space. Patients' bedrooms shall have as a minimum: general illumination, a night light, and a patient's reading light. The outlets for general illumination and night lights shall be switched at the door. Switches in patients' bedrooms shall be of an approved quiet operating type. It is suggested that lighting levels be not less than those for similar areas recommended in I.E.S. Lighting Handbook.

(8) *Lighting Fixtures.* Lighting fixtures shall be furnished for all lighting outlets. They shall be of a type suitable for the space. Should ceiling lights be used in patients' rooms, they shall have diffuser type shielding. Lighting fixtures in shower areas shall have vapor sealed covers.

(9) *Receptacles (Covenience Outlets).* Grounding type receptacles suitable for the service shall be located where plug-in service is required. Each bedroom shall have not less than two duplex receptacles, with at least one receptacle above the head of each bed. Polarized receptacles for special equipment shall be installed where required. Receptacles shall be installed not more than 50 feet apart in all corridors.

(10) *Emergency Lighting.* Lighting. Emergency lighting shall be provided in accordance with Life Safety Code NFPA No. 101.

(11) *Nurses' Call.* A nurses' call system shall only be required for nursing units, except that an empty conduit system may be installed for domiciliaries where there is likelihood of future conversion to a nursing home. Each patient shall be furnished with an audio-visual or visual nurses' call system which will register a call from the patient with signal light above corridor door and at the nurses' station in hospitals and nursing homes. A duplex unit may be used for two patients. Indicating lights shall be provided at each station where there are more than two beds in a room. A nursing call emergency station shall also be provided in each patient's toilet room and bathroom. Wiring for nurses' call systems shall be installed in conduit.

(12) *Fire Alarms.* Every building shall have an electrically supervised, manually and automatically operated fire alarm system. Pre-signal systems are not permitted. Fire alarm systems shall be in conformance with the National Fire Protection Association Codes and ANSI A117.1 Standards.

(13) *Tests.* Lighting fixtures, all wiring and equipment shall be tested to show that they are free from grounds, shorts, or open circuits, that motors rotate correctly and that all equipment operates properly.

(14) *Emergency Power.* Emergency power shall be provided for equipment vital to patient use, and in accordance with NFPA No. 76A and NFPA No. 70, Article 517.

(15) *Telephone Service.* Telephone service shall be provided in required areas and include service for the handicapped in conformance with ANSI A117.1.

(u) *Elevator and Dumbwaiter Requirements.*—(1) *Codes.* The elevator installations shall comply with all local and State codes, American National Standard Safety Code for Elevators (ANSI A17.1 and supplements), the National Electric Codes, and the minimum general standards as set forth herein.

(2) *Number of Cars.* Any State home with patients on one or more floors above the first shall have at least one automatic elevator. State homes with a bed capacity of from 60 to 200 above the first floor shall have not less than two automatic elevators.

(3) *Cab.* Passenger cab platforms shall be not less than 5'8" x 8'8" with a capacity of 4,000 pounds. Cab and shaft doors shall be power operated and shall be not less than 4'0" clear opening.

(4) *Controls.* Elevators, for which operators will not be employed, shall have selective collective automatic operation. Where two elevators are located together, they shall have duplex selective collective automatic operation. The elevator shall be equipped with automatic self-leveling control which will automatically bring the car platform level with the landing with no load or full load. Multi-voltage or variable voltage machines shall be used where speeds are greater than 150 feet per minute. For speeds above 350 feet per minute, the elevators shall be of the gearless type. Elevators in multi-story

structures four or more stories in height shall be equipped with an automatic recall system (for fires) per ANSI A19.1 and supplements.

(5) *Dumbwaiters.* Dumbwaiter cabs shall be of steel and not less than 24" x 24" x 36", with one shaft to operate at speeds of 50 feet to 100 feet per minute when carrying a load of 200 pounds. Dumbwaiters serving four floors shall have a maximum speed of 100 feet per minute.

(6) *Tests.* Elevators shall be tested for speed and load, with and without loads, in both directions and shall be given overspeed tests as covered by the "Safety Code for Elevators."

(v) *Requirements for Preparation of Plans, Specifications and Estimates.*—(1) *General.*

(i) The requirements contained herein have been established for the guidance of the State agency and the architect to provide a standard for preparation of drawings, specifications and estimates.

(ii) Certification shall be submitted that there is no appreciable over-all increase in quantity of sewage discharged to the public sewer, or sewage treatment plant, that there are no appreciable overall changes in the quality of sewage so discharged, and that there are no sewage treatment or control facilities involved. If completion of this project will result in an increase in usage of utilities (water, power, sewage treatment, etc.) evidence of approval of plans by the appropriate governing authority shall be submitted.

(iii) The State agency will find it advantageous to submit its plans to the VA in three stages for recommendations and approvals. However, the State agency may, if it so elects, combine the stages.

(2) *Drawings, Specifications, and Cost Estimates.*

(i) *First Review—Program and Plans.*

(A) *Program.* Give narrative description of existing and planned programs at the facility and how this project affects the operation. If the project involves nursing home care beds, a certification in compliance with § 17.171(b) must accompany the project submission.

(B) *Site Plan.* If a survey has been made, a plat shall be submitted at this time; if not, a description of the site shall be submitted. This shall note the general characteristics of the site, including soil reports and specifications, easements, availability of electricity, water and sewer lines, main roadway approaches, direction of prevailing breezes, orientation, etc., and a map indicating location of the existing and/or new buildings in the geographic area.

(C) *Preliminary Plans (10–25 Percent Drawings).* Indicate the assignment of all spaces, size of areas and rooms and indicate in outline the fixed and movable equipment and furniture. The plans shall be drawn at ⅛" or ¼" scale to clearly present the proposed design. The total floor and room areas shall be computed and shown in the drawings. The drawings shall include a plan of each floor including the basement or ground floor; roof plan; site plan showing roads, parking areas, sidewalks, etc.; demolition work; and sections through the building. If the project involves remodeling/renovation, then current as-built site plan, floor plans and building sections which show the present status of the building and a description of its use and type of construction should be included.

(D) *Space Plan.* List in outline form each room or area, and the square feet proposed. Note special or unusual services or equipment to be included and describe staff requiring office space.

(E) *Outline Specifications.* Provide a general description of the construction, including architectural, electrical and mechanical work (elevators, nurses' call system, air conditioning, heating, lighting power, etc.), as well as interior finishes (floor coverings, acoustical material, wall finishes, etc.).

(F) *Cost Estimates.* Show estimated cost evaluation of the buildings or structures to be constructed in this project. List the essential cost of construction; contract contingency, fixed equipment not in contract, movable equipment, architects fees, supervision and inspection of the site, etc. If the project involves non-VA participating areas, such costs should be itemized separately.

(G) *Predesign Conferences.* A conference is recommended for all major construction projects primarily to insure that the State agency becomes oriented to VA procedures and requirements plus any technical comments pertaining to the project. The above material should be submitted for VA review about 3 weeks prior to scheduling a predesign conference in VA Central Office.

(ii) *Second Review (Optional). Working Drawings and Specifications.* All working drawings shall be prepared so that clear and distinct prints may be obtained, accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for complete VA review and comment. Separate drawings shall be prepared for each of the following types of work: architectural, structural, heating and ventilating, plumbing and electrical. They shall include the following:

(A) *Architectural Drawings.* Site plan showing all new topography, grades, existing buildings, roadways, walks and areas to be seeded. Show all structures and other work to be removed; all floor plans and a roof plan if any new work is involved; all elevations which are affected by the alterations; building sections; demolition drawings. All details to complete the proposed work and finish schedules.

(B) *Equipment Drawings.* Large scale drawings of typical special rooms indicating all fixed equipment and major items of furniture and movable equipment.

(C) *Structural Drawings.* Complete foundation and framing plans and details. General notes to include: governing code, material strengths, live loads, windloads, foundations design values and seismic zone.

(D) *Mechanical Drawings.* Heating and ventilation drawings showing complete systems and details of air conditioning, heating, ventilation and exhaust. Plumbing drawings shall show sizes and elevations of soil and waste systems; sizes of all hot and cold water piping; drainage and vent systems; plumbing fixtures and riser diagrams; medical gases systems. Elevator and dumbwaiter drawings, if required, will show shaft details and installation.

(E) *Electrical Drawings.* Provide separate drawings for lighting and power. Show service entrance and feeders and its characteristics. Include all panel, breaker, switchboard and fixture schedules. Indicate all lighting outlets, receptacles, switches, power outlets and circuits. Show telephone layout, nurses' call systems, fire alarm systems and emergency lighting.

(F) *Specifications.* Provide to supplement the drawings and comply with the following: The specifications shall fully describe, except where indicated and described on the drawings, the materials, workmanship, the kind, finishes and other characteristics of all materials, articles and devices.

(G) *Estimates.* Show in convenient form and detail the total cost of the work to be performed under the contract including provision of fixed equipment shown by the plans and specifications.

(iii) *Third Review—Drawings and Specifications (100 per cent), and Cost Estimates.*

(A) Final working drawings and specifications (to be used for bid purposes) shall be in completed format similar to second review and include any VA requirements from prior technical review(s). Specifications shall

include the invitations for bids; cover of title sheet; index; general requirements; form of bid bond; form of agreement; performance and payment bond forms; and sections describing materials and workmanship in detail for each class of work.

(B) Show in convenient form and detail the estimated total cost of the work to be performed under the contract including provision of fixed equipment shown by the plans and specifications, if applicable, to reflect the changes to the approved financial plan. Estimates shall be summarized and totaled under each trade or type of work.

(C) All of the above requirements must be met and approved prior to the State agency advertising for bids.

(iv) *Final Review and Approval—(Bid Tabulations and Cost Estimates).*

(A) The State agency shall submit itemized bid tabulations; assurances, if required; and a Revised Grant Application form reflecting final cost estimates to include all items of cost in the project. If there are non-VA participating area(s), these should be itemized separately.

(B) Following VA approval of bid tabulations and cost estimates, a Memorandum of Agreement executing the grant award will be signed by the Administrator.

(w) *Equipment Requirements.*—(1) *General.* Equipment necessary for the functioning of the facility as planned shall be provided in the kind and to the extent required to perform the desired service. The necessary equipment shall be included in the cost of the project and is considered an essential part of the project. In projects of expansion, remodeling or alteration of existing buildings, VA participation in the cost of equipment will be limited to functional areas in which major construction is involved.

(2) *Definition of Equipment.* The term "equipment" as used in these regulations means all items necessary for the functioning of all services of the facility, including such equipment as necessary to provide for the maintenance of accounting and other records, maintenance of buildings and grounds and public waiting rooms. The term "equipment" does not include items of current operating expense such as food, fuel, drugs, dressings, paper, printed forms, soap, and the like.

(3) *Classification of Equipment.* All equipment shall be classified in two groups as indicated below.

(i) *Fixed Equipment (included in construction contract).* Equipment which is permanently affixed to the building or which must be connected to service distribution systems designed and installed during construction for the specific use of the equipment. Included are items such as kitchen and intercommunication equipment, built-in casework, venetian blinds, cubicle curtain rods, etc. The Federal share in the cost of such equipment included in the construction contract will be determined by the VA percentage of participation in the cost of construction.

(ii) *Movable and Fixed Equipment (not included in construction contract).* All items of equipment which are movable and fixed which are purchased through other than a construction contract. Such items include furniture, wheeled equipment, kitchen utensils, draperies, electric clocks, pictures and waste receptacles. The Federal share in the cost of such equipment not included in the construction contract will be determined by the VA percentage of participation in the total project amount.

(4) *Responsibility of State Agency.*

(i) It shall be the responsibility of the State agency to select and purchase all necessary equipment for the complete functioning of services included in the project in accordance with these standards and any further standards prescribed by the State agency. Title to all equipment purchased by the State agency will be vested to the State. Any upgrading of equipment or quantity of items not normally used in the functional areas should be carefully considered and justified.

(ii) It is essential that the equipment shall be properly apportioned and budgeted to the various services of the facility so that unduly expensive or elaborate equipment is not provided for some services of the project necessitating the use of cheap and inadequate equipment for other services.

(iii) Within 90 days after the award of the construction contract and prior to completion of project, the State agency shall submit to the VA for approval a separate, complete itemized list of fixed and movable equipment. Fixed equipment, not included in the construction contract, shall be itemized by category of equipment and show the estimated costs of each category or item and the total costs. The itemized lists of movable equipment shall be submitted in a format corresponding to the rooms or functional areas identified on final drawings. The list shall show quantity and estimated cost of each item. The quantity will be based on the actual number of units and number of beds in each unit. Generally, the cost of equipment not included in the contract should not exceed eight percent of the cost of basic construction.

(5) *Equipment Review by VA.* VA will review lists of equipment to ascertain medical applicability, quantity and cost of items. The quantity will be determined by the number of nursing units, number of bed areas provided and items required to make constructed areas functional. Medical applicability will be determined by whether such items are normally found or used in the type of medical activity/area planned. The applicant will be given the opportunity to justify any item(s) of equipment not approved by VA.

(x) *Program and Space Criteria.* The following criteria will be applied, as required by the scope of the project, subject to the approval of the VA.

(1) *Domiciliary Program.*

(i) The construction, modernization or renovation of domiciliaries should have the objective of creating and/or enhancing a therapeutic, rehabilitative and restorative atmosphere. This will maximize the possibility of restoring domiciliary veterans to the highest level of noninstitutional living.

(ii) Improved medical facilities are needed to prevent and detect possible hindrances from delaying participation in the therapeutic program.

(iii) Adequate individual privacy should be provided, either through separation of large multi-bed rooms, or rooms or areas of eight or fewer members.

(iv) Multi-bed rooms are based on 110 square feet per bed with a minimum of 3 feet between beds. The criteria are based on accommodations for bed, bedside chair, wardrobe, and writing desk unit.

(v) Full height partitions are desirable when separating bedrooms. Less than full floor to ceiling partitions may be used to achieve adequate ventilation or because of other structural or operational constraints. As a minimum, demipartitions should be at least 5'6" to provide line-of-sight privacy. Each bedroom should have at least one window.

(vi) Support facilities may be decentralized or consolidated in one or more areas to meet overall program requirements. General support facilities are also provided for the entire domiciliary.

(vii) Bathing and Toilet Facilities.

(A) A minimum of one water closet, lavatory, tub/shower shall be provided for up to every eight members. The number of beds served by private or shared facilities will be deducted from the total number of beds in calculating the number of fixtures required in a congregate facility.

(B) It is desirable to have private, or connecting, toilet-bathrooms in conjunction with member bedrooms. As

a minimum, at least one single bedroom should have a private toilet/bathroom.

(C) In congregate facilities, each fixture or tub should be in a separate stall or enclosed for privacy.

(D) Adequate facilities shall be provided for persons using wheelchairs.

(E) Adequate grab bars and handrails shall be provided.

(viii) Information, telephone, switchboard, mailboxes, and control center facilities are generally located adjacent to the main lobby entrance. The information desk serves as a first point of contact, information, and control area for those people entering for admission, visiting, or on business. Included are the information counter or desk and telephone systems.

(ix) Administrator/Director's suite includes all administrative activities required by the Director, Assistant Director, and their immediate staffs (secretaries, analysts, administrative assistants, and/or trainees).

(x) Dietetic Service facilities, for the purpose of these criteria, include dining rooms and all other facilities and space necessary for receiving, storing, processing, serving, and delivering food. These criteria will have as their objective the provision of high quality food service to members and personnel. Such quality service will be maintained through the maintenance of high sanitation standards; the provision of adequate nourishment, attractively served at optimum temperatures, consistently well prepared according to the standards set by the recipes and served within normal eating hours.

(A) Dining room, food preparation and dishwashing facilities may be planned as separate facilities from Dietetic Service, if necessary.

(B) Contractual food service may be planned, dependent upon cost and prevailing local conditions.

(C) Vending machines may be planned if desired. (450 maximum square feet will be allowed.)

(xi) Rehabilitation medicine, physical, occupational and recreational therapies should be planned to meet program requirements.

(xii) Barber and/or beauty shops, retail sales and canteen may be planned, if required. (120 square feet will be allowed for each.)

(xiii) Janitor's closets should be planned, one for every bed unit and one for every 10,000 to 12,000 square feet of other general administrative and clinical space. The laboratory, kitchen, and other areas which generate undue waste or require special care should have their own janitor's closets. Storage for floor cleaning machines may be provided at either a central location or in several areas of the building.

(xiv) General warehouse for medical and dietary stores may be planned at approximately 15 square feet per bed and should be centrally located.

(2) *Nursing Home Care Program.*

(i) A nursing unit with related facilities will normally be provided for 40 to 60 beds. Where there are limitations in design, fewer beds for the nursing unit are permissible. From the standpoint of staffing, a 50-bed unit is most desirable with a minimum of 30 beds and a maximum of 60-beds per unit.

(ii) Not less than 80 percent of the total beds should be provided in either single or double bedded rooms or a combination of both.

(iii) Patients' rooms shall not have more than four beds. A toilet room, with lavatory and water closet, accessible from adjoining patients' room is recommended. At least two single rooms with private toilet, lavatory and bathtub shall be provided in each nursing unit for the purpose of medical isolation, incompatibility, or personality conflict. All rooms shall include a closet or separate wardrobe for each bed. No patients' rooms shall be located on any floor which is more than 50 percent below grade level. An area or group of rooms (about 10 percent of beds) may be equipped with piped oxygen and vacuum suction.

(iv) Connecting toilets between adjoining bedrooms are recommended. If congregate toilet facilities are planned, separate facilities for both male and female patients should be provided. VA participation in congregate toilet facilities will be based on a maximum of one water closet or urinal and one lavatory per six beds. If a combination of connecting and congregate facilities are provided, the number of beds served by the connecting facilities will be deducted from the total number of beds in calculating the number of fixtures required in the congregate facilities. All patient lavatories and water closets should be designed for wheelchair patients, with grab bars to be provided around water closets. Wheelchair facilities should be designated on drawings.

(v) If private or shared bathrooms are not provided, then separate congregate bathing facilities must be provided to serve male and female patients. VA participation will be limited to one fixture per 9 beds with 30 square feet to be allowed for each bathtub/shower. Grab bars are to be provided. A water closet and lavatory shall be provided in each bathing facility using space criteria for congregate toilets.

(vi) Staff toilet facilities should be provided on each floor of multistory projects and on single level projects when the location and size of the unit precludes the use of facilities provided near the lobby area.

(vii) Food Service facilities to include office for Dietitian, kitchen, dishwashing room, adequate refrigeration, dry storage, receiving area, and garbage facilities as required by the scope of the project.

(viii) Janitors closets (40 sq. ft.), may be provided in each nursing unit, in the dietetic area; and in the administrative area (provided there is no other closet on that floor), with a minimum of one on each floor. The closet in the dietetic area shall not serve other areas.

(3) *Space Criteria for Domiciliary and Nursing Home Care Units (NSF Allowable per 50-bed unit. *Total allowable per State home).*

	Dom	NHC
(i) Support facilities:		
*Administrators Office	200	200
*Asst. Administrator	150	150
Medical Officer, Director of Nursing or Equivalent	150	150
General Administration (as required)	120	120
Clerical Staff (each)	80	80
Conference Room/Consultation Area	300	500
Lobby/Waiting Area	[1]3	([1])
Public Toilets (male/female)	75	75
Pharmacy	([2])	([2])
Dietetic Service	([2])	([2])
Dining Area	[4]20	([4])
Resident Toilets (male/female)	75	75
Multipurpose Room	15	[5]12
Physical Activities	2.5	[5]5
(Office if required)	120	120
Occupational Therapy	2.5	[5]5
(Office if required)	120	120
Library	300	
Patio/Recreation Area	10	[5]10
Building Maintenance Storage	2.5	[5]2.5
Resident Storage	6	[5]1.5
General Storage	6	[5]6
General laundry:		

Number of beds	Gross building area (sq. ft.)	Service platform (sq. ft.)
25	1000	100
50	1100	100
100	1400	100
150	2100	200
200	2400	200
250	3000	200
300	3700	300

	Dom	NHC
(ii) Bed units:		
One-bed	140	140
Two	220	235
Three	330	360
Four	440	450
Five	550	
Six	660	
Seven	770	
Eight	880	

[1] Sq. ft. per bed (150 min. 600 max. per facility).
[2] As determined by need.
[3] As required.
[4] Sq. ft. per bed.
[5] Per bed.

Lounge Areas:		
Resident Lounge w/Storage	8	8 (per bed).
Resident Quiet Room	3	3 (per bed).
Clean Utility	120	120
Soiled Utility	105	105
Linen Storage	90	150
General Storage	100	100
Nurses Station, Ward Secretary and Medication Room.	2.5	5 (per bed).
Exam/Treatment Room	140	140
Waiting Area	50	
Unit Supply and Equipment	50	50
Staff Toilet	30	30
Stretcher/Wheelchair Storage	75	100
Kitchenett	150	120
Housekeeping Closet	40	40
Resident Laundry	125	125

(iii) *Bathing and Toilet Facilities:*

	Dom	NHC
(A) *Private or Shared Facilities:*		
Wheelchair Facilities	25 sq. ft. (per fixture).	
Standard Facilities	15 sq. ft. (per fixture).	
(B) *Congregate Toilet Facilities:*		
Watercloset (Min. one wheelchair).	35	35
Each Additional Toilet Fixture	22	22
(C) *Congregate Bathing Facilities:*		
First Tub/Shower	80	80
Each Additional Fixture	25	25

(4) *Hospital Program.* (i) *General.* The sizes of the various departments will depend upon the requirements of the existing hospital. Some functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the best standards of safety and of medical and nursing practices. In other respects, the general standards set forth in this regulation, including area requirements, shall apply.

(A) Facilities for the physically handicapped shall be provided for necessary ingress, egress and movement throughout the building.

(B) The VA will generally accept the design and waive minimum requirements in situations where departments or services are to have minimal renovations and are retained in their present locations. However, if extensive structural changes are being made for expansion or relocation of functional areas, criteria will be used as a basis to determine participation.

(ii) *Nursing Units.* Bedrooms for patients, grouped into distinct nursing units, may be planned for both general medical and surgical patients and for psychiatric patients. A 40-bed unit is most desirable, however, under exceptional circumstances a range of 30–50 beds may be allowed.

(iii) *Size of Rooms:* Single Rooms—120 square feet; Double Rooms—210 square feet; Four-Bed rooms—370 square feet.

(iv) *Distribution of Beds.* One-bed rooms should be provided for infectious, terminal, disturbed, or offensive patients, and for hospital patients who for other reasons require separation from other patients. Two-bed rooms may be provided to allow flexibility in the accommodations of patients by sex, medical condition, or similar reasons and to provide for patients who would be adversely affected by the confusion resulting from multi-occupancy but who do not require single rooms. Room size should not exceed four beds each.

(v) *General Planning of Bedrooms.*

(A) These criteria are based on accommodations for a bed, bedside table, lavatory, clothing storage and chair.

(B) Multi-bed rooms should be designed to permit no more than two beds side by side parallel to the window wall.

(C) Window sill shall not be higher than 3'0" above the floor and shall be above grade.

(D) Nurses' call systems shall be installed.

(E) A toilet room directly accessible to each patient room is encouraged. A minimum of one water closet, lavatory, and tub/shower should be provided for up to every five patients. Separate lavatories should be provided in each patient room, if feasible.

(F) Piped medical gases, such as oxygen, medical air and vacuum, may be installed into patient bedrooms.

(vi) *Service Facilities Other Than Bedrooms.* Space should be provided for each nursing unit in accordance with the following:

(A) Nurses' Station, including medication preparation, nurses' toilet, charting and physician's dictation area—250 square feet.

(B) Clean Utility Room—120 square feet.

(C) Soiled Utility Room—120 square feet.

(D) Examination Treatment Room—140 square feet.

(E) Day Room-Visitors Area—8 square feet per bed in unit.

(F) Janitors Closet—40 square feet.

(vii) *Other Support Areas.* The following areas may be included in the program, based upon the overall operating plan for the home and hospital.

(A) Physicians Office—120 square feet.

(B) Nurse Supervisors Office—120 square feet.

(C) Clean Linen Room—60 square feet.

(D) Ward Supply Room—40 square feet.

(E) Storage—80 square feet minimum plus 2 square feet per bed in nursing unit.

(F) Sitz Bath.

(G) Nourishment Pantry.

(H) Classrooms and other teaching areas in the nursing unit may be considered if required by hospital program.

(viii) *Patients' Clothing Storage.* Space is included in the criteria for the storage of patients' clothing and small personal effects. If central storage of patients' clothing is preferred, space may be provided for this purpose on the basis of not more than 2 square feet per bed.

(ix) *Other Ancillary Areas/Services.*

(A) In addition to nursing units, provision for clinical and other supportive services and areas may be included, if usually found in a hospital setting, to meet requirements of planned program. Such areas should be justified and subject to VA review and approval.

(B) In view of the limited number of existing hospital facilities in State homes and the voluminous material for hospital space criteria, the State agency may obtain information on criteria and equipment as a guide in planning hospital areas and services. Such material will be furnished by the Assistant Chief Medical Director for Extended Care (182C), Veterans Administration, Washington, D.C. 20420.

(y) *Employees' Facilities.* Separate male and female locker rooms with toilet may be provided for all employees who require a place to change from street clothing into work clothing, or who require a locker for coats, hats, or boots. Six square feet per locker may be allowed for each employee. Two water closets and lavatories may be provided for each 15 male or female employees and one for each 15 thereafter. Twenty-five square feet is allowed for each fixture. One hundred square feet may be allowed for each lounge. (P.L. 88–450, § 4(a) as amended by P.L. 94–581, § 107(b); P.L. 95–62, § 3(5); 38 U.S.C. § 5034(2)).

Appendix A (See § 17.171)

State Home Facilities for Furnishing Nursing Home Care

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to veterans residing in each State is established as follows:

State	Veteran population[1]	No. of beds
Alabama	422,000	1,055
Alaska	40,000	100
Arizona	329,000	823
Arkansas	270,000	675
California	3,343,000	8,358
Colorado	375,000	938
Connecticut	463,000	1,158
Delaware	79,000	198
District of Columbia	101,000	253
Florida	1,318,000	3,295
Georgia	637,000	1,593
Hawaii	94,000	235

State	Veteran population[1]	No. of beds
Idaho	105,000	263
Illinois	1,545,000	3,863
Indiana	729,000	1,823
Iowa	375,000	938
Kansas	312,000	780
Kentucky	414,000	1,035
Louisiana	453,000	1,133
Maine	153,000	383
Maryland	629,000	1,573
Massachusetts	871,000	2,178
Michigan	1,188,000	2,970
Minnesota	558,000	1,395
Mississippi	244,000	610
Missouri	709,000	1,773
Montona	99,000	248
Nebraska	202,000	505
Nevada	95,000	238
New Hampshire	126,000	315
New Jersey	1,107,000	2,768
New Mexico	137,000	343
New York	2,477,000	6,193
North Carolina	622,000	1,555
North Dakota	61,000	153
Ohio	1,483,000	3,708
Oklahoma	410,000	1,025
Oregon	385,000	963
Pennsylvania	1,747,000	4,368
Rhode Island	154,000	385
South Carolina	335,000	838
South Dakota	75,000	188
Tennessee	541,000	1,353
Texas	1,660,000	4,150
Utah	150,000	375
Vermont	64,000	160
Virginia	661,000	1,653
Washington	612,000	1,530
West Virginia	235,000	588
Wisconsin	590,000	1,475
Wyoming	45,000	113

[1] Estimate as of September 30, 1979.

Source: Reports and Statistics Service, Office of the VA Controller. (Based on last available Bureau of the Census data.)

Appendix B—[Revoked]

§§ 17.180 through 17.184 [Revoked]

2. Sections 17.180 through 17.184 are revoked.

[FR Doc. 80-17356 Filed 6-6-80; 8:45 am]

BILLING CODE 8320-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-45

[FPMR Amdt. H-125]

Sale, Abandonment, or Destruction of Personal Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends FPMR Part 101-45 by giving agencies the authority to elect to sell small lots of their own property where the estimated proceeds of sale will not exceed $250. Agencies are also authorized to sell perishable items regardless of the estimated proceeds of sale.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Benner, Director, Sales Division (703-557-0992).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

1. Section 101-45.105-3 is amended to revise paragraph (b) to read as follows:

§ 101-45.105-3 Exemptions

* * * * *

(b) A holding agency, after notification to the appropriate GSA regional office, may elect to sell small lots of personal property where the estimated proceeds from a sale will not exceed $250 and perishable items regardless of the estimated proceeds from a sale. Holding agencies are responsible for making or obtaining accurate estimates of the market value of small lots of personal property to ensure that the estimated proceeds of sale do not exceed $250. Optional Form 15, poster, Sale of Government Property (see § 101-45.4903-15), and Optional Form 16, Sales Slip, Sale of Government Personal Property (see § 101-45.4903-16), are prescribed for use by holding agencies for the sale of this property. These forms may be obtained as stated in § 101-45.4903. Procedures for conducting these sales are set forth in § 101-45.304-3.

2. Section 101-45.304-3 is revised to read as follows:

§ 101-45.304-3 Small lot sales.

When holding agencies elect to sell small lots of personal property or perishable items as authorized under § 101-45.105-3, the following forms shall be used:

(a) Optional Form 15, poster, Sale of Government Property. This dual-purpose form (see § 101-45.4903-15) may be used as a direct sales announcement or as a poster to be displayed in prominent locations in public buildings. It requires only fill-in data to indicate the selling agency, sales location, time of sale, and type of property. When the form is used as a sales announcement, it may be either mailed in an envelope or the mailing data may be printed on the reverse side. The posting of the form or mailing of the announcement should be made in advance of the proposed sale. The period of time between posting or mailing the announcement will vary according to the type and quantity of property being offered. A 7-day period usually is adequate.

(b) Optional Form 16, Sales Slip, Sale of Government Personal Property. This four-part form (see § 101-45.4903-16) is provided for simple documentation of sales and is similar to cash sales slips used in over-the-counter sales in private retail stores. The form functions as an invoice, cash receipt, permanent account record, or property release document as required by individual agency procedures. It may be used to record over-the-phone quotations in the case of negotiated sales.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: May 30, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-17421 Filed 6-6-80; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5729

[Fairbanks 017050]

Alaska; Change of Name From Arctic National Wildlife Range, to William O. Douglas Arctic National Wildlife Range

AGENCY: United States Fish and Wildlife Service, Interior.

ACTION: Public land order.

SUMMARY: This document will carry out the intent of Presidential Proclamation 4729 of February 29, 1980, which directed that the Arctic National Wildlife Range be renamed in honor of Justice William O. Douglas, the distinguished American Statesman and environmentalist.

EFFECTIVE DATE: June 9, 1980

FOR FURTHER INFORMATION CONTACT: Walter R. McAllister, 202-343-4026.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751; 43 U.S.C. 1714), and pursuant to Presidential Proclamation 4729 of February 29, 1980 (45 FR 14003), it is ordered as follows:

The name of the Arctic National Wildlife Range, as established by Public Land Order No. 2214, of December 9, 1960 (25 FR 12598), is hereby changed to the William O. Douglas Arctic National Wildlife Range.

Cecil D. Andrus,

Secretary of the Interior.

June 4, 1980.

[FR Doc. 80-17398 Filed 6-6-80; 8:45 am]

BILLING CODE 4310-55-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 70

[Docket No. FI-3012]

Letter of Map Amendment for the City of Afton, Minn., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Afton, Minnesota. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Afton, Minnesota, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 275226A, Panel No. 06, published on June 29, 1977, in 42 FR 33217, indicates that Lots Nos. 7 through 9, except the West twenty-five feet of Lot No. 9, Block 16, City of Afton, Washington County, Minnesota, recorded as Document No. 398701, in the Office of the County Recorder of Washington County, Minnesota, are located within the Special Flood Hazard Area.

Map No. H & I 275226A, Panel No. 06, is hereby corrected to reflect that the structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on January 2, 1976. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII Of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: February 13, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-17403 Filed 6-6-80; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Unincorporated Areas of Grenada County, Miss., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the unincorporated areas of Grenada County, Mississippi. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and further technical review of the Flood Insurance Rate Map for the unincorporated areas of Grenada County, Mississippi, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 280060 Panel 0125B, published on October 23, 1979, in 44 FR 61016, indicates that Lots 1 through 79, Eastern Heights Subdivision, Grenada County, Mississippi, as recorded in the Plat, Plat Book 3, Page 9, in the Office of the Chancery Clerk of Grenada County, Mississippi, are within the Special Flood Hazard Area.

Map No. H & I 280060 Panel 0125B, is hereby corrected to reflect that the existing structures on lots 13, 14, 16, 21, 23, and 27 and 32 through 35 of the above mentioned property are not within the Special Flood Hazard Area identified on December 1, 1978. The structures on lots 26, 32 and 33 are in Zone B. The structures on lots 13, 14, 16, 21, 23, 24, 25, 27, 34 and 35 are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 23, 1980.

Gloria M. Jiminez,

Federal Insurance Administrator.

[FR Doc. 80-17404 Filed 6-6-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Grandview, Mo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Grandview, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Grandview, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290171 Panel 0005B, published on October 23, 1979, in 44 FR 61023, indicates that Lot 1–F of Lot 1, Block 9, River Oaks Second Plat, Grandview, Missouri, recorded as File No. K369245 in Book S1, Page 52, in the Office of the Recorder, Jackson County, Missouri, is partially within the Special Flood Hazard Area.

Map No. H & I 290171 Panel 0005B is hereby corrected to reflect that the above mentioned lot is not within the Special Flood Hazard Area identified on June 15, 1979. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: February 13, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17405 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Olathe, Kans., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Olathe, Kansas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Olathe, Kansas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 200173 Panel 0006B, published on October 23, 1979, in 44 FR 61023, indicates that Lots 13 through 19, 32 through 34, and 49 through 56 of the proposed Coulter's Addition, being a portion of Section 36, Township 13 South, Range 23 East, Olathe, Kansas, recorded as Document Number 1014621, Volume 1027, Pages 804 and 805; Document Number 1016305, Volume 1031, Page 254; and Document Number 1268013, Volume 154E, Pages 706 and 707, in the Office of Register of Deeds, Johnson County, Kansas, are within the Special Flood Hazard Area.

Map No. H & I 200173 Panel 0006B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on November 15, 1978. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: May 9, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17388 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Town of Needham, Mass. Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Needham, Massachusetts. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Needham, Massachusetts, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 255215B, Panel 01, published on October 23, 1979, in 44 FR 61006, indicates that a parcel of land located in the Town of Needham, Massachusetts, as recorded in the Deeds, Liber 5291, Folder 511 and Liber 5297, Folder 74, in the Norfolk County Registry of Deeds, Dedham, Massachusetts, is located within the Special Flood Hazard Area.

Map No. H & I 255215B, Panel 01, is hereby corrected to reflect that all portions of the above-mentioned property that are at or above 134 feet Mean Sea Level (MSL) are not within the Special Flood Hazard Area identified on August 20, 1976. These portions are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: April 15, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17389 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the Township of Clinton, Mich. Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Township of Clinton, Michigan. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Clinton, Michigan, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410. (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 260121, Panel Nos. 0005B and 0010B, published on October 23, 1979, in 44 F.R. 61018, indicates that Lots Nos. 10 and 11, Lots Nos. 69 through 83, Lots Nos. 105 through 107 and Lots Nos. 114 and 115, West River Estates, Township of Clinton, Macomb County, Michigan, as recorded in Liber 74 of Plats, Page 45 and 46, in the Office of the Register of Deeds of Macomb County, Michigan, are located within the Special Flood Hazard Area.

Map No. 260121, Panel Nos. 0005B and 0010B, are hereby corrected to reflect that the above-mentioned Lots are not located within the Special Flood Hazard Area identified on August 1, 1979. The Lots are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII Of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 F.R. 19367; and delegation of authority to Federal Insurance Administrator 44 F.R. 20963).

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17390 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the City of Aurora, Colo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Aurora, Colorado. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further

technical review of the Flood Insurance Rate Map for the City of Aurora, Colorado, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 080002 Panel 0020A, published on October 23, 1979, in 44 FR 61024, indicates that Lots 4 through 6, Block 5, Brookvale Subdivision, Filing Number 1; and Lots 2 and 3, Block 4, Brookvale Subdivision, Filing Number 2, Aurora, Colorado, recorded as Reception Number 1726522, Book 34, Pages 20 and 21; and Reception Number 1754661, Book 35, Pages 15 and 16, respectively, in the Office of the Recorder, Arapahoe County, Colorado, are within the Special Flood Hazard Area.

Map No. H & I 080002 Panel 0020A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 7, 1979. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: May 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17379 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the City of Clearwater, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Clearwater, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Clearwater, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The preimum refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125096A, Panel 09, published on October 23, 1979, in 44 FR 61014, indicates that the property located at 1651 Casler Court, Clearwater, Florida, as recorded on the Plat Map, in Plat Book 64, Page 17, of the Public Records of Pinellas County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125096A, Panel 09, is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on July 8, 1977. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17380 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Dade County, Fla.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Dade County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125098, Panel 0175C, published on October 23, 1979, in 44 FR 61014, indicates that Lot 4, Block 2 of Cicely Estates Section Two, Dade County, Florida, as recorded in Plat Book 105, Page 45 in the Office of the Public Records of Dade County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125098, Panel 0175C, is hereby corrected to reflect that the above-mentioned property is in Zone C and is not within the Special Flood Hazard Area identified on August 25, 1978.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367, and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17381 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Dade County, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Dade County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125098, Panel 0275C, published on October 23, 1979, in 44 FR 61008 indicates that Lot 8, Block 2, Sweet Pine Estates, Dade County, Florida, as recorded in the Deed Book 10329, Page 128, in the Office of the Clerk of Dade County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125098, Panel 0275C is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on March 18, 1977. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17382 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Dade County, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Dade County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 6, 1980.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may

obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 125098, Panel 0275C, published on October 23, 1979, in 44 FR 61014, indicates that the property located at 13700 SW 103rd Avenue, Dade County, Florida, described as Lot 4, Block 1, Sweet Pines Estates, as recorded in Plat Book 99, Page 34, in the Public Records of Dade County, Florida, is within the Special Flood Hazard Area.

Map No. H & I 125098, Panel 0275C is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 25, 1978. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17383 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the City of Jacksonville, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Jacksonville, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Jacksonville, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 120077B, Panel 09, published on October 23, 1979, in 44 FR 61014, indicates that Huntington Forest Estates, Units 1 and 2, Jacksonville, Florida, recorded as Ordinance 74–338–187, May 28, 1974, City of Jacksonville, Florida, are located within the Special Flood Hazard Area.

Map Number H & I 120077B, Panel 09, is hereby corrected to reflect that the above-mentioned properties are not within the Special Flood Hazard Area identified on December 1, 1977. The properties are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17384 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the Unincorporated Areas of Pinellas County, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Unincorporated Areas of Pinellas County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Areas of Pinellas County, Florida, that certain property is within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is within the Special Flood Hazard Area, results in the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125139B, Panel 19, published on October 23, 1979, in 44 FR 61014, indicates that Lots 14 through 31, 53 through 62, and 76 through 80 of Seminole Pines Subdivision, Phase I, Pinellas County, Florida, as recorded in Plat Book 79, Pages 37 through 39 in the Office of the Public Records of Pinellas County, Florida, are not within the Special Flood Hazard Area.

Map Number H & I 125139B, Panel 19, is hereby corrected to reflect that the above-mentioned lots are totally or partially within the Special Flood Hazard Area identified on June 18, 1971. However, the existing structures on Lots 53, 61 and 62 are not within the Special Flood Hazard Area identified on June 18, 1971. The structures are in Zone C.

The map amendment listed below is also in accordance with § 70.7(b):

Map Number H & I 125139B, Panel 19, published on October 23, 1979, in 44 FR 61014, indicates that Lots 5, 6, 35 through 37, 47 through 49, 51, 63, 65, 72, and 75 of Seminole Pines Subdivision, Phase I, Pinellas County, Florida, as recorded in Plat Book 79, Pages 37 through 39, in the Office of Public Records of Pinellas County, Florida, are within the Special Flood Hazard Area.

Map Number H & I 125139B, Panel 19, is hereby corrected to reflect that the existing structures on the above-mentioned lots are not within the Special Flood Hazard Area identified on June 18, 1971. The structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-17385 Filed 6-6-80; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Unincorporated Areas of Cobb County, Ga.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Unincorporated Areas of Cobb County, Georgia. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Areas of Cobb County, Georgia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendement, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 130052, Panel 0050A, published on October 23, 1979, in 44 FR 61015, indicates that Lots 35 and 40 through 42, Block Q, Chimney Springs Subdivision Unit 8–A, Cobb County, Georgia, as recorded in Plat Book 72, Pages 21 and 22, in the Office of the Clerk of the Superior Court of Cobb County, Georgia, are within the Special Flood Hazard Area.

Map Number H & I 130052, Panel 0050A, is hereby corrected to reflect that the existing structures located on the above properties are not within the Special Flood Hazard Area identified on January 3, 1979. The structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-17386 Filed 6-6-80; 8:45 am]

BILLING CODE 6718-03-M

---

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the County of Fulton, Ga., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the County of Fulton, Georgia. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Fulton, Georgia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 135160A, Panel 17, published on October 23, 1979, in 44 FR 61015, indicates that Lot 2 of Heard's Creek Subdivision, located in Land Lot 167, 17th District of Fulton County, Georgia, as recorded in Plat Book 98, Page 7, in the Office of County Records of Fulton County, Georgia, is located within the Special Flood Hazard Area.

Map Number H & I 135160A, Panel 17, is hereby corrected to reflect that the above mentioned property is not within

the Special Flood Hazard Area identified on September 3, 1976. This lot is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 21, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17387 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Borough of Bloomingdale, N.J., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Bloomingdale, New Jersey. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Bloomingdale, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 345284B Panel 02, published on October 23, 1979 in 44 FR 61007 indicates that Lot 74, Block 46, Bloomingdale, New Jersey, as recorded in the Deed, Book R101, Pages 321 through 323, in the Office of the Register of Deeds of Passaic County, New Jersey, is within the Special Flood Hazard Area.

Map No. H & I 345284B Panel 02 is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on July 9, 1976. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17429 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for City of Arlington, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arlington, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Arlington, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with S. 70.7(b):

Map No. H & I 485454A Panel 18, published on October 23, 1979, in 44 FR 61021, indicates that Lots 1 and 2, Block 8; and Lot 1, Block 9, Springridge Addition, First Installment, Arlington, Texas, as recorded in Volume 388–132, Page 90, in the Office of the Clerk, Tarrant County, Texas, are partially within the Special Flood Hazard Area.

Map No. H & I 485454A Panel 18 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on March 5, 1976. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: May 9, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17430 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Town of Islip, N.Y. Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Islip, New York. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Islip, New York, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872, (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 365337A, Panel 24, published on October 23, 1979, in 44 FR 61008, indicates that Lot 5, Sunscape, West Bay Shore, Town of Islip, New York, as recorded on the Plat Map, File No. 6884, in the Office of the Clerk of Suffolk County, New York, is within the Special Flood Hazard Area.

Map No. H & I 365337A, Panel 24, is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on March 26, 1976. This lot is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17437 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 77, published on October 23, 1979, in 44 FR 61022, indicates that Lots 1 through 7, Block 3, and all of Block 4, Parkhollow Place, Section One, Harris County, Texas, as recorded in Volume 247, Page 13 of Map Records, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B, Panel 77 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 4, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17433 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator

after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872, (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 78, published on October 23, 1979, in 44 FR 61022, indicates that Lots 1 through 13, Block 7; Lots 3 through 15 and 21 through 33, Block 8; Lots 5 through 16 and 19 through 31, Block 9; and Lots 6 through 17, Block 10, Ashton Village Subdivision, Harris County, Texas, as recorded in Volume 270, Pages 42 through 50 of Maps, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 78 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17434 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FI–3012]

Letter of Map Amendment for Unincorporated Area of Chippewa, Wisc., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Unincorporated Area of Chippewa County, Wisconsin. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Area of Chippewa County, Wisconsin, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 555549A, Panel No. 52, published on June 29, 1977, in 42 FR 33237, indicates that Lots Nos. 29, 30 and the East Half of Lot No. 31, Dellwood Shores Subdivision, Unincorporated Area of Chippewa County, Wisconsin, Recorded as Document No. 410074, in the Office of the Register of Deeds of Chippewa County, Wisconsin, are located within the Special Flood Hazard Area.

Map No. H & I 555549A, Panel No. 52, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on September 3, 1976. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: March 6, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17435 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

---

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 60, published on October 23, 1979, in 44 FR 61022, indicates that Lots 1 through 5, Block 1; Lots 1 through 12, 17, 19 through 25, and 27 through 29, Block 2; Lots 1 through 4 and 7 through 13, Block 3; Lots 1 through 6, 8 through 11, 14, and 20 through 28, Block 4; Lots 13 through 19, 22 through 24, 27, and 28, Block 5; Lots 1 through 7, 11 through 13, and 15 through 19, Block 6; Lots 1 through 25, Block 7; Lots 1 through 27, Block 8; Lots 2 through 15, Block 9; Lots 3 through 20, Block 10; Lots 1 through 8, Block 11; and Lots 1 through 4, Block 12, recorded as Document Number G–311264 in Volume 292 of Map Records, Page 42, in the Office of the Clerk, Harris County, Texas, is within the Special Flood Hazard Area.

Map No. H & I 480287B, Panel 60 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: May 12, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80–17432 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 74

Administration of Grants; Procurement by Grantees and Subgrantees

Corrections

In FR Doc. 80–16820 appearing at page 37666 in the issue for Tuesday, June 3, 1980, make the following changes:

(1) On page 37666, first column, the "EFFECTIVE DATE" should read "June 3, 1980"; second column, paragraph numbered 2, second line, "system" should read "systems", and in the fourth line of that same paragraph, "systems" should read "system".

(2) On page 37668, second column, § 74.164, sixth line of paragraph (b), "requires" should read "require".

(3) On page 37669, second column, third line of paragraph numbered 8, "action" should read "actions".

(4) On page 37672, first column, in Footnote 3, the paragraph numbered 4, "engineering" should read "Engineering".

BILLING CODE 1505–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 79–03; Notice 4]

Heavy Duty Vehicle Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 121, Air Brake Systems, to require trucks, buses and trailers equipped with air brakes to have service brake systems acting on all wheels. This amendment is being made in response to reports from several manufacturers that some trucks and trailers were soon to be constructed without front axle brakes. The agency concludes that such a change would result in a serious downgrading of existing brake systems and, accordingly, issues this amendment to prevent this from happening.

EFFECTIVE DATE: This amendment is effective July 24, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John Machey, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202–426–1714).

SUPPLEMENTARY INFORMATION: On October 18, 1979, the agency published a notice of proposed rulemaking (44 FR 60120) proposing the implementation of a small part of a new safety standard, Standard No. 130, *Heavy Duty Vehicle Brake Systems.* The agency has also issued two ANPRMs relating to long- and short-term rulemaking issues concerning Standard No. 130. Resolution of the issues raised in those notices will occur after all necessary agency research and analyses have been completed. The October 18 notice, which was very limited in its scope, proposed the implementation of a requirement that heavy duty vehicles have brakes acting on all wheels. The requirement was proposed in response to a developing problem that was brought to the agency's attention by both vehicle and equipment manufacturers concerning front axle brakes.

Standard No. 121, *Air Brake Systems,* formerly required trucks and trailers to comply with certain stopping distances and other road test requirements. To achieve these requirements, trucks and trailers were equipped with front axle brakes which aid significantly in improving vehicle stopping capability. However, in "PACCAR v. NHTSA", 573 F.2d, 632 (9th Cir. 1978) *cert. den'd* 439 U.S. 862, the road test requirements were invalidated as they apply to trucks and trailers. In light of this development, several manufacturers tentatively decided to remove front axle brakes as a way to reduce slightly the costs associated with the production of heavy duty vehicles.

When the agency discovered that manufacturers intended to remove front axle brakes, the NHTSA reexamined data available to it concerning the effect that such a removal of brakes would have upon the capability of these vehicles to make safe stops. The results of this examination, which were detailed in the proposal and which are available in the docket, lead the agency to conclude that the removal of front axle brakes increases a vehicle's stopping distance. The amount of this increase depends upon the type of

vehicle, the vehicle loading and the effectiveness of its remaining brake systems. Sometimes the increase in stopping distances is substantial.

The agency considers any increase in the stopping distance of heavy vehicles to be contrary to the interests of safety. Existing heavy duty vehicles equipped with front axle brakes already have longer stopping distances than many smaller vehicles on the road. This disparity in the stopping distances between large and small vehicles increases the likelihood of accidents between vehicles when both are involved in emergency braking maneuvers. To permit a reduction in the braking capabilities of heavy vehicles that would result in exacerbating the disparity between the stopping distances of heavy and lighter vehicles could result in an increased risk of accidents to the occupants of both vehicle groups. To prevent the downgrading of heavy vehicle brake systems, the agency issued its notice of proposed rulemaking to require brakes acting on all wheels.

Sixteen comments were received in response to the notice of proposed rulemaking. Most of the commenters concurred with the agency's attempt to prevent the downgrading of heavy duty vehicle brake systems. However, many of the commenters raised minor objections to the manner in which the proposed action was to be taken.

The largest single complaint from the commenters concerning the proposal was that it would implement only a small portion of a new safety standard. Many commenters suggested that the agency should not implement any part of that standard (Standard No. 130) until all research has been completed and the agency is prepared to issue the standard in its entirety. In connection with this comment, several manufacturers suggested that the proposed amendment would be more appropriately placed in Standard No. 121.

Manufacturers argued the merits of amending Standard No. 121 rather than implementing Standard No. 130 in several ways. First, they argued that by implementing Standard No. 130 in a piecemeal fashion, the agency is subjecting itself to many of the criticisms that have surrounded Standard No. 121. Therefore, they suggested that the agency defer action on Standard No. 130 until a complete standard can be issued. Further, they stated that the implementation of a new safety standard would increase paperwork and would require changes in certification labels and incomplete vehicle documents. They suggest these changes would add costs and would require extending the leadtime before the proposed requirement could become effective. On the other hand, manufacturers stated that an amendment of Standard No. 121 would not require tham to change certification labels or modify incomplete vehicle documents. This would lower the costs associated with the proposal. Also, the leadtime for implementing a change in Standard No. 121 would be minimal.

In response to the manufacturers first argument that no portion of Standard No. 130 should be implemented until the entire standard is ready for issuance, the agency disagrees. Currently, the NHTSA is conducting several research programs concerning heavy duty vehicle brakes. Some of this rulemaking is long-term while some is short-term. The agency contemplates implementation of some portions of the short-term rulemaking actions prior to obtaining information on all of its long-term rulemaking goals. This is the typical rulemaking process for many of the agency's standards. It is not in the interest of safety to defer short-term safety gains while waiting for the results of long-term safety rulemaking.

The agency is more persuaded by the manufacturer's second argument that implementation of a portion of Standard No. 130 at this time would unnecessarily impose additional paperwork burdens upon manufacturers, whereas amending Standard No. 121 to accomplish the same result would not increase their paperwork burdens. As the NHTSA indicated in the notice proposing this amendment, the agency seeks only to maintain the existing quality of braking systems. Whether this goal is achieved by amending Standard No. 121 or implementing part of Standard No. 130 is not important to the agency. However, since manufacturers would prefer amending Standard No. 121 and since implementing part of Standard No. 130 would be more costly, the agency agrees with those commenters who would prefer an amendment of Standard No. 121, and that standard is amended by this notice.

Several commenters objected to the proposal on the grounds that it was a design standard rather than a performance standard. These commenters suggested that the agency should delay amendments implementing any requirements until the correct performance requirements are developed. The agency disagrees.

All of the agency's safety standards affect design choices to some degree. The very setting of any performance standard implies some narrowing of design choice. Although the agency attempts to minimize the effect, in some instances a significant limitation on design is necessary to secure a particular type of safety improvement. Standard No. 121 does not differ from other safety standards in its effects on design. It uses performance requirements although some elements of design are restricted. Even though this amendment increases slightly the standard's effect on design choice, the standard remains performance oriented. Further, the effect of the old standard was to require brakes acting on all wheels. Although this amendment is more specific in that requirement, the result is the same. Commenters should note that the agency is not specifying the design of the brakes that must be used on each wheel. Accordingly, the NHTSA concludes that this amendment does not substantially or unnecessarily affect design and allows manufacturers significant flexibility in the design and improvement of their braking systems.

As a result of the "PACCAR" decision and the resulting possibility of brake performance downgrading, the agency is forced to take immediate corrective action. The "PACCAR" decision raised questions concerning the stopping distance requirements for trucks and trailers. The Court urged the agency to reexamine its stopping distance requirements and to ensure the propriety of any requirement that might be reimposed. In response, the agency has commenced exploratory rulemaking to determine the appropriate stopping distances for trucks and trailers. When the rulemaking is completed, it is contemplated that stopping distance requirements will be reimposed. The agency connot reimpose those requirements until the research is completed. Given the absence of stopping distance requirements for trucks and trailers and the time required for reimplementing stopping distances and the immediate problem of brake system downgrading, the agency must adopt a more expedient approach to prevent the existing levels of safety in heavy duty vehicle brakes from being reduced.

Kelsey-Hayes supported this rulemaking action but at the same time requested an interpretation of an entirely unrelated section of Standard No. 121. Unrelated requests for interpretations should not be included with docket comments on a specific proposal. The agency will, however, respond to Kelsey-Hayes by a letter or in a separate notice.

In accordance with Executive Order 12044, the agency has reviewed the impacts of this proposed amendment and has determined that it is not

significant. Since the amendment will merely require manufacturers to continue to manufacture vehicles as they are doing currently, the costs associated with this amendment will be minimal. Further, the agency has adopted the manufacturers' suggestions to incorporate this amendment in Standard No. 121 to further minimize the possibility of any increased costs.

Since this amendment imposes no additional burdens upon any manufacturer and only requires manufacturers to continue existing manufacturing practices and since it is in the interest of safety to prohibit as soon as possible the manufacture of vehicles without front axle brakes, the amendment is effective July 24, 1980. In the notice proposing this amendment, commenters objected to an immediate effective date especially if the amendment were made in Standard No. 130. Commenters indicated that more time would be required to change certification labels. Since the amendment is being incorporated into the existing Standard No. 121, the agency considers these objections to the effective date to be no longer valid. Nonetheless, the agency is giving 45 days of leadtime to ensure that all manufacturers have ample time to comply with the requirements.

In accordance with the foregoing, Volume 49 of the Code of Federal Regulations, Part 571 is amended by revising Standard No. 121, *Air Brake Systems,* as follows:

§ 571.121 [Amended]

1. A new paragraph S 5.1.8 is added to 49 CFR Part 571.121 to read:

S 5.1.8 Brake distribution. Each vehicle shall be equipped with a service brake system acting on all wheels.

2. A new paragraph S 5.2.2 is added to 49 CFR Part 571.121 to read:

S 5.2.2 Brake distribution. Each trailer shall be equipped with a service brake system acting on all wheels.

The principal authors of this notice are John Machey of the Crash Avoidance Division and Roger Tilton of the Office of Chief Counsel.

Authority: Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1352, 1407); delegation of authority at 49 CFR 1.50.

Issued on June 2, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80–17209 Filed 6–6–80; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor, (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers, previously providing unsubsidized service under Directed Service Order No. 1462, which expired 11:59 p.m., May 31, 1980, and for which statutory authority expired on the same date, to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 11:59 p.m., May 31, 1980, and continuing in effect until 11:59 p.m., August 31, 1980.

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

Decided May 30, 1980.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers, previously providing unsubsidized service under Directed Service Order No. 1462, which expired 11:59 p.m., May 31, 1980, and for which statutory authority expired on the same date, to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct operations, also identified in the attachment, using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor, (William M. Gibbons, trustee).

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254

(d) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(e) During the period of these operations over the RI lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(f) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(g) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

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

(i) *Rate applicable.* Inasmuch as this operation by interim operators over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or

via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(j) In transporting traffic over these lines, all interim operators involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(k) *Employees*—In providing service under this order interim operators, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(l) *Effective date.* This order shall become effective at 11:59 p.m., May 31, 1980.

(m) *Expiration date.* The provisons of this order shall expire at 11:59 p.m., August 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

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

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

Agatha L. Mergenovich,

Secretary.

Appendix A.—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

B. From Hodge to Winnfield, Louisiana.

C. Alexandria Yard, Alexandria, Lousiana.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. From Colby to Caruso, Kansas.

C. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TP&W):*

A. Keokuk, Iowa.

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Burlington Northern, Inc. (BN):*

A. Burlington, Iowa (milepost 0 to milepost 2.06).

B. Fairfield, Iowa.

C. Henry, Illinois (milepost 126) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62).

D. Phillipsburg, Kansas (milepost 282) to CBQ Junction, Kansas (milepost 325.9).

6. *Fort Worth and Denver Railway Company (FW&D):*

A. Terminal trackage at Amarillo and Bushland, Texas (milepost 752 to milepost 776) including approximately 3 miles northerly along the old Liberal Line.

B. North Fort Worth, Texas (milepost 603.0 to milepost 611.4).

7. *Chicago and North Western Transportation Company (C&NW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota (milepost 236.4).

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 502.2).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9).

K. From Rake (milepost 50.7) to Ocheyedan, Iowa (milepost 502).

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altonna to Pella, Iowa.

S. Carlisle, Indianola, Iowa.

8. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. From Seymour, to and including industry and team tracks at Centerville, Iowa.

C. Washington, Iowa.

D. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

9. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Davenport, Iowa.

B. Moline, Illinois.

C. Rock Island, Illinois, including 26th Street yard.

D. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

E. From East Moline to Silvis, Illinois.

F. From Davenport to Wilton, Iowa.

G. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal.

10. *Illinois Central Gulf Railroad Company (ICG):* Ruston, Louisiana.

11. *Waterloo Railroad Company (Waterloo):* Waterloo, Iowa.

12. *St. Louis Southwestern Railway Company (SSW):* operating the Tucumcari Line from Santa Rosa, NM, to St. Louis, MO (via Kansas City, KS/MO), a total distance of 965.2 miles. The line also includes the RI branch line from Bucklin to Dodge City, KS, a distance of 26.5 miles, and North Topeka, KS. Also between Brinkley and Briark, Arkansas, and at Stuttgart, Arkansas.

13. *The Southwestern Oklahoma Railroad Company:* from Hobart, Oklahoma (milepost 70) to Mangum, Oklahoma (milepost 97.7).

14. *Little Rock & Western Railway Company:* from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

15. *Missouri Pacific Railroad Company:* from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

16. *Missouri-Kansas-Texas Railroad Company:*

A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas.

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma.

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina, (including yard tracks) Kansas.

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to interchange with and use the properties of the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. The Ponca City Line at approximately milepost 26.1 at Billings, Oklahoma, to North Enid, Oklahoma, at milepost 339.5 on the Southern Division main line, a distance of 26.1 miles.

J. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

K. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

[FR Doc. 80-17327 Filed 6-6-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 66

[OGD 80-063]

Designation of Anchorage, Alaska as a Port of Documentation

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule establishes Anchorage, Alaska, as a port of documentation. Prior to this amendment, the ports of Juneau and Ketchikan, located in southeastern Alaska, provided documentation service for all of Alaska. A growing amount of fishing vessel construction and an attendant need for documentation services in the southwestern and south central regions of the state, have neccessitated this action. The new port of documentation will provide more efficient, less costly documentation services to the residents of Alaska.

EFFECTIVE DATE: This rule is effective on July 1, 1980.

FOR FURTHER INFORMATION CONTACT: LCDR Ronald W. Tanner, Office of Merchant Marine Safety (G-MP-2/24), Room 2404, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1483. Normal office hours are between 7 a.m. and 5 p.m., Monday through Thursday.

SUPPLEMENTARY INFORMATION:

Drafting information: The principal persons involved in drafting this final rule are LCDR Ronald W. Tanner, Project Manager, Office of Merchant Marine Safety, and LT Jack Orchard, Project Attorney, Office of the Chief Counsel. The Coast Guard has determined that since this action relates to agency management, the rulemaking provisions of section 553 of Title 5, United States Code, do not apply, and this rule is made effective less than 30 days after publication.

DISCUSSION OF THE RULE: Prior to the promulgation of this final rule, the port of documentation at Juneau provided all documentation and admeasurement services for vessels in Alaska which were homeported west of Juneau. A prospering fishing industry in western Alaska has stimulated the shipbuilding industry to a point where the Juneau office is no longer able to service this vast area efficiently. Although documentation services could be provided by mail through Juneau, the admeasurement process would require frequent long distance visits by a Coast Guard official. The selection of Anchorage as a port of documentation establishes a central location from which services will be provided at a considerable savings in time and money.

This final rule has been evaluated in accordance with the Department of Transportation's "Regulatory Policies and Procedures," published on February 26, 1979 (44 FR 11034) and has been determined to be nonsignificant.

In accordance with the foregoing, Part 66 of Title 46, Code of Federal Regulations is amended as follows:

1. By revising the entry for the seventeenth district in the table in § 66.05-1 to read as follows:

§ 66.05–1 Ports of documentation.

* * * * *

Seventeenth
Southeast Alaska
Western Alaska
Juneau, Alaska
Ketchikan, Alaska
Anchorage, Alaska

(23 Stat. 118 (46 U.S.C. 2); 43 Stat. 947 (46 U.S.C. 18))

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

June 2, 1980.

[FR Doc. 80–17112 Filed 6–6–80; 11:30 am]

BILLING CODE 4910–14–M

Proposed Rules

Federal Register
Vol. 45, No. 112
Monday, June 9, 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

Agricultural Marketing Service

7 CFR Part 916

Nectarines Grown in California; Proposed Extension of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to extend the minimum grade and size requirements currently in effect for fresh shipments of California nectarines, for the remainder of the 1980 season. The current requirements will expire July 6, 1980, unless extended. The proposed extension is designed to assure the continued shipment of fresh nectarines of acceptable grades and sizes in the interest of producers and consumers.

DATES: Written comments must be received on or before June 24, 1980 . Proposed effective period: July 7, 1980, through May 31, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* Section 916.354 Nectarine Regulation 12, published in the May 16, 1980, issue of the Federal Register (45 FR 32308), established grade and size requirements for fresh shipments of nectarines for the period May 16–July 6, 1980. The regulation was issued under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The regulation was based upon recommendations and information submitted by the Nectarine Administrative Committee, which requested that the regulatory provisions be effective through May 31, 1981.

Under the proposed amendment, California fresh nectarine shipments are required to grade at least U.S. No. 1, except that provision is made for a higher maturity standard based on color standards by variety or other specified tests. The proposed grade requirements allow slightly less scarring, but an additional 25 percent tolerance is permitted for fruit not well formed but not badly misshapen. In addition, minimum size requirements are specified for 56 varieties of nectarines in terms of the number of fruit in a No. 22 standard lug box, or in a 16-pound sample.

The committee estimates 1980 season fresh shipments of California nectarines at 14,989,000 packages, compared with actual shipments of 14,167,000 packages last season. Shipment of this season's nectarine crop, which is of good quality, is currently underway.

This proposal has been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because of insufficient time between the date when information became available upon which this proposal is based and the effective date necessary to effectuate the declared policy of the act. A determination has been made that this action should not be classified "significant." A draft impact analysis is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone.202–447–5975.

Under the proposal, the provisions of § 916.354 Nectarine Regulation 12 (45 FR 32308) would be amended to read as follows:

§ 916.354 Nectarine Regulation 12.

(a) During the period July 7, 1980, through May 31, 1981, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service: *Provided further,* That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further,* That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectaines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines

(3) Any package or container of Mayfair, Maybelle, or Aurelio Grand variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 96 nectarines.

(4) Any package or container of Apache, Armking, Crimson Gold, Early Red, Early Star, Early Sungrand, Firebrite, Independence, June Belle, June Grand, Kent Grand, May Grand, Moon Grand, Red Diamond, Red June, Spring Grand, Spring Red, Star Grand I, Star Grand II, Summer Grand, Sun Grand, 73–40, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(5) Any package or container of Autumn Grand, Bob Grand, Clinton-Strawberry, Ed's Red, Fairland, Fantasia, Flamekist, Flavortop, Gold King, Granderli, Grand Prize, Hi-Red, Late Le Grand, Niagara Grand, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Royal Grand, Ruby Grand, September Grand Tasty Free, Tom Grand, 61–61, Honey Gold, Larry's Grand, Son Red Variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than specified in subdivision (i) of this subparagraph (5) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 78 nectarines.

(b) As used herein, "U.S. No. 1" and "standard pack" means the same as defined in the United States Standards for Grades of Nectarines (7 CFR 2851.3145–3160); "No. 22D standard lug box" means the same as defined in § 1387.11 of the "Regulations of the California Department of Food and Agriculture." All other terms mean the same as defined in this marketing order.

Dated: June 3, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 17330 Filed 6–6–80; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 917

Fresh Pears, Plums, and Peaches Grown in California; Proposed Extension of Grade, Size, Container, and Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to continue the current effective grade, size, container, and pack requirements on the handling of fresh California plums. These requirements are designed to provide for orderly marketing in the interest of producers and consumers.

DATES: Written comments must be received on or before June 30, 1980. Proposed effective dates: July 15, 1980.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* Plum Regulations 16 and 17 (§§ 917.453, 917.454; 45 FR 33596) set forth the current grade, size, container, and pack requirements on the handling of fresh California plums through July 14, 1980. This proposed amendment would continue these requirements for the period of July 15, 1980, through May 31, 1981, for the grade and size requirements and an indefinite period for the container and pack requirements.

This proposed amendment is issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Plum Commodity Committee and upon other information.

The committee estimates that 12.0 million packages of plums will be available for fresh shipment during the 1980 season compared to actual shipment of 12.4 million packages last season. The grade and size requirements are designed to prevent the shipment of California plums of a lower grade and smaller size than specified and are designed to continue to provide ample supplies of good quality plums in the interest of producers and consumers pursuant to the declared policy of the act. The container and pack requirements are designed to provide standardized packing practices and more informative labeling that will facilitate more orderly marketing of fresh California plums and contribute to more effective operation under said marketing agreement and order.

This proposal has been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because of insufficient time between the date when information became available upon which this proposal is based and the effective date necessary to effectuate the declared policy of the act. A determination has been made that this action should not be classified "significant." A draft impact analysis is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The proposal is that §§ 917.453 and 917.454 Plum Regulations 16 and 17 (45 FR 33596) be amended to read as follows:

Grade and Size Regulation

§ 917.453 Plum regulation 16.

Order. (a) During the period July 15, 1980, through May 31, 1981, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(b) During the period July 15, 1980, through May 31, 1981, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade; or

(2) Any lot of packages or containers of Autumn Queen, Casselman, Empress, Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, SW–1, Swall Rosa, and 42–26 (Freedom) plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(c) During the period July 15, 1980, through May 31, 1981, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

Table 1

Column A—variety:	*Column B plums per sample*
Ace	55
Amazon	64
Andys Pride	69
Angeleno	67
Beauty	91
Bee Gee	65
Black Beaut	74
Burmosa	60
Casselman	63

Table 1—Continued

	Column B plums per sample
Durado	74
Ebony	66
El Dorado	68
Elephant Heart	53
Empress	57
Fresno Rosa	62
Friar	56
Frontier	61
Gar-Rosa	71
Grand Rosa	54
July Santa Rosa	69
Kelsey	47
King David	50
Laroda	58
Late Santa Rosa (including improved Late Santa Rosa and Swall Rosa)	64
Linda Rosa	63
Mariposa	61
Midsummer	63
Nubiana	56
President	57
Queen Ann	50
Queen Rosa	53
Red Beaut	74
Red Glow-Golden Glow	60
Red Rosa	64
Redroy	58
Rosa Ann	69
Rosa Grande	63
Rose Ann	60
Roysum	74
Santa Rosa	69
Simka, Arrosa, New Yorker	50
Standard	83
Tragedy	114
Wickson	51
42-26 (Freedom)	56

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the United States Standards for Fresh Plums and Prunes (7 CFR 2851.1520–1538); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Container and Pack Regulation

§ 917.454 Plum Regulation 17.

Order. On and after July 15, 1980, no handler shall ship any package or container of any variety of plums except in accordance with the following terms and conditions:

(1) Such plums, when shipped in closed packages or containers, except master containers of consumer packages and individual consumer packages therein, shall conform to the requirements of standard pack.

(2) The diameters of the smallest and largest plums in any individual package or container shall not vary more than one-fourth (¼ inch): *Provided,* That a total of not more than five (5) percent, by count, of the plums in any package or container may fail to meet this requirement.

(3) Each package or container of plums shall bear on one outside end, in plain sight and in plain letters, the name "plums" and the name of the variety if known or, when the variety is not known, the words "unknown variety".

(4) Each package or container of plums shall bear on one outside end, in plain sight and in plain letters, the size description of the contents which description shall conform to the following as applicable:

(i) The size of plums in four-basket crates shall be indicated in accordance with the arrangement of the plums in the top layer of the baskets, such as "4x4 size," "4x5 size," etc.

(ii) The size of plums loose-filled or tight-filled in standard lug boxes, cartons, or other packages or containers, shall be indicated in accordance with the equivalent size designation for such plums when packed in four basket crates, such as 4x4 size, etc.

(iii) The size of plums packed in molded forms in cartons or lugs ("tray pack") and of wrapped plums packed in No. 12B fruit (peach) boxes (as designated and defined by § 1387.11 of the "Regulations of the California Department of Food and Agriculture") shall be indicated in accordance with the number of plums in the container, such as "88 count," "108 count," etc.

(5) Each package or container of loose-filled, or tight-filled plums other than bulk bin containers, master containers of consumer packages, and individual consumer packages in master containers shall bear on one outside end, in plain sight and in plain letters, the words "28 pounds net weight."

(6) Each bulk bin container of loose-filled plums shall contain not less than 400 pounds, net weight, and bear on one outside panel, in plain sight and in plain letters, the following information:

(i) The name and address (including zip code) of the shipper.

(ii) The net weight.

(7) Each master container of consumer packages of plums and each individual consumer package of plums shall bear, in plain sight and plain letters, the net weight of the contents.

(b) Subject to the provisions hereinafter set forth in paragraph (c), any package or container of any variety of plums may be marked with the words "tight—fill" only if such package or container and the contents thereof meet the following requirements:

(1) The depth of each container shall be equal to at least three times the average diameter of the plums therein as determined by measuring representative fruits.

(2) All container faces shall be composed of at least two complete layers of wax- or resin-treated corrugated paperboard which treatment shall consist of coating both surfaces of each layer with wax or resin, or impregnating at least the corrugating medium in each layer with wax or resin. The material comprising each bottom layer and one layer of both sides and both ends of each container shall have been marked or certified as having a Mullen or Cady test strength of at least 275 pounds, and the material in all other components of each container shall have been marked or certified as having a Mullen or Cady test strength of at least 250 pounds.

(3) Each container shall be well filled and the plums therein shall have been well settled by vibration, according to approved and recognized methods.

(4) Each container shall have a top pad containing wood excelsior or redwood bark. Such pads that contain wood excelsior shall weigh at least 160 pounds per 1,000 square feet of pad and such pads that contain redwood bark shall weigh at least 200 pounds per 1,000 square feet of pad.

(5) The cover shall be firmly seated against the lower half of each container and firmly fastened to it.

(c) Ten percent of the packages or containers in any lot may fail to meet the requirements of paragraph (b) of this regulation.

(d) When used herein, "standard pack" and "diameter" shall have the respective meanings set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (7 CFR 2851.1520–1538), and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Dated: June 4, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-17328 Filed 6-6-80; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket NO. R-0306]

Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System

ACTION: Proposed rulemaking.

SUMMARY: The Monetary Control Act of 1980 (Title I of P.L. 96–221) imposes Federal reserve requirements on all depository institutions that maintain transaction accounts or nonpersonal time deposits. The Act authorizes the Federal Reserve to require reports from depository institutions as necessary or desirable to monitor and control monetary and credit aggregates, provides access to the Federal Reserve discount window for all depository institutions subject to Federal reserve requirements, and requires the Federal Reserve to price its services and provide

open access to system services to all depository institutions on the same terms and conditions as member banks. In order to implement the reserve requirement provisions of the Monetary Control Act, the Board proposes to revise its reserve requirement rules contained in Regulation D—Reserves of Member Banks (12 CFR Part 204). The revised regulation also will affect Edge Act and Agreement Corporations and United States branches and agencies of foreign banks.

DATE: Interested parties are invited to submit relevant data, views and other comments. Comments must be received by July 15, 1980.

ADDRESS: Comments, which should refer to Docket No. R–0306, should be addressed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452–3625), Paul S. Pilecki, Attorney (202/452–3281), or Thomas D. Simpson, Senior Economist (202/452–3361), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 ("Act") (Title I of P.L. 96–221; 94 Stat. 132) imposes Federal reserve requirements on all depository institutions that maintain transaction accounts or nonpersonal time deposits. Depository institutions subject to reserve requirements include any Federally insured commercial or savings bank, or any bank that is eligible to become insured by the Federal Deposit Insurance Corporation; any savings and loan association that is a member of a Federal Home Loan Bank, insured by, or eligible to apply for insurance with, the Federal Savings and Loan Insurance Corporation; and any credit union that is insured by, or eligible to apply for insurance with, the National Credit Union Administration Board. Reserve requirements would continue to apply to United States branches and agencies of foreign banks with total worldwide consolidated bank assets in excess of $1 billion, and to Edge Act and Agreement Corporations in the same manner as member banks. In this regard, the Act provides that nothing in the reserve requirement provisions of the Act limits the authority of the Board under section 7 of the International Banking Act of 1978 ("IBA") (12 U.S.C. § 3105). On March 19, 1980, the Board adopted amendments to Regulation D to impose reserve requirements on such branches and agencies (45 *Fed. Reg.* 19216); however, as discussed below, the proposed revised regulation modifies certain aspects of that action in view of the enactment of the Monetary Control Act. In addition, since branches of foreign banks are eligible to apply for Federal deposit insurance, reserve requirements also will apply to United States branches of foreign banks with total worldwide consolidated bank assets of $1 billion or less.

The Act also provides access to the Federal Reserve discount window to all depository institutions with transaction accounts or nonpersonal time deposits. On March 31, 1980, the Board indicated that its policy with respect to full access to the discount window will be announced by July 1, 1980. The Act also requires the pricing of services and the provision of services to all depository institutions. The Federal Reserve is reviewing the issues of fees and access to System services for all depository institutions and will announce a policy with regard to access to Federal Reserve services at a later date.

Regulation D

Regulation D (12 CFR Part 204) presents the Board's regulatory structure for implementation of reserve requirements on, and maintenance of reserves by, member banks. The regulation specifies the liabilites that are regarded as deposits subject to reserves and the procedures for computing and maintaining required reserves including penalties for deficiencies and other violations.

Under Regulation D at present, reserve balances consist of United States currency and coin and balances maintained with the Federal Reserve. Required reserves are computed on the basis of the member bank's daily net deposit balances during a seven-day period ending each Wednesday (the "computation period"). Required reserve balances must be maintained at a Federal Reserve Bank during a corresponding weekly period (the "maintenance period") which begins on the second Thurday following the end of the computation period. However, in determining whether a sufficient reserve balance has been maintained, the average daily United States currency and coin held during the computation period is added to the average daily balance maintained by the member bank in its reserve account with the Federal Reserve during the maintenance week.

Changes to Regulation D

Apart from the issues discussed below and changes mandated by the Monetary Control Act, the proposed Regulation D reflects modifications of the present regulation. These changes primarily take the form of clarification of language and incorporation of existing Board interpretations into the proposed regulation. The organization of Regulation D has also been revised to present the requirements in a more understandable format.

New sections have been added to the regulation to reflect additional reserve requirement authority added pursuant to the Monetary Control Act.[1] Specific sections deal with reserve requirements in emergency circumstances, supplemental reserves, and Eurodollar reserves. These sections set forth the Board's authority to impose reserves in the relevant circumstances. A section has been added which sets forth rules concerning imposition of penalties for failure to maintain proper reserve requirements.

Public comment is requested by July 15, 1980 on the following proposed actions.

Transaction Accounts

Definition. The Act defines "transaction account" to include demand deposits, negotiable order of withdrawal (NOW) accounts, savings accounts subject to automatic transfers (ATS), share draft accounts, accounts subject to telephone transfers, and other accounts for the purpose of making payments or transfers to third persons or others. For monetary control purposes, the Board believes that it is desirable to sharpen the distinction between accounts actively used for transactions purposes and those that serve mainly as liquid investment outlets. Consequently, to ensure that reserve requirements are applied on all accounts used for transactions purposes, the Board proposes to define "transaction accounts" to include all savings accounts subject to telephone or preauthorized transfers, or that permit payments to third parties through automated teller machines, including remote service units, as well as demand

[1] The proposed Regulation D does not include any provision for the marginal reserve requirement program on managed liabilities (12 CFR 204.5(f)). The continuation of the marginal reserve requirements after the September 1, 1980, effective date of the Act would depend upon conditions at that time.

deposits, NOW, ATS, and share draft accounts. Thus, any account that would allow the depositor to transfer any funds or to make payments to third parties by telephone or by preauthorized arrangement would be regarded as a transaction account. The Board, however, requests public comment on the feasibility or desirability of regarding accounts that permit only infrequent transfers by telephone or preauthorized instruction as transaction accounts. A savings account that is accessible by an automated teller machine or electronic terminal would not be considered a transaction account under the Board's proposal unless payments or transfers to third parties could be effected.

Reserve Requirement Ratio. The Act specifies that any reserve requirement imposed by the Board shall be solely for the purpose of implementing monetary policy and shall be applied uniformly to all transaction accounts at all depository institutions. A reserve ratio of 3 per cent on transaction accounts of $25 million or less is established by the Act. This low reserve requirement tranche will be adjusted annually based on the change in the total of transaction accounts at all depository institutions. With regard to transaction accounts in excess of $25 million, the Board is required by the Act to set an initial reserve ratio of 12 per cent, but, in the future, may vary the ratio within a range of 8 to 14 per cent.

Reserve Requirement Calculation by United States Branches and Agencies of Foreign Banks. On March 19, 1980, the Board adopted regulations (45 *Fed. Reg.* 19216) implementing section 7 of the IBA (12 U.S.C. § 3105) to impose reserve requirements on United States branches and agencies of foreign banks with total worldwide consolidated bank assets in excess of $1 billion ("branches and agencies"). The Board adopted a procedure of statewide aggregation for purposes of calculating reserve requirements for branches and agencies. The determination to adopt a system of statewide aggregation was based principally on comments received indicating that national aggregation for calculating reserves would be complex and costly and on estimates suggesting that it would have very little effect on the reserves required of branches and agencies.

The system of statewide aggregation for reserve computation and maintenance will not be affected by the proposed regulation. However, it is proposed that only one low reserve requirement tranche ($25 million) be permitted on transaction accounts for each foreign bank's branches and agencies since these institutions compete primarily with domestic money center banks, which will have only one low reserve requirement tranche. Allowing a foreign bank only one low reserve tranche is consistent with the IBA's goal of competitive equality between branches and agencies and domestic depository institutions. In this regard, the Board also proposes that an Edge Corporation be allowed only one low reserve tranche on transaction accounts regardless of the number of its branches.

Under the Board's proposals, a foreign bank or an Edge Corporation would be allowed to assign its low reserve requirement tranche to any office of its choice or, in the event that the total of transaction accounts at such office are less than $25 million, to more than one office until the amount of the tranche is exhausted. These institutions also would be permitted periodically to reassign the low reserve requriement tranche, perhaps once every two years.

Nonpersonal Time Deposits

Definition. The Act defines "nonpersonal time deposit" as a transferable time deposit of account or a time deposit or account representing funds in which any beneficial interest is held by a depositor which is not a natural person. Nontransferable time deposits in which the entire beneficial interest is held by a natural person would not be subject to reserve requirements. Currently, under Regulation D, the term "savings deposits" is included in the definition of "time deposit;" thus, any savings deposit held by a business or nonprofit organization or a domestic governmental unit would be regarded as a nonpersonal time deposit (unless otherwise defined as a transaction account).

Time deposits, including credit union share certificates, that are issued in transferable form could be regarded as nonpersonal time deposits because of the transferability feature. Since the provision of the Act including transferable time deposits as nonpersonal time deposits was intended to prevent the evasion of reserve requirements through the transfer of time deposits from individuals to organizations or governmental units, the Board proposes to exclude from the definition of nonpersonal time deposits a time deposit issued to and held by a natural person on or after July 15, 1980 only if it includes on the face of the deposit instrument a specific statement that it is not transferable. A transferable time deposit issued before July 15, 1980 to a natural person in a denomination of less than $100,000 would not be regarded as a nonpersonal time deposit.

Reserve Requirement Ratio. The Act requires that the reserve ratio on all nonpersonal time deposits initially be set at 3 per cent. The Board has authority to set the reserve ratio on nonpersonal time deposits within a range of 0 to 9 per cent.

Maturity of Time Deposits

In considering the definition of nonpersonal time deposits, the Board also examined certain other issues related to reserve requirements. In this regard, the Bord proposes to shorten the present 30-day minimum maturity for a time deposit to 14 days. The Board believes that a shorter minimum maturity on time deposits has considerable merit for purposes of improving the competitive position of domestic depository institutions vis-a-vis open market instruments and foreign banking offices. Under the Board's proposal, time deposits with original maturities of between 14 and 29 days issued in minimum denominations of $100,000 or more could earn interest at any rate since there are no Federal interest rate limitations on time deposits issued in such denominations.

Treatment of Promissory Notes, Due Bills and Other Miscellaneous Obligations of Depository Institutions

Regulation D currently defines as deposits a number of sources of funds that formerly were exempt from reserve requirements. The Board proposes to continue to regard as deposits promissory notes (commercial paper), ineligible acceptances (finance bills), due bills, acknowledgments of advance, repurchase agreements against assets other than obligations of the United States government and its agencies, and funds raised from affiliates. Such obligations having original maturities of less than 14 days would be regarded as demand deposits and would be subject to the reserve requirement on transaction accounts and those having maturities of 14 days or more would be regarded as nonpersonal time deposits, if transferable or held by a depositor other than a natural person. Under this approach, certificates of indebtedness issued by credit unions would be defined as deposits.

Subordinated Notes. Under Regulations D and Q (Interest on Deposits) subordinated capital debt of member banks are not regarded as deposits subject to reserve requirements or interest rate limitations provided that certain conditions are met, including a minimum maturity of seven years or

more. The Board proposes to retain these conditions for depository institutions. In this regard, the Federal Deposit Insurance Corporation has similar rules concerning issuance of subordinated notes exempt from interest rate limitations by insured nonmember commercial banks (see 12 CFR Part 329). For thrift institutions, the Board proposes a similar exemption from reserve requirements for subordinated capital debt. Such a debt obligation would be exempt from reserve requirements if it would have a minimum original maturity of seven years or more and was approved by the institution's primary Federal supervisor or was issued under the rules of the primary Federal supervisor.

Obligations of Affiliates. The Board proposes to revise the reserve treatment of funds advanced by affiliates to depository institutions. At present, deposits of member banks include the liability of an affiliate to the extent that the proceeds are used for the purpose of supplying funds to the affiliated institution. However, the rules relating to determination of deposit status of such obligations are complex. In order to simplify the determination of the deposit status of affiliate obligations, the Board proposes to apply the following rules. An obligation issued by the affiliate would not be regarded as a deposit of the affiliated depository institution if the obligation would not have been a deposit had it been issued directly by the affiliated depository institution. Conversely, an obligation of an affiliate would be regarded as a deposit if the obligation issued by the affiliate would have been had it been issued directly by the affiliated depository institution. If the affiliate's obligation is determined to be a deposit, then the appropriate reserve ratio to be applied would be determined by the shorter of the maturity of the affiliate's obligation or the maturity of the obligation issued by its affiliated depository institution, or in the case of asset purchases, the maturity of the assets purchased.

Due Bills. A due bill is a promise by the bank to deliver at some future date a security purchased by the bank's customer. Under existing provisions, due bills issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business are regarded as deposits subject to reserves. However, due bills that are not issued principally as a means of obtaining funds to be used in the banking business are deposits only if they are not collateralized with a similar security within three days after issuance. The principal questions that arise in connection with these transactions involve whether a member bank is utilizing due bill transactions as a means of obtaining funds principally for use in its banking business and whether such obligations are collaterized with a "similar" security.

In order to minimize compliance and enforcement problems involving due bills, the Board proposes to revise Regulation D so that *all* due bills would be reservable deposits from the date of issuance without regard to the pupose of the due bill unless collateralized within three days from date of issuance by a security indentical to the security purchased from the depository institution's customer.

Eurodollar Reserve Requirement

Under the Act, the Board's authority to establish any reserve requirement necessary for the implementation of monetary policy on Eurodollars is extended to cover all domestic depository institutions. In particular, the Board is authorized to pláce reserve requriements on: net borrowings from related foreign offices, borrowings from unaffiliated foreign depository institutions, loans to United States residents made by overseas offices of depository institutions located in the United States, and sales of assets by depository institutions in the United States to their overseas offices. These are essentially the same categories that are reservable under Regulation D currently, although the basic reserve ratio on Eurodollar transactions has been zero since August 1978. Such activities, however, are managed liabilities subject to marginal reserve requirements. The Board proposes to continue the present definition of Eurodollar transactions subject to basic reserve requirements, except that the proceeds of sales to foreign branches of all assests—rather than only domestic assets—would be reservable.

The Board also proposes to apply a reserve ratio of 3 per cent to Eurodollar transactions, the same ratio that would be applied to nonpersonal time deposits. The Board believes that such action would eliminate any artificial incentive through the reserve requirement structure that would favor raising funds offshore as compared with the domestic market. As a technical matter, the proposed Regulation D reflects a change in the four-week computation and maintenance period for Eurodollar reserves to one week periods coinciding with normal reserve computation and maintenance periods.

Eligible Reserve Assets

The Act specifies that reserves of a depository institution may be held in the form of vault cash, a balance maintained at the Federal Reserve Bank of which it is a member or at which it maintains an account, or a balance maintained by a depository institution which is not a member bank in a depository institution which maintains required reserve balances at a Federal Reserve Bank, a Federal Home Loan Bank, or the National Credit Union Administration Central Liquidity Facility if such funds are passed through to the Federal Reserve.

The Board has the authority to specify the portion of vault cash that a depository institution may use to meet its reserve requirements. Under the proposed Regulation D, a depository institution would be permitted to use all of its vault cash as eligible reserve assets. However, all silver and gold coin and other currency and coin whose numismatic or bullion value is substantially in excess of face value would not be regarded as vault cash.

The Board presently is reviewing the operations issues in connection with pass-through accounts through consultation with other agencies and depository institution trade groups. An announcement will be forthcoming concerning the mechanics of pass-through arrangements.

Phase-in of Reserve Requirements

Member Banks. Member banks would be phased down to the new structure of reserve requirements over a three and one-half year period, beginning on September 4, 1980. During this period, actual reserves maintained would equal required reserves under the current structure less a portion of the difference between reserves calculated under the structure of the Act and the reserve structure in effect on August 31, 1980.

The Act stipulates that the phase-in rate increment each year for member banks should be ¼ of the difference between reserves under the current structure and the new structure, under rules and regulations of the Board. To implement this provision, the Board proposes to phase-down reserve requirements for member banks at semiannual intervals, beginning with reserves held in the maintenance period starting September 4, 1980. Every six months the phase-down adjustment would rise by ⅛ of the difference between reserves computed under the old and new structures.

Nonmember Banks and Thrift Institutions. Reserve requirements of nonmember banks and thrift institutions

would be phased-in over an eight-year period. Nonmember institutions would be required to hold an amount equal to ⅛ of reserve requirements calculated under the Act, beginning with the reserve maintenance period beginning Thursday, September 4, 1980. During the seven-day maintenance period beginning on that date, a nonmember depository institution would maintain reserves based on its deposits and vault cash outstanding during the seven-day computation priod beginning August 21, 1980. Thereafter, the amount of reserves required would increase by an additional ⅛ of the reserve requirements under the Act after each succeeding 12 month interval.

Deposits or Accounts Authorized After April 1, 1980. A special provision in the Act exempts from the transitional phase-in provisions any category of deposits or accounts that are first authorized pursuant to Federal law in any State after April 1, 1980. This provision most immediately applies to negotiable order of withdrawal (NOW) accounts that are authorized in States outside of New England, New York and New Jersey on December 31, 1980. Therefore, depository institutions maintaining NOW accounts in those States would be required to maintain reserves against such accounts at the full transactions deposits reserve ratio.

In computing reserves required to be maintained on NOW accounts, a depository institution located outside of New England, New York and New Jersey would be permitted to deduct a portion of its cash items in process of collection in the proportion that its NOW accounts are of its total transaction accounts. To determine the reserve ratio to apply to NOW accounts, depository institutions would apply the $25 million initial tranche for transaction accounts to its transactions accounts subject to the highest reserve requirement. Under this approach, a nonmember depository institution outside of New England, New York and New Jersey phasing-in reserves could apply the $25 million tranche to its NOW accounts initially with any remaining portion applied to other transactions accounts subject to the phase-in. Transaction accounts in excess of $25 million (other than NOW accounts) would be subject to a reserve ratio of 12 per cent, but the effective reserve ratio applicable to these accounts would be lower than 12 per cent because of the phase-in. Member banks could apply the $25 million transaction tranche to demand deposits or NOW accounts in computing its phase-down of reserve requirements.

Branches and Agencies. Under the amendments to Regulation D adopted in connection with implementation of the IBA, branches and agencies were granted a phase-in of reserve requirements over a two-year period. This phase-in period is similar to that allowed to nonmember banks joining the Federal Reserve System. The Board proposes to allow branches and agencies to phase-in to the new reserve requirement structure that becomes effective on September 1, rather than requiring a more complicated and burdensome procedure of phasing up to member bank actual reserve requirements by the end of two years, and then phasing down over the next two years in line with member banks. The deposits of additional branches and agencies of a foreign bank that has existing United States branches or agencies would be entitled only to the remaining phase-in, if any, available to the existing United States branches or agencies.

De Novo Banks and New Members. The Act provides an eight-year phase-in for nonmember banks engaged in business on July 1, 1979. Consequently, a *de novo* nonmember depository institution formed after July 1, 1979 would be required to maintain full reserve requirements beginning on the effective date of the Act. In addition, under the Act, a *de novo* member or nonmember joining the System ("new member") would be required to maintain full present member bank reserve requirements, and then phase down to the new requirements of the Act. Current Board policy provides a two-year transitional period to full reserve requirement levels for *de novo* and new member banks.

The Board believes that, in order to provide an orderly adjustment to reserve requirements, it is appropriate for the Federal Reserve to continue its policy of providing a 24-month transitional phase-in for all *de novo* depository institutions and new members. Under the Board's proposal, *de novo* institutions and new members would be phased in to the new reserve requirements under the Act rather than to present member bank reserve requirements.

Former Members and Mergers. On April 23, 1980, the Board announced an interpretation (45 FR 28305) of section 19(b)(8)(D) of the Federal Reserve Act (12 U.S.C. § 461(b), as amended by section 103 of the Act). This interpretation applies to the reserves required of any bank that was a member bank in the Federal Reserve System on July 1, 1979, and which subsequently withdraws from membership. That interpretation also establishes a System policy for reserve requirements of depository institutions involved in mergers.

Tables 1 and 2 present reporting categories that will be required of depository institutions and of United States branches and agencies of foreign banks.

Table 1

Reporting categories for any depository institution other than a U.S. branch or agency of a foreign bank:

1. Demand deposits due to banks.
2. Demand deposits due to other depository institutions.
3. Demand deposits due to the U.S. Government.
4. Other demand deposits (including noninterest-bearing negotiable orders of withdrawal).
5. Savings deposits authorized for automatic transfer (ATS accounts).
6. Negotiable order of withdrawal (NOW) accounts; share drafts.
7. Savings deposits subject to telephone or preauthroized transfer or that permit payments through automated teller machines, including remote service units.
8. Demand deposits due from depository institutions. (Note: For institutions designated below under (1), this category will be broken down into two items: (1) demand deposits due from banks, and (2) demand deposits due from other depository institutions.)
9. Cash items in process of collection.
10. Other savings deposits (i.e., all savings deposits other than those included in items 5, 6, or 7 above)—personal.
11. Other savings deposits—nonpersonal.
12. Personal time deposits.
13. Nonpersonal time deposits.
14. Time deposits with original maturities of 14 through 179 days.[1]
15 Time deposits with original maturities of 180 days but less than 4 years.[1]
16 Time deposits with original maturities of 4 years or more.[1]
17. Time deposits of $100,000 or more.
18. U.S. currency and coin owned and held.
19. Funds received from issuance of obligations by affiliates that have remaining maturities of less than 14 days.
20. Funds received from issuance of obligations by affiliates that have remaining maturities of 14 days or more. (Note: For institutions designated below under (1), this item will cover obligations that have remaining

maturities of 14 days or more *but less than 180 days.)*

21. Funds received from issuance of obligations by affiliates that have remaining maturities of 180 days or more but less than 4 years.[1]

22. Funds received from issuance of obligations by affiliates that have remaining maturities of 4 years or more.[1]

23. Funds received from the sale of ineligible banker's acceptances that have remaining maturities of less than 14 days.

24. Funds received from the sale of ineligible bankers' acceptance that have remaining maturities of 14 days or more. (Note: For institutions designated below under footnote (1), this item will cover obligations that have remaining maturities of 14 days or more *but less than 180 days.)*

25. Funds received from the sale of ineligible bankers' acceptances that have remaining maturities of 180 days or more but less than 4 years.[1]

26. Funds received from the sale of ineligible bankers' acceptances that have remaining maturities of 4 years or more.[1]

27. Borrowings from offices of other banks outside the United States, foreign national governments, and international institutions.[2]

28. Gross balances due to own non-U.S. branches.[2]

29. Gross balances due from own non-U.S. branches.[2]

30. Assets sold to and held by own non-U.S. branches acquired from U.S. offices (including assets that are claims on both U.S. and non-U.S. residents).[2]

31. Credit extended by own non-U.S. branches to U.S. residents.[2]

Table 2

Reporting categories for any United States branch or agency of a foreign bank: [1]

1. Demand deposits due to banks.

2. Demand deposits due to other depository institutions.

3. Demand deposits due to the U.S. Government.

4. Other demand deposits (including officers' checks).

5. Savings deposits authorized for automatic transfer (ATS accounts).

6. Negotiable order of withdrawal (NOW) accounts.

7. Savings deposits subject to telephone or preauthorized transfer or that permit payments through automated teller machines, including remote service units.

8. Demand deposits due from depository institutions.

9. Cash items in process of collection.

10. Other savings deposits (i.e., all savings deposits other than those included in items 5, 6, or 7 above)—personal.

11. Other savings deposits—nonpersonal.

12. Personal time deposits.

13. Nonpersonal time deposits.

14. Time deposits of $100,000 or more.

15. U.S. currency and coin owned and held.

16. Funds received from the sale of ineligible bankers' acceptance that have remaining maturities of less than 14 days.

17. Funds received from the sale of ineligible bankers' acceptance that have remaining maturities of 14 days or more.

18. Borrowings from other foreign banks, foreign national governments, and international institutions.

19. Gross claims on the foreign bank (including its offices located outside the United States).

20. Gross liabilities to the foreign bank (including its offices located outside the United States).

21. Assets sold by a branch or agency to its foreign bank (including its offices located outside the United States) or its foreign parent bank holding company.

22. Assets sold by the branch or agency to nonbanking affiliates.

23. Total assets less the sum of United States coin and currency, cash items in process of collection and unposted debits, balances due from domestic banks and other foreign banks, balances due from foreign central banks and net balances due from the foreign bank and the foreign bank's U.S. and foreign offices.

In addition to the above proposals, the Board desires public comment on three issues that have been under consideration in the past.

Contemporaneous Reserve Accounting

As an alternative to the existing procedures of reserve maintenance, the Board requests comment on a proposal to modify the procedures by which reserve requirements are maintained. Under the proposal, the reserve computation period would continue to cover the seven-day period beginning Thursday and ending on the following Wednesday, and reserve requirements would continue to be computed based upon the daily average deposits outstanding during the reserve computation week. Reserve requirements, however, would be required to be satisfied by the United States currency and coin held by a depository institution on a daily average basis during the seven-day reserve computation period which begins on the Thursday fifteen days prior to the beginning of the reserve maintenance period and by balances maintained in a Federal Reserve Bank (directly or indirectly) on a daily average basis during the seven-day maintenance period which begins on the day after (i.e., Friday) the beginning of the reserve computation period (i.e., Thursday). For example, under the proposal, a depository institution would be required to maintain a reserve balance at the Federal Reserve on a daily average basis during the seven-day reserve maintenance period beginning Friday, June 6, 1980, and ending on Thursday, June 12, 1980, based upon daily average deposits during the seven-day reserve computation period beginning Thursday, June 5, 1980, and ending Wednesday, June 11, 1980, after taking into account the institution's currency and coin maintained during the seven-day computation period beginning Thursday, May 22, 1980, and ending Wednesday, May 28, 1980. A depository institution would continue to be permitted to carry forward to the following reserve maintenance week excesses or deficiencies up to 2 percent of the institution's required reserves.

This procedure would improve monetary control by strengthening the linkage between the reserves of the depository system and the money supply.

Business Day Reserve Computation Period

Under the present method of computing required reserves, all seven days of the computation period, including Saturdays, Sundays and legal holidays, are included in computing the daily average of deposits. Under this approach, the deposits outstanding at the close of business on Friday generally are reported for Saturday and Sunday also. Thus, Friday's balances are used three times in computing the institution's daily average deposits outstanding during the computation period. Similarly, the deposits outstanding at the close of business on the day before a legal holiday are reported as the balances outstanding for the holiday also.

The Board is aware of actions on the part of some member banks to engage in transactions on Fridays that tend to increase asset accounts artificially, particularly cash items in process of collection (CIPC's). Since CIPC's are available as a deduction from the member bank's gross demand deposits,

[1] To be reported only by a depository institution that is a member bank on September 1, 1980, or that was a member bank on or after July 1, 1979, and since than withdrew from membership.

[2] To be reported only by U.S. commercial banks and Edge Act and Agreement corporations.

[1] "Deposits" include credit balances.

this activity results in a lower daily average of net demand deposits and lower reserve requirements. Such transactions may have an adverse effect on the conduct of monetary policy in that they may adversely affect the relationship between the supply of reserves and the stock of money.

In order to limit the effect of actions that may lower reserve requirements, the Board proposes to revise the present method of computing daily average deposit balances and daily average marginal managed liabilities by deleting nonbusiness days, that is, Saturdays, Sundays and legal holidays, in the computation of the daily averages outstanding during the reserve computation period. By changing the method of computing balances against which reserves must be maintained to include only banking business days, the Board anticipates that the impact of such artificial transactions that serve only to reduce reserve requirements would be minimized. This proposed method of computation would apply to all depository institutions required to maintain reserves under the Act. It should be noted that under the proposal, daily currency and coin would continue to be computed under the present seven-day method and required reserves would continue to be maintained over a seven-day maintenance period.

Deductions From Gross Transaction Accounts

In computing demand deposit reserve requirements, member banks currently are permitted to deduct from their gross demand deposits cash items in the process of collection ("CIPCs") and demand balances due from other banks. The purpose of this deduction is to prevent situations in which more than one institution holds required reserves against the same deposit liability to the nonbank public.

At present, indirect control over the public's deposits at nonmember institutions is exerted through reserve requirements on the balances that these institutions have due from member banks, that is, member bank deposits due to other depository institutions. The Board believes that, with the application of reserve requirements to all depository institutions, there is no longer the need for such indirect methods of control. Therefore, the Board is considering excluding from the definition of deposits inter-depository institution balances that represent finally collected funds that are immediately withdrawable. Exempting such balances from reserve requirements would eliminate the necessity of allowing a deduction for the corresponding "due from" account. Under this approach, a "due from" deduction would be permitted only if the corresponding "due to" balance of a depository institution is subject to Federal reserve requirements.

Under this approach, cash items in the process of collection would be permitted to be deducted from the amount of a depository institution's gross transactions accounts. To ensure that institutions which clear incoming checks through correspondents are not subject to a reserve requirement on uncollected funds, these institutions would record such checks as a "cash item" until they become collected funds. Since the correspondent would also be entitled to a "cash item" deduction until the checks are collected, that institution would need to record an offsetting reservable liability—in the form of a deferred availability deposit—until the funds are received. The deferred availability account effectively would not be reserved, however, since that account would be offset by the amount of the CIPC the correspondent has forwarded for collection.

As the correspondent institution received payment on cleared checks, it would advise its respondent daily of collected funds becoming available that day before the correspondent could convert the deferred availability balance to a nonreservable "due to." Upon receipt of the advice, the respondent would be required to debit deductible CIPCs and credit nondeductible "due froms." In addition to being more consistent with direct control of the public's transaction balances through the reserve base, such a treatment of interbank transactions would involve less risk that the process of check clearing would distort money supply statistics.

In view of the September 1, 1980 effective date of the reserve requirement provisions of the Monetary Control Act, the Board has determined to shorten the length of the comment period normally provided to the public. Accordingly, comments on these proposals should be submitted to the Board by July 15, 1980.

(Sec. 19 of the Federal Reserve Act (12 U.S.C. § 461 *et seq.*), as amended by the Monetary Control Act of 1980 (Title I, P.L. 96–221; 94 Stat. 132) and sec. 7 of the International Banking Act of 1978 (12 U.S.C. § 3105))

The Board proposes to revise Regulation D (12 CFR Part 204) to read as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

Sec.

§ 204.1 Authority, purpose and scope.

(1) *Authority.* This Part is issued under the authority of section 19 (12 U.S.C. 461 *et seq.*) and other provisions of the Federal Reserve Act and of section 7 of the International Banking Act of 1978 (12 U.S.C. 3105).

(b) *Purpose.* This Part relates to reserves that member banks and other depository institutions are required to maintain for the purpose of facilitating the conduct of monetary policy by the Federal Reserve System.

(c) *Scope.* (1) The following depository institutions are required to maintain reserves in accordance with this Part:

(i) Any insured bank as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)) or any bank that is eligible to apply to become an insured bank under section 5 of such Act (12 U.S.C. 1815);

(ii) Any savings bank or mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(f), (g));

(iii) Any insured credit union as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752(7)) or any credit union that is eligible to apply to become an insured credit union under section 201 of such Act (12 U.S.C. 1781);

(iv) Any member as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(4)); and

(v) Any insured institution as defined in section 401 of the National Housing Act (12 U.S.C. 1724(a)) or any institution which is eligible to apply to become an insured institution under section 403 of such Act (12 U.S.C. 1726).

(2) Except as may be otherwise provided by the Board, a foreign bank's branch or agency located in the United States is required to comply with the provisions of this Part in the same manner and to the same extent as if the branch or agency were a member bank, if its parent foreign bank (i) has total worldwide consolidated bank assets in excess of $1 billion; or (ii) is controlled by a foreign company or by a group of foreign companies that own or control foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion. In addition, any other foreign bank's branch located in the United States that is eligible to apply to become an insured bank under section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815) is required to maintain reserves in

accordance with this Part as a depository institution.

(3) This Part does not apply to any financial institution that (i) is organized solely to do business with other financial institutions; (ii) is owned primarily by the financial institutions with which is does business; and (iii) does not do business with the general public.

(4) The provisions of this Part do not apply to any deposit that is payable only at an office located outside the United States. (That is, an obligation is not subject to the reserve requirements of this Part if it requires a depository institution to make payment only at an office located outside the United States and, if for any reason the obligation is not paid at a foreign office, the depository institution cannot be required to pay it in the United States.)

§ 204.2 Definitions.

For purposes of this Part, the following definitions apply unless otherwise specified:

(a)(1) *"Deposit"* means:

(i) the unpaid balance of money or its equivalent received or held by a depository institution in the usual course of business and for which it has given or is obligated to give credit, either conditionally or unconditionally, to an account, or which is evidenced by an instrument on which the depository institution is primarily liable;

(ii) money received or held by a depository institution, or the credit given for money or its equivalent received or held by the depository institution in the usual course of business for a special or specific purpose, regardless of the legal relationships established thereby, including escrow funds, funds held as security for securities loaned by the depository institution, funds deposited as advance payment on subscriptions to United States government securities, and funds held to meet its acceptances;

(iii) an outstanding draft, cashier's check, money order, or officer's check drawn on the depository institution and issued in the usual course of business for any purpose, including payment for services, dividends, or purchases;

(iv) any due bill or other liability or undertaking on the part of a depository institution to sell or deliver securities to, or purchase securities for the account of, any customer (including another depository institution), involving either the receipt of funds by the depository institution, regardless of the use of the proceeds, or a debit to an account of the customer before the securities are delivered. A deposit arises from the date of issuance of the obligation if, within three business days, the depository institution does not deliver the securities purchased or does not fully collateralize its obligation with securities identical to the securities purchased;

(v) any liability of a depository institution's affiliate, on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral), with a maturity of seven years or less, to the extent that the proceeds are used to supply or to maintain the availability of funds (other than capital) to the depository institution, except any such obligation that, had it been issued directly by the depository institution, would not constitute a deposit;

(vi) credit balances of a United States branch or agency of a foreign bank;

(vii) a depository institution's liability on any promissory note, acknowledgment of advance, bankers' acceptance, or similar obligation (written or oral) that is issued or undertaken by a depository institution as a means of obtaining funds, except any such obligation that:

(A) is issued or undertaken and held for the account of:

(1) an office located in the United States of another depository institution or foreign bank;

(2) the United States government or an agency thereof; or

(3) the Export-Import Bank of the United States, Minbac Capital Corporation, the Government Development Bank for Puerto Rico, a Federal Reserve Bank, or a Federal Home Loan Bank;

(B) arises from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States government or any agency thereof that the depository institution is obligated to repurchase;

(C) is not insured by a Federal agency, is subordinated to the claims of depositors, has a weighted average maturity of more than seven years, is not subject to Federal interest rate limitations, and is issued by a depository institution with the approval of or under the rules and regulations of its primary Federal supervisor;

(D) arises from a borrowing by a depository institution from a dealer in securities, for one business day, of proceeds of a transfer of deposit credit in a Federal Reserve Bank or other immediately available funds, (commonly referred to as "Federal funds"), received by such dealer on the date of the loan in connection with clearance of securities transactions;

(E) arises from the creation, discount and subsequent sale by a depository institution of its bankers' acceptance of the type described in section 13 of the Federal Reserve Act (12 U.S.C. 346) and which is eligible for discount by the Federal Reserve Banks; or

(F) represents the liability of a United States branch or agency of a foreign bank to another United States Branch or agency of the same foreign bank, or the liability of the United States office of an Edge Corporation to another United States office of the same Edge Corporation.

(2) *"Deposit"* does not include:

(i) trust funds received or held by the depository institution that it keeps properly segregated as trust funds and apart from its general assets or which it deposits in another institution to the credit of itself as trustee or other fiduciary. If trust funds are deposited with the commercial department of the depository institution or otherwise mingled with its general assets, a deposit liability of the institution is created;

(ii) an obligation that represents a conditional or endorser's liability;

(iii) obligations, the proceeds of which are not used by the depository institution for purposes of making loans, investments, or maintaining liquid assets such as cash or "due from" depository institutions or other similar purposes. Obligations issued for the purpose of raising funds to purchase business premises, equipment, supplies, or similar assets are not deposits. The creation of mortgage indebtedness to acquire business premises or the creation of accounts payable to acquire equipment and supplies generally does not give rise to creation of a deposit liability;

(iv) accounts payable;

(v) hypothecated "deposits" created by payments on installment loans where the amounts received are not used immediately to reduce the unpaid balance due on the note until the sum of the payments equals the entire amount of principal and interest and where such amounts are irrevocably assigned to the depository institution and cannot be reached by the borrower or creditors of the borrower;

(vi) dealer reserve and differential accounts that arise from the financing of dealer installment accounts receivable and which provide that the dealer may not have access to the funds in the account until the installment loans are repaid, as long as the depository institution is not actually (as distinguished from contingently) obligated to make credit or funds available to the dealer;

(vii) a dividend declared by a depository institution for the period intervening between the date of the

declaration of the dividend and the date on which it is paid;

(viii) and obligation representing a "pass through account," as defined in this section;

(ix) an obligation arising from the retention by the depository institution of no more than a 10 percent interest in a pool of conventional 1–4 family mortgages that are sold to third parties; and

(x) an obligation issued to a State or municipal housing authority under loans to lenders programs involving the issuance of tax exempt bonds and the subsequent lending of the proceeds to the depository institution for housing finance purposes.

(b)(1) *"Demand deposit"* means a deposit that is payable on demand, or a deposit issued with an original maturity or required notice period of less than 14 days, or a deposit representing funds for which the depository institution does not reserve the right to require at least 14 days' written notice of an intended withdrawal. The term includes all deposits other than time and savings deposits. Overdrafts in demand deposit accounts are not to be treated as negative demand deposits and should not be netted since overdrafts are properly reflected on an institution's books as loans. Demand deposits may be in the form of (i) checking accounts; (ii) certified, cashier's and officer's checks (including checks issued by the depository institution in payment of dividends); (iii) traveler's checks and money orders; (iv) checks or drafts drawn by or on behalf of a non-United States office of a depository institution on an account maintained at any of the institution's United States offices; (v) letters of credit sold for cash or its equivalent; (vi) withheld taxes, withheld insurance and other withheld funds; (vii) time deposits that have matured or time deposits upon which the required notice of withdrawal period has expired and have not been renewed (either by action of the depositor or automatically under the terms of the deposit agreement); and (viii) any obligation to pay a check (or other instrument, device, or arrangement for the transfer of funds) drawn on the depository institution, where the account of the institution's customer already has been debited.

(2) A "demand deposit" does not include checks or drafts drawn by the depository institution on the Federal Reserve or on another depository institution.

(c)(1) *"Time deposit"* means funds that the depositor does not have a right to withdraw for a period of 14 days or more after the date of deposit. "Time deposit" includes funds:

(i) payable on a specified date not less than 14 days after the date of deposit;

(ii) payable at the expiration of a specified time not less than 14 days after the date of deposit;

(iii) payable upon written notice which actually is required to be given by the depositor not less than 14 days before the date of repayment; or

(iv) such as "Christmas club" accounts and "vacation club" accounts, that are deposited under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three months even though some of the deposits are made within 14 days from the end of the period.

(2) A time deposit may be represented by a transferable or nontransferable instrument, a negotiable or nonnegotiable instrument, a passbook, or otherwise. A time deposit includes share certificates and certificates of indebtedness issued by credit unions, and certificate accounts and notice accounts issued by savings and loan associations.

(d)(1) *"Savings deposit"* means a deposit or account with respect to which the depositor is not required by the deposit contract but may at any time be required by he depository institution to give written notice of an intended withdrawal not less than 14 days before withdrawal is made, and that is not payable on a specified date or at the expiration of a specified time after the date of deposit. A deposit may continue to be classified as a savings deposit even if the depository institution excerises its right to required notice of withdrawal. A "savings deposit" includes a regular share account at a credit union and a regular account at a savings and loan association.

(2) For depository institutions subject to 12 CFR Part 217 or 12 CFR Part 329, funds deposited to the credit of, or in which any beneficial interest is held by, a corporation, association, partnership or other organization operated for profit may be classified as a savings deposit if such funds do not exceed $150,000 per depositor at a depository institution.

(3) "Savings deposit" does not include funds deposited to the credit of the depository institution's own trust department where the funds involved are utilized to cover checks.

(e) *"Transaction account"* means a deposit or account on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone transfers, or other similar device for the purpose of making payments or transfers to third persons or others. "Transaction account" includes:

(1) demand deposits;

(2) deposits or accounts subject to negotiable orders of withdrawal accounts or share drafts;

(3) savings deposits or accounts in which withdrawals may be made automatically through payment to the depository institution itself or through transfer of credit to a demand deposit or other account in order to cover checks or drafts drawn upon the institution or to maintain a specific balance in, or to make periodic transfers to, such accounts; and

(4) deposits or accounts in which withdrawals may be made by preauthorized transfer or payment, by telephone transfer or payment, or by payment to third parties by means of an automated teller machine, remote service unit or other electronic device.

(f) *"Nonpersonal time deposit"* means:

(1) a time deposit representing funds deposited to the credit of, or in which any beneficial interest is held by, a depositor which is not a natural person;

(2) a savings deposit that is a transaction account and that represents funds deposited to the credit of, or in which any beneficial interest is held by, a depositor which is not a natural person;

(3) a time deposit that is transferable, except a time deposit in a denomination of less than $100,000 issued before July 15, 1980, to and held by a natural person; and

(4) a time deposit issued on or after July 15, 1980, to and held by a natural person that does not contain on its face a statement that it is not transferable.

(g)(1) *"Cash item in process of collection"* means:

(i) checks in the process of collection, drawn on a bank or other depository institution that are payable immediately upon presentation in the United States, including checks forwarded to a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day;

(ii) government checks drawn on the Treasury of the United States that are in the process of collection; and

(iii) such other items in the process of collection, that are payable immediately upon presentation in the United States and that are customarily cleared or collected by depository institutions as cash items, including:

(A) drafts payable through another depository institution;

(B) redeemed bonds and coupons;

(C) food coupons and certificates;

(D) postal and other money orders, and traveler's checks;

(E) amounts credited to deposit accounts in connection with automated payment arrangements where such credits are made one business day prior to the scheduled payment date to insure that funds are available on the payment date;

(F) commodity or bill of lading drafts payable immediately upon presentation in the United States;

(G) returned items and unposted debits; and

(H) broker security drafts.

(2) "Cash item in process of collection" does not include items handled as noncash collections and credit card slips and drafts.

(h) *"Net transaction accounts"* means the total amount of a depository institution's transaction accounts less the deductions allowed under the provisions of § 204.3.

(i)(1) *"Vault cash"* means United States currency and coin owned and held by a depository institution that may, at any time, be used to satisfy depositors' claims.

(2) "Vault cash" includes United States currency and coin in transit to a Federal Reserve Bank or a correspondent depository institution for which the reporting depository institution has not yet received credit, an United States currency and coin in transit from a Federal Reserve Bank or a correspondent depository institution when the reporting depository institution's account at the Federal Reserve or correspondent bank has been charged for such shipment.

(3) All silver and gold coin, and other currency and coin whose numismatic or bullion value is substantially in excess of face value, is not vault cast for purposes of this Part.

(j) *"Pass through account"* means a balance maintained by a depository institution that is not a member bank (1) in a depository institution that maintains required reserve balances at a Federal Reserve Bank, (2) in a Federal Home Loan Bank, or (3) in the National Credit Union Administration Central Liquidity Facility, if the depository institution, Federal Home Loan Bank, or National Credit Union Administration Central Liquidity Facility maintains the funds in the form of balances in a Federal Reserve Bank of which it is a member or at which it maintains an account.

(k)(1) *"Depository institution"* means:

(i) any insured bank as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)) or any bank that is eligible to apply to become an insured bank under section 5 of such Act (12 U.S.C. 1815);

(ii) any savings bank or mutual savings bank in section 3 of the Federal Deposit Insurance Act (12 U.S.C. (g));

(iii) any insured credit union as defined in the Federal Credit Union Act (12 U.S.C. § 1752(7)) or any union that is eligible to apply to become an insured credit union under section 201 of such Act (12 U.S.C. 1781);

(iv) any member as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(4)); and

(v) any insured institution as defined in section 401 of the National Housing Act (12 U.S.C. 1724(a)) or any institution which is eligible to apply to become an insured institution under section 403 of such Act (12 U.S.C. 1726).

(2) "Depository institution" does not include international organizations such as the World Bank, the Interamerican Development Bank, and the Asian Development Bank.

(l) *"Member bank"* means a depository institution that is a member of the Federal Reserve System.

(m) *"Foreign bank"* means any bank organized under the laws of any country other than the United States or organized under the laws of Puerto Rico, Guam, American Somoa, the Virgin Islands, or other territory or possession of the United States.

(n) *"De novo depository institution"* means a depository institution that was not engaged in business on July 1, 1979, and is not the successor by merger or consolidation to a depository institution that was engaged in business on that date.

(o) *"Affiliate"* includes any corporation, association, or other organization:

(1) Of which a depository institution, directly or indirectly, owns or controls either a majority of the voting shares or more than 50 percent of the numbers of shares voted for the election of its directors, trustees, or other persons exercising similar functions at the preceding election, or controls in any manner the election of a majority of its directors, trustees, or other persons exercising similar functions;

(2) Of which control is held, directly or indirectly, through stock ownership or in any other manner, by the shareholders of a depository institution who own or control either a majority of the shares of such depository institution or more than 50 per cent of the number of shares voted for the election of directors of such depository institution at the preceding election, or by trustees for the benefit of the shareholders of any such depository institution;

(3) Of which a majority of its directors, trustees, or other persons exercising similar functions are directors of any one depository institution; or

(4) Which owns or controls, directly or indirectly, either a majority of the shares of capital stock of a depository institution or more than 50 per cent of the number of shares voted for the election of directors, trustees or other persons exercising similar functions of a depository institution at the preceding election, or controls in any manner the election of a majority of the directors, trustees, or other persons exercising similar functions of a depository institution, or for the benefit of whose shareholders or members all or substantially all the capital stock of a depository institution is held by trustees.

(p) *"United States"* means the States of the United States and the District of Columbia.

(q) *"United States resident"* means (1) any individual residing (at the time of the transaction) in the United States; (2) any corporation, partnership, association or other entity organized in the United States ("domestic corporation"); and (3) any branch or office located in the United States of any entity that is not organized in the United States.

§ 204.3 Computation and maintenance.

(a) *Maintenance of reserves.* (1) *Depository institutions.* A depository institution shall maintain reserves against its deposits in accordance with the procedures prescribed in this section and section 204.4 and the ratios prescribed in § 204.9. For purposes of this Part, the obligations of a majority owned (50% or more) subsidiary (except an Edge or Agreement Corporation) of a depository institution shall be regarded as obligations of the parent depository institution. Every depository institution holding transaction accounts or nonpersonal time deposits shall file a Report of Deposits each week with the Federal Reserve Bank of its District and any other reports that the Board may require by rule, regulation, or order and shall be assessed penalties for deficiencies in required reserves in accordance with the provisions of this Part.

(2) *United States branches and agencies of foreign banks.*

(i) A Foreign bank's United States branches and agencies operating within the same State and within the same Federal Reserve District shall prepare and file a Report of Deposits on an aggregated basis, shall maintain required reserves with the Federal Reserve Bank of their District, and shall be assessed penalties for deficiencies in reserve accounts in accordance with the provisions of this Part.

(ii) The United States branches and agencies of the same foreign bank shall attribute to one such branch or agency the low reserve tranche on transaction accounts (§ 204.9(a)). If net transaction accounts at such agency or branch are less than the amount of the low reserve tranche, the remaining portion of the reserve tranche shall be attributed to other United States branches or agencies of the same foreign bank until the amount of the tranche or net transaction accounts, whichever is less, is exhausted.

(3) *Edge and Agreement Corporations.*

(i) An Edge Corporation's offices operating within the same State and within the same Federal Reserve District shall prepare and file a Report of Deposits on an aggregated basis, shall maintain required reserves with the Federal Reserve Bank of their District, and shall be assessed penalties for deficiencies in required reserves in accordance with the provisions of this Part.

(ii) An Edge and Agreement Corporation shall attribute to one of its offices the low reserve tranche on transaction accounts (§ 204.9(a)). If net transaction accounts at such office are less than the amount of the low reserve tranche, the remaining portion of the reserve tranche shall be attributed to other offices of the Edge Corporation until the amount of the reserve tranche or net transaction accounts, whichever is less, is exhausted.

(b) *Form of reserves.* Reserves shall be held by a depository institution in the form of (i) a balance maintained directly with the Federal Reserve Bank in the District in which it is located, (ii) vault cash, and (iii) a pass through account. Reserves held in the form of a pass through account shall be considered to be a balance maintained with the Federal Reserve.

(c) *Computation of reserves.* Required reserves are computed on the basis of the depository institution's daily average deposit balances during a seven-day period ending each Wednesday (the "computation period"). Required reserve balances shall be maintained during a corresponding seven-day period (the "maintenance period") which begins the second Thursday following the end of the computation period. However, to determine the reserve balance that a depository institution is required to maintain with the Federal Reserve, the average daily vault cash held during the computation period is deducted from the amount of the institution's reserve requirements.

(d) *Deductions allowed in computing reserves.*

(1) In determining the reserve balance required under this Part, the amount of cash items in process of collection and balances subject to immediate withdrawal due from other depository institutions located in the United States (including such amounts due from United States branches and agencies of foreign banks) may be deducted from the amount of gross transaction accounts. The amount that may be deducted may not exceed the amount of gross transaction accounts. However, if a depository institution maintains any transaction accounts that are first authorized under Federal law after April 1, 1980, it may deduct from these balances cash items in process of collection and balances subject to immedite withdrawal due from other depository institutions located in the United States only to the extent of the proportion that such newly authorized transaction accounts are of the institution's total transaction accounts. The remaining cash items in process of collection and balances subject to immediate withdrawl due from other depository institutions shall be deducted from the institution's remaining transaction accounts.

(2) United States branches and agencies of a foreign bank may not deduct balances due from another United States branch or agency of the same foreign bank, and United States offices of an Edge Corporation may not deduct balances due from another United States office of the same Edge Corporation.

(3) Balances "due from other depository institutions" do not include balances due from Federal Reserve Banks, pass through accounts, or balances (payable in dollars or otherwise) due from banking offices located outside the United States. An institution exercising fiduciary powers may not include in "balances due from other depository institutions" amounts of trust funds deposited with other banks and due to it as a trustee or fiduciary.

(e) *Availability of cash items as reserves.* Cash items forwarded to a Federal Reserve Bank for collection and credit shall not be counted as part of the reserve balance to be carried by a depository institution with the Federal Reserve until the expiration of the time specified in the appropriate time schedule established under Regulation J, "Collection of Checks and Other Items and Transfers of Funds" (12 CFR Part 210). If a depository institution draws against items before that time, the charge will be made to its reserve balance if the balance is sufficient to pay it; any resulting impairment of reserve balances will be subject to the penalties provided by law and by this Part. However, the Federal Reserve Bank may, at its discretion, refuse to permit the withdrawal or other use of credit given in a reserve account for any time for which the Federal Reserve Bank has not received payment in actually and finally collected funds.

(f) *Carryover of deficiencies.* Any excess or deficiency in a depository institution's required reserve balance for any maintenance period that does not exceed 2 per cent of the depository institution's required reserves shall be carried forward to the next maintenance period. Any carryover not offset during the next period may not be carried forward to additional periods.

(g) *Deposits of affiliates.* If an obligation of an affiliate of a depository institution is regarded as a deposit and is used to purchase assets from the depository institution, the maturity of the deposit is determined by the shorter of the maturity of the obligation issued or the maturity of the assets purchased. If the proceeds from an affiliate's obligation are placed in the depository institution in the form of a reservable deposit, no reserves need be maintained against the obligation of the affiliate. However, the maturity of the deposit issued to the affiliate shall be the shorter of the maturity of the affiliate's obligation or the maturity of the deposit.

§ 204.4 Transitional adjustments.

The following transitional adjustments for computing Federal reserve requirements shall apply to all member and nonmember depository institutions, except for reserves imposed under §§ 204.5, 204.6 and 204.7.

(a) *Nonmembers.* Except as provided below, the required reserves of a depository institution that was engaged in business on July 1, 1979, but was not a member of the Federal Reserve System on or after that date shall be determined by reducing the amount of required reserves computed under § 204.3 in accordance with the following schedule:

Periods:[1]	*Percentage*[2]
Sept. 4, 1980 to Sept. 2, 1981	87.5
Sept. 3, 1981 to Sept. 1, 1982	75
Sept. 2, 1982 to Aug. 31, 1983	62.5
Sept. 1, 1983 to Sept. 5, 1984	50
Sept. 6, 1984 to Sept. 4, 1985	37.5
Sept. 5, 1985 to Sept. 3, 1986	25
Sept. 4, 1986 to Sept. 2, 1987	12.5
Sept. 3, 1987 forward	0

[1] Reserve maintenance periods occurring between.
[2] Percentage that computed reserves will be reduced.

However, an institution shall not reduce the amount of reserves required to be maintained on any category of deposits or accounts that are first authorized under Federal law in any State after April 1, 1980.

(b) *Members and former members.* Any depository institution that is a member bank on September 1, 1980, or was a member bank on or after July 1, 1979 and withdrew from membership before March 31, 1980, or withdraws from membership on or after March 31, 1980, shall compute and maintain reserves as follows:

(1) A depository institution whose required reserves are higher using the reserve ratios in effect during a given computation period (§ 204.9(a)) than its required reserves using the reserve ratios in effect on August 31, 1980 (§ 204.9(b)):

(i) shall maintain the full amount of reserves that is required against any category of deposits or accounts that are first authorized under Federal law in any State after April 1, 1980; and

(ii) shall reduce the amount of its required reserves on all other deposits computed under § 204.3 by an amount determined by multiplying the amount by which required reserves computed under § 204.3 exceeds the amount of reserves that would have been required using the reserve ratios that were in effect on August 31, 1980 (§ 204.9(b)), times the appropriate percentage specified below in accordance with the following schedule:

Periods:[1]	Percentage[2]
Sept. 4, 1980 to Sept. 2, 1981	75
Sept. 3, 1981 to Sept. 1, 1982	50
Sept. 2, 1982 to Aug. 31, 1983	25
Sept. 1, 1983 forward	0

[1] Reserve maintenance periods occurring between.
[2] Percentage applied to difference to compute amount to be subtracted.

(2) A depository institution whose required reserves are lower using the reserve ratios in effect during a given computation period (§ 204.9(a)) than its required reserves using the reserve ratios in effect on August 31, 1980 (§ 204.9(b)):

(i) shall maintain the full amount of reserves that is required against any category of deposits or accounts that are first authorized under Federal law in any State after April 1, 1980; and

(ii) shall increase the amount of its required reserves on all other deposits computed under § 204.3 by an amount determined by multiplying the amount by which reserves that would have been required using the reserve ratios that were in effect on August 31, 1980 (§ 204.9(b)), exceeds the amount of required reserves computed under § 204.3, times the appropriate percentage specified below in accordance with the following schedule:

Periods:[1]	Percentage[2]
Sept. 4, 1980–Mar. 4, 1981	87.5
Mar. 5–Sept. 2, 1981	75
Sept. 3, 1981–Mar. 3, 1982	62.5
Mar. 4–Sept. 1, 1982	50
Sept. 2, 1982–Mar. 2, 1983	37.5
Mar. 3–Aug. 31, 1983	25
Sept. 1, 1983–Feb. 29, 1984	12.5
Mar. 1, 1984 forward	0

[1] Reserve maintenance periods occurring between.
[2] Percentage applied to difference to compute amount to be added.

(c) *Certain nonmembers and branches and agencies of foreign banks.* The required reserves of a nonmember depository institution that was not engaged in business on or before July 1, 1979, but commenced business between July 2, 1979, and September 1, 1980, and any United States branch or agency of a foreign bank with total worldwide consolidated bank assets in excess of $1 billion shall be determined by reducing the amount of its required reserves computed under § 204.3 in accordance with the following schedule:

Periods:[1]	Percentage[2]
Sept. 4–Dec. 3, 1980	87.5
Dec. 4, 1980–Mar. 4, 1981	75.0
Mar. 5–June 3, 1981	62.5
June 4–Sept. 2, 1981	50.0
Sept. 3–Dec. 2, 1981	37.5
Dec. 3, 1981–Mar. 3, 1982	25.0
Mar. 4–June 2, 1982	12.5
June 3, 1982 forward	0

[1] Reserve maintenance periods occurring between.
[2] Percentage that computed reserves will be reduced.

However, the institution shall not reduce the amount of reserves required to be maintained on any category of deposits or accounts that are first authorized under Federal law in any State after April 1, 1980.

(d) *New members.* Any nonmember depository institution that becomes a member of the Federal Reserve System after September 1, 1980, shall maintain reserves in an amount determined under paragraph (a) or (c), as applicable, as if it had remained a nonmember and adding to this amount an amount determined by multiplying the difference between its required reserves computed using the ratios specified in § 204.9(a) and its required reserves computed as if it had remained a nonmember times the percentage specified below in accordance with the following schedule:

Periods:[1]	Percentage[2]
1	12.5
2	25.0
3	37.5
4	50.0
5	62.5
6	75.0
7	87.5
8 and succeeding	100.0

[1] Maintenance periods occurring during successive quarters after becoming a member bank.
[2] Percentage applied to difference to compute amount to be added.

(e) *De nuvo institutions.* Any depository institution that was not engaged in business on September 1, 1980, shall maintain the amount of required reserves computed under § 204.3 in accordance with the following schedule:

Periods:[1]	Percentage[2]
1	40
2	45
3	50
4	55
5	65
6	75
7	85
8 and succeeding	100

[1] Maintenance periods occurring during successive quarters after entering into business.
[2] Percentage of reserve requirement to be maintained.

(f) *Nonmembers chartered under laws of Alaska or Hawaii.* This subparagraph applies to any State-chartered depository institution that was engaged in business on August 1, 1978, which was not a member of the Federal Reserve System on that date, and whose principal office was located in Alaska or Hawaii on and after that date shall not maintain reserves against its deposits imposed under this Part until January 2, 1986. On or after January 2, 1986, the required reserves of such a depository institution shall be determined by reducing the amount of required reserves computed under § 204.3 in accordance with the following schedule:

Periods:[1]	Percentage[2]
Jan. 2 to Dec. 31, 1986	87.5
Jan. 1, 1987 to Jan. 6, 1988	75
Jan. 7, 1988 to Jan. 4, 1989	62.5
Jan. 5, 1989 to Jan. 3, 1990	50
Jan. 4, 1990 to Jan. 2, 1991	37.5
Jan. 3, 1991 to Jan. 1, 1992	25
Jan. 2, 1992 to Jan. 6, 1993	12.5
Jan. 7, 1993 forward	0

[1] Maintenance periods occurring between.
[2] Percentage that computed reserves will be reduced.

(g) *Mergers and consolidations.* The following rules concerning transitional adjustments apply to mergers and consolidations of depository institutions:

(1) *Nonmembers.* Where the surviving institution of a merger or consolidation between nonmember depository institutions that were engaged in business on July 1, 1979 is a nonmember institution, it shall compute its transitional adjustment of reserve requirements under paragraph (a).

(2) *Member with surviving nonmember.* Where the surviving institution of a merger or consolidation between a nonmember bank and a bank that was a member bank on or after July 1, 1979, or after is a nonmember bank, it shall apply the transitional rules for member banks in paragraphs (b) or (d), as applicable, on the proportion of its deposits attributable to the absorbed member bank. This proportion will be the ratio that daily average deposits of the absorbed member bank were to the daily average deposits of the combined banks during the reserve computation period immediately preceding the date of the merger. The bank will compute and maintain reserves against the remaining proportion of deposits applying the transitional rules applicable to nonmember depository institutions in paragraphs (a), (c) or (e), as applicable. A ratio of vault cash also will be computed and applied.

(3) *De novo with surviving nonmember.* Where the surviving institution of a merger or consolidation between a depository institution that was engaged in business on July 1, 1979, and was not a member of the Federal Reserve System on or after that date, and a *de novo* depository institution is a nonmember depository institution, it

shall compute and maintain reserves applying the transitional rules for *de novo* depository institutions in paragraphs (c) or (e), as applicable, on a proportion of its deposits attributable to the absorbed *de novo* bank. This proportion will be the ratio that daily average deposits of the absorbed *de novo* institution were to the daily average deposits of the combined institutions during the reserve computation period immediately preceding the date of the merger. The institution will compute and maintain reserves against the remaining proportion of its deposits by applying the transitional rules applicable to nonmember depository institutions in paragraph (a). A ratio of vault cash also will be computed and applied.

(4) *Nonmember with surviving member.* Where the surviving institution of a merger or consolidation between a member bank and a nonmember bank is a member bank, it shall apply the transitional rules under paragraphs (a), (c) or (e), as applicable, only on the amount of deposits of the nonmember bank outstanding on a daily average basis during the computation period immediately preceding the date of the merger. Reserves will be computed and maintained against the balance of the deposits of the surviving member bank under paragraphs (b), (d) or (e), as applicable.

(5) *Members.* Where a merger or consolidation involves member banks, required reserves shall be computed and maintained under § 204.3, except that the amount of reserves which shall be maintained shall be reduced by an amount determined by multiplying the amount by which the required reserves during the computation period immediately preceding the date of the merger (computed as if the banks had merged) exceeds the sum of the actual required reserves of each bank during the same computation period times the appropriate percentage as specified in the following schedule:

Periods: [1]	Percentage [2]
1	87.5
2	75.0
3	62.5
4	50.0
5	37.5
6	25.0
7	12.5
8 and succeeding	0

[1] Reserve maintenance periods occurring during quarterly periods following merger.

[2] Percentage applied to difference to compete amount to be subtracted.

(6) *De novo with surviving member.* Where the surviving institution of a merger or consolidation between a bank that was a member bank at any time between July 1, 1979, and September 1, 1980, and a *de novo* depository institution is a member bank, it shall compute and maintain reserves by applying paragraph (e) only to the amount of deposits of the *de novo* institution outstanding on a daily average basis during the computation period immeidately preceding the date of the merger. Reserves will be computed and maintained against the remaining deposits of the surviving member bank under paragraphs (b) or (d), as applicable.

(7) *De novos.* Where a merger involves *de novo* depository institutions, required reserves shall be computed and maintained in accordance with § 204.3, except that the amount of reserves which shall be maintained shall be reduced by an amount determined by multiplying the amount by which the required reserves during the computation period immediately preceding the date of the merger (computed as if the depository institutions had merged) exceeds the sum of the actual required reserves of each depository institution during the same computation period, times the appropriate percentage as specified in the following schedule:

Periods: [1]	Percentage [2]
1	87.5
2	75.0
3	62.5
4	50.0
5	37.5
6	25.0
7	12.5
8 and succeeding	0

[1] Maintenance periods concerning during quarterly periods following merger.

[2] Percentage applied to compute amount to be subtracted.

§ 204.5 Emergency reserve requirements.

(a) *Finding by Board.* The Board may impose, after consulting with the appropriate committees of Congress, additional reserve requirements on depository institutions at any ratio on any liability upon a finding by at least five members of the Board that extraordinary circumstances require such action.

(b) *Term.* Any action taken under this section shall be valid for a period not exceeding 180 days, and may be extended for further periods of up to 180 days each by affirmative action of at least five members of the Board for each extension.

(c) *Reports to Congress.* The Board shall transmit promptly to Congress a report of any exercise of its authority under this paragraph and the reasons for the exercise of authority.

(d) *Reserve requirements.* At present, there are no emergency reserve requirements imposed under this section.

§ 204.6 Supplemental reserve requirements.

(a) *Finding by Board.* Upon the affirmative vote of not less than five members and after consultation with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration Board, the Board may impose supplemental reserve requirements on every depository institution of not more than 4 per cent of its total transaction accounts. This supplemental reserve requirement may be imposed if:

(1) the sole purpose of the requirement is to increase the amount of reserves maintained to a level essential for the conduct of monetary policy;

(2) the requirement is not imposed for the purpose of reducing the cost burdens resulting from the imposition of the reserve requirements under § 204.3;

(3) the requirement is not imposed for the purpose of increasing the amount of balances needed for clearing purposes; and

(4) on the date on which supplemental reserve requirements are imposed, the total amount of reserves required under § 204.3 is not less than the amount of reserves that would be required on transaction account and nonpersonal time deposits under the reserve ratios in effect on September 1, 1980.

(b) *Term.*

(1) If a supplemental reserve requirement has been required of depository institutions for a period of one year or more, the Board shall review and determine the need for continued maintenance of supplemental reserves and shall transmit annual reports to the Congress regarding the need for continuing the supplemental reserve.

(2) Any supplemental reserve requirement shall terminate at the close of the first 90-day period after the requirement is imposed during which the average amount of supplemental reserves required are less than the amount of reserves which would be required if the ratios in effect on September 1, 1980, were applied.

(c) *Earnings Participation Account.* A depository institution's supplemental reserve requirement shall be maintained by the Federal Reserve Banks in an Earnings Participation Account. Such balances shall receive earnings to be paid by the Federal Reserve Banks during each calendar quarter at a rate not to exceed the rate earned on the securities portfolio of the Federal Reserve System during the previous calendar quarter. Additional rules and regulations may be prescribed by the Board concerning the payment of

earnings on Earnings Participation Accounts by Federal Reserve Banks.

(d) *Report to Congress.* The Board shall transmit promptly to the Congress a report stating the basis for exercising its authority to require supplemental reserves under this section.

(e) *Reserve requirements.* At present, there are no supplemental reserve requirements imposed under this section.

§ 204.7 Eurodollar reserve requirements.

(a) *Reserves required.* In addition to the reserves required to be maintained under § 204.3, a depository institution and a United States branch or agency of a foreign bank shall maintain reserves against the sum of its Eurodollar liabilities described in this section applying the ratio set forth in § 204.9(a).

(b) *Eurodollar liabilities* are the sum of the following:

(1) *Certain deposits by foreign banking offices.* Deposits represented by promissory notes, acknowledgments of advance, or similar obligations described in § 204.2(a)(1)(vii) that are issued to any office located outside the United States of another depository institution organized under the laws of the United States or of a foreign bank, or to institutions whose time deposits are exempt from interest rate limitations under § 217.3(g) of Regulation Q (12 CFR 217.3(g)).

(2) *Foreign branch transactions with parent.*

(i) In the case of a depository institution organized under United States law,

(A) net positive balances due from its United States offices to its non-United States offices, and

(B) assets (including participations) held by non-United States branches that were acquired from its United States offices or from an affiliated Edge Corporation.

(ii) In the case of United States branches and agencies of a foreign bank,

(A) net positive balances due to its foreign bank (including offices thereof located outside the United States) after deducting an amount equal to 8 per cent of the United States branch's or agency's total assets less the sum of United States coin and currency, cash items in the process of collection and unposted debits, balances due from domestic banks and other foreign banks, balances due from foreign central banks, and net balances due from its foreign bank and its United States and non-United States offices; however, the amount that may be deducted may not exceed net balances due to the foreign bank (including offices thereof located outside the United States), and

(B) assets (including participations) held by its foreign bank (including offices of the foreign bank located outside the United States or its parent holding company that were acquired from the United States branch or agency) other than assets required to be sold by Federal or State supervisory authorities or from an affiliated Edge Act Corporation.

(3) *Foreign branch credit extended to United States residents.* Credit outstanding from the non-United States office of a depository institution organized under United States law to United States residents (other than assets acquired and net balances due from its United States offices), except credit extended (i) in the aggregate amount of $100,000 or less to any United States redident, (ii) by a non-United States office which at no time during the computation period had credit outstanding to United States residents exceeding $1 million, and (iii) to an institution that will be maintaining reserves on such credit pursuant to this Part. This subparagraph does not apply to United States branches and agencies of foreign banks. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affilitate") controlled by one or more domestic corporations will not be regarded as credit extended to a United States resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

§ 204.8 Penalties.

(a) *Penalties for Deficiencies.*

(1) *Assessment of Penalties.* Deficiencies in a depository institution's required reserve balance, after application of the 2 percent carryover provided in § 204.3(f) are subject to penalties. Penalties shall be assessed at a rate of 2 percent per year above the lowest rate in effect for borrowings from the Federal Reserve Bank on the first day of the calendar month in which the deficiencies occurred. Penalties shall be assessed on the basis of daily average deficiencies during each computation period. Reserve Banks may, as an alternative to levying monetary penalties, after consideration of the circumstances involved, permit a depository institution to eliminate deficiencies in its required reserve balance by maintaining additional reserves during subsequent reserve maintenance periods.

(2) *Waivers.* Reserve Banks may waive the penalty for reserve deficiencies except when the deficiency arises out of a depository institution's gross negligence or conduct that is inconsistent with the principles and purposes of reserve requirements. Each Reserve Bank has adopted guidelines that provide for waivers of small penalties. The guidelines also provide for waiving the penalty once during a two-year period for any deficiency that does not exceed a certain percentage of the depository institution's required reserves. Decisions by Reserve Banks to waive penalties in other situations are based on an evaluation of the circumstances in each individual case and the depository institution's reserve maintenance record. If a depository institution has demonstrated a lack of due regard for the proper maintenance of required reserves, the Reserve Bank may decline to exercise the waiver privilege and assess all penalties regardless of amount or reason for the deficiency.

(b) *Penalties for Violations.* Violations of this Part may be subject to assessment of civil money penalties by the Board under authority of section 19(1) of the Federal Reserve Act (12 U.S.C. § 505) as implemented in 12 CFR Part 263. In addition, the Board and any other Federal financial institution supervisory authority may enforce this Part with respect to depository institutions subject to their jurisdiction under authority conferred by law to undertake cease and desist proceedings.

§ 204.9 Reserve requirement ratios.

(a) *Reserve percentages.* The following reserve ratios are prescribed for all depository institutions:

Category	*Reserve requirement*
Net transaction accounts:	
$0-$25 million	3 percent of amount.
over $25 million	$750,000 plus 12 percent of amount over $25 million.
Nonpersonal time deposits	3 percent.
Eurodollars	3 percent.

(b) *Reserve ratios in effect during last computation period prior to September 1, 1980.*

Category: Net demand deposits, Deposit tranche	*Reserve requirement*
$0 to $2 million	7 percent
over $2 million-$10 million	$140,000 + 9½% of amount over $2 million.
over $10 million-$100 million	$900,000 + 11¾% of amount over $10 million.
over $100 million-$400 million	$11,475,000 + 12¾% of amount over $100 million.
over $400 million	$49,725,000 + 16¼% of amount over $400 million.
Savings deposits	3 percent.
Time deposits (subject to 3 percent minimum specified by law)..	
By initial maturity:	
30 to 179 days:	
$0 to $5 million	3 percent.
Over $5 million	6 percent.
180 days to 4 years	2½ percent.
4 years or more	1 percent.

Category: Net demand deposits, Deposit tranche	Reserve requirement
Supplementary requirement (applied to time deposits issued in denominations of $100,000 or more, time deposits represented by ineligible bankers' acceptances, or obligations issued by an affiliate of a depository institution).	2 percent.
Marginal reserve requirement (on manged liabilities in excess of the institution's manged liabilities base).	5 percent.

By order of the Board of Governors, June 4, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-17449 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-WE-24-AD]

Sperry Flight Systems Avionics Division, STARS Flight Director Instrument System; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require a wiring change on STARS Flight Director Instrument System. The proposed AD is needed to prevent an erroneous command display to the flight crew, which could occur under certain circumstances.

DATES: Comments must be received on or before July 14, 1980.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The applicable service information may be obtained from: Sperry Flight Systems, Avionics Division, P.O. Box 29000, Phoenix, Arizona 85038.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western REgion, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone (213) 536-6351.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There has been a report of invalid presentation of glide slope command information on the Sperry Flight Systems, Avionics Division STARS Flight Director System which could result in loss of the airplane in which the system is installed.

Since this condition is likely to exist on other products of the same type design, utilizing the Sperry RD 044 (P/N 2592920-44) or RD 444 (P/N 2592920-444) the proposed AD would require modification of the installation circuitry on airplanes equipped with Sperry Flight Systems, Avionics Division STARS Flight Director System.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Sperry Flight Systems, Avionics Division: Applies to the STARS, (Sperry Three Axis Reference Systems), Flight Director Systems installed on aircraft certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible erroneous presentation of glide slope information, accomplish the following:

(a) Within the next 100 hours' time in service from the effective date of this AD, or within 60 days from the effective date of this AD, whichever occurs sooner, revise the circuit hook-up so that the 28V bias voltage into receptacle J1-b, on the Sperry HSI RD 044 (P/N 2592920-44), RD 444 (P/N 2592920-444) is moved from the +28V dc source, (usually the Flight Director Circuit Breaker), to the +28V dc circuit breaker supplying the Glide Slope Receiver.

Note.—Sperry Flight Systems Division, Maintenance Manual for STARS Flight Director Instrument System, Pub. No. 15-3321-01 dated November 1969, revised 20 February 1980, shows proper connections.

Note.—Sperry Flight Systems Technical Newsletter 23-1979-02, Rev. 1 dated March 20, 1979, refers to this subject.

Note.—Beech Aircraft Corporation letter 900 380-281 dated 19 March 1980 refers to STARS installation in Beech Model 90, 100 and 200 aircraft.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the expected impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, Calif., on May 29, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-17374 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 80-ASW-18]

Airworthiness Directives; Bell Models 206A, 206B, 206A-1, 206B-1, and 206L Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections on all models, replacement as necessary, and a reduction in service life on the Model 206L, for tail rotor blades, P/N 206-010-750-005 and -007, installed on Bell Models 206A, 206B, 206A-1, 206B-1, and 206L helicopters. The proposed AD is needed to prevent inflight failure of the tail rotor blades, P/N 206-010-750-005 and -007, with resulting loss of helicopter control.

DATES: Comments must be received on or before June 27, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, Attention: Docket No. 80–ASW–18, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

Bell Service Information may be obtained from Product Support Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Tom Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW–212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the docket.

There have been six reported cases of blade skin chordwise cracks at tail rotor blade Station 9.1 on the Bell Model 206B and 206L helicopters. Four of these occurred on the 206B and two on the 206L. All cracks were discovered during the daily inspection. Reported blades had 530 to 1,105 hours time in service. Operations Safety Notice 206–79–5/206L–79–2, dated December 4, 1979, was issued on this subject and alerted operators on the importance of the daily inspection.

There has been one inflight failure of the subject blade on a military helicopter. The blade had 880 hours' time in service, and the failure was the result of an undetected crack. Since this condition is likely to exist or develop on other helicopters of the same type design, the proposed AD would require visual repetitive inspections and replacement as necessary of tail rotor blades, P/N 206–010–750–005 and –007, on Bell Model 206A, 206B, 206A–1, 206B–1, and 206L helicopters. In addition, the retirement time of the blades, when installed on the Model 206L, will be reduced from 1,200 hours to 500 hours. The load spectrum is more severe on these tail rotor blades when installed on the Model 206L helicopter.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Bell: Applies to Models 206A, 206B, 206A–1, 206B–1, and 206L helicopters, equipped with tail rotor blades P/N 206–010–750–005 and –007, certificated in all categories (Airworthiness Docket No. 80–ASW–18).

Compliance required as indicated.

To prevent possible failure of tail rotor blades, P/N 206–010–750–005 and –007, due to fatigue cracks, accomplish the following:

a. Before the first flight of each day after the effective date of this AD, visually check for chordwise cracks in the tail rotor blade skin surfaces in the area between Blade Station 7.1 and 11.1, using a three-power or higher magnifying glass. (Blade Station 0 is the center of the tail rotor yoke.)

b. Replace tail rotor blades having cracks before further flight.

c. Blades with 450 or more hours' time in service (as calculated in paragraph (e) below) on the effective date of this AD must be removed from service within the next 50 hours' time in service.

d. Blades with less than 450 hours' time in service (as calculated in paragraph (e) below) on the effective date of this AD must be removed from service prior to or on attaining 500 hours' time in service.

e. For purposes of this AD, hours' time in service is calculated by the following formula:

$$\frac{\text{206A/B time}}{2.4} + \text{206L time} = \text{Calculated time in service}$$

f. The check required by paragraph (a) of this AD may be performed by the pilot.

Note.—For the requirements regarding the listing of compliance and method of compliance with this AD in the aircraft permanent maintenance record, see FAR 91.173.

(Bell Helicopter Textron Operations Safety Notice No. 206–79–5/206L–79–2, dated December 4, 1979; Alert Service Bulletin Nos. 206–80–6, dated February 22, 1980, and 206L–80–8, dated February 22, 1980; and Technical Bulletin Nos. 206–78–3, dated July 18, 1978, and 206L–79–38, dated September 28, 1979, pertain to this subject.)

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Fort Worth, Tex., on May 16, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80–17193 Filed 6–06–80; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Airworthiness Docket No. 80–ASW–25]

Airworthiness Directives; Bell Models 204B, 205A–1, 212, 214B, and 214B–1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive that would provide for a reduction in retirement time from 2,400 hours to 1,200 hours or 2 years total time in service for the main rotor blade tension-torsion straps used on Bell Models 204B, 205A–1, 212, and 214B Series helicopters. The proposed AD is needed to preclude possible failure of a tension-torsion strap and loss of a main rotor blade.

DATE: Comments must be received on or before June 26, 1980.

ADDRESS: Send comments on the proposal in triplicate to: Regional Counsel, Attention: Docket No. 80–ASW–25, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. Bell service information may be obtained from Product Support Dept., P.O. Box 482, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Janes H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW–212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as

they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments recived. All comments submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested person.

There has been a recent offshore accident of a Bell Model 212 helicopter in which a main rotor blade tension-torsion strap, P/N 204–012–122–1, reportedly failed in flight after 2,140 hours' time in service with resulting loss of the main rotor blade. The investigation into the cause of the strap failure is continuing; however, preliminary information indicates that corrosion of the strap wires may have contributed to the strap failure.

The Model 212 strap is also common to the Bell Models 204B and 205A–1 helicopter. The Model 214B Series helicopter straps are also fabricated in the same manner as the Model 212 straps and are subject to the same environmental conditions. The military UH–1 series helicopters also use the same type of strap.

Since possible strength reduction of the tension-torsion straps due to corrosion or other causes is likely to occur on other Bell Model 212 helicopters and on the Models 204B, 205A–1, and 214B Series and the UH–1 Series helicopters, the proposed AD would require replacement of certain main rotor blade tension-torsion straps on or before attaining 1,200 hours' total time in service or require replacement on or before attaining 24 months' elapsed time from initial release to service whichever comes first, for the Bell Models 204B, 205A–1, 212, 214B, and 214B–1 helicopters and the UH–1 Series military helicopters. The proposal would establish a retirement time based on calendar time or time in service whichever would occur first.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Bell: Applies to Models 204B, 205A–1, 212, 214B, and 214B–1 helicopters and military UH–1 Series helicopters certificated in all categories.

Compliance required as indicated for helicopters equipped with main rotor straps, P/N 204–012–122–1, –5 or 214–010–179–1.

To preclude possible separation of a main rotor blade tension-torsion strap and loss of a main rotor blade, accomplish the following:

a. Within the next 100 hours' time in service after the effective date of this airworthiness directive (AD) remove and replace main rotor straps having:

(1) 1,100 or more hours of total time in service on the effective date of this AD or

(2) 24 or more months elapsed calendar time since initial installation as of the effective date of this AD, whichever comes first.

b. Remove and replace main rotor straps having less than 1,100 hours total time in service, or having less than 24 months elapsed time in service, on the effective date of this AD:

(1) Prior to attaining 1,200 hours' total time in service, or

(2) Prior to exceeding 24 months elapsed time in service, whichever comes first.

c. The helicopter may be flown in accordance with FAR's 21.197 and 21.199 to a base where this AD may be accomplished.

(Bell Helicopter Textron Alert Service Bulletin No. 212–80–17 pertains to this subject.)

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Fort Worth, Tex., on May 16, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80–17194 Filed 6–6–80; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 80–AL–7]

Designation of a Transition Area at St. Paul Island, Alaska

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at St. Paul Island, Alaska, to provide airspace to protect aircraft executing the instrument approach being developed for St. Paul Island Airport.

DATES: Comments must be received on or before July 10, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention, Chief, Air Traffic Division, Docket No. 80–AL–7, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426–3715.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaska Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before July 10, 1980 will be considered before action is taken on the proposed amendment. The proposed contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would establish a 700 foot transition area and a 1,200 foot

transition area at St. Paul Island Airport. This airspace is to protect aircraft executing the instrument approach procedure and instrument departure procedures being established. The proposed action would designate an area extending upward from 700 foot above the surface within a 10-mile radius of St. Paul Island Airport (Lat. 57°09'48"N., Long. 170°13'06"W.), and that airspace extending upward from 1,200 foot above the surface within a 50-mile radius of the St. Paul Island Marine NDB excluding that portion that is west of a line 4.5 miles west of the 360°T(347°M) and 215°T(202°M) bearing from the St. Paul Island Marine NDB. Section 71.181 of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 445).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) as follows:

Amend § 71.181 by designating a St. Paul Island Transition Area as follows:

St. Paul Island, Alaska.—That airspace extending upward from 700 feet above the surface within a 10-mile radius of St. Paul Airport (Lat. 57°09'48"N., Long. 170°13'06"W.), and that airspace extending upward from 1,200 feet above the surface within a 50-mile radius of the St. Paul Island Marine NDB excluding that portion that is west of a line 4.5 miles west of the 360°T and 215°T bearing from the St. Paul Island Marine NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on May 30, 1980.

William E. Broadwater,

Chief, Airspace and Air, Traffic Rules Division.

[FR Doc. 80-17192 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 79-NE-21]

Transition Area; Designation of the State of Maine as a 1,200-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to designate the entire State of Maine as a 1,200-foot transition area in the state and convert small segments of remaining uncontrolled airspace in the state (about 10 percent) to controlled airspace to be defined as the State of Maine Transition Area. The designation of the state transition area will permit the revoking of the Bangor, Houlton, Millinocket, Portland, Presque Isle and Sugarloaf, Maine, 1,200-foot transition areas.

DATES: Comments must be received on or before July 15, 1980.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 79-NE-21, 12 New England Executive Park, Burlington, Massachusetts 01803. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 79-NE-21, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before July 15, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue S.W.,

Washington, D.C. 20591, or by calling (202) 426–8085. Communications must identify the number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) which would designate the entire State of Maine and coastal waters as a 1,200-foot transition area. Approximately 90 percent of the airspace in the state is designated as a 1,200-foot transition area described under various geographical names. The major portion of the uncontrolled airspace being designated as controlled airspace is located west of Presque Isle. A considerable amount of IFR traffic traverses uncontrolled airspace between Presque Isle and Quebec, Canada. These aircraft can operate at any altitude while in uncontrolled airspace. Also, within this area numerous IFR military operations are conducted wherein aircraft operating on low level military IFR routes climb to altitudes above 18,000 feet. This crossing of traffic in uncontrolled airspace is creating a potential for a collision. This proposal enhances the safety of flight, simplifies charting, and enhances pilot capability in distinguishing boundaries of controlled airspace. The designation of the State of Maine as a 1,200-foot transition area will permit the revocation of several geographically named 1,200-foot transition areas.

The Proposed Amendment

Accordingly, the FAA proposes to amend Section 71.181 of Part 71 of the Federal Aviation Regulations [14 CFR 71.181] as follows:

1. By designating a new transition area to read:

Section 71.181; State of Maine Transition Area

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Maine, including offshore airspace beginning at latitude 44°47'45"N; longitude 66°53'00"W, extend by a line three nautical miles from and parallel to the U.S. shoreline to latitude 44°20'10"N; longitude 67°56'00"W, to latitude 44°18'30"N; longitude 67°56'00"W, to latitude 43°52'00"N; longitude 69°00'00"W, to latitude 43°48'00"N; longitude 69°03'00"W, to latitude 43°44'00"N; longitude 69°19'42"N, to latitude 43°41'00"N; longitude 69°30'00"W, to latitude 43°30'00"N; longitude 70°06'00"W, to latitude 43°18'15"N; longitude 70°25'00"W, to latitude 42°56'00"N; longitude 70°25'00"W, to latitude 42°56'00"N; longitude 70°34'00"W, thence to clockwise via the state boundary to point of beginning.

2. By amending the description of various transition areas as follows:

a. Portland, Maine

Delete, ". . . and that airspace extending upward from 1,200 feet . . ." and all after.

b. Bangor, Maine

Delete, ". . . and that airspace extending upward from 1,200 feet . . ." and all after.

c. Haulton, Maine

Delete, "That airspace extending upward from 1,200 feet . . ." and all after.

d. Millinacket, Maine

Delete, "That airspace extending upward from 1,200 feet . . ." and all after.

e. Presque Isle, Maine

Delete, "That airspace extending upward from 1,200 feet . . ." and all after.

f. Sugarlaaf, Maine

Delete the entire transition area.

[Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 USC 1348(a)) and Section 6(c) of the Department of Transportation Act (49 USC 1655(c) and 14 CFR 11.69)].

Note—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Interim Department of Transportation guidelines (43 FR 9582; March 9, 1978). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Mass., on May 27, 1980.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 80–17196 Filed 6–6–80; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 80–PC–4]

Alternation of Guam Island Transition Area

Correction

In FR Doc. 80–16084 appearing on page 36092 in the issue of Thursday, May 29, 1980, make the following correction:

In the middle column of page 36092, Under **The Proposal**, the eighth line, ". . . Runway 278." should have read ". . . Runway 27".

BILLING CODE 1505–01–M

---

14 CFR Part 71

Airspace Docket No. 80–AAL–8]

Alteration of Control Zone and Transition Area, Northway, Alaska; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to Notice of Proposed Rulemaking and extension of comment period.

SUMMARY: In a Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on May 12, 1980, Volume 45, Page 31130, the proposed alteration of the Northway control zone and transition area inadvertently omitted provision for adequate airspace to protect the proposed NDB instrument approach procedures and the existing VOR instrument approach procedure. This correction would redescribe the terminal airspace needed to protect the Northway approach and departure procedures.

DATE: The comment period on this proposed rule is extended to July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Jerry M. Wylie, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513, telephone (907) 271–5903.

SUPPLEMENTARY INFORMATION: **Federal Register** Document 80–14349 was published on May 12, 1980, (45 FR 31130), and proposed alteration of the Northway control zone and transition area. The proposal described only that airspace needed to protect one of two proposed NDB approaches to the Northway Airport and did not propose retention of adequate airspace to protect the present VOR approach. Action is taken herein to correct this error.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the proposed description of the Northway control zone and transition area contained in the **Federal Register** Document 80–14349, appearing on Page 31130 in the **Federal Register** of May 12, 1980, is corrected to read as follows:

Under § 71.171.—"Northway, Alaska. Within a 5 mile radius of Northway Airport (lat. 62°57.7' N., long. 141°55.6' W.); within 3 miles each side of the 076° bearing from the Nabesna NDB extending from the 5-mile radius zone to 8 miles east of the NDB; within 3 miles each side of the 256° bearing from the Nabesna NDB extending from the 5-mile radius zone to 8 miles west of the NDB

and within 3 miles each side of the 307° bearing from the Nabesna NDB extending from the 5-mile radius zone to 8 miles northwest of the Nabesna NDB."

Under § 71.181.—"Northway, Alaska. That airspace extending upward from 700 feet above the surface within 10 miles northeast and 10 miles southwest of the 304° and 124° bearings from Nabesna NDB, extending from 10 miles southeast to 20 miles northwest of the NDB; within 9.5 miles north and 4.5 miles south of the 076° bearing from the Nabesna NDB, extending from the NDB to 18.5 miles east of the NDB and within 4.5 miles north and 9.5 miles south of the 256° bearing from the Nabesna NDB extending from the NDB to 18.5 miles west of the NDB."

(This amendment is proposed under the authority of § 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); § 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 1134, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, and anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Anchorage, Alaska, on May 27, 1980.

Garland P. Castleberry,

Acting Director, Alaskan Region.

[FR Doc. 80-17268 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 80-SO-13]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Control Zone Meridian, Mississippi (NAS Meridian)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will alter the description of the Meridian, Mississippi (NAS Meridian) Control Zone by increasing the effective hours of operation from a part-time to a full-time (24-hour) Control Zone. This action would provide NAS Meridian with a full-time Control Zone.

DATES: Comments must be received on or before: July 7, 1980.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: John W. Schassar, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 7, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71) to alter the description of the Meridian, Mississippi (NAS Meridian) Control Zone. The U.S. Navy has requested the Control Zone hours be extended to a full-time (24-hour) operation. The weather observaion and reporting criteria will be provided by certified U.S. Navy observers on a 24-hour-day basis. The Flight Service Station at Key Field will provide airport advisory service when the NAS Meridian Control Tower is not in operation.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 (45 FR 356), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by deleting all after: ". . . south of the runway end . . ."

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Ga., on May 16, 1980.

W. B. Rucker,

Acting Director, Southern Region.

[FR Doc. 80-17197 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-11193, File No. S7-838]

Amendment to Definition of Terms "Employee" and "Officer" for Fidelity Bonding Purposes

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission today is proposing for comment an amendment to the fidelity bonding rule under the Investment Company Act of 1940 which will clarify the scope of the rule by explicitly requiring bonding of officers and employees of a depositor, trustee, investment adviser or other manager, and of any affiliated person of any such person, of the investment company, who, because they have access to securities or funds of the investment company, function as officers and employees of the investment company. This proposed amendment was developed by the Investment Company Act Study Group in the context of its re-

examination of the regulation of investment companies.

DATE: Comments must be received by July 18, 1980.

ADDRESSES: Send comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. (Refer to File No. S7–838.) All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Arthur J. Brown, Special Counsel (202) 272–2048, or Marsha Gilman, (202) 272–3036, Investment Company Act Study Group, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission today is proposing for comment an amendment to the fidelity bonding rule promulgated under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a–1 et seq.] which will clarify the scope of the rule. This proposed amendment was developed by the Investment Company Act Study Group in the context of its reexamination of the regulation of investment companies.

Section 17(g) of the Act [15 U.S.C. 80a–17(g)] is designed to protect investment company shareholders against larceny and embezzlement by providing broad authority to the Commission to require the bonding of investment company officers and employees against such behavior.[1] Pursuant to section 17(g), the Commission, in 1947, adopted rule 17g–1 [17 CFR 270.17g–1] requiring every management investment company to obtain a bond, and amended the rule in 1951, 1964 and 1974.[2] The rule presently provides, in substance, that every registered management investment company must obtain a fidelity bond whose form and amount must be determined by a majority of the investment company's board of directors who are not "interested persons of the investment company" [3] once each year; that a copy of the resolution of the disinterested directors approving the form and amount of the bond must be filed with the Commission; that, in the case of an "individual bond" or "single insured bond," written notice must be given by the acting party to the affected party and to the Commission not less than 60 days prior to the effective date of cancellation, termination or modification of the bond; and that the amount of the bond for any investment company named as an insured in a single or joint bond shall not be less than the minimum amounts of coverage set forth in a schedule based on the gross assets of the insured.

Paragraph (i) of rule 17g–1 [17 CFR 270.17g–1(i)] defines the terms "officer" and "employee" to include the officers and employees of the depositor, trustee, or investment adviser of any unincorporated open-end management investment company. The proposed amendment would expand this definition of the terms "officer" and "employee" to include, with respect to all registered management investment companies, the officers and employees of the depositor, trustee, investment adviser or other manager, and of any affiliated person of any such person, of the investment company. The purpose of the proposed amendment is to clarify the scope of rule 17g–1. Neither the existing definition nor the proposed amendment cause bonding to be required of any person who does not have access to the funds or securities of a registered investment company.

The Commission proposes this action to clarify any possible confusion which may exist over the scope of rule 17g–1 with respect to the persons intended to be covered by the fidelity bonding requirements. In *Research Equity Fund, Inc.* v. *Insurance Company of North America,*[4] the Court of Appeals for the Ninth Circuit recently held that the fidelity bonding requirements of section 17(g) of the Act and rule 17g–1 thereunder did not apply to the investment company's portfolio manager, who was furnished by the investment company's investment adviser, because that portfolio manager was not an employee of the investment company within the meaning of those provisions.[5] It does not appear that this issue has been decided in any other case. After the district court decisions in *Research Equity* and *Index Fund, Inc.* v. *Insurance Company of North America,* [1977–1978 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 96,198 (S.D.N.Y. 1977), *rev'd.* 580 F.2d 1158 (2d Cir. 1978), *cert. denied,* 99 S. Ct. 1226 (1979), another case dealing with fidelity bonding, the Commission issued an interpretive release discussing those cases and expressing the concern of the Division of Investment Management ("Division") that disinterested directors of investment companies review the companies' fidelity bonds to ensure adequate coverage to protect investors.[6] The Division further noted that, generally, substantially all investment company operations are conducted by employees who are supplied by an external investment adviser, thus necessitating a broad definition of "employee" in their fidelity bonds.[7]

The Commission believes the scope of section 17(g) extends to larceny or embezzlement of an investment company by any person who, by virtue of his position with a depositor, trustee, adviser or other manager of an investment company, or with any affiliated person of any of the foregoing, could misappropriate the assets of that investment company. Such persons, for all practical purposes, function as officers or employees of the investment company. Indeed, the Commission

---

[1] Section 17(g) states in pertinent part: The Commission is authorized to require by rules and regulations or orders for the protection of investors that any officer or employee of a registered management investment company who may singly, or jointly with others, have access to securities or funds of any registered company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities * * * be bonded by a reputable fidelity insurance company against larceny and embezzlement in such reasonable minimum amounts as the Commission may prescribe.

15 U.S.C. 80a–17(g) (1976).

[2] Investment Company Act Release No. 8627 (Mar. 14, 1974), 39 FR 10578 (Mar. 21, 1974); proposed in Investment Company Act Release No. 7980 (Sept. 7, 1973), 38 FR 26133 (Sept. 18, 1973), (setting forth minimum required amounts of coverage and permitting a registered management investment company to be named as an insured in a single or joint insured bond). Investment Company Act Release No. 4020 (July 24, 1964), 29 FR 11153 (Aug. 1, 1964); proposed in Investment Company Act Release No. 3922 (Mar. 3, 1964), 29 FR 3368 (Mar. 13, 1964), (providing for notice to the Commission in the event of cancellation, termination or modification of the bond or of defalcation by an officer or employee of an investment company, and for a determination once a year by the board of directors of adequacy, form and amount of the bond). Investment Company Act Release No. 1563 (Jan. 10, 1951); 16 FR 499 (Jan. 19, 1951), proposed in Investment Company Act Release No. 1488 (July 6, 1950), 15 FR 4413 (July 12, 1950), (defining the terms "officer" and "employee" for certain purposes). Investment Company Act Release No. 1112 (Oct. 2, 1947), 12 FR 6717 (Oct. 11, 1947), proposed in Investment Company Act Release No. 1083 (July 11, 1947), 12 FR 4792 (July 18, 1947), (implementing by rulemaking the provisions of section 17(g) of the Act).

[3] The term "interested person" is defined in section 2(a)(19) of the Act [15 U.S.C. 80a–2(a)(19)].

[4] 602 F.2d 200 (9th Cir. 1979), *cert. denied,* No. 79–584 (Mar. 24, 1980). In *Research Equity,* the Commission participated, *amicus curiae,* in various phases of that litigation by filing a memorandum in the district court, a statement of its views in the court of appeals, and a memorandum in support of rehearing in that court. The Solicitor General, pursuant to a request of the Supreme Court for a statement of the views of the United States, filed a brief in the Supreme Court stating that review by the Supreme Court was not essential in light of the Commission's rulemaking authority.

[5] 602 F.2d at 204–5.

[6] Investment Company Act Release No. 10393 (Sept. 8, 1978), 43 FR 41321 (Sept. 15, 1978).

[7] *Id.* at 41323.

believes existing rule 17g–1 had already reached such larceny and embezzlement. To the extent existing rule 17g–1 could be found inadequate to achieve its intended purpose, this proposal would define the technical terms "employee" and "officer" as used in section 17(g) in a manner which will include all persons who perform those functions for the investment company, even though furnished to the investment company by its investment adviser or other managing person. In the present context, the Commission is relying both on its rulemaking authority in section 17(g) and on the authority in section 38(a) of the Act [15 U.S.C. 80a–37(a)] to define "trade and technical terms" and to make such rules and regulations as are necessary and appropriate to the exercise of the powers conferred upon the Commission in the Act.

In the Findings and Declarations of Policy contained in section 1 of the Act [15 U.S.C. 80a–1], Congress has declared that one of its primary purposes in passing the Act, and in accordance with which its provisions shall be interpreted, was "to mitigate and, so far as is feasible, to eliminate" the problems which exist "when investment companies are organized, operated, managed, or their portfolio securities are selected, in the interest of directors, officers, investment advisers, depositors, or other affiliated persons thereof * * * rather than in the interest of all classes of such companies' security holders * * *." [15 U.S.C. 80a–1(b)(2)]. Furthermore, Congress asserted that the national public interest and the interest of investors are adversely affected "when investment companies are managed by irresponsible persons; * * *" [15 U.S.C. 80a–1(b)(4)]. The declarations of Congressional policy are reflected in section 17(g), which authorizes the Commission to require, by rules, "for the protection of investors" bonding of any officer or employee of a registered investment company who may have access to the funds or securities of any registered company against larceny and embezzlement. With respect to section 17(g), the Commission believes Congress intended to authorize the Commission to require, through the exercise of its rulemaking authority, fidelity bonds covering all persons who, by virtue of their position with the investment company, could misappropriate investment company assets. The purpose of fidelity bonding is to protect innocent third parties from harm. Since investment companies are usually managed by external advisory entities or have personnel supplied to them by such external entities [8] and those persons may have access to securities, effective administration of the Congressional mandate in section 17(g) requires that each such person be covered by a fidelity bond.[9]

The applicability of the fidelity bonding requirement cannot be intended to turn solely on how (or by whom) a person is compensated. Rather, section 17(g) must have been intended to encompass a broad, functional approach, and Congress must have intended the Commission to exercise its rulemaking authority to the fullest extent necessary to protect investment company shareholders.[10]

Fidelity bonding, in many respects, is a technical area of insurance and surety law and, as with other such subjects, Congress explicitly left implementation of section 17(g) to the exercise of the Commission's rulemaking authority. Furthermore, Congress gave general authority to the Commission in section 38(a) to use its expertise and experience to define trade and technical terms, and through rulemaking to exercise the powers otherwise conferred on the Commission. The Commission believes that the proposed amendment is appropriate and necessary to implement properly the Congressional objectives of those sections.

In Investment Company Act Release No. 10393,[11] the Commission issued a statement of the Division of Investment Management which emphasized that it is incumbent upon disinterested directors to review the fidelity bonds of their investment companies, keeping in mind the recent court decisions regarding certain of the provisions which often appeared in such bonds.[12] The Division specifically referred to new riders to fidelity bonds received by investment companies after the district court decision *Research Equity* and suggested that "[w]here appropriate, in conducting such reviews, consideration should be given to obtaining an opinion from the insurance carrier writing the insurance that the policy issued will solve the problems exemplified in" the *Research Equity* and *Index Fund* district court decisions.[13] While obtaining a new fidelity bond might require some negotiation and time, because of the apparent availability of bonds which would conform to the new rule and because of the amount of attention which investment company directors can be presumed to have directed recently to the fidelity bonding area, the Commission intends that amended rule 17g–1, if adopted, be effective 90 days after its adoption.

We note that rule 17g–1, as presently written, was a precursor of the Commission's current Investment Company Act Study efforts in that it gives substantial responsibility to investment company directors, especially the disinterested directors, to address and resolve business matters of significant complexity and importance. In that regard, a further purpose to be served by this proposed rulemaking would be to clarify the standards to be applied by investment company directors in reviewing the adequacy of their investment company's fidelity bond.

Text of Amended Rule

It is proposed to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations by revising paragraph (i) of § 270.17g—1 to read as follows:

§ 270.17g–1 Bonding of officers and employees of registered management investment companies.

* * * * *

(i) The terms "officer" and "employee" shall include, for the purposes of this rule, the officers and employees of the depositor, trustee, investment adviser or other manager, and of any affiliated person of any such

[8] In the 1966 report on Public Policy Implications of Investment Company Growth, H.R. Rep. No. 2337, 89th Cong., 2d Sess. 45, 49–50 (1966), the Commission noted that nearly all open-end investment companies receive their investment advice and management from an investment adviser. Such investment companies historically have had virtually no employees of their own and have relied on the investment adviser to provide their employees. *Id.* at 49–50.

[9] Fulfilling this mandate necessarily involves a broad definition of the terms "employee" and "officer." It should be noted that such a broad definition of the term "employee" has been used for purposes of another section of the Act. The General Counsel of the Commission issued an opinion in 1941 that attorneys on a general retainer from an investment company are "employees" of the investment company for purposes of then existing section 10(a) of the Act [15 U.S.C. 80a–10(a) (1940)] in determining whether an investment company board of directors consists of persons more than 60 percent of whom are employees or persons in specified relations to the company. Investment Company Act Release No. 214 (Sept. 15, 1941).

[10] To forestall possible misinterpretation in an analogous area, the Commission amended rule 17g–1 to add a definitional section in 1951. Investment Company Act Release No. 1563 (Jan. 10, 1951), 16 FR 499, (Jan. 19, 1951). The Commission stated that it was defining the terms "officer" and "employee" to include officers and employees of investment advisers, depositors or trustees of unincorporated investment companies, for purposes of the rule. That amendment clarified the rule with respect to the employees and officers to whom the rule is to apply when the investment company may technically and legally have none.

[11] *See* n. 6, *supra.*

[12] 43 FR at 41323.

[13] *Id.*

person, of the registered management investment company.

* * * * *

(Sections 17(g) [15 U.S.C. 80a-17(g)] and 38(a) [15 U.S.C. 80a-37(a)] of the Act)

By the Commission.

George A. Fitzsimmons,

Secretary.

June 2, 1980.

[FR Doc. 80-17331 Filed 6-6-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. R-80-819]

24 CFR Part 203

Mutual Mortgage Insurance and Insured Home Improvement Loans, Single Family Housing; Non-competitive Sale of HUD-Owned Properties to Community Based Organizations (CBO's)

AGENCY: U.S. Department of Housing and Urban Development, Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: HUD is planning to develop regulations which deal with the non-competitive sale of HUD-owned properties to Community Based Organizations (CBOs). By this document, HUD gives advance notice of its intent to: (1) Develop regulations concerning sales to CBOs; and (2) solicit advice and comments from the public prior to issuance of a specific proposed rule.

DATES: Comments received by August 8, 1980, will be considered prior to the publication of a proposed rule.

ADDRESS: Comments should be mailed or delivered to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Freeman B. Grote, Director, Preservation and Sales Division, Office of Single Family Housing, Office of the Deputy Assistant Secretary for Single Family Housing and Mortgagee Activities, Department of Housing and Urban Development, Washington, DC 20410, (202) 755-8680. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The purpose of this Advance Notice of Proposed Rulemaking is to advise the public of HUD's intent to develop regulations which will permit the noncompetitive sale of HUD-owned properties to Community Based Organizations (CBOs) and to solicit advice and comments from the public prior to the issuance of a specific proposed rule.

Under the property disposition program, HUD acquires properties from mortgagees (lending institutions) who have foreclosed defaulted mortgages which were insured under HUD mortgage insurance programs. After foreclosure has been completed, the properties are conveyed to HUD by the mortgagees in exchange for the payment of a mortgage insurance claim. The mortgage insurance funds from which these claims are paid are derived from processing fees, mortgage insurance premiums, collections on notes and mortgages held by HUD, interest on investments and, in a significant amount, proceeds from the sale of HUD-owned properties.

Properties owned by HUD are normally sold to the general public on a competitive bid basis to the individual submitting the highest offer meeting or exceeding a minimum acceptable sales price. Three basic methods of sale are utilized: as-is, all cash without a one year structural and operating systems warranty and without HUD mortgage insurance; required sales with a one year warranty and HUD mortgage insurance; and razing and sale of the vacant lot. In connection with these three basic methods of sale, HUD accepts offers from both owner occupant and investor purchasers although it is the Department's policy to give a priority to those offers submitted by owner occupants. Where qualified owner occupant offers are received, investor offers are not considered. Thus, owner occupants are not required to compete against investor purchasers in establishing the highest acceptable bid price. However, HUD is considering developing a program to sell properties in an as-is condition to CBOs without requiring them to participate in the competitive bidding process with other prospective purchasers. HUD intends to use this program in certain locations where it decides that such involvement is beneficial in terms of coping with large concentrations of vacant properties and increasing CBO involvement in neighborhood activities as well as providing savings to HUD. It is anticipated that this change will increase the participation of CBOs in neighborhood preservation activities and will expedite the repair and return of properties to private ownership.

The sale of HUD-owned properties to Community Based Organizations will be developed from two existing programs which involve the sale of properties in an as-is condition. These existing programs which serve as the basic model to develop an improved version of sales to CBOs are the Property Release Option Program (PROP) and the Bulk Sales Program. The PROP program involves the donation of properties which have a zero or negative value, i.e., those properties whose estimated cost of continued care and handling exceed the estimated net return to HUD from their sale. PROP properties are transferred to units of local governments who may use the properties for any legitimate purpose, including Urban Homesteading Programs and other locally developed programs. The Bulk Sales Program is the sale of properties in an as-is condition at a sales price determined by subtracting, from the estimated repaired price, the estimated cost of repairs, sales commission, sales closing costs and other allowable expenses. Normally, sales packages of five or more properties are sold under the Bulk Sales Program to investor purchasers. This sale technique is used in areas where the volume of acquisitions, complexity of repair programs, lack of qualified outside property management capability or shortage of HUD staff create a need to seek assistance in the expeditious repair of properties.

The sale of HUD-owned properties is governed by the Federal Property Management Regulations which require competition except that noncompetitive sales and donations are permitted to units of local governments. Therefore, units of local governments are normally provided with the first opportunity to purchase properties either individually or under the PROP and Bulk Sales Program. Because the Federal Property Management Regulations permit noncompetitive sales and donations to units of local governments only, sales of PROP and bulk sale properties to CBOs will require that properties be conveyed to a unit of local government who will in turn transfer them to CBOs. Although CBOs may now bid competitively on individual and bulk sale offerings, the concepts of PROP and bulk sales applied to individual sales are particularly adaptable to sales to CBOs in cooperation with units of local governments.

Participating CBOs will be required to repair the properties which they can then sell to individual homeowners.

Therefore, the CBOs must be able to demonstrate adequate capability to accomplish repair and sale of the properties. It is envisoned that sales to CBOs will be utilized where consideration of neighborhood stabilization and preservation dictates the involvement of CBOs or where there is a lack of bulk sale investor purchasers and the typical homeowner purchaser requires specialized assistance or services.

Major elements being considered for inclusion in a CBO sales program are as follows:

(1) CBOs will purchase properties at a sales price determined by subtracting from the estimated repaired price of the property such items as:

(a) The estimated cost of repairs.

(b) Sales commission based on the typical prevailing rate in the community.

(c) Taxes for the estimated period of ownership by the CBO, not to exceed six months.

(d) An allowance for savings to HUD in holding costs not to exceed $2,000.

(2) HUD local office staff will be required to review and approve CBOs and to monitor performance standards.

(3) CBOs will be required to complete repairs on properties in accordance with HUD repair specifications within six months of purchase. The terms of sale will include a conditional commitment by HUD, in a stated mortgage amount, for insured mortgage financing upon satisfactory completion of repairs and resale to a qualified individual homeowner. Repair specifications used in determining the sales price to the CBO will be incorporated as repair conditions in the conditional commitment.

(4) HUD must retain responsibility and control of the sale of all HUD-owned properties. Therefore, no exclusive rights to purchase all HUD-owned properties in a given area shall be granted to CBOs, nor shall CBOs be permitted to purchase a greater number of properties than the CBO can be reasonably expected to repair and sell within a reasonable period of time.

(5) CBOs will be required to qualify for participation based on the following elements, as well as other requirements:

(a) Possess or have the potential to perform all essential phases of the repair and marketing of properties to low- and moderate-income families and individuals.

(b) Be able to provide or make satisfactory provisions to provide individual home buyers with assistance in qualifying for loans to finance the purchase of the property from the CBO and to qualify under HUD's mortgage credit criteria.

(c) Demonstrate adequate financial and physical capability to accomplish the repair and sale of the properties transferred.

(d) Have an office in the area in which the properties purchased are located.

(e) Have Internal Revenue Service nonprofit status and be established as a Nonprofit Housing Corporation where State laws require such status.

(f) Be able to establish to HUD's satisfaction that the organization's primary concern is in promoting certain interests of the homeowners or residents of the area in which the properties are located rather than having primarily a business motivated concern. That is, a CBO must be willing to operate on a break-even or not-for-profit basis to serve the community's interests. Although administrative overhead and normal operating expenses would be considered in pricing properties, the purchase, rehabilitation and resale of properties should not be viewed as a fund generating operation for their other activities.

(g) Have or be able to demonstrate an ability to provide arrangements for staffing of its program operations including staffing of office space and access to adequate technical staff expertise.

The Department has made a preliminary finding that this rulemaking does not necessitate preparation of a regulatory analysis. Also, it is not expected that this rulemaking will involve an impact on the environment and, therefore, no environmental impact statement is planned.

During this initial stage of rulemaking, HUD solicits comments and recommends on program design. Specifically, comments are requested on the above program criteria and on the following questions:

(1) What changes should be made in the present property disposition procedures to achieve a successful CBO sales program?

(2) What are the advantages and disadvantages of implementing the proposed rule?

(3) Are there alternative means of accomplishing the rule's objectives?

(4) What should be the criteria to qualify CBOs for participation?

(5) What should be the role of units of local governments?

It is requested that comments be submitted in writing to the Rules Docket Clerk. Communications should identify the regulatory docket number. Interested persons are invited to comment on the need for rulemaking and whether there may be practical alternatives to regulation. Commentors are urged to address the questions and issues stated above but need not limit their comments to those questions or issues.

A decision to terminate this rulemaking proceeding will not prejudice any future rulemaking by this Department.

(Secs. 203 and 211 of the National Housing Act, as amended (12 U.S.C. 1709 and 1715b)

Issued at Washington, D.C., May 29, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-17172 Filed 6-6-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 48

[CC:LR-13-80]

Manufacturers and Retailers Excise Tax Treatment of Articles Sold Tax-Free for Exportation Under Section 4221(a)(2) Upon Their Subsequent Importation Into the United States

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the Manufacturers and Retailers Excise Tax Regulations relating to the excise tax treatment of articles previously sold tax free for exportation under section 4221(a)(2) of the Internal Revenue Code of 1954 upon their subsequent return to the United States. The regulations would affect and provide guidance to importers of previously exported articles that are returned to the United States in an unused condition.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 8, 1980. The amended regulations are proposed to be effective 30 days after publication of the Treasury decision in the Federal Register.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Kyllikki Kusma of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Attention: CC:LR:T, 202-566-3267, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Manufacturers and

Retailers Excise Tax Regulations (26 CFR Part 48) under section 4221 of the Internal Revenue Code of 1954 (Code). These amendments are proposed to revise § 48.4221–3(a) of the regulations, and are to be issued under the authority contained in section 7805 of the Code (68A Stat. 917; 26 U.S.C. 7805). If this notice is adopted as a Treasury decision, Rev. Rul. 56–562, 1956–2 C.B.798 will be modified to limit is application to articles previously sold tax free which subsequently are imported to the United States in a used condition.

Importation of Previously Exported Articles

Section 48.4221–3 is currently silent with respect to the excise tax treatment of articles that previously are sold tax free for exportation but which subsequently are imported to the United States in an unused conditon. The proposed regulations provide that the importer of these articles is subject to the excise tax imposed by Chapter 32 of the Code on the subsequent sale or use of the imported article in the United States.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these proposed regulation amendments is Kyllikki Kusma of the Legislation and Regulation 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 in matters of substance and style.

Proposed Amendments to the Regulations

It is proposed to amend 26 CFR Part 48 by redesignating § 48.4221–3(a) as § 48.4221–3(a)(1) and by adding a new § 48.4221–3(a)(2) to read as follows:

§ 48.4221–3 Tax-free sale of articles for export, or for resale by the purchaser to a second purchaser for export.

(a) *In general*—(1) * * *

(2) If an article, otherwise taxable under chapter 32 of the Code—

(i) Is sold tax free by the manufacturer pursuant to section 4221(a)(2) and this section, and

(ii) Is returned subsequently to the United States in an unused and undamaged condition,

then the importer is liable for the tax imposed by chapter 32 on the subsequent sale or use of the article in the United States. The provisions of this paragraph (a)(2) may be illustrated by the following examples:

Example (1). Q, a U.S. motor vehicle manufacturer, previously sold a truck chassis to R, a company in Canada. The sale was tax free under section 4221(a)(2). R mounted a truck body on the truck chassis and sold the completed vehicle to S. Thereafter S sold the completed new vehicle to T who imported the vehicle into the United States and sold it. The sale of the completed truck subjects T to an excise tax liability under section 4061(a)(1) with respect to both the body and the chassis.

Example (2). X, a U.S. manufacturer of buses, sold a bus to Y, a company in France. The sale was tax free under section 4221(a)(2). The bus was sold by Y to the city of Nice, France. After initial use, the city determined that the bus was not suited for its needs and resold the bus to X. X returned the bus to the United States where it was resold. The resale of the bus by X does not subject X to an excise tax liability under section 4061(a)(1).

* * * * *

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80–17448 Filed 6–6–80; 8:45 am]

BILLING CODE 4830–01–M

---

26 CFR Part 48

[LR–175–78]

Excise Tax on Fuel Used in Commercial Waterway Transportation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the new excise tax on the use of fuel in commercial waterway transportation. Changes to the applicable tax law were made by the Inland Waterways Revenue Act of 1978. The regulations would provide the public with the guidance needed to comply with that Act and would affect all operators of commercial vessels used on certain inland and intracoastal waterways.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 8, 1980. These regulations are proposed to apply to fuel consumed after September 30, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, LR–175–78, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: John R. Harman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, LR–175–78, 202–566–4351, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed Excise Tax Regulations (26 CFR Part 48) under section 4042 of the Internal Revenue Code of 1954 (Code). These regulations are proposed to conform the regulations to the amendment of the Code made by section 202 of the Inland Waterways Revenue Act of 1978 (Pub. L. 95–502, 92 Stat. 1696) and are to be issued under the authority contained in section 7805 of the Code (68A Stat. 917; 26 U.S.C. 7805).

These regulations meet the Treasury criteria for significant regulations.

The Act of 1978

In general, the Inland Waterways Revenue Act of 1978 (the "Act") imposes an excise tax on the use of liquid fuel in commercial waterway transportation. It taxes only fuel used by certain types of commercial vessels along particular inland and intracoastal waterways. The purpose of the Act is to compensate the federal government for expenditures on improvements and repairs in the inland waterway system which makes waterway transportation more commercially feasible.

Commercial Transportation Vessels Moving Empty of Cargo

Congress intended to tax the operators of the types of vessels which will be benefited by expenditures under the Act (operators of vessels used generally for commercial waterway transportation). Thus, by imposing a tax on the use of "fuel in a vessel in commercial waterway transportation," Congress intended to tax fuel consumed in vessels used generally for commercial waterway transportation, rather than limit the tax to fuel consumed by vessels while actually engaged in commercial transportation. Accordingly, the regulations provide that fuel consumed in a vessel used generally for commercial transportation, is taxable, regardless of whether the vessel is actually engaged in the transportation of

property on a particular voyage. Section 48.4042–1(f)(1) provides that fuel used in a commercial transportation vessel is subject to the tax while moving empty of cargo, while awaiting passage through locks, while moving to and from a repair facility, and while maneuvering around loading and unloading docks.

Nonpropulsion Fuels

By imposing a tax on the use of liquid fuel, Congress intended to impose a tax similar to a preexisting tax on liquid fuel used in motor vehicles (Code section 4041), which was interpreted to apply only to propulsion fuels. Accordingly, § 48.4042–1 provides that only propulsion fuels are subject to the tax imposed by section 4042. Fuel consumed to maintain cargo temperatures and fuel used by nonpropulsion motors is not taxed.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these proposed regulations is John R. Harman 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.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 48 are as follows:

Paragraph. There are added immediately after § 48.4041–14 the following new sections:

§ 48.4042–1 Tax on fuel used in commercial transportation on inland waterways.

(a) *In general.* Section 4042(a) imposes an excise tax on the use of liquid fuel in the propulsion system of commercial transportation vessels while traveling on certain inland and intracoastal waterways (*see* § 48.4042–1(f)). The tax is generally applicable to all types of vessels including ships, barges, and tugboats. It is in addition to all other taxes imposed on the sale or use of fuel.

(b) *Amount of tax.* The tax imposed by section 4042(a) shall be determined from the following table:

If the use occurs	*The tax is*
After September 30, 1980 and before October 1, 1981	4 cents a gallon
After September 30, 1981 and before October 1, 1983	6 cents a gallon
After September 30, 1983 and before October 1, 1985	8 cents a gallon
After September 30, 1985	10 cents a gallon

(c) *Person liable for tax.* The person operating the vessel in which the propulsion fuel is consumed is the user of liquid fuel for purposes of section 4042(a). Thus, a person who operates (or whose employees operate) a vessel is responsible for filing returns and paying the tax. If a vessel owner (or lessee) contracts with an independent contractor to operate the vessel, then the independent contractor is the user of liquid fuel for purposes of section 4042(a), regardless of who purchases the fuel.

(d) *Time of use.* Fuel is not taxed by section 4042(a) when put into a vessel's tanks. For purposes of section 4042(a), fuel is used when it is actually consumed by a vessel's engine.

(e) *Liquid fuels.* For purposes of section 4042(a), liquid fuel includes any liquid fuel, including—

(1) Diesel fuel, or

(2) Bunker C residual fuel oil, or

(3) Special motor fuel as defined in paragraph (f) of § 48.4041–7, or

(4) Gasoline as defined in paragraph (b) of § 48.4082–1.

(f) *Commercial waterway transportation*—(1) *In general.* For purposes of section 4042(a) and § 48.4042–2(c)(1), the term "commercial waterway transportation" means the use of a vessel on the waterways specified in paragraph (g) of this section if—

(i) Use of the vessel is in the business of transportation property for compensation or hire, or

(ii) Use of the vessel is in transporting property in the business of the owner, lessee, or operator of the vessel (whether or not a fee is charged).

Except for the operation of certain fishing vessels, the operation of all vessels satisfying the requirements of this paragraph (f) of this section will be deemed "commercial waterway transportation," regardless of whether the vessel is actually engaged in the transportation of property on a particular voyage. Thus, "commercial waterway transportation" includes the operation of vessels while moving empty of cargo, while awaiting passage through locks, while moving to or from a repair facility, and while maneuvering around loading and unloading docks.

(2) *Fishing vessels exception.* A vessel does not transport property in the business of the owner, lessee, or operator, for purposes of paragraph (f)(1)(ii) of this section, by merely transporting fish or other acquatic animal life caught on the voyage. The tax imposed by section 4042(a) does not apply to fuel used by a fishing vessel while traveling to a fishing site, while engaged in fishing, or while returning from the fishing site with its catch. However, the tax applies to fuel used by a commercial vessel along the taxable waterways while traveling to pick up aquatic animal life caught by another vessel and while transporting the catch of such other vessel.

(g) *Specified waterways.* Only fuel used on those waterways described in section 206 of the Inland Waterways Act of 1978 (the "Act") is taxable. The waterways described in the Act are as follows:

(1) Alabama-Coosa Rivers: From Junction with the Tombigbee River at river mile (hereinafter referred to as RM) O to junction with the Coosa River at RM 314.

(2) Allegheny River: From confluence with the Monongahela River to form the Ohio River at RM O to the head of the existing project at East Brady, Pennsylvania, RM 72.

(3) Apalachicola-Chattahoochee and Flint Rivers; Apalachicola River from mouth at Apalachicola Bay (intersection with the Gulf Intracoastal Waterway) RM O to junction with Chattahoochee and Flint Rivers at RM 107.8. Chattahoochee River from junction with Apalachicola and Flint Rivers at RM O to Columbus, Georgia, at RM 155 and Flint River, from junction with Apalachicola and Chattahoochee Rivers at RM O to Bainbridge, Georgia, at RM 28.

(4) Arkansas River (McClellan-Kerr Arkansas River Navigation System); From junction with Mississippi River at RM O port of Catoosa, Oklahoma, at RM 448.2.

(5) Atchafalaya River: From RM O at its intersection with the Gulf Intracoastal Waterway at Morgan City, Louisiana, upstrem to junction with Red River at RM 116.8.

(6) Atlantic Intracoastal Waterway: Two inland water routes approximately paralleling the Atlantic coast between Norfolk, Virginia, and Miami, Florida, for 1,192 miles via both the Albermarle and Chesapeake Canal and Great Dismal Swamp Canal routes.

(7) Black Warrior-Tombigbee-Mobile Rivers: Black Warrior River System from RM 2.9, mobile River (at Chickasaw

Creek) to confluence with Tombigbee River at RM 45. Tombigbee River (to Demoplis at RM 215.4) to port of Birmingham, RM's 374—411 and upstream to head of navigation on Mulberry Fork (RM 429.6), Locust Fork (RM 407.8), and Sipsey Fork (RM 430.4).

(8) Columbia River (Columbia-Snake Rivers Inland Waterways); From The Dalles at RM 191.5 to Pasco Washington (McNary Pool), at RM 330, Snake River from RM O at the mouth to RM 231.5 at Johnson Bar Landing, Idaho.

(9) Cumberland River: Junction with Ohio River at RM O to head of navigation, upstream to Carthage, Tennessee, at RM 313.5.

(10) Green and Barren Rivers: Green River from junction with the Ohio River at RM 0 to head of navigation at RM 149.1.

(11) Gulf Intracoastal Waterway: From St. Mark's River Florida, to Brownsville, Texas, 1,134.5 miles.

(12) Illinois Waterway (Calumet-Sag Channel): From the junction of the Illinois River with the Mississippi River RM 0 to Chicago Harbor at Lake Michigan, approximately RM 350.

(13) Kanawha River: From junction with Ohio River at RM 0 to RM 90.6 at Deepwater, West Virginia.

(14) Kaskaski River: From junction with the Mississippi River at RM 0 to RM 36.2 at Fayetteville, Illinois.

(15) Kentucky River: From junction with Ohio River at RM 0 to confluence of Middle and North Forks at RM 258.6.

(16) Lower Mississippi River: From Baton Rouge, Louisiana, RM 233.9 to Cairo, Illinois, RM 953.8.

(17) Upper Mississippi River: From Cairo, Illinois, RM 953.8 to Minneapolis, Minnesota, RM 1,811.4.

(18) Missouri River: From junction with Mississippi River at RM 0 to Sioux City, Iowa, at RM 734.8.

(19) Monongahela River: From junction with Allegheny River to form the Ohio River at RM 0 to junction of the Tygart and West Fork Rivers, Fairmont, West Virginia, at RM 128.7.

(20) Ohio River: From junction with the Mississippi River at RM 0 to junction of the Allegheny and Monongahela Rivers at Pittsburgh, Pennsylvania, at RM 981.

(21) Ouachita-Black Rivers: From the mouth of the Black River at its junction with the Red River at RM 0 to RM 351 at Camden, Arkansas.

(22) Pearl River: From junction of West Pearl River with the Rigolets at RM 0 to Bogalusa, Louisiana, RM 58.

(23) Red River: From RM 0 to the mouth of Cypress Bayou at RM 236.

(24) Tennessee River: From junction with Ohio River at RM 0 to confluence with Holstein and French Rivers at RM 652.

(25) White River: From RM 9.8 to RM 255 at Newport, Arkansas.

(26) Willamette River: From RM 21 upstream of Portland, Oregon, to Harrisburg, Oregon, at RM 194.

§ 48.4042-2 Special rules.

(a) *Dual use of liquid fuels*—(1) *Dual use by the propulsion engine.* The tax imposed by section 4042(a) applies to all taxable liquid used as a fuel in the propulsion system of the vessel, regardless of whether the engine (or other propulsion system) is used for a purpose other than propulsion of the vessel. The tax does not apply to fuel consumed in an engine which does not generate propulsion of a vessel. Where the propulsion engine operates special equipment by means of a power take-off or power transfer, the tax applies to all liquid fuel consumed by that engine. For example, the tax applies to all fuel used in the engine operating an alternator, generator, or pumps, if that engine is the same engine generating the propulsion of the vessel.

(2) *Common tank.* If the liquid fuel consumed by a nonpropulsion engine is drawn from the same tank as fuel consumed by a propulsion engine, a reaonable determination of the quantity of fuel used in such separate engine will be acceptable for purposes of excluding from taxation a portion of the fuel consumed by the vessel. The determination of the amount of fuel consumed by the non-propulsion engine may be based primarily on the operating experience of the person using the fuel; however, in order to exclude fuel from taxation under the rule set out in this paragraph (a)(2), the taxpayer must maintain records which will support the allocation used.

(b) *Voyages crossing boundaries of the specified waterways.* Fuel consumed by a vessel crossing the boundaries of waterways specified by section 206 of the Act is taxable only to the extent of fuel consumed for propulsion within the specified waterways. Generally, the operator may calculate the amount of fuel consumed along the specified waterways during a particular voyage by multiplying total fuel consumed in the propulsion engine by a fraction. The numerator of the fraction is the number of miles traveled on the specified waterways; the denominator is the total miles traveled on the voyage. This calculation may not be used where it is unreasonable. It may be determined to be unreasonable by:

(1) Better evidence of fuel consumed (*e.g.*, readings from an accurate fuel gauge or the results of the operator's previous experience); and

(2) The existence of other factors substantially affecting fuel consumption on the voyage (*e.g.*, a wide disparity between the currents on the taxable and non-taxable waterways or a disproportionate amount of time required for navigation of the taxable waterways).

(c) *Records required.* (1) All operators of vessels used in commercial waterways transportation who acquire liquid fuel, either delivered in storage tanks or tanks on a vessel, must maintain adequate records of all fuel used for both taxable and nontaxable purposes. Such records shall include:

(i) Quantity of fuel acquired and date of acquisition of all liquid fuels;

(ii) Date and quantity of fuel pumped into tanks on each vessel;

(iii) Identification numbers of each vessel using fuel;

(iv) Departure time, departure point, route traveled, destination and arrival time for each vessel.

(2) Vessel operators seeking a tax exclusion provided by section 4042(c) must maintain records which will support any exclusion claimed. Where applicable, the records shall contain:

(i) The draft of the vessel on each voyage (for exclusion under section 4042(c)(1));

(ii) The type of vessel in which fuel is consumed and the type of vessel in which cargo is transported; (for exclusion under section 4042(c) (1), (2) or (4)); and

(iii) The ultimate use of cargo transported (for exclusion under section 4042(c)(3)).

(d) *Date for filing return.* The return (Form 720, Quarterly Federal Excise Tax Return) must be filed and the tax paid by the last day of the first month following the quarter in which tax liability has accrued. Thus for the first taxable quarter (October through December 1980) the return is due and taxes are payable on January 31, 1981.

§ 48.4042-3 Certain types of commercial waterways transportation excluded.

(a) *Deep-draft ocean-going vessels*—(1) *In general.* Under section 4042(c)(1), there is no tax imposed by section 4042(a) if:

(i) The vessel was designed primarily for use on the high seas; and

(ii) The vessel has a draft of more than 12 feet on the voyage for which the fuel tax exclusion is sought (*e.g.*, 12 feet 1 inch).

(2) *Meaning of "designed primarily for use on the high seas."* Section 4042(c)(1) requires a determination of the primacy of the design features

rendering the vessel useful for service on the high seas, as opposed to the features which render the vessel useful for service on all less turbulent waters. Thus, whether a ship is "designed primarily for use on the high seas" must be determined from all the facts, including structural features and equipment. If the predominant use of a vessel is on the high seas, it shall be presumed to be "designed primarily for use on the high seas." If the predominant use of a vessel is on waters other than the high seas, it shall be presumed not to be "designed primarily for use on the high seas."

(3) *Meaning of "high seas."* For purposes of this section, "high seas" shall mean waters other than the territorial waters of the United States or any country. Thus, the high seas shall not include the internal waters of any country, the Great Lakes, harbors, or narrow coastal indentation.

(4) *Twelve foot draft*—(i) *Definition.* For purposes of section 4042(c)(1), "draft" shall mean the maximum vertical distance between the mean water line and bottom of the keel. In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft shall be measured from the deepest appendage. A separate determination of draft must be made for each voyage when the vessel has its greatest load or cargo and fuel. For purposes of this determination, the term "voyage" means a round trip voyage. Therefore, if a vessel travels into the specified waterway system to pick up cargo and has a draft sufficient to qualify for the exclusion when loaded, then for purposes of section 4042(c)(1) the vessel will satisfy the 12 foot draft requirement for the entire voyage. Similarly, if a vessel loaded with cargo travels into the specified waterway system with a draft sufficient to qualify for the exclusion provided by section 4042(c)(1), then the fuel consumed on the entire voyage may be excluded, regardless of the vessel's draft after the cargo is unloaded.

(ii) *Example.* The following example illustrates the application of paragraph (a)(4)(i) of this section.

Example: A ship with a design draft of 20 feet (maximum certified draft when fully loaded) travels into a taxable waterway with only a partial load, such that the draft is 12 feet. The ship unloads and departs the waterway empty. The portion of the fuel consumed for propulsion of the vessel on the specified waterway is taxable because only vessels with a draft greater than 12 feet are eligible for the section 4042(c)(1) exclusion from tax.

(b) *Commercial passenger vessels.* Under section 4042(c)(2), the tax imposed by section 4042(a) does not apply to fuel consumed by vessels used primarily for the transportation of persons. Thus, commercial passenger vessels while being operated as passenger vessels are not subject to tax, even if such vessels in fact transport property in addition to transporting passengers. Similarly, ferry boats carrying passengers are not subject to tax, even if such vessels carry the passengers' automobiles.

(c) *Exclusion for State or local governments*—(1) *In general.* Under section 4042(c)(3), there is no tax imposed by section 4042(a) if:

(i) The vessel is being used by a State or local government; and

(ii) The vessel is being used in transporting property in the State or local government's business.

(2) *State or local government.* For purposes of paragraph (c)(1)(i) of this section a "vessel is being used by a State or local government" if it is operated by any State, the District of Columbia, or any political subdivision of a State.

If a private party is contracted to haul for a State or local government, the vessel is not "being used by a State or local government." Similarly, if a person other than a State or local government is contracted to supply vessel operators, the fuel consumed by the vessel is not used "by a State or local government," regardless of ownership of the vessel. However, where a local government leases barges and employees of the local government operate the barges, the vessel is being used by the local government.

(3) *Government business.* The test for whether a vessel is being used "in transporting in a State or local government's business," within the meaning of paragraph (c) (1) (ii) of this section, is whether the ultimate use of the cargo is for a function which is ordinarily carried out by governmental units. For example, where the cargo transported is salt to be spread on icy roads, the vessel is being used "in transporting in a State or local business" because the use to which the cargo will be put (road maintenance) is a function ordinarily performed by governmental units. Fuel consumed in a vessel transporting property for compensation or in furtherance of a business not ordinarily carried out by a governmental unit is not excluded from taxation by section 4042 (c) (3).

(d) *Ocean-going barges.* Under section 4042 (c) (4), the tax imposed by section 4042 (a) does not apply to fuel consumed by tugs moving exclusively barges released by ocean-going carriers solely to pick up or deliver international cargos. The tax exclusion provided by section 4042 (c) (4) applies to LASH barges, SEABEE barges, and all other ocean-going barges carried aboard ocean-going vessels. There is no exclusion under section 4042 (c) (4) when either—

(1) The ocean-going barge is not on an international voyage, or

(2) Part of the cargo carried is not being transported internally.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-17523 Filed 6-6-80; 8:45 am]

BILLING CODE 4830-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Valuation of Plan Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of proposed change in the method for setting the interest rate and factors.

SUMMARY: This action gives notice of and invites comments on a proposed new method the Pension Benefit Guaranty Corporation would use to set its interest rate and factors. The interest rate and factors are used to value benefits for immediate and deferred annuities provided under terminating pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

Currently, the method used by the Pension Benefit Guaranty Corporation to set its interest rate and factors results in those numbers being published after the period of time for which they are effective. Under this proposed method, the Pension Benefit Guaranty Corporation would be able to establish a new interest rate and the other factors on a prospective basis, before the period of time for which they are applicable. The interest rate and other factors would be issued in the same format as is currently used. Establishing these numbers on a prospective basis will enable plan administrators and plan sponsors to value plan benefits prior to termination and will enable the Pension Benefit Guaranty Corporation to process plan terminations more quickly.

DATES: Comments should be submitted on or before August 8, 1980.

ADDRESSES: Comments should be sent to: Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street NW., Washington, D.C. 20006. Each person submitting comments should include his

or her name and address, identify this notice and give reasons for any recommendations. PBGC requests members of the public to submit comments on this proposal on or before August 8, 1980. Copies of written comments will be available for examination at the Pension Benefit Guaranty Corporation, Public Reference Room, Suite 7000, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT:
Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. (202) 254–4895.

SUPPLEMENTARY INFORMATION:

Background

The Pension Benefit Guaranty Corporation's Interim Regulation on Valuation of Plan Benefits (29 CFR, Part 2610) sets forth various formulas to be used to value the different types of pension plan benefits. The PBGC must value benefits because, under section 4041 of the Employee Retirement Income Security Act of 1974 ("ERISA"), the PBGC must determine, as of the date of plan termination, whether a pension plan has sufficient assets to pay all guaranteed benefits provided by the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits provided by the plan. In addition, the PBGC must value plan benefits to determine the amount of any employer liability for an insufficient plan owed to PBGC under sections 4062, 4063 or 4064 of ERISA, as applicable. These sections specify that the current value of the benefits should be used to calculate the employer liability.

The current value of a benefit as of a specific date is equal to the amount of money needed on that date in order to be able to pay the benefit over future years, taking into account reasonable and current expectations as to mortality, administrative expenses and interest earnings (*i.e.*, the rate of return to be earned on the investment of the money). Because these expectations change from time to time, the factors used to determine the current value of benefits must also change. This notice addresses how the PBGC proposes to change the method it uses to determine the interest rate assumption used to value immediate annuities and the factors (k_1, k_2, k_3, n_1 and n_2) used with the interest rate to value deferred annuities. (The interest rate and the factors together are sometimes referred to in this Notice as simply "the rates.") The interest rate used to value death benefits other than the decreasing term insurance portion of a cash refund annuity is not affected by this proposed change; it will remain at 5%.

Under usual insurance practices, the interest rate assumption would be an estimate of the rate of return to be earned during a future interval of time on funds set aside to meet future benefit obligations. The PBGC believes that its relatively brief period of investment experience is neither sufficient nor necessarily an appropriate basis from which to project future earnings. Further, the PBGC believes it would not be appropriate for it to set rates which produce benefit values (annuity prices) that are significantly different from the prices of annuities offered by private insurers. Accordingly, PBGC will continue its practice of setting its interest rate and factors so as to produce benefit values that are intended to be comparable to prices offered by private insurers.

PBGC's Current Method of Setting Interest Rates

To date, the PBGC interest assumption for immediate annuities and the factors for deferred annuities have been set with the intent that when the rate and factors are coupled with PBGC's mortality assumptions, they will produce benefit values for immediate and deferred annuities that are generally in line with the private insurance industry's annuity prices. (However, the rates themselves would not be the same because, among other things, PBGC's interest assumptions include an adjustment for the anticipated expenses associated with providing these benefits. This differs from the insurance industry practice of adding on expenses as a separately identifiable charge.)

Currently, the interest rate and factors and derived primarily from price quotes given by private insurers for the purchase of large blocks of single premium, non-participating annuities (with administrative expenses excluded). These quotes are reported quarterly to the PBGC by the private insurers on a delayed basis and should reflect the prices being quoted to prospective buyers by the insurers during the most recent quarter. After receiving this data, the PBGC analyzes it in order to determine PBGC's interest rate for immediate annuities and the factors for deferred annuities, for the quarter to which the quotes applied. Thus, the PBGC has been setting its rates after the period of time to which they apply.

The drawbacks to this retroactive system of setting rates are obvious: neither plan administrators nor PBGC can make an accurate valuation of plan benefits until after the plan termination date, and thus processing of termination cases is often delayed.

Proposed New Method of Setting Interest Rates

The PBGC proposes to adopt a method of setting its interest rate and factors that would enable it to set a new rate and factors before the period of time for which they will be effective. The prospective rates would be derived from a statistical model developed by the PBGC from data the PBGC has assembled since its creation. The model reflects the historical relationship between financial markets (primarily fixed income) and private insurers' annuity price quotes. The model enables the PBGC to use the current level of appropriate fixed income and any other relevant financial markets to predict for the near future the interest rate implicit in the prices for immediate annuities offered by private insurers. The PBGC interest rate for immediate annuities would be the rate so predicted. The factors for deferred annuities would bear a fixed relationship to the interest rate for immediate annuities. Therefore, there would be just one set of factors for deferred annuities corresponding to each interest rate for immediate annuities.

Under the proposed new system, the PBGC would continue to receive its quarterly survey of private insurers' annuity price quotes, and would compare these annuity price quotes and the interest rates implicit therein with the PBGC rates established under this new system. In addition, PBGC would compare on a continuing basis various combinations of fixed income and other relevant financial markets with the interest rates derived from the annuity price quotes. The PBGC also anticipates comparing the survey of price quotes with other sources of annuity prices. All of this data would be used to evaluate the accuracy of the statistical model being used and, when appropriate, to refine the model for use in future periods.

Under this proposal, PBGC would change the interest rate in effect only when the model indicates a change of at least one-quarter percentage point (¼%), and the interest rate would change in only one-quarter percentage point (¼%) increments. Typically the interest rate would remain in effect for at least one month, and there would be no fixed schedule for changing the rates.

The PBGC proposes to change its interest rate in only one-quarter percentage point (¼%) increments so as

to minimize the administrative burdens associated with interest rate changes and to provide some certainty as to what the rates will be in the near future. Changes of less than one-quarter percentage point (¼%) would not be made because the construction of new valuation tables necessitated by such a change would be too burdensome administratively when compared to the slight increase in accuracy in the resulting valuation. (In order to assist plan administrators and others in working with the interest rates, the PBGC plans to issue, concurrently with the first publication of the prospective interest rate and factors, a rate book containing tables of actuarial factors based on interest rate assumptions from 6% to 11%, in increments of one-quarter percentage point (¼%).)

If a change of one-half percentage point (½%) or more is indicated in one month, PBGC would change its rate by one-quarter percentage point (¼%) and would continue to monitor the market to determine if the need for a greater change continues; if so, a subsequent one-quarter percentage point (¼%) change would be made, and so on until no further change is indicated. Based on PBGC's experience to date it is anticipated that changes larger then one-quarter percentage point (¼%) will, in fact, seldom be warranted.

Under the proposed new system, rate changes normally would be announced by the 15th of the month, to become effective on the 1st of the next month. Thus, by the 15th of any month, the PBGC rate and factors for the next month will be known and the PBGC rate and factors for the second month can be predicted within one-quarter percentage point (¼%) each way. This will enable plan administrators to know within certain limits the value of plan benefits before the proposed termination date. In most cases, a one-quarter percentage point (¼%) change in the interest rate would not significantly alter the total value of plan benefits.

Advantages of the New Method

The ability to perform a fairly accurate valuation of plan benefits before the termination date would be helpful to plan administrators, both in terms of deciding whether to terminate a plan and in actually carrying out the plan termination. The PBGC also expects that having the interest rate and factors available on a prospective basis will help speed its processing of plan terminations and contribute generally to the more efficient administration of the plan termination insurance program.

The availability of PBGC rates, and thus the ability to value plan benefits, prior to the plan termination date is also important to plan sponsors. Plan sponsors need to be able to calculate the value of benefits to determine the amount of any employer liability due. Under ERISA, employer liability for a plan insufficiency is owned as of the date of plan termination, and therefore, the liability must be paid as of that date in order to avoid the assessment of interest on the employer liability. (*See* PBGC's proposed regulation on Employer Liability for a Single Employer Plan Termination, 45 FR 34899.

Further, plan sponsors might want to be able to compute the value of plan benefits prior to the plan termination date in order to decide whether to make a commitment to make the plan sufficient (see PBGC's Proposed Regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans, 41 FR 48504 (November 3, 1976)). PBGC contemplates that under the final sufficiency regulation, a plan sponsor would be able to make an irrevocable commitment prior to the date of termination to pay any insufficiency of a plan so that the PBGC will issue the plan a Notice of Sufficiency. Obviously, many plan sponsors will not want to make such a commitment without having a fairly good idea of the magnitude of the commitment.

Procedures for Issuing Rates Under the New Method

As was mentioned above, under this proposed system for setting the interest rate, whenever a rate change is warranted, the PBGC usually would publish the new rate by the 15th of the month, to be effective on the 1st of the next month. The rate would remain in effect until a new rate is called for, but generally for at least one month. The PBGC would not publish a notice when the interest rate remains the same as the previous month; only notice of rate changes would be published.

This schedule would require that PBGC publish the interest rate and factors immediately in final form, without first giving notice and an opportunity for public comment on the rate and factors. If PBGC were to allow time for notice and comment, the rates either would not be issued prospectively or would be considerably less reliable because they would have to be calculated several months in advance of their effective date. PBGC believes that the need to publish its interest rate and factors prospectively and to make them as accurate as possible warrants adopting the procedure discussed herein. Under this procedure, however, the PBGC would invite public comments at any time and would consider such comments in setting future rates.

It should be noted that publication of the rates in final form only is consistent with the present system used to issue the quarterly interest rate. On February 29, 1979 (44 FR 10398), PBGC solicited comments on a proposal that the quarterly interest rate and factors set under the current method be issued in final form without being published in a Notice of Proposed Rulemaking. All the comments received agreed with the proposal, and the PBGC has since issued the quarterly interest rate and factors in final form, without providing for prior notice and comment. The PBGC expects to continue this practice under the new system of publication. Of course, this proposal may be changed in light of the public comments received.

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)))

Issued on the 3d day of June 1980.

Ray Marshall,

Chairman, Pension Benefit Guaranty Corporation.

Issued on the date set forth above pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice.

Henry Rose,

Secretary, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc. 80-17270 Filed 6-6-80; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 183

[CGD 80-047]

Electrical Systems Standard for Recreational Boats

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations on electrical systems for recreational boats by adopting a more recent version of one of the industry standards incorporated by reference in the regulations. The standard lists insulated electrical cables which meet certain water absorption and flame retardancy requirements. Adoption of the more recent version of the standard would allow changes made in cable types and designations to be reflected in the Coast Guard's requirements for electrical systems on recreational boats.

DATES: Comments must be received on or before July 24, 1980.

ADDRESS: Address comments to: Comments should be mailed to Commandant (G–CMC/24), (CGD 80–047), U.S. Coast Guard, Washington, DC 20593. Between the hours of 7 a.m. and 5 p.m., Monday through Thursday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Lysle B. Gray, Office of Boating Safety (G–BBT/42), U.S. Coast Guard Headquarters, Washington, DC 20593 (202) 426–4027.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each comment submitted should include the name and address of the person submitting it, identify this notice (CGD 80–047) and give reasons for the comment. Those desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed post card or envelope.

The proposal may be changed in view of the comments received. All comments received will be considered before final action is taken on this proposal. Copies of all written comments received will be available for inspection by interested persons at the Marine Safety Council address noted above. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Discussion of the Proposed Rule

The Coast Guard Electrical System standard in Subpart I of 33 CFR Part 183 requires the use of insulated electrical cables which meet certain water absorption and flame retardancy requirements. Section 183.435(a) states in part, that each conductor in a circuit that has a nominal voltage of 50 volts or more must be a conductor that meets IEEE Standard 45–1971 dated December 3, 1970. IEEE Standard 45–1971 lists insulated cable types and designations. The Institute of Electrical and Electronic Engineers has issued a newer version, 45–1977, dated June 30, 1977. The major difference between the two versions of the standard is that the latest version lists a lesser number of cable types and designations reflecting current commerical practices, more sophisticated materials, and changes in specifications and designations.

The Coast Guard is not aware of any boat manufacturers who manufacture their own electrical cable. This item is generally obtained from suppliers who manufacture it in accordance with the IEEE standard. As a practical matter a boat manufacturer would have no difficulty obtaining electrical cable manufactured in accordance with the latest version of the IEEE standard. In the case of manufacturers who have purchased a large inventory of electrical cable manufactured in accordance with the older version of the standard, this type would still be acceptable to the Coast Guard if this proposal were adopted. It is therefore unlikely that any burden will be imposed upon the boat manufacturer.

As most manufacturers are already complying with the latest version of the IEEE standard, they should be similarly unaffected by the proposal. It has therefore been determined to have insufficient economic impact to warrant preparation of a draft evaluation.

In consideration of the foregoing, the Coast Guard proposes to amend Part 183 of Title 33, Code of Federal Regulations by revising § 183.435(a)(3) to read as follows:

§ 183.435 Conductors in circuits of 50 volts or more.

(a) * * *

(3) A conductor that meets IEEE Std. 45–1977; dated June 30, 1977.

* * * * *

(46 U.S.C. 1454, 1488; 49 CFR 1.46(n)(1))

Dated: June 2, 1980.

H. Lohmann,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc. 80–17114 Filed 6–6–80; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 183

[CGD 80–046]

Fuel Systems Standard for Recreational Boats

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations on fuel systems for recreational boats by adopting a more recent version of one of the industry standards incorporated by reference in the regulations. The standard prescribes performance requirements for USCG Type A fuel hose. Adoption of the more recent version of the standard would allow changes made in performance testing of this hose to be reflected in the Coast Guard's requirements for fuel systems on recreational boats.

DATES: Comments must be received on or before July 24, 1980.

ADDRESS: Address comments to: Comments should be mailed to Commandant (G–CMC/24), (CGD 80–046), U.S. Coast Guard, Washington, DC 20593. Between the hours of 7 a.m. and 5 p.m., Monday through Thursday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Lars E. Granholm, Office of Boating Safety (G–BBT/42), U.S. Coast Guard Headquarters, Washington, DC 20593 (202) 426–4027.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each comment submitted should include the name and address of the person submitting it, identify this notice (CGD 80–046) and give reasons for the comment. Those desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed post card or envelope.

The proposal may be changed in view of the comments received. All comments received will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons at the Marine Safety Council address noted above. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Discussion of the Proposed Rule: The Coast Guard Fuel System standard in Subpart J of 33 CFR Part 183 requires the use of "USCG Type A Hose" in certain fuel system installations. Section 183.505 defines "USCG Type A Hose", in part, as hose that meets the performance requirements of UL Standard 1114 dated September 15, 1976. UL Standard 1114 covers flexible fuel line hose for use in marine fuel systems for conducting gasoline and/or diesel fuel. Underwriters' Laboratories has issued a newer version of UL 1114 dated October 22, 1979. The major difference between the newer version of the standard and the version presently incorporated by reference is that the newer version specifically refers to USCG Type A and USCG Type B fuel hoses, the use of which is a requirement in the Fuel

Systems standard. In addition, several new performance tests have been added to reflect changes in materials and to insure fuel hose strength.

The Coast Guard is not aware of any boat manufacturers who manufacture their own fuel hose. This item is generally obtained from suppliers who manufacture it in accordance with UL Standard 1114. As a practical matter a boat manufacturer would have no difficulty obtaining fuel hose manufactured in accordance with the latest version of the UL standard. In the case of manufacturers who have purchased a large inventory of fuel hose manufactured in accordance with the older version of the standard, this type would still be acceptable to the Coast Guard if this proposal were adopted. It is therefore unlikely that any burden will be imposed upon the boat manufacturer.

As most manufaturers of USCG Type A Hose are already complying with the latest version of the UL standard, they whould be similarly unaffected by the proposal. It has therefore been determined to have insufficient economic impact to warrant preparation of a draft evaluation.

In consideration of the foregoing, the Coast Guard proposes to amend Part 183 of Title 33, Code of Federal Regulations by revising clause (2) of the definition of "USCG Type A Hose" in § 183.505 to read as follows:

§ 183.505 Definitions.

* * * * *

"USCG Type A Hose" means hose that meets the performance requirements of—

(1) * * *

(2) UL Standard 1114 dated October 22, 1979.

(46 U.S.C. 1454, 1488; 49 CFR 1.46(n)(1))

Dated: June 2, 1980.

H. Lohmann,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc. 80-17113 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Poisons and Controlled Substances-Nonmailability; Further Extension of Comment Period

AGENCY: Postal Service.

ACTION: Proposed rule: Extension of time for comment.

SUMMARY: This notice extends by six months the time for filing comments on all but one portion of a proposal that would amend regulations concerning the mailing of poisons, poisonous drugs and medicines, and controlled substances. As to that portion of the proposal which would delete the present requirement to register mail containing some drugs, this notice extends by thirty days the time for filing comments.

DATE: Comments must be received on or before December 8, 1980 with respect to all aspects of the proposal except deletion of the registered mail requirement. Comments on the latter proposal must be received by July 9, 1980.

ADDRESS: Written comments should be sent or delivered to the Assistant General Counsel, Consumer Protection Division, Law Department, Room 9014, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, at the above location.

FOR FURTHER INFORMATION CONTACT: George C. Davis, (202) 245-4385.

SUPPLEMENTARY INFORMATION: On March 27, 1980, a document was published in the **Federal Register** (45 FR 20118) proposing a number of amendments to the regulations on the mailability of poisons and controlled substances. The purpose of the amendments is to reflect current administrative practices and eliminate ambiguities which might lead to mailings not permitted by statute. By a notice published in the **Federal Register** on April 22, 1980 (45 FR 26983) we granted an additional thirty day comment period.

Based upon the comments received thus far, it would seem to be in the public interest to make a lengthy extension of the comment period, until December 8, 1980, on all parts of the proposal except that portion dealing with deletion of the registered mail requirement, in order to ensure sufficient time for all who would be affected by the major part of the proposal to prepare and send their expresions of views. As to the fairly simple deletion of the registered mail requirement, a thirty day extension of time until July 9, 1980, would seem to be sufficient.

(39 U.S.C. 401(2), 18 U.S.C. 1716)

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 80-17369 Filed 6-6-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1506-8]

Approval and Promulgation of Nonattainment Plan for Wisconsin

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed Rulemaking.

SUMMARY: This notice proposes rulemaking on a revision to the Wisconsin State Implementation Plan (SIP) pursuant to Part D of the Clean Air Act (Act) as amended in 1977. The revision pertains to the requirements for new source review in nonattainment areas. The purpose of this notice is to discuss the results of the United States Environmental Protection Agency (USEPA) review of the revision and to solicit public comments on the revision and on USEPA's proposed action.

DATE: Comments on these revisions and on USEPA's proposed action are due by July 9, 1980. To be considered, comments must be postmarked no later than thirty days from the publication of this Notice of Proposed Rulemaking. If, however, interested parties require additional time to comment on USEPA proposed rulemaking actions, they can petition USEPA at the above address for an extension of the comment period. Requests for extension of the comment period must be received by USEPA prior to the close of the thirty day comment period announced in this Notice of Proposed Rulemaking.

ADDRESSES: Copies of these revisions to the SIP are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707.

COMMENTS SHOULD BE SENT TO: Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn

Street, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962; 40 CFR Part 81) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act, USEPA designated certain areas in Region V States as not meeting the National Ambient Air Quality Standards (NAAQS) for total suspended particulates, sulfur dioxide, carbon monoxide, photochemical oxidants, and nitrogen dioxide. Part D of the Clean Air Act, added by the 1977 Amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. One of these requirements is that each SIP require permits for the construction and operation of new or modified major stationary sources. These permits are to be issued in conformance with the requirements of section 173 of the Act. Regulatory requirements related to preconstruction review are contained at 40 CFR 51.18.

To satisfy, among other things, the requirements for a new source review program in nonattainment areas, the State of Wisconsin submitted revisions to its SIP on July 12, 1979. Additional background material was submitted by the State on September 4, 1979. On November 27, 1979, the State submitted copies of its air pollution control statutes and of its administrative regulations implementing the statutory powers and duties. The statutes and regulations contain changes from the statutes and regulations in the Wisconsin State Implementation Plan which was federally approved in 1973. On May 1, 1980, the State submitted copies of recent, significant revisions to its air pollution control laws, including new source review procedures. In today's Notice, USEPA proposes rulemaking only on the portions of these statutes and regulations which address new source review in nonattainment areas. The other changes will be discussed in a Notice of Proposed Rulemaking to be issued shortly.

In the discussion below, USEPA specifies portions of the proposed revisions to the Wisconsin SIP which it considers disapprovable, approvable or conditionally approvable. For minor deficiencies, USEPA proposes to approve the SIP on the condition that the State provide strong assurance that the deficiency will be corrected in accordance with a schedule to be negotiated between the State and the USEPA Regional Office. The July 2, 1979 (44 FR 38583) and November 23, 1979 (44 FR 76182) **Federal Registers** discuss conditional approvals in more detail.

Wisconsin Preconstruction Review Program for Nonattainment Areas

To be approvable under Part D, a preconstruction review program must assure that permits for proposed major sources and major modifications are issued in conformance with the statutory requirements of section 173 of the Act. In addition, if an extension of the attainment date beyond 1982 is necessary, the plan must also require, before issuance of a permit to a source in an area needing an extension, an analysis of alternative sites, sizes, and other factors which demonstrates that the benefits of the proposed source significantly outweigh the environmental and social costs.

As a result of a recent decision by the United States Court of Appeals for the District of Columbia Circuit, USEPA has proposed revisions to the regulations for new source review in nonattainment areas. In June, 1979, the court held invalid key provisions of regulations for the prevention of significant deterioration (PSD) in attainment areas in "Alabama Power Company v. Costle" (13 ERC 1225). The court reaffirmed its decision in a final opinion issued December 14, 1979 (13 ERC 1993). Although the court's decision only addressed the PSD regulations, some of its reasoning appears applicable to new source review for nonattainment areas. Consequently, on September 5, 1979, USEPA published a notice (44 FR 51924) proposing comprehensive amendments not only of the PSD regulations but also to its regulations affecting new source review in nonattainment areas. USEPA proposed in that notice to approve any State plan that would meet the existing SIP approval criteria or the criteria proposed in the September 5, 1979 Notice. The State of Wisconsin has chosen to meet the criteria proposed in the September 5, 1979 **Federal Register.** On May 13, 1980 (45 FR 31307) USEPA took final action on portions of the September 5, 1979 proposal. This action added new paragraphs j and k to 40 CFR 51.18.

The following sections of Chapter 144 of the Wisconsin Statutes as revised by Chapter 34 and Chapter 221 of the Session laws of 1979 and of Chapters 154 and 155 of the Wisconsin Administrative Code substantially contain, among other things, Wisconsin's authority and regulations for its preconstruction reveiw program in nonattainment areas:

(1) From Chapter 144, Wisconsin Statutes

(a) Section 144.01(1), (2), (3), (9m) & (12)—Definitions
(b) Section 144.30—Air Pollution Definitions
(c) Section 144.31—Air Pollution Control Power and Duties
(d) Section 144.34—Inspections
(e) Section 144.371—Identification of Nonattainment Areas
(f) Section 144.375—Air Pollution Control: Standards and Determinations
(g) Section 144.38—Classification and Reporting
(h) Section 144.391—Air Pollution Control Permits
(i) Section 144.392—Permit Application and Review
(j) Section 144.393—Criteria for Permit Approval
(k) Section 144.394—Permit Conditions
(l) Section 144.395—Alteration, Suspension and Revocation of Permits
(m) Section 144.396—Permit Duration
(n) Section 144.397—Permit Renewal
(o) Section 144.398—Failure to Adopt Rule or Issue Permit for Exemption
(p) Section 144.399—Fees
(q) Section 144.402—Petiton for Alteration
(r) Section 144.403—Hearings on Certain Air Pollution Actions
(s) Section 144.423—Violations—Enforcement
(t) Section 144.426—Penalties for Violations Relating to Air Pollution
(u) Section 144.98—Enforcement; Duty of Department of Justice; Expenses

(2) From Chapter 34 and Chapter 221, Laws 1979
(a) Section 2033(1)—Air Pollution Study
(b) Section 1039(4g)—Air Pollution Revisions: Implementation
(c) Section 2039(4m)—Air Pollution Revisions: Impact on Existing Orders and Rules

(3) From Chapters NR 154 and NR 155, Wisconsin Administrative Code
(a) Section NR 154.01—Definitions
(b) Section NR 154.03—Nonattainment Areas; Sources Affected
(c) Section NR 154.04—Notice of Intent (Direct and Indirect Sources)
(d) Section NR 154.05—Action on Application
(e) Section NR 154.055—Relocation of Portable Sources
(f) Section NR 154.06—Source Reporting, Recordkeeping, Testing Inspection and Operations
(g) Section NR 155.01—Definitions
(h) Section NR 155.02—Applicability of Air Standards
(i) Section NR 155.03—Air Standards

As discussed below, USEPA has reviewed the portions of these statutes and regulations applying to preconstruction review in

nonattainment areas in light of the requirements of section 173 of the Clean Air Act, 40 CFR Part 51.18 including new paragraphs j and k (45 FR 31307), and the regulatory provisions proposed September 5, 1979 (44 FR 51924) amending 40 CFR Part 51.18.

1. The Clean Air Act requires that each SIP accommodate growth in emissions in nonattainment areas through an emission offset program or by a planned margin for growth. Wisconsin has elected to use an offset approach in its preconstruction review program. Under section 144.393(2)(a) of the Wisconsin statutes, the Wisconsin Department of Natural Resources (DNR) can only grant permits if construction of the source would result in reasonable further progress towards attainment of the National Ambient Air Quality Standards. To assure reasonable further progress, the State requires that major new sources or major modifications located in or impacting nonattainment areas must obtain greater than one to one emission offsets which provide a net air quality benefit. In addition, offsets are also required for specified minor sources so that minor source growth will not jeopardize reasonable further progress towards attainment.

2. Section 173 of the Act requires that any emission reductions required under the emission offset program must be legally binding before a permit can be issued. Section 144.391(1)(c) of the Wisconsin Statutes prohibits any source from operating under an "emission reduction option program" unless the source has an operating permit. Section 144.393(1)(c) of the Wisconsin Statutes requires that a permit can be issued to a source operating or seeking to operate under an "emission reduction option program" only if the required permit applications for other sources participating in that emission reduction option are approvable.

Although these provisions are generally acceptable, Wisconsin has not addressed the requirement that external offsets must be submitted to and approved by USEPA as revisions to the federally approved SIP before the permit can be considered valid. USEPA believes that these permits must be submitted to insure federal enforceability of the external offsets. Therefore, USEPA proposes to approve the revision as satisfying the statutory requirement that emission reduction offsets must be legally binding and enforceable before a permit is issued if during the comment period the State either submits regulations requiring State submittal of external offset permits to USEPA or makes a commitment to submit external offset permits to USEPA as a SIP revision.

3. Section 173(2) of the Act requires that the proposed major source or major modification must comply with the lowest achievable emission rate (LAER) as defined in section 171(3) of the Act. The definition of LAER contained in section 144.30(15) of the Wisconsin Statutes conforms to the Clean Air Act's definition. Section 144.393(2)(b) requires proposed sources or modifications in nonattainment areas to meet LAER. USEPA proposes to approve the revision to the Wisconsin Statutes as satisfying this requirement.

4. Section 173(3) of the Act requires that all major sources in the State owned or operated by the owner or operator of the proposed major source or major modification must be in compliance or on a schedule for compliance with all applicable emission limitations and standards under the Clean Air Act. Section 144.393(2)(c) of the Wisconsin Statutes satisfies this requirement.

5. Section 172(b)(11) of the Act requires that if a State demonstrates that attainment of the NAAQS for ozone and/or carbon monoxide is not possible by December 31, 1982 despite the implementation of all reasonably available control measures, the State must establish a program which requires an analysis of alternatives prior to the issuance of any permit for construction or modification of a major emitting facility. Regardless of the attainment demonstration, Section 144.393(2)(d) of the Wisconsin Statutes requires the performance of such analyses. USEPA will be publishing shortly a Notice of Proposed Rulemaking on Wisconsin's control strategies and attainment demonstrations for ozone and carbon monoxide.

6. The September 5, 1979 Federal Register proposed amending 40 CFR 51.18. First, it proposed amending or adding several definitions including the following which pertain to Wisconsin: stationary source, potential to emit, major stationary source, modification, and allowable emissions. The Wisconsin Statutes contain defintions as stringent as these federal definitions or certain other provisions making the Federally promulgated definitions unnecessary in the Wisconsin Statutes. Second, it required a preconstruction review on account of contemporaneous emission reductions which would reduce the size of the source. The Wisconsin Statutes do not provide for such exemptions and therefore no need exists for a preconstruction notice. However, if, in subsequent regulation development contemporaneous emission reductions will allow a new source to be exempt from review, a preconstruction notice requirement must also be promulgated. Third, it added the requirements that major sources in nonattainment areas or impacting nonattainment areas must be subject to a new source review program which satisfies the requirements of Clean Air Act sections 172(b)(6) and 173. Wisconsin Statute 144.391(1)(b) meets this requirement. However, USEPA in its final rulemaking on May 13, 1980 requires a source to meet the requirements of sections 172(b)(6) and 173 only if a source is located in a nonattainment area. Sources located in an attainment area, but significantly impacting a nonattainment area, must only meet the requirements of section 110(a)(2)(D)(i). Because Wisconsin meets the more stringent proposed requirements, USEPA believes that the State has satisfied the requirements of the proposed and final amendments to 40 CFR 51.18.

7. The State has added § 144.393(5) to the Wisconsin Statutes which provides for the issuance of a conditional permit. According to the Statute, conditional air pollution control permits may be issued to sources which as proposed would not meet the requirements of Wisconsin Statutes Sections 144.393(1) through (3). If the State prescribes permit conditions to assure that the source will meet the requirements of Sections 144.393(1) through (3). Sections 144.393(1) through (3) contain criteria for permit approval including requirements for reasonable further progress, LAER, and compliance of all other sources owned or operated by the applicant in Wisconsin.

USEPA has serious concerns about the issuance of conditional permits. For example, if a permit is issued to a new source or modification on the condition that the permit for the source providing the emission offset is approved prior to start-up, the State would be violating the requirement of section 173 that all emission reductions be legally binding *prior* to the issuance of a permit to construct. Because of its concerns, USEPA requests the State to submit documentation and clarification during the public comment period demonstrating that use of conditional permits will demonstrate that paragraphs (1), (2) and (3) of section 173 of the Clean Air Act will not be violated or circumvented.

USEPA specifically solicits interested parties to submit comments on the use of conditional permits.

Summary

With the exception of the deficiencies noted above, USEPA proposes to approve Wisconsin's submittal as

satisfying the requirements of sections 172(b)(6) and 173 of the Clean Air Act, 40 CFR 51.18, and the proposed and final amendments to 40 CFR 51.18. During the comment period announced in this Notice, the State must correct the deficiencies noted above relating to external offsets and the use of conditional permits.

Under Executive Order 12044 (43 FR 12681), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979, by the Administrator, and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Notice of Proposed Rulemaking is issued under the authority of sections 110, 172, and 301(a) of the Clean Air Act, as amended.

Dated: May 12, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-17310 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

---

40 CFR Part 86

[FRL 1510-4]

Motor Vehicle Pollution Control; Waiver of Carbon Monoxide Emission Standards; Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing to consider applications for waiver of 1981 and 1982 model year light-duty vehicle emission standard for carbon monoxide (CO).

SUMMARY: On May 27, 1980, Volkswagenwerk AG (Volkswagen) applied for a CO waiver for its 1.46 liter engine family. EPA plans to hold a public hearing on this waiver application and any others which EPA may receive in time for consideration at this hearing.

DATES: This notice announces that EPA will hold a public hearing in Washington, D.C., beginning at 8 a.m. on June 20, 1980. to consider Volkswagen's waiver application and any other manufacturer's application received by June 16, 1980. Interested parties may also submit written comments to the public docket on those waiver applications until July 1, 1980, to ensure consideration of those comments in the Administrator's evaluation of this waiver application.

ADDRESS: All public portions of the CO waiver applications and other relevant information are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at: U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (Docket Number EN-80-13).

FOR FURTHER INFORMATION CONTACT: Mr. Glenn Unterberger, Manufacturers Operations Division, (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 202(b)(5)(A) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(5)(A) (1977) ("Act"), at any time after August 31, 1978, any manufacturer may file with the Administrator an application requesting the waiver of the effective date of the carbon monoxide (CO) emission standard applicable to any model of light-duty motor vehicles and engines manufactured by the applicant during model years 1981 and 1982. Section 202(b)(5)(C) requires the Administrator to issue a decision granting or denying such waiver within 60 days after receipt of the application and after public hearing. Guidelines for the submission of such waiver requests have been previouisly published in the **Federal Register** at 43 FR 47272, October 13, 1978.

Section 202(b)(1)(A) requires that emissions of CO from 1981 and later model year light-duty motor vehicles be reduced by at least 90% from 1970 CO emission standards. A CO emission standard of 3.4 grams per vehicle mile, determined to achieve such reduction and made applicable by regulation to 1981 and later model light-duty vehicles, has been published in the **Federal Register,** 43 FR 37972, August 24, 1978. If the Administrator determines that a waiver from the CO standard of 3.4 grams per vehicle mile (gpm) should be granted, he must simultaneously with such determination, prescribe by regulation CO emission standards to apply to those model vehicles or engines to which the waiver applies. Under section 202(b)(5)(B), the maximum CO level for which a waiver may be granted is 7.0 gpm.

Under section 202(b)(5)(C), the Administrator may grant such a waiver only if he finds that protection of the public health does not require attainment of the statutory CO standard of 3.4 gpm for those model years and vehicles for which the waiver is sought. In addition, a wavier may be granted only if the Administrator determines that (1) such waiver is essential to the public interest or the public health and welfare of the United States, (2) the applicant has made all good faith efforts to meet the established standards, (3) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy, and (4) studies and investigations of the National Academy of Sciences and other information available to him have not indicated that technology, processes, or other alternatives are available to meet such standards.

EPA has held public hearings regarding CO waiver applications on five separate occassions. The Administrator's decisions on these applications have been published in the **Federal Register,** and can be found at 44 FR 53376 (September 13, 1979); 44 FR 69416 (December 3, 1979); 45 FR 7122 (January 31,1980) and at 45 FR 17914 (March 19, 1980). The Administrator signed his fifth consolidated CO waiver decision on May 14, 1980, and his sixth decision on May 30, 1980, and has submitted both for publication in the **Federal Register.**

II. Waiver Applications

Volkswagen submitted its new CO waiver application on May 27, 1980. EPA will hold a public hearing on Volkswagen's application and on applications received from any other motor vehicle manufacturers on or before June 16, 1980, in the General Services Administration Auditorium, 7th and D Streets, S.W., Washington, D.C. 20507 beginning on June 20, 1980 at 8:00 A.M. EPA encourages all manufacturers still planning to request a CO waiver to file their applications by the June 16 deadline.This will facilitate review of as many outstanding waiver applications as possible in one consolidated proceeding. Submitting applications at a reasonable time before the scheduled proceedings will facilitate the Administrator in making a timely decision.

In addition to testimony provided by each waiver applicant, testimony has been given at these hearings by other automobile manufacturers and by several emission control system part

suppliers. Information considered for each of these decisions is contained in public dockets EN–79–4, EN–79–17, EN–79–19, EN–80–1, and EN–80–9, respectively. Each new docket in these waiver proceedings incorporates the previous waiver hearing docket by reference. Thus, public docket EN–80–13, pertaining to this waiver application of Volkswagen, will incorporate all of the previous dockets.

In order for a waiver to be granted, the Administrator must determine that the applicant has provided information sufficient to satisfy each of the waiver criteria set out above. However, the Administrator is not required to make his determination solely on the record of the public hearing, and may consider any additional information as well. All information considered by the Administrator will be included in the public docket.

III. Hearing Procedures

The public hearing is intended to provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the action requested of the Administrator by the applicant. Any person desiring to make an oral statement at the hearing should file a notice of such intention and 10 copies of the proposed testimony and other relevant material in the Central Docket Section at the address listed above no later than June 16, 1980. If feasible, at least 25 copies of such statement or material for the hearing record and for general circulation should be submitted to the Presiding Officer at the time of the hearing. In addition, any person may submit written questions at any time during the hearing to be propounded to the witnesses by the hearing panel to the extent practicable. Any person may file relevant statements and information not specifically required by the hearing panel in the public docket until July 1, 1980, to ensure their consideration in the Administrator's evaluation of the waiver application at issue. The Administrator will consider submissions received after that date to the extent practicable in reaching decisions within the time periods specified by the Act.

Where appropriate, EPA will require representatives of the applicants under the subpoena authority of section 307(a)(1) of the Act to attend the hearing and respond to the hearing panel's questions. Moreover, EPA may also subpoena other parties to produce relevant information and provide testimony before the hearing panel. Section 307(a)(1) also authorizes the administration of oaths to testifying parties.

The Presiding Officer will have the responsibility for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, directing that corroborative material by submitted in writing and, to the extent possible, notifying participants of the time at which they may appear.

As was the case in the previous CO waiver public hearings, presentations by the participants in this hearing should address exclusively the following considerations:

1. Whether protection of the public health requires attainment of the established CO standard of 3.4 gpm for the model years to which the waiver would apply.

2. Whether the requested waiver is essential to the public health and welfare of the United States.

3. Whether the applicants have made all good faith efforts to meet the CO standard for those model years and vehicles for which the waiver is sought.

4. Whether effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy.

5. Whether studies and investigations of the National Academy of Sciences and other information indicate that alternatives are available to meet such standards.

6. The level of CO emissions, not to exceed 7.0 gpm, which could be met in each of the model years for which a waiver is requested and which would reflect the greatest degree of emission control achievable by use of available technology, giving appropriate consideration to the cost of applying such technology within the available time period.

A verbatim record of the proceedings will be available for public inspection. Any person may request a copy of the transcript from the hearing reporter during the hearing at that party's own expense. Any person also may obtain copies of other documents in the public record as specified in 40 C.F.R. Part 2.

Dated: June 3, 1980.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 80–17496 Filed 6–6–80; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. 9; Notice No. 80–6]

Standard Time Zone Boundary in the State of Alaska; Possible Relocation

AGENCY: Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Transportation is seeking comments on its decision to relocate the boundary between the Pacific and the Yukon time zones in the State of Alaska; the relocation moved the City and Borough of Juneau, Alaska, and certain other panhandle communities from the Pacific time zone to the Yukon. Based on the comments received, DOT will consider whether to reverse its earlier decision and move the affected area back to the pacific time zone.

DATES: Comment closing date: August 8, 1980.

ADDRESS: Send comments to: Docket Clerk, OST Docket No. 9, Office of the General Counsel, C–50, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jack Lusk, Office of the General Counsel, C–50, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590 (202) 426–4723.

SUPPLEMENTAL INFORMATION:

Background

Under section 4 of the Uniform Time Act of 1966, 15 U.S.C. 261 ("The Act"), the Secretary of Transportation has the authority to modify the boundaries between time zones in the United States to move an area from one time zone to another. The Act's standard for such a rulemaking is "regard for the convenience of commerce and existing junction points and division points of common carriers engaged in interstate or foreign commerce." On September 27, 1979, the Department published a final rule in the Federal Register moving Juneau and the surrounding area from the Pacific to the Yukon time zone (49 CFR 71.10, 10a, and 11; 44 FR 55575, as amended by 45 FR 25065 (April 14, 1980)). The effective date for this action was April 27, 1980. The change was based on a petition received by the Department from the Assembly of the City and Borough of Juneau.

On Friday, March 28, 1980, a special election was held in Juneau concerning the time zone decision. By a vote of approximately 2 to 1 (2,933 to 1,579) a

proposition was passed that amended the Juneau City Charter to restrict the Assembly's authority to act in a matter concerning time zones and to require the City Assembly to seek this Department's reconsideration of its decision moving Juneau from the Pacific to the Yukon time zone. The petition was received on April 8, 1980.

On May 5, 1980, the Department denied the petition from the City government of Juneau that was made as a result of the special election. The Department based its decision largely on the fact that it would have been unfair to those commercial interests who had relied on the Department's final rule to change it on such short notice. In its letter to the City of Juneau, the Department stated its willingness to give the petition further consideration, and, if warranted, make the change back at a future date. The Department also stated its willingness to hold further hearings in Alaska on this matter.

The Department now proposes to consider this matter fully, including receiving comments from the public. To facilitate comment from the affected area, public hearings will be held in Southeastern Alaska. Further, all comments received in response to the notice that led to the change from Pacific to Yukon time and all comments received in response to the decision itself will be considered as though they were filed in this proceeding. As a result of the comments received on this notice, the Department intends to issue a decision either leaving the affected area in the Yukon time zone or moving it back to the Pacific time zone.

Public Comments Requested

Comments should be submitted in writing, as soon as possible, to the address shown above. All comments received by the comment closing date provided above will be considered and will be available for public inspection and copying in the office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Room 10421, NASSIF Building, 400 Seventh Street, SW, Washington, DC, between the hours of 9:00 am and 5:00 pm local time Monday through Friday except Federal holidays.

Because a proposed move would also potentially impact the area to the north and south of Juneau, DOT is particularly interested in receiving comments from residents of those localities and other persons on whether the change should be made and, if so, whether areas in addition to Juneau should be included in the change. If a change is made, the Department is also interested in receiving comments on the appropriate date for reverting to the Pacific time zone. In the past, it has been the practice to make a boundary change at the same time as there is a change to or from daylight saving time. In this way localities only have to make one time change. The Department would be specifically interested in receiving views at to whether any time zone change should occur before the change back to standard time this fall.

To facilitate the receipt of comments by persons in the affected area, representatives of DOT will conduct public hearings in Juneau and possibly other communities in southeast Alaska the week beginning July 14, 1980. The exact times and locations will be announced shortly in another notice.

Note.—The Office of the Secretary has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures published in the **Federal Register** on February 26, 1979 (44 FR 11034).

Issued in Washington, D.C., on May 29, 1980.

Mark G. Aron,

Deputy General Counsel.

[FR Doc. 80-17295 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-62-M

Notices

Federal Register
Vol. 45, No. 112
Monday, June 9, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Craggy Mountain Wilderness Study Area and Extension; Pisgah National Forest in Buncombe County, N.C.; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for determining the suitability or nonsuitability for the preservation as wilderness of the Craggy Mountain Wilderness Study Area and Craggy Mountain Extension.

Preparation of an environmental impact statement is a required part of the process in determining the suitability of Congressionally-designated Wilderness Study Areas. The Craggy Mountain Wilderness Study Area was so designated by Congress as included in Public Law 93–622 on January 3, 1975. The Act identified the area as 1,100 acres; corrected acreage, according to resource data, is 1,464 acres. The Craggy Mountain Extension is an area identified as a logical extension of the study area as authorized in section 4(e) of the Act. It contains about 1,230 acres. The two adjacent areas (2,694 acres) will be studied concurrently.

The environmental analysis process for the Craggy Mountain Wilderness Study Area was initiated in 1975. This process also included a survey by the U.S. Geological Survey and the Bureau of Mines to determine the mineral vaues of the areas. Public input on the areas was received during the RARE II process, and during the preparation of the Big Ivy Unit Plan. Public comment on wilderness allocations during the RARE II process in North Carolina was over 85 percent in favor of a wilderness designation for the Craggy Mountain area. The public favored wilderness status for this area even though the overall consensus was strongly against wilderness in the mountains of Western North Carolina. In 1961 a portion of the area was designated as a scenic area.

A range of alternatives for the area will be considered. One of them will be a no-action (no change) alternative which will be to continue present management of the area. Other alternatives will consider different managemnt options for portions of the area—ranging from a non-wilderness to a wilderness classification.

A public hearing on the draft environmental impact statement and the suitability of the area for preservation as wilderness will be held in the Fall of 1980. Adequate notice of the hearing will be published in local newspapers prior to the hearing. At least 30 days before the date of the hearing, the Governor of North Carolina, the governing board of Buncombe County, and Federal departments and agencies concerned with the areas will be invited to submit their views on the proposed action at the hearing or by no later than 30 days following the date of the hearing. The draft environmental impact statement should be available for public review by August 1980 with a 3-month review period. The final environmental impact statement is scheduled for filing by December 1980.

R. Max Peterson, Chief of the Forest Service, is the responsible official for the environmental impact statement.

Comments and suggestions concerning this Notice of Intent or the proposal should be sent to George A. Olson, Forest Supervisor, by July 1, 1980.

For further information about the proposal or the environmental impact statement, or other documents relevant to the proposal, contact: Richard Preston, National Forests in North Carolina, P.O. Box 2750, Asheville, N.C. 28802 (Phone 704–258–2860).

Dated: June 2, 1980.

Douglas Leisz,

Acting Chief.

[FR Doc. 80-17399 Filed 6-6-80; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 34774; Order 80-6-16]

Application of Metro Airlines for Compensation for Losses

June 3, 1980.

Order

By Order 80–3–126, March 20, 1980, we set an interim level of compensation for losses sustained by Metro Airlines in providing essential air service at Paris, Texas at $66,448 for the period March 24, 1979 through October 19, 1979. Metro subsequently contacted our subsidy staff, claiming that the compensation was materially short of its actual losses. An informal rate conference was conducted on April 8, 1980, and on April 28, 1980 Metro submitted a revised claim. The revised claim reflects disagreement with some adjustments made to its original request in setting the outstanding interim rate, but most of the difference reflects the inclusion of costs not originally claimed.

Metro's revised claim (for the period March 24 through September 19) is for $142,576—an operating loss of $119,214 plus a profit element of $23,362. We have made a number of adjustments to the revised claim which reduce the operating loss to $109,931. We have decided to adjust the interim rate set by Order 80–3–126 to this amount, plus $18,232 for the 30-day period ended October 19, 1979 (one-sixth of $109,391).[1] Although as a general proposition it is not our policy to amend an interim rate already paid for a past period until the final rate is set upon termination of forced-service, we are doing so in this instance because the difference is substantial and, in part, represents compensation for service provided over a year ago. Finally, we have not included a profit elements for the reasons stated in Order 80–3–126.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324:

1. We adjust the interim level of compensation set by Order 80–3–126 for losses sustained by Metro Airlines in proving essential air service to Paris,

[1] As indicated in that order, Metro revised its service in November, 1979, both equipment and frequency, and must submit additional data in order to be compensated for losses sustained after that.

Texas for the period March 24, 1979 through October 19, 1979, from $66,448 to $127,523;

2. This proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-17397 Filed 6-6-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38262; Order 80-6-19]

Phoenix-Seattle Subpart Q Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause.

SUMMARY: The Board is instituting the *Phoenix-Seattle Subpart Q Proceeding* and is proposing to grant unrestricted authority to Airwest, American and United in the Phoenix-Seattle market under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than July 7, 1980, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38262, which we have entitled the *Phoenix-Seattle Subpart Q Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Airwest, American and United; the Mayors of Phoenix and Seattle; Port of Seattle Commission, the Aeronautics Division of the Arizona Department of Transportation; and the airport managers of Sky Harbor International Airport and Seattle-Tacoma International Airport.

FOR FURTHER INFORMATION CONTACT: Carol A. Szekely, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5102.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-6-19 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-6-19 to that address.

Dated: June 4, 1980.

By the Bureau of Domestic Aviation.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-17396 Filed 6-6-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 37444]

Policy on International Cargo Rate Changes; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on July 7, 1980, at 10:00 A.M. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, *on or before June 23, 1980,* together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., June 4, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-17395 Filed 6-6-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Alaska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning of the Alaska Advisory Committee (SAC) of the Commission, will convene at 9:00 a.m. and will end at 12 Noon, on June 30, 1980, at the Sheraton Hotel, 401 East Sixth, Anchorage, Alaska.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-17349 Filed 6-6-80; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission will convene at 2:00 pm and will end at 6:00 pm, on June 23, 1980, will begin at 9:00 pm and will end at 4:00 pm on June 24, 1980, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss program planning for FY 81.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-17348 Filed 6-6-80; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission, will convene at 4:00 p.m. and will end at 6:00 p.m., on July 2, 1980, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss program planning for fiscal year

1980 and affirmative action in state government.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-17350 Filed 6-6-80; 8:45 am]

BILLING CODE 6335-01-M

New Mexico Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Mexico Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 4:00 p.m., on July 29, 1980, at the Kiva Building, Education Complex, University of New Mexico, Albuquerque, New Mexico 87131.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office, of the Commission, Heritage Plaza, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is to consider civil rights issues pertaining to the University of New Mexico.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-17352 Filed 6-6-80; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on June 1980, at the Holiday Inn, Syskes Avenue, White River Junction, Vermont.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss program planning for fiscal year 1981, Teacher Education Project and the Franco-American Project.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-17351 Filed 6-6-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Transmittal No. 274; Order No. 41-2; D.O.O. Reference 10-3, 40-1]

Deputy Under Secretary for International Trade; Organization and Function Order

Part I. General

Section 1. Effect on Other Orders

This order supersedes ITA Organization and Function Order 41-1 of June 21, 1979 (44 FR 43034), and 42-1 of September 10, 1979 (44 FR 62319).

Sec. 2. Purpose

This order delegates authority to the Director General of the Foreign Commercial Service and the Director of Administration for the International Trade Administration and prescribes the organization and assignment of functions within the organizational elements reporting to the Deputy Under Secretary for International Trade.

Sec. 3. The Deputy Under Secretary for International Trade

.01 The Deputy Under Secretary shall serve as the principal deputy to the Under Secretary, perform such duties as the Under Secretary shall assign and perform the functions of the Under Secretary in the latter's absence. The Deputy Under Secretary shall provide advice and assistance to the Under Secretary and congressional liaison for ITA in coordination with the Assistant Secretary for Congressional Affairs. The Deputy Under Secretary shall be responsible for day-to-day management of ITA. The Office of the Deputy Under Secretary includes:

.02 *The Congressional Relations Staff.*

a. The *Congressional Relations Staff* shall be headed by a *Director* who shall report to the Deputy Under Secretary and who shall be responsible for coordinating congressional matters within ITA, and serve as liaison with the Department's Office of Congressional Affairs.

b. The Congressional Relations Staff shall provide timely and effective reporting on Congressional activities, (committee hearings, markup sessions, conferences, etc.) and serve as the ITA focal point for coordinating requests for testimony, Congressional inquiries and correspondence, legislative initiatives and related support. The staff shall provide support to the individual ITA organizations.

Part II. Director of Administration

Section 1. Delegation of Authority

.01 Subject to such policies, directives, and delegations of authority as may be issued by the Secretary, the Under Secretary for International Trade, and by the Deputy Under Secretary for International Trade ("the Deputy Under Secretary"), and in accordance with applicable Department Organization Orders and Department Administrative Orders, the Director of Administration for the International Trade Administration is hereby delegated the authorities of the Deputy Under Secretary as necessary to provide for all administrative management and public affairs activities and direct such activities for all organizational elements in the International Trade Administration.

.02 The Director of Administration may redelegate authority to any employee subject to such conditions in the exercise of such authority as may be prescribed.

.03 The organizational structure and line of authority shall be as depicted in the attached organization chart.[1]

Sec. 2. Organization and Function

.01 The Director of Administration shall be the principal advisor to the Deputy Under Secretary for International Trade on administrative and management policy.

a. The Director of Administration shall coordinate ITA administrative matters with the Assistant Secretary for Administration and other Department officials and carry out an Equal Employment Opportunity Program for ITA.

b. The Director of Administration shall direct the following organizational elements:

Office of Personnel
Office of Management and Systems
Office of Administrative Support
Office of Budget
Office of Public Affairs

.02 *Office of Personnel.*

The Office of Personnel shall be headed by a *Director* who shall plan, coordinate and conduct the Personnel Management Program for ITA; interpret personnel policies and procedures established by higher authority and act as liaison with the Department's Office

[1] Filed as part of the original document.

of Personnel. The Director shall direct the following Divisions:

a. The *Compensation Division* shall administer a position classification program for all organizational components of ITA; classify positions through GS–15; recommend to the Department and Office of Personnel Management the classification of Senior Executive Service (SES) positions; conduct classification maintenance review surveys; conduct annual review of positions required by the Department's Office of Personnel; provide advice to management regarding classification implications of proposed new organizations and of realignment of functions within existing organizations; and in cooperation with the ITA Office of Management and Systems and Office of Budget, implement the position management program.

b. The *Staffing and Employee Relations Division* shall plan, develop, and execute a complete program of staffing, placement and employee relations services for ITA, which includes recruitment, merit promotion, and affirmative action programs; provide interpretation and advice to management, employees, and applicants on employment and employee relations policy and procedures; establish and maintain custody of official personnel folders and records; prepare monthly and annual reports for the Office of the Secretary and the Office of Personnel Management, monitor utilization of assigned ceiling plan and coordinate ITA-wide programs in the areas of employee recognition and incentives, employee benefits and welfare, and labor-management relations; advise supervisors on methods of dealing with poor work performance or behavior problems and inform them of regulatory and other requirements in effecting satisfactory resolutions either through administrative or disciplinary actions; conduct inquiries and implement actions leading to resolution of employee complaints, grievances and appeals, and process proposed adverse actions; keep employees informed of their rights, privileges, obligations and responsibilities; administer a program for disclosure of outside employment and financial interests of employees in order to prevent conflicts of interests; coordinate the Alcoholism and Drug Abuse Program; and process requests for security clearance of employees.

c. The *Employee Development Division* shall have responsibility for training and career development including development and implementation of ITA sponsored programs for Executives, First-Level Supervisors, Management Interns, Upward Mobility Candidates, professional and clerical employees; coordination of employee training at non-Commerce facilities, such as the Office of Personnel Management and local universities; and counseling of employees on training opportunities and career planning.

.03 *Office of Management and Systems.*

The *Office of Management and Systems* shall be headed by a *Director* who shall plan, coordinate and direct all management and systems programs for ITA and act as liaison with the Department's Office of Organization and Management Systems and the Office of Procurement and ADP Management. The Director shall direct the following Divisions:

a. The *Systems Management Division* shall coordinate and direct planning, analysis, development, design and evaluation of ITA systems; conduct or coordinate feasibility studies of proposed automated information management systems; provide management coordination and control, technical guidance, assistance and support to all ITA elements with regard to systems, data communications, data processing and data retrieval; design, evaluate, and develop and install the application of all systems to ITA operations. The Division shall be responsible for establishment of production schedules for and maintenance of operational automated systems, and for the maintenance of systems documentation and support for all new and existing automated systems; coordinate the preparation and submission of ADP planning, budgeting and evaluation information for automated systems; implement the policies, and procedures of ITA, the Department and other Federal agencies, and be the point-of-contact within ITA for all information management technology questions and consultations.

b. The *Management Analysis Division* shall conduct studies and surveys to effect improved management practices, manpower distribution, organization alignments, procedures and work methods; review and coordinate all proposed organizational changes; administer the forms management and reports management programs; perform correspondence management including training in correspondence procedures; provide committee management and records management services; in cooperation with ITA's Office of Personnel and Office of Budget, operate the position management program; maintain a system for the issuance of all Announcements, Administrative Instructions, Organization and Function Orders, Delegations of Authority and other issuances prepared for the administration of ITA; coordinate the administration of the Freedom of Information Act and the Privacy Act; maintain boycott reports for public inspection; conduct or coordinate feasibility studies of microform applications and equipment needs and usage; review, evaluate, approve and coordinate the acquisition and use of word processing and microform equipment and support services; operate a centralized word processing system for ITA; and provide liaison for GAO and Departmental audit reports, surveys and inquiries.

.04 *Office of Administrative Support.*

The *Office of Administrative Support* shall be headed by a *Director* who shall plan and direct all administrative support services for ITA. The Director shall maintain liaison with and shall be responsible for monitoring the quantity and quality of services provided through the working capital fund by the Department's Office of Administrative Services, Office of Publications, Office of Investigations and Security and the Office of Procurement and ADP Management; and shall direct the following Divisions:

a. The *Property Management Division* shall receive and process all procurement requests for furniture, furnishings, office equipment, office supplies, subscriptions, publications and printing; arrange for the repair and renovation of office equipment and furniture; voucher all transactions to insure that the terms of purchases and contracts are fully met; maintain current inventories of office equipment and other property, as appropriate; monitor the use of office equipment and furniture, insure that its use is maximized and review requests for procurement of new items to insure that items are not otherwise available. The Division shall also maintain a current inventory of ITA assigned office and special-use space; monitor GSA SLUC billings to insure that charges are accurate and inaccuracies are corrected; perform ongoing review and analysis of office space utilization to insure conformity to Department and GSA guidelines; develop short and long range plans for space assignments in anticipation of increases and decreases in the requirements of ITA organizational elements; prepare work specifications for renovations, alteration and telephone and electrical services within ITA; monitor all contract work to insure that standards of quality are met,

work is performed within agreed timeframes, and costs do not exceed estimates; provide within the capability of the Division, office design services for ITA organizations and monitor, as contracting officer, all office design and layout work performed by private design firms; and conduct reviews of office space and recommend approaches to improving the physical surroundings and working environment of ITA employees.

c. The *Support Services Division* shall provide mail management, secretariat, travel services, time and attendance reporting, security and safety services for ITA organizational elements. The Division shall receive, sort and distribute correspondence; receive, post, control and distribute classified and registered documents; provide for the distribution of bulk materials and special messenger service; monitor ITA mailing practices to insure that appropriate laws, rules, regulations, and guidelines are adhered to; receive, review and assign for appropriate action all Secretarial, White House and Congressional correspondence directed to ITA; follow-up to insure timely response; provide assistance on established correspondence procedures; and review all replies for proper format and compliance with established procedures. The Division shall provide comprehensive travel services which shall include itinerary plans, modes of travel, reservations for transportation, security clearances, tickets, travel advances, passports and visas, and hotel accommodations for international travel. The Division shall conduct the ITA security program; provide physical and document security orientation for employees and security briefings; maintain NATO sub-registry for Commerce; and control credentials, building passes and keys; perform the safety function including review and evaluation of physical working conditions within ITA and necessary actions to correct conditions that are or may be injurious to the health and safety of employees; and advise and assist ITA personnel on matters pertaining to payroll and provide paymaster services.

.05 *Office of Budget.*

The *Office of Budget* shall be headed by a *Director* who shall be the ITA Budget Officer and who shall plan, coordinate and direct the budget and program planning functions of ITA and maintain liaison with counterpart budget, program evaluation and fiscal offices in the Office of the Secretary, the Office of Management and Budget, Congress and, as necessary, other Federal agencies; and direct the following Divisions:

a. The *Program Planning and Analysis Division* shall analyze and evaluate ITA programs and program plans; assist ITA organizational elements to develop and improve program plans, including statements of goals and objectives, descriptions of projects and indicators of outputs, results or workload and accomplishments; coordinate and oversee the MBO process and the development of long-range goals and objectives; coordinate or prepare program issue and evaluation studies and analyses, assist the Budget Formulation and Operations Division in the identification of major issues and problems to be addressed in program proposals and budget requests; and review and evaluate the ITA program structure and recommend modifications as necessary.

b. The *Budget Formulation and Operations Division* shall provide continuous liaison with ITA program managers and technical assistance to organizational units on all budget matters; participate in the identification of major issues and problems to be addressed in program proposals and budget requests; participate in the review of legislative proposals affecting ITA's plans and programs; examine and analyze all budget proposals in terms of effective allocation of ITA resources, conformance to policies, adequacy of justification and appropriation language, existence of statutory authorization, feasibility and economy of operations and accuracy and consistency of budget and accomplishment schedules; prepare Preview Estimates and the Secretarial, OMB, and Congressional budget justifications; prepare witnesses to testify on budget requests and complete materials for hearing transcripts; analyze fiscal and program plans and reprogramming proposals for conformance to Departmental and ITA policies and commitments, and maintain a continuous review of the status of obligations, expenditures and program progress by organization and budget structure; develop and maintain instructions governing the operations of ITA's budgetary processes; prepare technical and other supporting schedules and review such schedules, as well as budget justifications for conformance with Departmental and OMB instructions governing submission of budget estimates; assure administrative control over the obligation and expenditure of ITA appropriations and other funds; assure validity of planned and actual data included in financial reports; prepare special reports or briefings for the Office of the Secretary, ITA officials and program managers regarding significant fiscal budget and program execution related problems, incorporating materials provided by the Program Planning and Analysis Division; prepare overseas direct project budget authorizations and advices of fund availability, and collect and deposit contributions and receipts; negotiate and prepare reimbursable agreements and billings related thereto; maintain liaison with the Financial Operations Division of the Department of Commerce's Office of the Controller; coordinate the Office of Budget's participation in ITA's Program Management Information System; and maintain ITA's budget history.

.06 *The Office of Public Affairs.*

The *Office of Public Affairs* shall be headed by a *Director* who shall be responsible for furnishing public information and publications services to ITA and shall direct the following elements:

a. The *Business America Staff* within the Office of the Director shall prepare and publish *Business America.*

b. The *Public Information Division* shall develop long-range plans, programs and goals; develop, prepare, clear and release press releases; develop and produce audio visual information material intended for public consumption including slide presentations, motion pictures, and television production, audio (cassette) presentation, exhibit displays, advertising material (radio-TV-print), and scripts and record material for distribution; draft speeches, public statements, and messages for the President, the Secretary of Commerce and ITA officials; write articles, for signature by Department officials, for publication in national press and journals; develop questions and answers and briefing and background papers for Presidential and Secretarial news conferences and other purposes; arrange news conferences for Departmental officials; develop speaking forums for ITA officials designed to support Departmental and Administration objectives; write and distribute a newsletter for ITA District Offices; perform editorial services including research and editorial assistance in the preparation and publication of technical articles; maintain mailing lists, biographical data, business information and other reference material; and review for public affairs purposes—primarily, the generation of publicity—the speeches of all ITA officials.

c. The *Publications Division* shall assist in the development of ITA

publications for internal as well as public consumption, including gathering of material, writing, editing and preparation for printing; promote ITA publications; prepare and arrange for placement of display and advertising for ITA promotional events in the U.S. and abroad; maintain liaison with the Department's Office of Publications and the Government Printing Office and with other Government agencies concerned with ITA reports and publications. The Division Director serves as publications clearance officer for ITA.

Part III. The Foreign Commercial Service

Section 1. Delegation of Authority

.01 Pursuant to the authority delegated to the Deputy Under Secretary for International Trade by the Under Secretary, and subject to such policies and directives as the Deputy Under Secretary may prescribe, the Director General of the Foreign Commercial Service is hereby delegated the following authority:

a. The Act of February 14, 1903, as amended, (15 U.S.C. 1512 *et seq.*, 15 U.S.C. 171 *et seq.*) to foster, promote and develop the foreign and domestic commerce of the United States and related provisions;

b. Effective April 1, 1980, the trade promotion and commercial functions transferred to the Secretary from the Department of State or the Secretary of State by Section 5(b)(1) of Reorganization Plan No. 3 of 1979, and Executive Order 12188 of January 2, 1980;

c. The authorities of the Secretary of State under the Foreign Service Act of 1946 (22 U.S.C. 801 *et seq.*) and under other laws the exercise of which are authorized to the Secretary under Section 5(b)(2) of Reorganization Plan No. 3 of 1979 by Executive Order 12188 of January 2, 1980.

.02 Except as otherwise provided, the Director General may redelegate the above authorities subject to such conditions in the exercise of such authorities as he or she may prescribe.

Sec. 2. Organization and Functions

The *Foreign Commercial Service* will be headed by a *Director General* who reports to the Deputy Under Secretary for International Trade and directs the following elements:

.01 *Office of the Director General.* The Director General of the Foreign Commercial Service shall direct the Foreign Commercial Service and assist and advise the Deputy Under Secretary for International Trade regarding policies and procedures controlling the operations of the Foreign Commercial Service, and the recruitment, assignment and career development of officiers in the Foreign Commercial Service; administer the overseas network of Foreign Commercial service offices, serve as the control within ITA for resolving any FCS conflicts imposed by ITA program activities; maintain liaison with Inspector General offices of the Departments of Commerce and State for inspections of activities affecting Foreign Commercial Service operations and programs; evaluate inspection reports covering operational and management policies for appropriate remedial acton or response and coordinate responses to the Inspector General by other Commerce agencies or organizational units addressing program inspection findings; coordinate the scheduling of program evaluations requiring FCS input or participation, direct post management, planning and resource allocation for the operational and personnel needs of the Foreign Commercial Service; represent the Department on the Board of the Foreign Service and the Board of Examiners of the Foreign Service and be responsible for personnel policy relationships with other civilian branches of the Government having overseas personnel.

.02 *The Deputy Director* shall assist in the direction of the Foreign Commercial Service and perform the functions of the Director General in the latter's absence; supervise and coordinate external and internal communications, and be responsible for all logistic issues affecting the operations of the Foreign Commercial Service overseas, including supervision of all shared administrative support activities.

.03 *The Office of the Director General* shall be the point of contact within the Washington-based management structure of the Foreign Commercial Service for operation and administrative management of the Foreign Commercial Service, including oversight of State Department's shared administration support policies and shall:

a. Monitor the operational effectiveness of each FCS post and monitor program workload assigned to each post by program elements in ITA, or other Department organization;

b. Operate as the liaison in Washington for the FCS posts and assist individual posts to negotiate competing workload requirements imposed by program elements in ITA and by other Department organizations tasking or seeking to task the Foreign Commercial Service (in consultation with the Office of Budget);

c. Provide long range planning and personnel resource analysis and projections for the Foreign Commercial Service;

d. Serve as the principal point of contact for Department inspections of Foreign Commercial Service posts and for Department of State inspection activities affecting the Foreign Commercial Service or its programs and export objectives;

e. Conduct follow-up of inspection reports and recommendations and serve as the point for evaluation of the FCS system;

f. Coordinate with the Department of State, State programs and resources supporting U.S. export objectives in posts without FCS representation;

g. Monitor and coordinate the submission of scheduled alert commercial reports under the Combined Economic Reporting Program (CERP);

h. Review and approve regulations, guidance and instructions incorporated into the Foreign Affairs Manual affecting economic and commercial programs;

i. Coordinate the distribution to the FCS posts of commercial newsletters and other ITA publications and manage the commercial library program:

j. Coordinate visits to Foreign Commercial Service posts by senior Department of Commerce congressional or other Executive Department personnel; and

k. Organize Foreign Commercial Service staff conferences.

.04 *The Office of the Director General* shall be responsible for long-term planning and policy for all recruitment, appointment, assignment, evaluation and career development issues affecting the Foreign Commercial Service, and shall:

a. Administer the Foreign Service Officer Evaluation system and related selection boards;

b. Establish and provide operational support for all recruitment and assignment panels or boards designed to control the intake and assignment of Foreign Commercial Service officers;

c. Develop a business liaison program designed to identify and attract business representatives to FCS assignments;

d. Maintain liaison and coordination with ITA and other Department personnel officers, and with the State Department for administration of all Foreign Service Act personnel policies and developments;

e. Manage the Commerce-State exchange program; administer and informal Foreign Commercial Service grievance program and EEO program;

f. Develop and administer post and employee communication program

related to personnel matters and publish related newsletters/journals;

g. Provide the staff support for the Department of Commerce's activities on the Board of the Foreign Service and the Board of Examiners for the Foreign Service and monitor, for the Director General's office, all personnel policies and actions by civilian U.S. agencies administering overseas personnel programs; and

h. Provide for the training of American employees and Foreign Service Nationals assigned to the Foreign Commercial Service and for scheduling consultations and debriefings for all employees proceeding to and returning from posts.

.05 *The Foreign Commercial Service (FCS) Overseas.*

a. The FCS is the overseas operational arm of the Department of Commerce for export development activities. It shall be responsible for promoting U.S. commercial interests abroad; implementing the full range of Department of Commerce overseas programs administered by ITA; and coordinating, within the areas of its jurisdiction, the activities of all assigned overseas Department of Commerce personnel.

b. FCS posts are directed by a senior commercial officer who, reports directly to the ambassador, deputy chief of mission or principal officer and receives program and operational direction from the Department of Commerce. The senior FCS officer at each post shall be responsible for post administration and the utilization and management of the Department of Commerce resources in accordance with the objectives, policies and procedures as established by Department of Commerce, as conveyed to the FCS through the Director General of the FCS; and shall be responsible for the direction and supervision of program implementation as conveyed to FCS posts directly from ITA operating units.

c. Post activities include the following:

1. Support of overseas trade promotion activities, including Export Development Offices, trade fairs, business development offices, trade missions and related activities and counselling and support to individual U.S. firms seeking export sales or assistance for procurement contracts;

2. Development of marketing and commercial intelligence for dissemination to the U.S. business community through the Wordwide Information and Trade System (WITS) related activities overseas; commercial reporting including industry reports and market research for all ITA units; and management of commercial libraries;

c. Support for ITA import and export administration activities; monitoring of U.S. rights and opportunities created by multilateral trade agreements and implementation of related export services and programs; facilitation of U.S. investment and assistance for U.S. service industries marketing initiatives;

4. Representation to host country government on behalf of U.S. business to resolve individual business problems and to further U.S. business interests; make direct representations and conduct or share in negotiations on general trade and investment issues including those relating to implementation of the MTN; assistance to U.S. business representatives to resolve trade complaints; and overseas support for Joint Commission and other trade facilitation groups.

Part IV. Administrative, Public Affairs, and Program Support

01. Management, data processing, budget, personnel, public affairs, and administrative support services will be provided by Offices reporting to the Director of Administration. Field support will be provided by the U.S. Commercial Service or Foreign Commercial Service, as appropriate. Program support relating to industry information and economic analysis will be provided by the Department's Bureau of Industrial Economics.

.02 Program direction for the FCS will be provided by other ITA units.

Effective date: April 28, 1980.

Donald A. Furtado,

Deputy Under Secretary for International Trade.

[FR Doc. 80-17409 Filed 6-6-80; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency (MBDA), formerly the Office of Minority Business Enterprise, announces that it is seeking applications under its program to operate one project for a 10 month period beginning August 1, 1980, in (1) primary area Seattle-Everett (SMSA); Takoma (SMSA); (2) secondary area Yakima (SMSA); Richland-Kenwick (SMSA); and Spokane (SMSA). The cost of the project is estimated to be $258,000 and the Project Number is 10-10-50420-00.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. This proposed project is specifically designed to provide the following services to eligible clients: (1) business information, (2) client screening and selection, (3) business plans, (4) business packaging and (5) marketing assistance.

Eligibility Requirements: There are no restrictions. Any for-profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing to the following address: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Ave., Box 36014 Rm. 15043, San Francisco, CA 94102.

In requesting an application kit, the applicant must specify its profit status (i.e., a State or local government, federally recognized Indian tribunal unit, educational institution, hospital, other type of non-profit organization, or if the applicant is a for-profit firm). This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. The applications will be ranked according to the capability of the staff assigned to the project, the management capability of the applicant, the proposed program plan, the budget allocation plan, and the applicant's knowledge of the area to be served. Specific criteria will be included in the application kit.

Renewal Process: If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date or June 20, 1980. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: June 4, 1980.

Allan A. Stephenson,

Deputy Director.

[FR Doc. 80-17353 Filed 6-6-80; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Intent To Conduct a Cost Comparison for Government Versus Contract Operation of NOAA Ship CHAPMAN

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given that pursuant to Office of Management and Budget (OMB) Circular A-76 and the Department of Commerce Administrative Order 201-41 implementing OMB Circular A-76, the National Oceanic and Atmospheric Administration (NOAA) intends to conduct a comparison of the cost of Government operation of NOAA Ship CHAPMAN versus the cost of contract operation of the ship. A contract may or may not result from the cost comparison study. Results of the cost comparison will be made available to bidders, offerers, and all interested parties.

DATES: The Invitation for Bid or Request for Proposal package is expected to be available in July, 1980. Availability will be announced in the Commerce Business Daily.

FOR FURTHER INFORMATION CONTACT: Commander Fidel T. Smith, Chief, Operations Division, National Ocean Survey, NOAA, Rockville, MD 20852. (301-443-8641).

Dated: June 3, 1980.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 80-17410 Filed 6-6-80; 8:45 am]

BILLING CODE 3510-12-M

Issuance of Marine Mammal Permit

On March 25, 1980, Notice was published in the **Federal Register** (45 FR 19288), that an application had been filed with the National Marine Fisheries Service by Mr. Richard Scott Borguss, Apartment 13, 614B 15th Place, Kenosha, Wisconsin 53140, to take six (6) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on June 3, 1980, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Richard Scott Borguss, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: June 3, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-17444 Filed 6-6-80; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name: Acuarama, S.A. b. Address: Isla de Mujeres (P239) Quintana Roo, Mexico.
2. Type of Permit: Public Display.
3. Name and Number of Animals: Atlantic bottlenose dophins (Tursiops truncatus)—2.
4. Type of Take: Two (2) Pre-Act dolphins are requested to be obtained from the Marine Mammal Foundation, South Pasadena, Florida.
5. Period of Activity: 2 years.

The arrangements and facilities for transporting ar.d maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before July 9, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 F.R. 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Department of Fisheries of Mexico have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702.

Dated: June 2, 1980.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-17443 Filed 6-6-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Environmental Impact Analysis on the Proposed Expansion of Melrose Air Force Range, New Mexico

The United States Air Force, Department of Defense will prepare a proposed draft Environmental Impact Statement (EIS) on a proposal to expand Melrose Air Force Range, New Mexico, by acquisition of additional real estate surrounding the present range. Approximately 52,000 acres of additional real estate is needed to bring Melrose Range up to safety and operational standards for air-to-surface weapons training. The current range is inadequate to conduct all of the training required.

Alternatives to this proposal include continuing to use the present range with its limitations. Closing the Melrose Range and acquiring land in some other geographic location for a new Air Force range, or closing the Melrose Range and conducting training on other Air Force and/or other military service ranges.

Based upon findings of the proposed Draft EIS (DEIS), the Air Force will publish a DEIS or file a finding of no significant impact.

A public scoping meeting will be held on 24 June 1980 at 7:30 p.m. at Melrose High School, 100 East Missouri, Melrose, New Mexico, to review the proposed action, alternatives, and to receive comments for the environmental impact analysis process.

Questions concerning the proposed action, scoping meeting, and proposed DEIS can be directed to Mr. Nelson Rutter, Deputy Base Civil Engineer, 27 CSG/DED, Cannon Air Force Base, New Mexico 88101, (505) 784–3311, extension 2208.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80–17296 Filed 6–6–80; 8:45 am]

BILLING CODE 3910–01–M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meetings

Pursuant to the provisions of section (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that closed meetings of a Panel of the DIA Advisory Committee will be held as follows: Wednesday and Thursday 9–10 July 1980, Pomponio Plaza, Rosslyn, Virginia.

The entire meetings, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on special signals.

M. S. Healy,

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

June 3, 1980.

[FR Doc. 80–17438 Filed 6–6–80; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Los Alamos National Scientific Laboratory; Trespassing on Department of Energy Property; Corrections

AGENCY: Department of Energy.

ACTION: Corrections.

This document corrects errors that appeared in FR Doc. 80–12244 published in the Federal Register on Wednesday, April 23, 1980, at pages 27464–27466 (45 FR 27464–27466). The following corrections should be made:

(1) On page 27464 (45 FR 27464), third column, second paragraph, second line, the figure "2,600" should be corrected to read "12,600."

(2) On page 27465 (45 FR 27465), first column, first complete paragraph, eleventh line, the words "New Mexico State Road" should be corrected to read "New Mexico State Road 4."

(3) On page 27465 (45 FR 27465), third column, first complete paragraph, first line, the word "northwest" should be corrected to read "northeast."

Dated in Washington, D.C., on this 3d day of June 1980.

Duane C. Sewell,

Assistant Secretary for Defense Programs.

[FR Doc. 80–17415 Filed 6–6–80; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA case No. 51388–9006–21–77]

Imperial Irrigation District; Request for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On May 18, 1979, the Imperial Irrigation District, (IID) requested the Economic Regulatory Administration (ERA) of the Department of Energy to classify Rockwood Unit No. 1 (Rockwood 1) as an existing facility pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA) and § 515.6 of the Revised Interim Rule pertaining to the Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants. Additional information was required by ERA and a revised petition was submitted by IID on April 1, 1980.

The purpose of this notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with § 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before June 30, 1980.

ADDRESSES: Ten copies of written comments will be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055.

James W. Workman, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128 I, Washington, D.C. 20461, Phone (202) 653–3637.

Douglas F. Mitchell, Office of the General Counsel, Department of Energy, 1000 Independence Ave., NW., Room 6G–087, Washington, D.C. 20585, Phone (202) 252–2967).

SUPPLEMENTARY INFORMATION: The Imperial Irrigation District (IID) is organized under the laws of the State of California. IID supplies electric service to the Imperial, Coachella, and Bard Valleys.

IID stated that it executed a contract in May 1978 for a 25 MW, oil/natural gas-fired combustion turbine to be known as Rockwood Unit No. 1, located in Imperial County, California, and that commercial operation began June 13, 1979.

On May 18, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, IID requested that ERA classify Rockwood 1 as an "existing"

facility. Additional information was required by ERA and a revised petition was submitted by IID on April 1, 1980.

In accordance with § 515.6 of ERA's Revised Interim Rule, a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse affect on the elecrict system reliability. IID supported its request for classification by providing evidence in support of its claim that it would incur a substantial financial penalty for Rockwood 1 if this unit were not permitted to proceed as an oil/natural gas burning facility. A summary of the pertinent evidentiary requirements, and IID's response to those requirements follows:

Substantial Financial Penalty—Pursuant to § 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that, as of November 9, 1978, at least 25 percent of the total projected project cost was expended in nonrecoverable outlays.

In response to the evidentiary requirements of § 515.7(b)(1) of the Revised Interim Rule, IID provided the following information:

—Total projected project cost as of 11/9/78	$4,000,000
—Total project expenditures, including obligations and cancellation charges, as of 11/9/78.	$3,518,800
—Total recoverable expenditures	0
—Total nonrecoverable outlays	$3,518,800
—Percentage of nonrecoverable outlays to total projected project costs as of 11/9/78	88.0%

The public file containing IID's request for classification and supporting materials is available for inspection upon request at: ERA, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, Monday–Friday, 8:00 am–4:30 pm.

Issued in Washington, D.C., on June 3, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–17414 Filed 6–6–80, 8:45 am]

BILLING CODE 6450–01–M

J. R. Sousa & Sons, Inc., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of a Consent Order.

EFFECTIVE DATE: April 29, 1980.

FOR FURTHER INFORMATION CONTACT: James J. Dowd, Audit Director, Office of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114.

SUPPLEMENTARY INFORMATION: "On April 29, 1980, the Office of Enforcement of the ERA executed a Consent Order with J. R. Sousa & Sons, Inc. (Sousa) of Danvers, Massachusetts. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution."

I. The Consent Order

Sousa, with its home office located in Danvers, Massachusetts, is a firm engaged in the sale and allocation of Motor Gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Part 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Sousa, the Office of Enforcement, ERA and Sousa entered into a Consent Order, the significant terms of which are follows:

1. Sousa was a supplier of motor gasoline as defined in 10 CFR 211.51 during the period March 1, 1979 to December 31, 1979 and its sales of motor gasoline are subject to the Mandatory Petroleum Allocation Regulations at 10 CFR 211.

2. Sousa sold motor gasoline during the period March 1, 1979 to December 31, 1979 both through retail gasoline stations operated by Sousa and non-affiliated wholesale purchaser-resellers.

3. DOE alleges, but denied by Sousa that, during the months June and July 1979, Sousa supplied gasoline to its own retail outlets in excess of the gallons that should have been supplied in accordance with 10 CFR 211 and that the allocation for June and July 1979 to non-affiliated wholesale purchaser-resellers was reduced accordingly below the proper allocation.

4. In consideration of Sousa's implementation of the terms and conditions of this agreement, DOE agrees that Sousa will be deemed to be in compliance with 10 CFR 211 for sales of motor gasoline between March 1, 1979 and December 31, 1979 and 10 CFR 212.93 for the period March 1, 1979 to July 31, 1979 provided, however, that DOE expressly reserves the right to take further action with respect to the matters contained herein if the terms and conditions of this Consent Order are violated.

5. It being specifically understood and agreed that, although the DOE alleges that Sousa has violated the regulations enumerated above, Sousa denies having violated the regulations and has agreed to comply with the terms of this Consent Order in the interest of compromise and settlement.

II. Disposition of Matters Covered by This Consent Order

In consideration of DOE and J. R. Sousa entering into this agreement, Sousa agrees to do the following.

Sousa agrees, by way of settlement, to remedy the alleged violation specified in paragraph 3 in the following manner:

a. Sousa shall compute its allocation fraction for the month of March 1980 on a uniform basis for company-affiliated and independent customers and then reduce the amount to be allocated to its company-affiliated retail outlets by a total of 2,472,124 gallons.

b. Sousa shall offer to each of its non-affiliated customers who were customers in July 1979 an amount equal to Sousa's base period supply obligation (before application of the allocation fraction) to that customer in July 1979 multiplied by .10276.

c. Sousa shall offer to each of its non-affiliated customers who were customers in June 1979 an amount equal to Sousa's base period supply obligation (before application of the allocation fraction) to that customer in June 1979 multiplied by .07972.

d. Each customer shall have up to three (3) months to purchase the product offered pursuant to paragraphs b and c, above. If at the end of the three (3) month period any product remains unpurchased, that product shall be added to Sousa's allocable supply for the month of June 1980.

III. Submisson of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspect of this Consent Order. You should send your comments to James J. Dowd, Audit Director, Office of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston MA 02114. You may obtain a free copy of this Consent Order by writing to the same address or by calling 617–223–3740. You should identify any information or data, which in your opinion, is confidential an submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pa., on the 15th day of May 1980.

Edward F. Momorella,

District Manager of Enforcement, Northeast District.

[FR Doc. 80-17413 Filed 6-6-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Solar Energy

Technical Assistance and Energy Conservation Measures; Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions

AGENCY: Department of Energy.

ACTION: Public notice; Allocation of Funds for Grant Program Cycle II.

The Department of Energy announces the allocation of funds for grant program cycle II for technical assistance and energy conservation measures under the grant programs for schools and hospitals and buildings owned by units of local government and public care institutions. Dates for grant program cycle II were previously published in the **Federal Register** on March 5, 1980 and April 21, 1980 (45 FR 14247 and 45 FR 26749). Applicable regulations concerning these programs are found at 10 CFR Part 455.

Table 1 provides the amounts allocated to each State. These amounts include funds appropriated for grant program cycle II and funds not obligated in grant program cycle I. Additionally, Table 1 reflects decreases in the allocations of those States which requested a match waiver in accordance with 10 CFR 455.12(b) for grant program cycle I and increases in the allocations of other States as a result of reallocation of those funds.

FOR FURTHER INFORMATION CONTACT:

Ronald Milner or Harry Lane, Institutional Buildings Grants Programs, Office of Conservation and Solar Energy, Room 2H-043, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-2330.

(Title III of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3206 et seq., which establishes Parts G and H of Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 42 U.S.C. 6321 et seq.)

Issued in Washington, D.C., June 3, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

DOE region, State	Schools and hospitals	Local government public care
Region I:		
Connecticut	$1,912,368	$148,253
Maine	1,022,895	79,297
Massachusetts	3,276,144	253,978
New Hampshire	846,184	65,598
Rhode Island	806,239	62,501
Vermont	655,321	50,802
Region II:		
New Jersey	3,867,763	299,842
New York	9,281,787	719,558
Puerto Rico	1,397,332	113,757
Virgin Islands	313,127	32,375
Region III:		
Delaware	613,716	47,576
District of Columbia	684,922	53,096
Maryland	2,158,534	167,337
Pennsylvania	6,110,575	473,714
Virginia	2,393,850	185,579
West Virginia	1,172,751	90,915
Region IV:		
Alabama	1,677,056	130,010
Florida	2,955,523	229,122
Georgia	2,079,237	161,189
Kentucky	1,843,637	142,924
Mississippi	1,206,046	93,496
North Carolina	2,372,844	183,950
South Carolina	1,366,248	105,915
Tennessee	2,048,014	158,768
Region V:		
Illinois	6,231,720	483,106
Indiana	2,871,339	231,626
Michigan	5,338,175	413,834
Minnesota	3,073,720	238,285
Ohio	5,603,562	434,408
Wisconsin	3,127,436	242,449
Region VI:		
Arkansas	1,113,980	86,359
Louisiana	1,470,249	120,523
New Mexico	809,715	62,771
Oklahoma	1,448,800	112,315
Texas	4,684,525	363,161
Region VII:		
Iowa	2,013,784	156,115
Kansas	1,471,745	114,094
Missouri	2,630,411	203,918
Nebraska	1,223,360	94,838
Region VIII:		
Colorado	1,750,922	135,737
Montana	762,500	63,026
North Dakota	808,890	62,707
South Dakota	767,719	59,515
Utah	994,821	77,121
Wyoming	572,250	44,362
Region IX:		
American Samoa	298,723	28,956
Arizona	1,198,354	92,900
California	5,832,111	452,127
Guam	346,326	30,998
Hawaii	558,046	46,243
Nevada	630,286	48,861
Region X:		
Alaska	676,757	52,464
Idaho	745,254	61,171
Oregon	1,282,398	99,415
Washington	1,933,933	149,925
Total	114,333,924	8,912,882

[FR Doc. 80-17416 Filed 6-6-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180435; FRL 1509-5]

California Department of Food and Agriculture; Crisis Exemption To Use Pydrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the California Department of Food and Agriculture (hereafter referred to as "California") has availed itself of a temporary crisis exemption to use Pydrin 2.4 EC (fenvalerate) on apples in the counties of Monterey, San Benito, and Santa Cruz, California, to control apple pandemis.

DATE: California's crisis program started on March 19, 1980. Because treatment was expected to last longer than fifteen days California requested a specific exemption to continue the program until April 30, 1980.

FOR FURTHER INFORMATION CONTACT:

Donald Stubbs, Registration Division (TS-767), Room E-124, Office of Pesticide Programs, Environmental Protection Agency, Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION:

According to the Applicant, *pandemis pyrusana* is a new pest in California orchards. This leafroller was first noted in 1978, and by 1979, some orchards reported that 30 percent of the fruit clusters were infested, the Applicant stated. The Applicant estimated that losses from the leafroller in apples, which could reach $5 million without the use of Pydrin, would be cut to $1 million, if Pydrin was used. The Applicant claimed that there are no registered alternatives for control of this pest.

The crisis use of Pydrin, which contains the active ingredient fenvalerate, involved application at a rate of 0.1 pound active ingredient per acre in 100-400 gallons of water on a maximum of 4,000 acres in the counties named above. One application was to be made from pre-pink to pink bud stage by ground equipment. A field reentry interval of 24 hours and a pre-harvest interval of 90 days were imposed by California. All applications were to be made by or under the supervision of a State-certified applicator in accordance with California closed mixing systems regulations. The county agricultural

commissioner, under the auspices of the Applicant, was to monitor the program and report any unusual or adverse effects attributable to this use of Pydrin. California asked permission to continue this program until April 30, 1980.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17342 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180436; FRL 1509-7]

California Department of Food and Agriculture; Specific Exemption To Use Mesurol on Artichokes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use Mesurol (methiocarb) to control snails and slugs on approximately 3,420 acres of artichokes in Monterey, San Luis Obispo, San Mateo, Santa Barbara, and Santa Cruz Counties, California. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption ends on December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Patricia Critchlow, Registration Division (TS-767), Room E-107, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION: According to the Applicant, unusually wet conditions followed by warming conditions have caused populations of brown garden snails and gray garden slugs in coastal artichoke acreage to be extremely high and increasing rapidly. These pests scar the flower bracts, making the artichokes unmarketable, the Applicant reports. Many of the snails remain on the plant and do not descend to the ground. Therefore, according to the Applicant, to achieve control of the pest, the artichoke plant itself must be treated rather than the surrounding area.

The Applicant projects losses of $1.8 million if Mesurol cannot be used; with Mesurol losses could be reduced to $300,000. The total approximate value of these artichoke plantings is $20.5 million.

Metaldehyde in granular form is registered for control of snails and slugs in crop plantings; however, the Applicant states that it may be applied only to the ground surrounding the plant, and not the plant itself where the pests remain. Furthermore, according to the Applicant, metaldehyde is not effective enough to control the current high populations. The proposed pesticide (Mesurol 75WP) allows for treatment of the plants.

The Applicant proposes to use Mesurol 75WP at a rate of one pound product (0.75 pound active ingredient) per acre. A maximum of five applicants will be made using ground equipment by, or under the supervision of, State-certified applicators. EPA has determined that residues of methiocarb and its cholinesterase-inhibiting metabolites from the proposed use should not exceed 3 parts per million (ppm). This methiocarb residues level has been judged adequate to protect the public health. This pesticide is toxic to fish and aquatic invertebrates; however, since applications are to be made directly to the artichoke plants, and if care if taken to prevent significant drift to water sources, no hazard to aquatic life is expected. There are no endangered or threatened species that would be adversely affected as a result of this use.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1980. The specific exemption is also subject to the following conditions:

1. The product Mesurol 75WP (EPA Reg. No. 3125-288) may be used at a dosage rate of one pound product (0.75 pound active ingredient) per acre;

2. A maximum of five applications may be made on a maximum of 11,400 acres. A maximum of 17,000 pounds of product may be used;

3. Application may be made by ground equipment only in 50-150 gallons of water per acre;

4. All applications will be made by or under the supervision of State-certified applicators.

5. The Applicant is responsible for ensuring that all of the provisions of this specific exemption are adhered to and must submit a report summarizing the results of this program by March 1, 1981;

6. This product is toxic to fish. It must be applied with care in areas adjacent to any body of water;

7. All applicable directions, restrictions, and precautions on the EPA-accepted label must be followed;

8. The EPA shall be immediately informed of any adverse effects resulting from the use of Mesurol in connection with this exemption;

9. Artichokes with residues of methiocarb that do not exceed 3 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been notified of this action; and

10. A seven-day pre-harvest interval will be observed.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17340 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180422; FRL 1509-3]

Colorado Department of Agriculture; Specific Exemption To Use Fenvalerate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the Colorado Department of Agriculture (hereafter referred to as the "Applicant") to use fenvalerate (Pydrin 2.4 E.C.) to control pear psylla on a maximum of 700 acres of pear orchards that are interplanted with apple trees in western Colorado. This exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption ends on October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Rm. E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, pear psylla, requiring constant control, is present in all pear orchards in Colorado. The adults overwinter in bark crevices or under leaves on the ground and start in early spring to lay pear-shaped yellow eggs around the buds. These hatch in two weeks into wingless nymphs which become adults in one month. There are normally three to five generations in a season. Summer eggs are laid on leaves or petioles. The nymphs cluster at axils and on undersides of leaves secreting their honeydew. The secretion covers foliage and fruits; sooty mold growing in this scars and blackens the fruit. There can be partial defoliation, loss of vigor, and abnormal buds. The fruit is made unsightly and unfit for fresh market sale, the Applicant claims. According to the Applicant, processors will not buy russeted fruit because of the problems in

peeling and/or contamination of the end product. Pear psylla is also the only known vector of the mycoplasma-induced disease called "Pear Decline" which results in reduced vigor of trees, diminished yields, and death of trees. According to the Applicant, no cultural or biological control methods are effective for control of pear psylla. The Applicant indicates that use of fenvalerate (cyano (3-phenoxyphenyl) methyl-4-chloroalpha-(1-methylethyl) benzeneacetate) is necessary to reduce pear psylla densities to a level where in the summer they can be controlled with registered chemicals such as BAAM. The Applicant further states that use of fenvalerate should reduce the need for frequent applications of other materials next summer. The Applicant estimates a potential loss of a pear industry valued at $915,000 without adequate control of the pear psylla.

The Applicant proposed to use Pydrin 2.4 E.C., manufactured by Shell Chemical Co., on up to 700 acres of pears in western Colorado. A maximum of 840 pounds of the active ingredient fenvalerate will be applied by ground or aerial equipment. The Applicant proposed applications in combination with 6–8 gallons of superior type oil per acre.

EPA has determined that this use of fenvalerate should not result in residue levels exceeding 0.01 part per million (ppm) in or on pears. Secondary residues in meat, fat, and meat byproducts should not exceed 0.02 ppm since the cover crops grown in treated orchards are not to be fed to livestock. EPA has judged these residue levels to be adequate to protect the public health. EPA has also determined that this program should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) an outbreak of pear psylla has occurred; (b) there is no effective pesticide presently registered and available for use to control the pear psylla in Colorado; (c) there are no alternative means of control taking into account the efficacy and harard; (d) significant economic problems may result if the pear psylla is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Pydrin 2.4 E.C., EPA Reg. No. 201–401, may be applied at a rate of up to 0.4 pound active ingredient in combination with a superior type oil (6–8 gallons) per acre per application. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. A maximum of three applications may be made. The application of Pydrin is limited to the dormant to the pre-bloom stages of pear tree develcpment and a single post-harvest application in the fall of 1980. A maximum of 840 pounds active ingredient may be applied;

3. Applications may be made with ground equipment or by aircraft;

4. A maximum of 700 acres may be treated;

5. Pear orchards that are interplanted with apple trees may be treated as specified above, provided applications are made prior to the bloom stage of development of both apple and pear trees;

6. All applications will be limited to commercial pear-growing areas;

7. All applications will be made by State-certified private or commercial applicators;

8. Precautions will be taken to avoid spray drift to nontarget areas;

9. Pydrin is extremely toxic to fish and aquatic invertebrates. It must be applied with care in areas adjacent to any body of water. It may not be applied when weather conditions favor runoff or drift. It must be kept out of lakes, streams, and ponds. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes;

10. Fenvalerate should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application method	Aerial (35 ft.)		Mist blower (25 ft.)	
Application rate (lb. A. I.)	0.2	0.4	0.2	0.4
Freshwater (distance in feet)	5,200	5,200	5,200	5,200

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour;

11. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. The pesticide may not be applied or allowed to drift to weeds or crops in bloom if bees are visiting the treatment area. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

12. Pears and apples with residue levels of fenvalerate that do not exceed 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. The feeding or grazing of orchard cover crops shall be prohibited;

14. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;

15. The Applicant is responsible for assuring that all the provisions of this specific exemption are met and must submit a report summarizing the results of this program by April 30, 1981; and

16. The EPA shall be immediately informed of any adverse effects resulting from the use of fenvalerate in connection with this exemption.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17344 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-30000/15B, FRL 1510-1]

Diallate; Preliminary Notice of Determination Concluding the Rebuttable Presumption Against Registration of Pesticide Products and Notice of Availability of Position Document

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability.

SUMMARY: The Environmental Protection Agency issued a notice of rebuttable presumption against registration and continued registration of pesticide products containing diallate on May 31, 1977. This notice announces the Agency's preliminary regulatory position pursuant to 40 CFR 162.11(a)(5) and makes the document available to registrants, users, and other interested parties.

DATES: Written comments are due on or before July 9, 1980.

ADDRESS: Document Control Office, Chemical Information Division, EPA (TS–793), Room E447, 401 M Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: James Wilson, Project Manager, Special Pesticide Review Division, 401 M Street, S.W., Washington, D.C. 20460 (TS–791).

SUPPLEMENTARY INFORMATION: The Agency's Position Document (PD 2/3) reviews the risks and benefits of the pesticide products containing diallate and discusses various regulatory options available. The preliminary findings will be reviewed by the FIFRA Scientific Advisory Panel and the Secretary of Agriculture as required under the amended FIFRA.

I. Introduction

The Environmental Protection Agency issued a notice of rebuttable presumption against registration and continued registration ("RPAR") of pesticide products containing diallate published in the Federal Register of May 31, 1977 (42 FR 27669), a thiocarbamate herbicide, thereby initiating the Agency's public review of the risks and benefits of diallate. The rebuttable presumption was issued on the basis of oncogenicity. The Agency also requested registrants and other interested parties to submit data on the effects that diallate may have on plant and animal cell division.

This notice constitutes the Agency's Notice of Determination (Notice) pursuant to 40 CFR 162.11(a)(5). This determination is preliminary at this point pending external review through submission to, and review by, the United States Department of Agriculture and the Scientific Advisory Panel, pursuant to sections 6(b) and 25(d) of the Federal Fungicide, Insecticide, and Rodenticide Act (FIFRA) as amended. The action does not become final until the Agency has reviewed these comments and issued a final notice.

In broad summary, the Agency has determined that diallate continues to exceed the risk criteria outlined in 40 CFR 162.11 for oncogenicity. The risks that diallate poses to applicators of the emulsifiable concentrate formulation are of sufficient concern to require the Agency to consider whether these risks can be reduced. The Agency has considered benefits information including that submitted by registrants, interested persons, and the United States Department of Agriculture and has analyzed the economic, social, and environmental benefits of the uses of diallate. The Agency has weighed risks and benefits together, in order to determine whether the risks of each diallate use are warranted by the benefits of the use. In weighing risks and benefits, the Agency considered what risk reductions could be achieved and how risk reduction measures would effect the benefits of the use.

The Agency has determined that the risks of certain uses of diallate are greater than the social, economic, and environmental benefits of these uses, unless risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registrations for all of the uses of diallate which involve the emulsifiable concentrate formulation. The Agency has further determined that these cancellations will accomplish significant risk reductions, and that these risk reductions can be achieved without significant impacts on the benefits of the continued use of the granular formulation of diallate. The remainder of this Notice and the accompanying Position Document set forth in detail the Agency's analysis of comments submitted during the rebuttal phase of the diallate RPAR, the Agency's reasons and factual bases for the regulatory actions it is initiating.

II. Legal Background

In order to obtain a registration for a pesticide under FIFRA, a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. Section 3(c)(5) of FIFRA requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment". The term "unreasonable adverse effects on the environment" is defined in FIFRA section 2(bb) as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide". In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with commonly recognized practices. The burden of proving that a pesticide satisfies the registration standard is on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.

The Agency generally announces that an RPAR has arisen by publishing a notice in the Federal Register. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure to humans or to the animal or plant of concern with regard to the adverse effect in question. See 40 CFR 162.11(a)(4). Further, in addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social, and environmental benefits of the use of the pesticide subject to the presumption outweigh the risks of use.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination in which the Agency states and explains its position on the question of whether the risk presumptions have been rebutted. If the Agency determines that the presumption is not rebutted, it will then consider information relating to the social, economic, and environmental costs and benefits which registrants and other interested persons submitted to the Agency, and any other benefits information known to the Agency.

After weighing the risks and the benefits of a pesticide use, the Administrator may conclude the RPAR process by issuing a notice of intent to cancel or deny registration, pursuant to FIFRA section 6(b)(1) and section 3(c)(6) or by issuing a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA to determine whether the registrations should be cancelled or applications for registration denied.

In determining whether the use of a pesticide poses risks which are greater than benefits, the Agency considers modifications to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of the use. Among the risk reduction measures short of cancellation which are available to the Agency are changes in the directions for use on the pesticide's labeling and classification of the pesticide for "restricted use" pursuant to FIFRA section 3(d).

FIFRA requires the Agency to submit notices issued pursuant to section 6 to the Secretary of Agriculture for comment and to provide the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy under section 6(b) of FIFRA. The Agency is required to submit these documents to the Secretary at least 60 days before making it public. If the Secretary of Agriculture comments in writing within 30 days after receiving the notice, the Agency is required to publish the Secretary's comments and the Administrator's response with the notice. FIFRA also requires the Administrator to submit section 6 notices to a Scientific Advisory Panel for comment on the impact of the proposed action on health and the

environment, at the same time and under the same procedures as those described above for review by the Secretary of Agriculture under section 25(d) of FIFRA.

Although not required to do so under the statute, the Agency has decided that it is consistent with the general theme of the RPAR process and the Agency's overall policy of open decisionmaking to afford registrants and other interested persons an opportunity to comment on the bases for the proposed action during the time that the proposed action is under review by the Secretary of Agriculture and the Scientific Advisory Panel. Accordingly, appropriate steps will be taken to make copies of the Position Document available to registrants and other interested persons at the time the decision documents are transmitted for formal external review, through publication of a notice of availability in the **Federal Register**, or by other means. Registrants and other interested persons will be allowed the same 30 day comment period that the statute provides for receipt of comments from the Secretary of Agriculture and the Scientific Advisory Panel.

After completing these external review procedures and making any changes in the proposed action which are deemed appropriate as a result of the comments received, the Agency will proceed to implement the desired regulatory action by preparing appropriate documents and releasing them in the manner prescribed by the statute and by the Agency's rules.

III. Determination and Initiation of Regulatory Action

The Agency has considered information on the risks associated with the uses of diallate including information submitted by registrants and other interested persons in response to the diallate RPAR. The Agency has also considered information on the social, economic, and environmental benefits of the uses of diallate subject to the RPAR, including benefits information submitted by registrants and other interested persons in conjunction with their rebuttal submissions, and information submitted by the United States Department of Agriculture.

The Agency's assessment of the risks and benefits of the uses of diallate subject to this PRAR, its conclusions and determinations whether any uses of diallate pose unreasonable adverse effects on the environment, and its determinations whether modifications in terms of conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects are set forth in detail in the Position Document. This Position Document is hereby adopted by the Agency as its statement of reasons for the determinations and actions announced in this Notice and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy. For the reasons summarized below and developed in detail in the Position Document, the Determinations of the Agency with respect to diallate are as follows:

A. Determination of Risk

The diallate RPAR was based on information indicating that diallate posed oncogenic risks to humans. As developed fully in the Position Document (PD 2/3), the Agency has determined that the information submitted to rebut the risk criteria for oncogenicity was insufficient to overcome the presumption against diallate for this effect.

Since the original RPAR notice was published the Agency received additional evidence to support the conclusion that diallate is a mutagen. Although quantitative estimates of the mutagenic risk to applicators are not possible at this time, any risk reduction procedures proposed to reduce the oncogenic risks of diallate will concomitantly reduce mutagenic risks.

There is also evidence that diallate causes neurotoxic effects. As in the case of mutagenic risks quantitative estimates of risk are not presently possible. However, based on current exposure estimates there is a 600-fold span between the observed effect level in chickens and the estimated human exposure level.

The principal risk associated with the use of diallate is oncogenicity. This risk manifests itself in the general population through dietary exposures at low levels and to pesticide applicators through dermal and inhalation exposures before and/or during application of diallate as an emulsifiable concentrate at high levels.

It is estimated that there are approximately 2400 pesticide applicators currently at risk. This risk is estimated to be 10^{-4} and is of primary concern to the Agency. The dietary risk to the general population is estimated to be 10^{-7} based on tolerance levels adjusted to reflect the percent of crop treated. Since residues have not been detected on diallate treated foods, these risk estimates are almost certainly overstated. The Agency considers the dietary risks of diallate to be low and not of primary concern when compared to the benefits associated with its use.

B. Determinations of Benefits

Diallate is used primarily to control wild oats in sugar beets, flax, lentils and peas. It has minor use with alfalfa, barley, corn, potatoes, safflower and soybeans.

1. *Sugar Beets.* The total annual market value of sugar beets is $500 million. Should diallate become unavailable, growers are expected to experience an annual loss of $4 million. More than 60 percent of the diallate used in this country is applied to sugar beets. Presently the emulsifiable concentrate formulation is applied to approximately 85 percent of the treated acreage while the granular formulation is applied to the remaining 15 percent. The degree of control of wild oats provided by each of these formulations appears to be the same for fall applications but slightly less for the granular formulation in spring applications.

2. *Flax.* Approximately 3 percent of the total flax acreage is treated with diallate. If diallate should become unavailable for use in the control of wild oats in flax, growers are expected to experience a $400,000 annual loss. The emulsifiable concentrate is the only formulation presently registered for this use. However, the granular is expected to be as effective.

3. *Lentils.* Thirty-eight percent of the total lentil acreage is treated with diallate. Lentil production is basically limited to two western states, Idaho and Washington. It is estimated that more than 43,000 pounds of diallate are applied to lentil acreage annually. The emulsifiable concentrate is the only diallate formulation presently registered for this use.

4. *Peas.* Dry peas, like lentils, are primarily grown in Idaho and Washington. Currently, approximately 11 percent of the dry pea acreage is treated with diallate. Only the emulsifiable concentrate formulation of diallate is registered for use on peas for the control of wild oats.

5. *Minor uses including alfalfa, barley, corn, potatoes, safflower, and soybeans.* The total percent of minor crop acreage treated annually with diallate ranges from >0.1 percent to 0.5 percent. More specifically, it is estimated that 0.5 percent of the potato acreage is treated, whereas the percentage of treated acreage for all other crops is 0.1 percent or less. No economic impacts are expected if diallate is cancelled. Only the emulsifiable concentrate formulation is registered for the minor uses.

C. Determinations of Unreasonable Adverse Effects

For the reasons set forth in the accompanying Position Document, the Agency has made the following determinations about the unreasonable adverse effects associated with the continued use of the emulsifiable concentrate formulations of diallate.

The Agency has determined that the risks arising from the use of emulsifiable concentrate formulations of diallate to control wild oats are greater than its social, economic, and environmental benefits.

The Agency has further determined that modifications in the terms and conditions of registration of the emulsifiable concentrate formulation of diallate will not accomplish significant risk reductions. Accordingly, the Agency has determined that, unless these formulations are cancelled, the uses of these formulations will continue to cause unreasonable adverse effects in the environment, when used in accordance with widespread and commonly recognized practices. The Agency has also determined that benefits derived from uses of granular formulations of diallate are greater than its social, economic, and environmental risks. Therefore, these formulations will not be cancelled.

D. Initiation of Regulatory Action

Based upon the determinations summarized above and set out in detail in the Position Document, the Agency is initiating a regulatory action which would cancel the use of all diallate emulsifiable concentrate formulations two years after this decision becomes final. Diallate registrants may apply for amended registration to convert from emulsifiable to granular formulations as well as expanded registrations of the granular to crops for which only the emulsifiable concentrate is now registered. Review of the amended registrations will be expedited and may not require more data.

V. Procedural Matters

This Notice of Determination notifies the United States of Agriculture, the Scientific Advisory Panel, pesticide registrants and users, and other interested parties of the Agency's preliminary determinations relating to the risks and benefits to the uses of diallate and provides these entities and individuals with the opportunity to comment on these determinations.

The Agency's decision to initiate regulatory action must be referred for review by the Secretary of Agriculture and the Scientific Advisory Panel. The EPA position document setting forth the reasons and factual bases for the regulatory actions which the Agency proposes and this Notice of Determination are being transmitted immediately to the Secretary of Agriculture and the Scientific Advisory Panel for comments. The Agency also will offer registrants and other interested persons an opportunity to comment on the bases for the Agency's action by making copies of the Position Document available upon request.

Interested persons may receive copies of the documents by communicating their requests to James Wilson, Project Manager, Special Pesticide Review Division, Office of Pesticide Programs, EPA (TS–791), 401 M Street SW, Washington, DC 20460 (703) 557–7420. Registrants and other interested persons have the same period of 30 day comment period that the statute provides for the Secretary of Agriculture and the Scientific Advisory Panel.

All comments on the proposed actions should be sent to the Document Control Office, Chemical Information Division, EPA (TS–793), Room E–447, 401 M Street S.W., Washington, DC 20460. In order to facilitate the work of the Agency and of others inspecting the comments, registrants and other interested persons should submit three copies of their comments. The comments should bear the identifying notation 30000/15B and should be submitted on or before July 9, 1980.

After completion of these review procedures, the agency will consider the comments received and publish an analysis of them, together with any changes in the regulatory actions announced in this Notice which it determines are appropriate. Until this final review phase is concluded in this manner, it is not necessary for registrants or other interested persons to request a hearing to contest any regulatory action resulting from the conclusion of this RPAR.

Dated: May 27, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80–17338 Filed 6–6–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL–1508–8]

Fuels and Fuel Additives; Receipt of an Application for a Waiver of the Prohibition Set Forth in Section 211(f) of the Clean Air Act; as Amended

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: On March 5, 1980, Texaco, Inc. (Texaco) submitted an application for a waiver of the section 211(f) prohibition of certain fuels and fuel additives set forth in the Clean Air Act (Act). This application is for a non-metallic nitrogenous fuel additive which provides detergent and anti-corrosion performance. The application sets forth that the fuel additive, designated as TC–11064, will be used at a maximum concentration of 60 pounds per thousand barrels (PTB) of gasoline. Texaco has claimed the chemical composition of this fuel additive as confidential. Pursuant to section 211(f)(4) of the Act, the Environmental Protection Agency (EPA) has until September 1, 1980 (180 days from the date of receipt) to grant or deny the application.

PUBLIC DOCKET: Copies of information relative to the application are available for inspection in public docket EN–80–12 at the Central Docket Section (A–130) of the Environmental Protection Agency, Room 2903B, 401 M Street, S.W., Washington, D.C. 20460, between the hours of 8:00 a.m. and 4:00 p.m. Any comments from interested parties should be addressed to this docket, with a copy sent to James J. Sakolosky, Acting Director, Field Operations and Support Division (EN–397), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Comments should be submitted within 45 days of the date of publication of this Notice.

FOR FURTHER INFORMATION CONTACT: James J. Kohanek, Attorney-Advisor, Field Operations and Support Division (EN–397), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472–9367.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer to first introduce into commerce or increase the concentration in use of any fuel or fuel additive for use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act provides that the Administrator of EPA may waive the prohibitions of section 211(f)(1) upon application of any fuel or fuel additive manufacturer if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any

vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny an application within 180 days of its receipt, the waiver shall be treated as granted. Texaco filed an application on March 5, 1980, for a waiver for a fuel additive designated as TC–11064 but stated that the chemical composition of the fuel additive is confidential. The 180 day review period terminates September 1, 1980.

Because the EPA is interested in a comprehensive evaluation of a fuel or fuel additive which is subject to a pending waiver application, Texaco has agreed to provide responsible and qualifed interested parties with the fuel additive for testing purposes. Texaco requires that any party interested in conducting testing execute a confidentiality agreement with Texaco not to divulge the composition of the fuel additive. The confidentiality agreement will not, however, cover the data from testing from exhaust emissions, evaporatiave emissions, materials compatibility, driveability and the fuel additive's physical properties (its chemical composition is subject to the confidentiality agreement).

Any party interested in obtaining a copy of the confidentiality agreement and samples for conducting any testing should contact the Texaco representative listed below:

Dr. Kenneth L. Dille, Texaco, Inc., P.O. Box 509, Beacon, New York 12508, (914) 831–3400, Ext. 430.

EPA is particularly interested in obtaining data on exhaust and evaporative emissions, materials compatibility, driveability and durability effects from testing of vehicles representative of the national fleet. In order to permit proper evaluation of such data, comments should be submitted on or before July 24, 1980.

Dated: June 2, 1980.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement

[FR Doc. 80–17336 Filed 6–6–80; 8:45 am]

BILLING CODE 6560–01–M

[OPP–180420; FRL 1509–6]

Idaho Department of Agriculture; Specific Exemption To Use Fenvalerate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the Idaho Department of Agriculture (hereafter referred to as the "Applicant") to use fenvalerate (Pydrin 2.4 E.C.) to control the pear psylla on a maximum of 300 acres of pears in Idaho. This exemption is issued under the Federal Insecticide, Fungicide and Rodenticide Act.

DATE: The specific exemption ends on June 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS–767), Rm. E–124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, (202–426–0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, pear psylla, requiring constant control, is present in all pear orchards in Idaho. The adults overwinter in bark crevices or under leaves on the ground and start in early spring to lay pearshaped yellow eggs around the buds. These hatch in two weeks into wingless nymphs which become adults in one month. There are normally three to five generations in a season. Summer eggs are laid on leaves or petioles. The nymphs cluster at axils and on undersides of leaves secreting their honeydew. The secretion covers foliage and fruits; sooty mold growing in this scars and blackens the fruit. There can be partial defoliation, loss of vigor, and abnormal buds. The fruit is made unsightly and unfit for fresh market sale, the Applicant claims. According to the Applicant, processors will not buy russeted fruit because of the problems in peeling and/or contamination of the end product. Pear psylla is also the only known vector of the mycoplasma-induced disease called "Pear Decline" which results in reduced vigor of trees, diminished yields, and death of trees. According to the Applicant, no cultural or biological control methods are effective for control of pear psylla. The Applicant indicates that use of fenvalerate (cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate) is necessary to reduce pear psylla densities to a level where in the summer they can be controlled with registered chemicals such as BAAM. The Applicant further states that use of fenvalerate should reduce the need for frequent applications of other materials next summer. The Applicant estimates a potential loss of $190,000 without adequate control of pear psylla.

The Applicant proposed to use Pydrin 2.4 E.C., manufactured by Shell Chemical Co., on up to 300 acres of commercial pear orchards in Canyon, Gem, Payette, Twin Falls, and Washington Counties. A maximum of 240 pounds of the active ingredient fenvalerate will be applied by ground and aerial equipment.

EPA has determined that this use of fenvalerate should not result in residue levels exceeding 0.01 part per million (ppm) in or on pears. Secondary residues in meat, fat, and meat byproducts should not exceed 0.02 ppm since the cover crops grown in treated orchards are not to be fed to livestock. EPA has judged these residue levels to be adequate to protect the public health. EPA has also determined that this program should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) an outbreak of pear psylla has occurred; (b) there is no effective pesticide presently registered and available for use to control the pear psylla in Idaho; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the pear psylla is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Pydrin 2.4 E.C., EPA Reg. No. 201–401, may be applied at a rate of up to 0.4 pound active ingredient fenvalerate per acre per application. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. A maximum of two applications may be made during the dormant to the pre-bloom stages of pear tree development. A maximum of 240 pounds active ingredient may be applied;

3. Applications may be made with ground or air equipment;

4. Spray mixture volumes of 3–20 gallons of water will be applied by aircraft and 25–400 gallons of water with ground equipment;

5. A maximum of 300 acres may be treated;

6. All applications will be limited to commercial orchards in the counties named above;

7. All applications will be made by State-certified private or commercial applicators;

8. Precautions will be taken to avoid spray drift to non-target areas;

9. Pydrin is extremely toxic to fish and aquatic invertebrates. It must be applied with care in areas adjacent to any body of water. It may not be applied when weather conditions favor runoff or drift. It must be kept out of lakes, streams, and ponds. Care must be taken to prevent contamination of water by the cleaning of equipment or dispoal of wastes;

10. Fenvalerate should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application method	Aerial and mist blower			
Application rate (Lb. A.I.)	0.05	0.1	0.2	0.4
Freshwater (distance in feet)	1,969	3,344	5,200	5,200

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour;

11. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weed. The pesticide may not be applied or allowed to drift to weeds or crops in bloom if bees are visiting the treatment area. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

12. Pears with residue levels of fenvalerate that do not exceed 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

The feeding or grazing of orchard cover crops shall be prohibited;

14. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;

15. The Applicant is responsible for assuring that all the provisions of this specific exemption are met and must submit a report summarizing the results of this program by December 31, 1980; and

16. The EPA shall be immediately informed of any adverse effects resulting from the use of fenvalerate in connection with this exemption.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17341 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180440; FRL 1509-2]

Massachusetts Department of Food and Agriculture; Issuance of Specific Exemption To Use Acephate on Cranberries to Control Brown Cranberry Spanworm

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Massachusetts Department of Food and Agriculture (hereafter referred to as the "Applicant") to use 4,000 pounds of acephate on 2,000 acres of cranberries in Barnstable, Bristol, Norfolk, and Plymouth Counties in Massachusetts to control the brown cranberry spanworm. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS-767), Room E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION: The brown cranberry spanworm (*Ematurga amitaria*) is a lepidopterous insect that overwinters as a pupa among dead cranberry leaves. These pupae readily withstand floods, emerging as adult moths in late May and early June. Eggs are laid which hatch into worms by mid-June and early July. The worms nip off blossoms and small berries and eat the cranberry leaves. According to the Applicant, a severe infestation can wipe out an entire cranberry bog.

According to the Applicant, there are no pesticides registered for use against the brown cranberry spanworm and those currently registered for springtime pests are not effective. The Applicant stated that non-pesticidal means of controlling the worms (flooding and resanding of bog floors) have proved ineffective. It has been determined that acephate should be efficacious against the brown cranberry spanworm. The Applicant estimates that up to 200,000 barrels of cranberries could be lost to the pest this year, causing a loss of $3 million or more.

EPA has determined that the proposed use should result in residues of acephate in or on cranberries not in excess of 2.0 parts per million (ppm). This level has been judged adequate to protect the public health.

Acephate is extremely toxic to bees. In order to prevent bee losses, appropriate restrictions have been imposed. The use of acephate according to the provisions of the specific exemption should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 31, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Orthene 75S, EPA Reg. No. 239-2418, may be applied;

2. Orthene may be applied a a rate of one pound active ingredient per acre;

3. A maximum of two applications may be made with a preharvest interval of sixty days;

4. Application is restricted to those cranberry bogs where 30 or more young spanworms are captured in 50 sweeps of an insect net;

5. A maximum of 2,000 acres of cranberries in the counties named above may be treated;

6. Orthene is extremely toxic to bees. Severe losses can be expected if this pesticide is used when bees are present at treatment time or within twenty-four hours after application;

7. Applications may be made through a sprinkler system in a spray mixture of up to 400 gallons of water per acre or by helicopter in a spray volume of two or more gallons of water per acre;

8. In order to prevent bee losses, post-bloom applications should be made through a sprinkler system. Application should be made at dusk and, wherever possible, light sprinkler irrigation should continue the day following application;

9. Applications will be carried out by experienced cranberry growers or commercial applicators serving the cranberry industry;

10. Cranberries treated according to the above provisions should not have residues of acephate and its cholinesterase-inhibiting metabolite, O, S-dimethyl phosphoramidothioate, in excess of 2.0 ppm. Cranberries with residues of acephate and its metabolite which do not exceed 2.0 ppm may enter into interstate commerce. The Food and Drug Administration, U.S. Department of

Health, Education, and Welfare, has been advised of this action;

11. The EPA will be immediately informed of any adverse effects resulting from the use of acephate in connection with this exemption; and

12. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by October 31, 1980.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17345 Filed 6-6-80; 8:45 am]
BILLING CODE 6560-01-M

[OPP-180423; FRL 1509-4]

Pennsylvania Department of Agriculture; Specific Exemption To Use Fenvalerate

AGENCY: Environmental Protection Agency (EPA).

ACTION: notice.

SUMMARY: EPA has issued a specific exemption to the Pennsylvania Department of Agriculture (hereafter referred to as the "Applicant") to use fenvalerate (Pydrin 2.4 E.C.) to control the pear psylla on a maximum of 1,500 acres of pears in Pennsylvania. This exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption ends on November 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Rm. E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, pear psylla, requiring constant control, is present in all pear orchards in Pennsylvania. The adults overwinter in bark crevices or under leaves on the ground and start in early spring to lay pear-shaped yellow eggs around the buds. These hatch in two weeks into wingless nymphs which become adults in one month. They are normally three to five generations in a season. Summer eggs are laid on leaves or petioles. The nymphs cluster at axils and on undersides of leaves secreting their honeydew. The secretion covers foilage and fruits; sooty molds growing in this scars and blackens the fruit. There can be partial defoliation, loss of vigor, and abnormal buds. The fruit is made unsightly and unfit for fresh market sale, the Applicant claims. According to the Applicant, processors will not but russeted fruit because of the problems in peeling and/or contamination of the end product. Pear psylla is also the only known vector of the mycoplasma-induced disease called "Pear Decline" which results in reduced vigor of trees, diminished yields, and death of trees. According to the Applicant, no cultural or biological control methods are effective for control of pear psylla. The Applicant indicates that use of fenvalerate (cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate) is necessary to reduce pear psylla densities to a level where in the summer they can be controlled with registered chemicals such as BAAM. The Applicant further states that use of fenvalerate should reduce the need for frequent applications of other materials next summer. The Applicant estimates that the value of the pears produced in 1979 was $1 million and that without adequate control of pear psylla, a significant reduction in revenue will occur.

The Applicant proposed to use Pydrin 2.4 E.C., manufactured by Shell Chemical Co., on up to 1,500 acres of pears in the State. A maximum of 1,800 pounds of the active ingredient fenvalerate will be applied by ground equipment.

EPA has determined that this use of fenvalerate should not result in residue levels exceeding 0.01 part per million (ppm) in or on pears. Secondary residues in meat, fat, and meat by products should not exceed 0.02 ppm since the cover crops grown in treated orchards are not to be fed to livestock. EPA has judged these residue levels to be adequate to protect the public health. EPA has also determined that this program should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) an outbreak of pear psylla has occurred; (b) there is no effective pesticide presently registered and available for use to control the pear psylla in Pennsylvania; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the pear psylla is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until November 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Pydin 2.4 E.C., EPA Reg. No. 201-401, may be applied at a rate of up to 0.4 pound active ingredient per acre per application. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. A maximum of three applications may be made. The application of Pydrin may be made during the dormant to the pre-bloom stages of pear tree development, and a single post-harvest application may be made in the fall of 1980. A maximum of 1,800 pounds active ingredient may be applied;

3. Applications may be made with ground equipment or by aircraft;

4. Spray mixture volumes of 3-20 gallons of water will be applied by aircraft and 3-400 gallons with ground equipment. Pydrin may be applied with superior type oil in the dormant to pre-bloom period;

5. A maximum of 1,500 acres may be treated;

6. Pear orchards that are interplanted with apple trees may be treated as specified above, provided applications are made prior to the bloom stage of development of both apple and pear trees;

7. All applications will be limited to commercial orchards;

8. All applications will be made by State-certified private or commercial applicators;

9. Precautions will be taken to avoid spray drfit to nontarget areas;

10. Pydrin is extremely toxic to fish and aquatic invertebrates. It must be applied with care in areas adjacent to any body of water. It may not be applied when weather conditions favor runoff or drift. It must be kept out of lakes, streams, and ponds. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes;

11. Fenvalerate should not be applied any closer to fishbearing waters than indicated in the chart below:

Application method	Aerial (35 ft.)		Mist blower (25)	
Application rate (lb. active ingredient).	0.2	0.4	0.2	0.4
Freshwater (distance in feet)	5,200	5,200	5,200	5,200

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made

when wind speeds exceed 10 miles per hour;

12. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. The pesticide may not be applied or allowed to drift to weeds or crops in bloom if bees are visiting the treatment area. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

13. Pears and apples with residue levels of fenvalerate that do not exceed 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

14. The feeding or grazing of orchard cover crops shall be prohibited;

15. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;

16. The Applicant is responsible for assuring that all the provisions of this specific exemption are met and must submit a report summarizing the results of this program by May 30, 1981; and

17. The EPA shall be immediately informed of any adverse effects resulting from the use of fenvalerate in connection with this exemption.

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17343 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180443; FRL 1509-8]

Texas Department of Agriculture; Crisis Exemption To Use Temephos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the Texas Department of Agriculture (hereafter referred to as "Texas") availed itself of a temporary crisis exemption to use temephos (Abate 4E) in the Sulphur River in Texas to control the buffalo gnat.

DATE: The crisis exemption has expired.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767), Room E-107, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION: According to Texas, for the past three years the buffalo gnat or black fly has caused servere economic losses to cattle producers in Bowie and Cass Counties. Texas stated that the most effective and economical method of control is to apply a larvicide into the infested water. Since there are no EPA-registered products availabe for this use and since there was insuffficient time to request and receive a specific exemption, Texas stated that it declared a crisis to permit the application of temephos (Abate 4E, EPA Reg. No. 6720-168) into the sulphur River below Lake Texarkana to kill buffalo gnat larvae, The pesticide was applied aerially by a licensed applicator at a rate of 1 gallon of product to one surface acre of water to arrive at the range of 0.1 to 0.3 part per million Abate. These levels were judged to be below those that would be harmful to game fish in the river. Treatment covered one-quarter mile sections of a total of three miles of the river.

Treatment was completed by March 17, 1980. The Texas Agriculture Extension Service supervised the treatment. Texas reported that the treatment appeared to be successful and that no adverse effects to the environment occurred. Treatment of the Sulphur River was carried out jointly with Arkansas.

(Sec. 18, as amended (92 Stat. 819, 7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Deputy Assistant Administrotor for Pesticide Programs.

[FR Doc. 80-17339 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-10002; FRL 1510-2]

TSCA Chemical Assessment Series; Notice of Availability

AGENCY: Environmental Protection Agency.

ACTION: Availability of two publications in TSCA Chemical Assessment Series.

SUMMARY: During the second week of June 1980, the Office of Pesticides and Toxic Substances will begin distributing two volumes in its TSCA Chemical Assessment Series of Publications: "Chemical Screening: Initial Evaluations of Substantial Risk Notices, Section 8(e), January 1, 1977, to June 30, 1979," and "Chemical Hazard Information Profiles (CHIPs), August 1, 1976, to August 1, 1978". These volumes will be automatically distributed to people who have signed up through the Industry Assistance Office (IAO) to receive all volumes of the series. People who have signed up to be notified of each publication will receive a copy of this notice and may request the volumes through IAO. Others not currently on either list may request the volumes and sign up for future notification by contacting the Industry Assistance Office.

DATES: Distribution of the volumes will begin in the second week of June 1980 and continue until the supply of 5,000 copies is exhausted. Although there is no formal deadline for commenting, the Agency requests that comments be made within the sixty days following publication.

FOR FURTHER INFORMATION CONTACT: To sign up either to receive all volumes in the TSCA Chemical Assessment Series as they are published or to receive notification of each volume as it is published, contact the Industry Assistance Office (TS-799), Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460, toll-free telephone 800-424-9065 or, in Washington, 554-1404.

ADDRESSES: Comments on these publications should be submitted to the Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments will be available for public inspection in the OPTS Public Document Room, Room 447, East Tower, EPA, 401 "M" Street, S.W., Washington, D.C., from 9:00 a.m. to 4:30 p.m., Monday through Friday. Comments on the Section 8(e) volume should bear the docket number OPTS-10001; comments on the CHIPs volume should bear the docket number OPTS-10002.

SUPPLEMENTARY INFORMATION: "Chemical Screening: Initial Evaluations of Substantial Risk Notices, Section 8(e), January 1, 1977, to June 30, 1979".

This publication is a collection of status reports (initial evaluations) prepared by scientists in EPA's Office of Pesticides and Toxic Substances on submissions received from chemical manufacturers, processors, and distributors under Section 8(e) of the Toxic Substances Control Act (TSCA) between January 1, 1977, when the requirements of Section 8(e) became effective, and June 30, 1979. Dissemination of these evaluations of substantial risk notices will increase public availability of this information, especially for those engaged in similar aspects of the chemical industry. It is also expected that by providing specific examples of information submitted under Section 8(e) and the Agency's evaluation of it, those who are subject to the requirements of this subsection of the Act will come to a better understanding of its implementation. In

addition, the volume describes Agency procedures for processing Section 8(e) information and the subsequent steps in EPA's sequential process of risk assessment. Comments submitted in response to this publication will be considered either at a subsequent step in the process or in reevaluating a decision not to proceed with further evaluation.

"Chemical Hazard Information Profiles (CHIPs), August, 1, 1976, to August 1, 1978"

This volume is a collection of forty Chemical Hazard Information Profiles (CHIPs) prepared by the Office of Pesticides and Toxic Substances between August 1, 1976, and August 1, 1978. A CHIP is a brief report on a chemical or chemical category that summarizes readily available information concerning the health and environmental effects and potential exposure of its subject. Information gathering for a CHIP is generally limited to a search of second literature sources, such as computerized data bases, abstracts, government reports, scientific review documents, and reference works. A bibliography is given for each CHIP. In general, no attempt is made to evaluate or independently validate the published data reviewed for a CHIP. Preparation of a CHIP is the first stage in the Agency's internal process of risk assessment of chemicals for possible action under TSCA. It is intended to provide a means suitable for public documentation, for deciding on a tentative course of action within OPTS for the chemical subject. Its scope is limited to identifying and characterizing problems that may require more thorough investigation and evaluation at later steps in the process. Each CHIP contains the tentative disposition made. Among the usual follow-up actions are (1) consideration for more detailed assessment within OPTS; (2) consideration for testing, possibly under Section 4 of TSCA; (3) acquisition of more information via Section 8 of TSCA; (4) referral to other EPA offices or other Government agencies; and (5) assignment of "low priority" for further assessment by OPTS. Comments received on the CHIPs in this publication will be considered as part of the ongoing assessment of the chemicals or in reconsidering their tentative disposition.

Dated: May 22, 1980.

Warren R. Muir,

Deputy Assistant Administrator, Office of Testing and Evaluation.

[FR Doc. 80-17337 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL HOME LOAN BANK BOARD

Carlsbad Savings & Loan Association; Appointment of Receiver

Notice is hereby given that on May 16, 1980 the District Court of the State of New Mexico for Eddy County appointed the Federal Savings and Loan Insurance Corporation as receiver for Carlsbad Savings and Loan Association, Carlsbad, New Mexico, effective immediately upon appointment, and that pursuant to the authority contained in section 406(c)(1) of the National Housing Act, as amended (12 U.S.C. 1729(c)(1)), and Resolution No. 80-294 of the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation accepted said appointment.

Dated: May 30, 1980.

J. J. Finn,

Secretary.

[FR Doc. 80-17441 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-81]

City Federal Savings & Loan Association; Notice of Post Approval Amendment of Conversion Application (Notice of Final Action)

Notice is hereby given that on April 23, 1980, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 80-267, approved the amendment to the application of City Federal Savings and Loan Association, Elizabeth, New Jersey, for permission to convert to the stock form of organization. The application to convert was approved on February 14, 1980, by Resolution No. 80-100. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York, 10048.

Dated: June 3, 1980.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary, Federal Home Loan Bank Board.

[FR Doc. 80-17440 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

Telegraph Savings & Loan Association; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Telegraph Savings and Loan Association, Chicago, Illinois, effective May 22, 1980.

Dated: June 2, 1980.

J. J. Finn,

Secretary.

[FR Doc. 80-17442 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-82]

United Federal Savings & Loan Association of Rocky Mount; Post Approval Amendment of Conversion Application (Notice of Final Action)

Notice is hereby given that on May 9, 1980, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 80-299, approved the amendment to the application of United Federal Savings & Loan Association of Rocky Mount, Rocky Mount, North Carolina to provide that the capital stock to be sold in connection with the conversion shall be sold for not less than $2,295,000 nor more than $3,105,000. The conversion application was initially approved on February 14, 1980 by Resolution No. 80-99. Copies of the application and amendments thereto are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street, NW. Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Costal State Building, 260 Peachtree Street, NW, Atlanta, Georgia 30343.

Dated: June 3, 1980.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary, Federal Home Loan Bank Board.

[FR Doc. 80-17439 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined

by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts or interest, of unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and request for hearings should identify clearly the specific application to which they related, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than June 26, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Chemical New York Corporation, New York, New York (financing and insurance activities: Burlington, North Carolina): to continue to engage, through its subsidiary, Sunamerica Corporation, in the previously approved activities of making direct loans, purchasing installment sales finance contracts, and acting as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to such extensions of credit. These activities will be conducted from an office in Burlington, North Carolina, servicing the city of Burlington and its environs. This application is for the relocation of an office within the same city.

B. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Landmark Banking Corporation of Florida, Fort Lauderdale, (insurance activities; Florida): to act as agent or broker through its subsidiary, Landmark Agency, Inc., for the sale of life and accident and health insurance directly related to extensions of credit by its subsidiaries. These activities would be conducted from an office in Fort Lauderdale, Florida, serving the State of Florida. Comments on this application must be received by June 30, 1980.

C. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

Sherman County Management, Inc., Loup City, Nebraska (insurance activities; Nebraska): to continue to engage, as agent or broker, in the sale of any insurance in a community that has a population not exceeding 5,000. This activity will continue to be conducted from an office of Applicant, doing business in Sherman County Insurance Agency, in Loup City, Nebraska, serving Loup City and surrounding areas. Comments on this application must be received by June 27, 1980.

D. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (finance and insurance activities; Pennsylvania): to engage through its subsidiary Security Pacific Finance Corp., in making or acquiring for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer installment sale finance contracts, making loans to small business and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit life, health and accident insurance. These activities would be conducted from offices of Security Pacific Finance Corp. in the Pennslyvania cities of Aliquippa, Allentown, Altoona, Ambridge, Bloomsburg, Camp Hill, Carlisle, Chambersburg, Charleroi, Clearfield, Coraopolis, Danville, Du Bois, Easton, Ellwood City, Erie, Hanover, Harrisburg, Hazelton, Johnstown, Kittanning, Lancaster, Lansdale, Lebanon, Meadville, Mechanicsburg, Milmont Park, New Kensington, Palmyra, Philadelphia, Pittsburgh, Punxsutawney, Reading, Scranton, Shamokin, Shenandoah, Tamaqua, Tunkhannock, Waynesboro, Williamsport, Willow Grove and York, serving the State of Pennsylvania.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve Systems, June 2, 1980.

Cathy L Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17311 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

Circle Management Co.; Proposed Acquisition of Guaranty Trust Co.

Circle Management Company, Kearney, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Guaranty Trust Company, Kearney, Nebraska.

Applicant states that the proposed subsidiary would perform activities that may be carried on by a trust company. These activities would be performed from offices of Applicant's subsidiary in Kearney, Nebraska, and the geographic areas to be served are Kearney, Nebraska, and surrounding areas. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 26, 1980.

Board of Governors of the Federal Reserve System, June 2, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17312 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Acquisition of the Assets of NAC Charge Plan

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire, through its subsidiary, Citicorp Financial, Inc., the assets of NAC Charge Plan, which are currently owned by Citibank (New York State), N.A., another subsidiary of Citicorp. The proposed transfer of ownership and control of NAC Charge Plan is being made pursuant to an internal reorganization.

Applicant states that the assets of the NAC Charge Plan to be transferred consist of card holder agreements, merchant agreements, registered service marks and trade names. Following the transfer of assets, Citicorp Financial, Inc. will engage in credit card business activities, including extending credit to consumers by credit cards and financing and servicing the NAC Charge Plan. These activities will be performed from offices of Citicorp Financial, Inc., in Towson, Maryland, and the geographic areas to be served are the Baltimore Standard Metropolitan Statistical Area and the Washington, D.C. Standard Metropolitan Statistical Area. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 25.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question much be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views of requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 2, 1980.

Board of Governors of the Federal Reserve System, June 2, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17313 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Bancshares, Inc.; Formation of Bank Holding Company

Manufacturers Bancshares, Inc., Miami, Florida, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 98.3 per cent or more of the voting shares of Manufacturers National Bank, Hialeah, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 27, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 2, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17314 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

MidAmerica Bancshares, Inc., Proposed Retention of Lincoln Trail Insurance Agency, Inc.

MidAmerica Bancshares, Inc., Lebanon, Illinois, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain voting shares of Lincoln Trail Insurance Agency, Inc., Lebanon, Illinois.

Applicant states that the subsidiary is a general insurance agency selling credit life, mortgage life, blanket bond, and casualty insurance, it also sells insurance to the general public in communities, with populations of less than 5,000. These activities are performed from offices of Applicant's subsidiary in Lebanon, Illinois, and the geographic areas served include the service areas of Applicant's subsidiary banks in Alton, Carbondale, East St. Louis, Fairview Heights, Lebanon, and Mascoutah, all of which are in Illinois. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 30, 1980.

Board of Governors of the Federal Reserve System, May 30, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17315 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 37; Federal Procurement Supplement 5]

Companies Not In Compliance With the Voluntary Wage and Price Standards

May 12, 1980.

1. *Purpose.* This supplement *adds* additional companies to, and *deletes* one company from, the list of companies that have been determined to be in noncompliance with the Voluntary Wage and Price Standards formulated under Executive Order 12092.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Substance.* a. The following companies are added to the companies listed in paragraph 4 of GSA Bulletin FPR 37, dated August 17, 1979; Supplement 1, dated September 14, 1979; Supplement 2, dated November 16, 1979; Supplement 3, dated January 18, 1980; and Supplement 4, dated February 13, 1980:

Effective March 25, 1980

Crown Central Petroleum Corp., One North Charles, P.O. Box 1168, Baltimore, MD 21203.
Residential Construction Employees Council, 1010 Jorie Boulevard, Suite 112, Oak Brook, IL 60521.
Gust K. Newberg Company & Association, 2040 North Ashland Avenue, Chicago, IL 60614.
Mid-America Regional Bargaining Association, 228 North LaSalle Street, Chicago, IL 60601.
Contractors, Association of Will and Grundy Counties, 254½ Rusy Street, Joliet, IL 60435.

Effective April 2, 1980

Koch Fuels, Inc. (a subsidiary of Koch Refining Company), P.O. Box 31, Gloucester City, NJ 08030.
Church's Fried Chicken, Inc., P.O. Box BH001, San Antonio, TX 78284.

Effective April 18, 1980

Monolith Portland Cement Company, P.O. Box 3303, Terminal Annex, Suite 201, Glendale, CA 91202.

b. The following company, which was listed in paragraph 4 of GSA Bulletin FPR 37, dated August 17, 1979, has been determined to be in compliance with the Voluntary Wage and Price Standards and is to be deleted from the list:

Effective April 28, 1980

The Charter Company, 208 Laura Street, Jacksonsville, FL 32231.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 80-17408 Filed 6-6-80; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Board of Scientific Counselors, NICHD; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, July 21, 1980, in Building 31, Room 2A-52. This meeting will be open to the public from 8:30 a.m. to 3:00 p.m. on July 21 for the review of the Pregnancy Research Branch of the Intramural Research Program. Attendance by the public 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 from 3:00 p.m. to adjournment on July 21 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of Board members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A-50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-2133, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864 and 13.865, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-17303 Filed 6-6-80; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, on June 26-27, 1980, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland.

This meeting will be open to the public from 8:00 p.m. to 9:00 p.m. on June 26, 1980 to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public 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 June 26, 1980, from 9:00 p.m. to adjournment, and from 8:30 a.m. to adjournment on June 27, 1980 for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal personal information concerning individuals associated with these applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland, 20205, Building 31, Room 4A-21, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205, Room 548B, phone (301) 496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-17299 Filed 6-6-80; 8:45 am]

BILLING CODE 4110-08-M

General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, June 26-27, 1980, from 9:00 a.m. to 5:00 p.m. at the American College of Cardiology, 9111 Old Georgetown Road, Bethesda, Maryland 20014. This meeting will be open to the public from 9:00 a.m. to 1:30 p.m. on June 26, 1980, to discuss administrative matters relating to the programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 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 June 26, 1980, from 1:30 p.m. to 5:00 p.m., and on June 27, 1980, from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Maryland 20205, telephone AC 301 496-5545, will provide summaries of meetings and

rosters of committee members. Dr. Michael A. Oxman, Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B23, Bethesda, Maryland 20205, telephone AC 301 496–6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17297 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, July 18, 1980, Conference Room 7, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland.

This meeting will open to the public on July 18, 1980 from 9:00 AM to approximately 10:00 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public 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 July 18, 1980 from 10:00 AM until the adjournment on July 18, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 4A–21, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur Merrick, Executive Secretary, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Maryland 20205, phone (301) 496–7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, 13.839, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17301 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, July 18, 1980, conference Room 9, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on July 18, 1980, from 9:00 AM to approximately 10:00 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public 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 July 18, 1980, for 10:00 AM until the adjournment on July 18, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquires and Reports Branch, NHLDI, NIH, Room 4A–21, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Arthur W. Merrick, Executive Secretary, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Maryland 20205, phone (301) 496–7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, 13.839, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17300 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

Maternal and Child Health Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on July 29–30, 1980, in the Landow Building, Conference Room A, first floor, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on July 29 from 1:00 p.m. to 5:00 p.m. and on July 30 from 9:00 a.m. to 1:00 p.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Scientific Review and the Chiefs of the Human Learning and Behavior and the Clinical Nutrition and Early Development Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 30 from 1:00 p.m. to adjournment on July 30 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17304 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Allergy and Immunology Subcommittee, National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, to be held at the National Institutes of Health, Building 31, Conference Room 7A24, Bethesda, Maryland, on July 18, 1980.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meetings of the NAAIDC Allergy and Immunology Subcommittee meeting will be closed to the public for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 8:30 a.m. until approximately 5:00 p.m. on July 18, 1980. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. William I. Gay, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17302 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, on June 26, and June 27, 1980, Senate Room, Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland.

This meeting will be open to the public on June 26, 1980, from 8:00 p.m. to approximately 10:00 p.m., to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

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 from 8:00 a.m. on June 27, 1980, until adjournment at 5:00 p.m. on June 27, 1980, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 4A21, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Maryland 20205, phone (301) 496–7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17298 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

Office of the Assistant Secretary for Health

National Committee on Vital and Health Statistics, Subcommittee on Cooperative Health Statistics System; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92–463), notice is hereby given that the Subcommittee on Cooperative Health Statistics System of the National Committee on Vital and Health Statistics, pursuant to functions established by Section 306(k), Paragraph (4) of the Public Health Service Act (42 U.S.C. 242(k)), will convene on Monday, June 9, 1980, and Tuesday, June 10, 1980, at 9:00 a.m., in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Principal consideration and discussion will be devoted to review of the recommendations of the "Expert Panel to Evaluate CHSS" and to develop plans for implementation of those recommendations; guidelines for designation of State Health Statistics Agencies; recommendations from ASTI Seminar; and HCFA data activities. Agenda items are subject to change as priorities dictate.

Further information regarding this meeting of the Subcommittee or other matters pertaining to the National Committee on Vital and Health Statistics may be obtained by contacting Samuel P. Korper, Ph.D., M.P.H., Executive Secretary, National Committee on Vital and Health Statistics, Room 17A–55, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301–443–2660.

Dated: June 3, 1980.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 80–17567 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–85–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–80–602]

Acting Secretary of Housing and Urban Development; Order of Succession

During any period when, by reason of absence, disability, or vacancy in office, the Secretary of Housing and Urban Development is not available to exercise the powers and perform the duties of the Secretary, appointees to the positions listed below are authorized to act as Secretary and exercise all the powers, functions, and duties assigned to or vested in the Secretary. However, no official shall act as Secretary until all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in office.

1. Under Secretary.
2. General Counsel.
3. Assistant Secretary for Community Planning and Development.
4. Assistant Secretary for Housing-Federal Housing Commissioner.
5. Assistant Secretary for Policy Development and Research.
6. Assistant Secretary for Legislation and Intergovernmental Relations.
7. Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection.
8. Assistant Secretary for Fair housing and Equal Opportunity.
9. Assistant Secretary for Administration.

10. General Manager, New Community Development Corporation.

In the event that none of the officials named above is able to act during a civil defense emergency declared or proclaimed by the President or by Concurrent Resolution of the Congress in accordance with section 301 of the Federal Civil Defense Act of 1950 (64 Stat. 1251, 12 U.S.C. App. 2291), appointees to the positions listed below are authorized to act as Secretary and exercise all the powers, functions, and duties assigned to or vested in the Secretary. However, no official shall act as Secretary until all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in office.

1. Regional Administrator, Region VI (Fort Worth).
2. Regional Administrator, Region VII (Kansas City).
3. Regional Administrator, Region V (Chicago).
4. Regional Administrator, Region III (Philadelphia).
5. Regional Administrator, Region VIII (Denver).
6. Regional Administrator, Region IX (San Francisco).
7. Regional Administrator, Region IV (Atlanta).
8. Regional Administrator, Region I (Boston).
9. Regional Administrator, Region X (Seattle).
10. Regional Administrator, Region II (New York).

This designation supersedes the designation effective July 11, 1977 (42 FR 41329, August 16, 1977).

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 11490, 34 FR 17567)

Effective date: This order is effective May 19, 1980.

Moon Landrieu,

Secretary of Housing and Urban Development.

[FR Doc. 80-17391 Filed 6-6-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Amendment to Notice of Receipt of Application

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, MD 20811.

This amends the applicant's "Receipt of Application" which was published on May 9, 1980, Federal Register Vol. 45, No. 92, pp. 30996-30997. The third sentence under II.B. *Schedule* of the California Condor Application Outline should have read: If after one month of evaluation no unresolvable problems have arisen, trapping of additional birds will resume until an aggregate total of ten birds have been fitted with transmitters during this initial phase of the telemetry program.

Documents and other information submitted with this application are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-6563. Interested persons may comment on this application by submitting written data, views, or arguments to the Director, USFWS, WPO, Washington, D.C. 20240 on or before June 23, 1980. Please refer to the file number when submitting comments.

Dated: May 30, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-17284 Filed 6-6-80; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Notice of Intention To Negotiate a Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Glacier Park, Inc., authorizing the continued requirement to provide lodging, food, beverage and other related concession facilities and services for the public at Glacier National Park for a period to be determined by proposals received as a result of this notice.

An assessment of the environmental impact of this proposed action has been made pursuant to the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Glacier National Park, West Glacier, Montana 59936.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which would have expired by limitation of time on December 31, 1985. The proposed contract shall supercede and cancel the existing concession contract and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract.

This provision, in effect, grants Glacier Park, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposals of the foregoing concessioner is substantially equal to others received, In the event a responsive proposal superior to that of the foregoing concessioner (as determined by the Secretary) is submitted, then the foregoing concessioner will be given the oportunity to meet the terms and conditions of the superior proposal which the Secretary considers desirable, and, if it does so, the contract will be negotiated with the foregoing concessioner. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be submitted on or before the sixtieth (60) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Glacier National Park, West Glacier, Montana 59936, for information as to the requirements of the proposed contract.

Dated: May 30, 1980.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 80-17346 Filed 6-6-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed on or before June 30, 1980.

Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Motor Carrier Board, Members Holyfield, Hedetniemi, and Healy.

Agatha L. Mergenovich,

Secretary.

F.D. 29361. By decision of May 27, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1141. The Motor Carrier Board approved the transfer to EDWARD H. BARNABY, d.b.a. CMT TRANSPORTATION COMPANY of Chicago, IL of Certificate No. W–1320 (Sub-1F) issued November 14, 1978 to Edward H. Barnaby & Richard W. Casey, a partnership, d.b.a. CMT Transportation Company of Chicago. IL authorizing the transportation of *commodities* generally, by non-self propelled vessels with the use of separate towing vessels, between ports and points along Lake Michigan, Lake Superior, Lake Huron, Lake Erie and Lake Ontario, and inter-connecting waterways. Applicant's representative is: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. TA application has not been filed. Transferee holds no authority.

MC–FC–78138. By decision of May 14, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to CLANTON'S AUTO AUCTION SALES, INC., Darlington, SC of Certificate MC–135541, issued March 5, 1975, to STEPHENS CAR TRANSPORT, INC. (Robert F. Anderson, Trustee in Bankruptcy), Columbia, SC, (reissued on October 18, 1979 in the name of Lord's Convoy Service, Inc.) authorizing the transportation of *Used passenger automobiles,* in truckaway service, between the site of Clanton Auto Auction, at Darlington, SC, on the one hand, and, on the other, points in NC, VA, TN, GA, FL, and AL. Applicants' Representative: Robert F. Anderson, as Trustee in Bankruptcy for Stephens Car Transport, Inc., P.O. Box 76, Columbia, SC 29202; and William E. S. Robinson, P.O. Box 76, Columbia, SC 20902.

Note.—In MC–FC–77662 we authorized the transfer of the above operating authority to Lord's Convoy Service, Inc., and Certificate No. MC–135541 was issued October 18, 1979 in the name of Lord's Convoy Service, Inc. Therefore, approval of the transaction in MC–FC–78138 is conditioned upon the filing, of an affidavit addressed to Office of Proceedings, Motor Carrier Board, signed by both Lord's Convoy Service, Inc. and the trustee for Stephens Car Transport, Inc. Verifying that consummation of the transaction in MC–FC–7766 did not take place.

MC–FC–78370. By decision of January 28, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to JERICHO TRUCKING CO., INC. of permit MC–142947 (Sub-1) issued June 20, 1978, to SCOTT D. WILLIAMS TRUCKING, INC., of Waukesha, WI, of authorizing the transportation of over irregular routes of: (1)(a) *Concrete blocks,* and (b) *mortar, mortar coloring and cement, in mixed loads with concrete blocks,* from the facilities of Best Block Company, located at Butler, WI, Best Block South, Inc., located at Milwaukee, WI, and Best Block Racine, Inc., located at Racine, WI, to points in Illinois, Indiana, and Michigan; and (2) *Brick and brick products,* from the facilities of American Brick Co., located at Chicago, IL, and Munster, IN, to the origins named in (1) above, subject to the following restrictions: The authority granted herein is limited to a transportation service to be performed under a continuing contract(s) with Best Block Company, of Butler, WI, Best Block South, Inc., of Milwaukee, WI, or Best Block Racine, Inc., of Racine, WI. Applicant's representative is: Richard C. Alexander, Esq., 710 N. Plankinton Ave., Milwaukee, WI 53203.

MC–FC–78493. By decision of March 3, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. The Motor Carrier Board approved the transfer to A. FERNANDEZ, INC., of Lindenhurst, NY, of Certificate MC–94860 issued January 12, 1966 to CONSOLIDATED VAN LINES, INC., of Farmingdale, NY, authorizing the transportation of *household goods,* between New York, NY, and points in Nassau County, NY, on the one hand, and, on the other, points in NY, MA, CT, NJ, and PA. Applicant's representative is: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036.

MC–FC–78531. By decision of April 23, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to COMMAND BUS COMPANY, INC., of Brooklyn, NY, of certificate MC–142530 (Sub-1) issued April 21, 1978, to PIONEER BUS CORP., of Staten Island, NY, authorizing the transportation of *passengers and their baggage, in the same vehicle with passengers, in special operations,* beginning and ending at those points in the Borough of Brooklyn, NY, on and south of Atlantic Avenue and extending to the site of the New Jersey Sports and Exposition Authority, at or near East Rutherford, NJ. Applicant's representative is: Sheldon Rudoff, Attorney, 235 East 42nd Street, New York, NY 10017. Application for TA has been filed. Transferee holds no authority; however its affiliate holds authority under docket MC–1111.

MC–FC–78570. By decision of May 13, 1980 issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR 1133, the Motor Carrier Board approved the transfer to SERO SKI VENTURES, INC., of Glen Allen, VA, of License MC–130473 issued March 26, 1979 to MS. LTD., of Richmond, CA, authorizing the operations as a broker at Henrico County, VA, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage, in round-trip tours, in special and charter operations,* between points in the United States (including AK and HI), restricted to the transportation of tour groups, beginning and ending at points in Richmond, VA, Chesterfield County, Henrico County and Hanover County, CA. Applicant's representative is Hamill D. Jones, Jr., 815 Mutual Bldg., Richmond, VA 23219. Transferee holds no authority from this Commission.

[FR Doc. 80–17326 Filed 6–6–80; 8:45 am]
BILLING CODE 7035–01–M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor

carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuance) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protests shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(c) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restricted amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying application shall stand denied.

Decided: May 23, 1980.

By the Commission. Review Board Number 5, Members Krock, Taylor and Williams. (In MC–F–14343F, Board Member Taylor concurs in publication of the notice of the filing of the application. However, he states that under the summary grant proceeding we are authorized to enumerate impediments but not to impose conditions. Therefore, he does not agree to the conditions set forth at the end of the notice. Since the Commission consistently authorizes the transfer of dormant rights, he finds the first condition particularly objectionable.) (In MC–F–14353F, Board Member Taylor votes to publish notice of filing of the application in the Federal Register. However, the condition at the end of the notice should be shown as an impediment, rather than as a condition. He states we have no authority to impose conditions under summary grant procedures.) (In MC–F–14354F, Board Member Taylor votes to dismiss the application as we have no jurisdiction at the present time. He states that this application could be better handled if it were consolidated with the application in No. MC–149068F, which is pending on protests.)

Agatha L. Mergenovich,

Secretary.

MC–F–14240F, filed November 29, 1979, GILCHRIST TRUCKING, INC. (Gilchrist) (105 North Keyser Avenue, Old Forge, PA 18518)—PURCHASE (PORTION)—BAIR TRANSPORT, INC. (Bair) (North Creek Road, Delanco, NJ 08075), NORTHEAST DELIVERY, INC. (Northeast) (P.O. Box 127, Taylor, PA 18517) (Assignor), and in turn, John Gilchrist and Diane Gilchrist acquiring control of such rights through the transaction. Representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. The portion of the operating rights to be acquired by Gilchrist are contained in a certificate issued to Bair in MC–116810, authorizing the transportation of *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), over irregular routes, between points in Sussex County, NJ, on the one hand, and, on the other, Providence, RI, those points in MA on and east of U.S. Hwy 5, those in CT on and east of U.S. Hwy 5, and those in CT on U.S. Hwy 1 between the NY–CT State line and New Haven, CT. Northeast is retaining that portion of MC–116810 which authorizes the transportation of *general commodities* (with exceptions), over irregular routes, between points in Sussex County, NJ, on the one hand, and, on the other, Corning, NY, those points in PA east of the Susquehanna River, and those in NY within 150 miles of Newark, NJ. Gilchrist presently holds motor common carrier authority pursuant to certificates issued in MC–124821 and sub-numbers thereunder. Impediment: Since applicants have failed to revise the transaction to enable Gilchrist to purchase the operating rights directly from Bair, and since Northeast Delivery, Inc., will not hold the authority until the transaction in MC–F–14193F, Northeast Deliver, Inc.—Purchase (Portion)—Bair Transport, Inc., is consummated, we cannot approve this transaction at this time. Therefore, this proceeding will be consolidated with the proceeding in MC–F–14193F. (Hearing site: Harrisburg, PA.)

Note.—Applicant intends to tack the above authority with its regular-route authority pending in MC–124821 (Sub-No. 61F).

PETROLANE, INCORPORATED (Petrolane) (1600 East Hill Street, Long Beach, CA 90806)—CONTINUANCE IN CONTROL—TEXAS PETRO GAS COMPANY (Texas Petro) (16630

Imperial Valley, Suite 220, Houston, TX 77060). Petrolane, a non-carrier and publicly held corporation, seeks authority to continue in common control and management of Lightning Supply, Inc., and Texas Petro, upon the institution by Texas Petro of operations, in interstate or foreign commerce, as a motor common carrier. Texas Petro currently holds no authority from the Commission. However, in MC–149068F, Texas Petro is seeking authority to operate as a motor common carrier, in interstate or foreign commerce, transporting liquefied petroleum gas, in bulk, in tank vehicles, between points in TX, LA, MS, AL, and TN. Lightning Supply, Inc., is authorized to operate as a motor common carrier pursuant to certificates issued in MC–123475 and MC–123475 (Sub-No. 6), transporting anhydrous ammonia, in bulk, in tank vehicles, (a) from a plant site at Cahokia, IL, to points in IN, IA, MO, and WI; (b) from Meredosia, IL, to points in IN, IA, KY, MI, MN, MO, NE, ND, OH, SD, and WI; (c) from a plant site at Terre Haute, IN, to points in IL. Condition: Approval herein is conditioned upon the issuance to Texas Petro of a certificate in MC–149068F and institution of operations thereunder. (Hearing site: Los Angeles, CA.)

REBER CORPORATION (Reber) (2216 Old Arch Road, Norristown, PA 19401)—PURCHASE—ROMANO'S BULK CARRIERS, INC. (Romano's) (1065 Belvoir Road, Norristown, PA 19401). Representatives: Roland Morris, 1600 Land Title Bldg., 100 S. Broad Street, Philadelphia, PA 19110, and Steven M. Romano, 81 Lancaster Avenue, Great Valley Center, Malvern, PA 19355. Reber seeks authority to purchase the interstate operating rights of Romano's. Floyd A. Reber, the sole stockholder of Reber, seeks authority to acquire control of said rights through the transaction. Reber is purchasing the interstate operating rights contained in Certificate No. MC–102323, which authorizes the transportation, as a motor common carrier, over irregular routes, of *bituminous concrete, asphalt, crushed stone, sand, gravel, and brick*, from points in Upper Merion Township, Montgomery County, PA, and points within 10 miles of Upper Merion Township, to points in NJ, DE, and MD, and *ground limestone*, from Norristown, PA, and points in Chester and Delaware Counties, PA, to points in DE and MD. Reber is authorized to operate as a motor common carrier pursuant to certificates issued in MC–136077 and sub-numbers thereunder. Condition: Reber Transport, Inc., an affiliate of Reber Corporation, was granted authority in MC–F–12541 to purchase the interstate operating rights authorized in MC–118816 (Sub-no. 7). There is a duplication between those rights acquired by Reber Transport, Inc., and the rights sought to be acquired by Reber Corporation in this proceeding. Applicants have conceded that Reber Transport, Inc., has been an inactive corporation for approximately the past 3 years. Therefore, in order to eliminate the possibility of duplicating rights being held by two commonly controlled carriers, our approval and authorization of this transaction is subject to the prior cancellation, at applicant's written request, of the authority acquired by Reber Transport, Inc., in MC–F–12541. (Hearing site: Philadelphia, PA.)

Note.—Application for temporary authority has been filed.

MC–F–14350F, filed March 25, 1980. BRINK'S INCORPORATED (Brinks) (Thorndal Circle, Darien, CT 06820)—CONTROL—UNITED STATES TRUCKING CORPORATION (United) (P.O. Box 1176, New County Road, Secauaus, NJ 07094). Representative: Chandler L. van Orman, 1729 H Street, N.W., Washington, D.C. 20006. Brinks seeks authority to control United through the purchase of all of its issued and outstanding capital stock. The Pittston Company sole stockholder of Brinks seeks to continue in control of United through the transaction. No single stockholder or groups of affiliated stockholders controls Pittston. United is authorized to operate as a motor common carrier and a motor contract carrier pursuant to authority issued in MC 11712 and sub-numbers thereunder and MC 83885 and sub-numbers thereunder, as summarized: MC 11712 and subs—I. *general commodities,* with the usual exceptions, over A. *Regular Routes*, (1) between Port Washington, NY, and Oyster Bay, NY, and (2) between Hicksville, NY, and Port Jefferson, NY, B. *Alternate Routes,* between Long Island, NY, points. Restriction: The service authorized above is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, the rail service of the Long Island Railroad Company, hereinafter called the railroad. Said carrier shall not render service from or to, or interchange traffic at, any point other than a station on the lines of the railroad. Shipments transported by said carrier shall be limited to those which it receives from, or delivers to, the railroad under a through bill of lading or express receipt covering, in addition to movement by said carrier, an immediately prior or an immediately subsequent movement by rail. All contractual arrangements between said carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and as it is found necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission, in the future may find it necessary to impose in order to restrict said carrier's operation by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of the railroad. C. *Irregular Routes*, between points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, NJ, Fairfield County, CT, and Richmond, New York, Kings, Queens, Bronx, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties, NY. Restriction: The service authorized immediately above is subject to the following conditions: Said operations are restricted against service to or from the facilities of Amstar Corporation, of New York, NY. Said operations are restricted against the transportation of the commodities authorized to be transported in Permit MC 83885 (Sub-2). II. *dry cement.* (1) between points in CT, (2) between points in DE, (3) between points in ME, (4) between points in MD, (5) between points in MA, (6) between points in NH, (7) between points in NY, (8) between points in PA, (9) between points in RI, and (10) between points in VT. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to shipments originating at plant sites or facilities of Universal Atlas Cement Division (United States Steel Corporation), and having an immediately prior movement by rail or water. The authority described herein shall not be joined with any other authority held by carrier for the purpose of providing through transportation. III. *Cement*, from the plant site of Universal Atlas Cement Division, United States Steel Corporation, at Newark, NJ, to New York, NY, points in Suffolk, Nassau, Westchester, and Rockland Counties, NY, Fairfield and New Haven Counties, CT, and NJ, and *returned shipments* of cement, in the reverse direction. IV. *general commodities* (except those of unusal value, livestock, classes A and B explosives, uncrated furniture, automobiles, commodities in bulk, and those requiring special equipment), over regualr routes, between Baltimore, MD, and Washington, DC. MC 83885 and subs—I.

sugar and blends of sugar with other sweeteners, from Brooklyn, NY, to points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, NJ. Said operations are limited to a transportation service to be performed under a continuning contract, or contracts with Amater Corporation, of New York, NY; II. *siliver bars,* from Perth Amboy, NJ, to Rochester, NY. Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Anaconda Sales Company, a division of Anaconda Company; and III. *silver bars,* from New York, NY to Colwyn, PA. Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Minnesota Mining and Manufacturing Company, of St. Paul, MN. All of the operations described are restricted as follows: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. Brinks is authorized to operate in interstate or foreign commerce pursuant to permits issued in MC 87857 and sub-numbers thereunder. CONDITIONS: The Pittston Company shall continue to be deemed a carrier within the meaning of 49 U.S.C. § 11348, as previously subjected by Division 4 in it decision decided July 11, 1958, in MC–F–6544. (Hearing site: New York, NY.)

Note.—Dual operations are involved.

MC–F–14343F, filed March 17, 1980. GTL FREIGHTLINES, INC. (GTL) (345 South Warren Street, Syracuse, NY 13202)—control—Van Curler Trucking Corp. (Van Curler) (212 La Grange Avenue, Rochester, NY 14613) Representative: Robert L. Boxer, 900 Midtown Tower, Rochester, NY 14604. GTL seeks authority to acquire control of Van Curler through the purchase of all Van Curler's issued and outstanding capital stock. Glengarry Transport Limited, the sole stockholder of GTL, and in turn, GTL Investments, Inc., the majority stockholder of Glengarry Transport Limited, and in turn, Gilles Lefebvre, the majority stockholder of GTL Investments, Inc., seek authority to acquire control of Van Curler through the transaction. Van Curler is authorized to operate as a motor common carrier pursuant to authority issued in MC 111947 and sub-numbers thereunder, as summarized: *general commodities*, with the usual exceptions, over regular routes, (1) between Schenectady and Gloversville, NY, (2) between Canandaigua and Rochester, NY, (3) between Albany and Utica, NY, (4) between Amsterdam and Speculator, NY, (5) between Amsterdam and Mayfield, NY, (6) between Fort Johnson and Johnstown, NY, (7) between Wells and Speculator, NY, (8) between Utica and Buffalo, NY, (9) between Avon and Kenmore, NY, (10) between Rochester and Syracuse, NY, and (11) between Canandaigua and Stanley, NY, and over irregular routes, (1) between points in Monroe County, NY, (2) between points in Monroe County, NY, on the one hand, and, on the other, points in Chautauqua, Erie, and Genesee Counties, NY, (3) between Syracuse and Binghamton, NY, (4) between Rochester and Binghamton, NY, and (5) between Waterloo and Rochester, NY. GTL holds no authority from the Interstate Commerce Commission. Glengarry Transport Limited, the sole stockholder of GTL, is authorized to operate as a motor common carrier pursuant to authority granted in MC–FC–76701 and assigned docket number MC 140833. Conditions: (1) Applicants concede the dormancy of Van Curler's authority in MC 111947 (Sub-10 and 11). Therefore, approval and authorization of this transaction is conditioned upon the cancellation of MC 111947 (Sub-10 and 11). (2) GTL Investments Inc., the majority stockholder of Glengarry Transport Limited, is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, GTL Investments Inc., will be considered a motor carrier within the meaning of 49 U.S.C. 11348 of Subtitle IV. It will, therefore, be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. (Hearing site: Rochester or Buffalo, NY.)

Note.—Application for temporary authority has been filed.

MC–F–14356F, filed March 27, 1980. GENERAL LEASING, INC. (General Leasing) (1620 South 15th Street, Prairie du Chien, WI 53821)—purchase (portion)—Whitehead Specialties, Inc. (Whitehead) (1017 Third Avenue, Monroe, WI 53566). Representative: Wayne W. Wilson, 150 E. Gilman, Madison, WI 53703. General Leasing seeks authority to purchase a portion of the interstate operating rights of Whitehead. Edward A. Welter, the sole stockholder of General Leasing, also seeks authority to acquire control of said rights through the transaction. General Leasing is purchasing that portion of Whitehead's authority that is contained in Certificate No. MC 136268 (Sub-13F), which authorizes the transportation, as a motor common carrier, over irregular routes, of *lumber, lumber products, posts, and ties,* between Janesville and Prairie du Chien, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, and OH, restricted to the transportation of traffic originating at or destined to the facilities of Quality Wood Treating Co., Inc. General Leasing is authorized to operate as a motor contract carrier pursuant to Permits issued in MC 126133 and sub-numbers thereunder which authorize the transportation of malt beverages in the States of IL, IA, MN, and WI. (Hearing site: Madison, WI.)

Notes.—(1) Application for temporary authority has been filed. (2) Dual operations may be involved.

FRANCIS B. SHERIDAN, an individual D/B/A MOUND CITY TRUCK LINE (Mound City) (Rural Route 2, Mound City, KS 66056)—PURCHASE (Portion)—LEONARD BROTHERS TRANSPORT COMPANY, INC. (Leonard Brothers) (1528 West 9th Street, Kansas City, MO 64101). Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Mound City seeks authority to purchase a portion of the interstate operating rights of Leonard Brothers. Mound City is purchasing the authority contained in Certificate No. MC–13547 (Sub-No. 7), which authorizes the transportation, as a motor common carrier, of *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 construction site and plant of the Wolf Creek Power Plant, at or near New Strawn, KS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. Mound City is also purchasing that portion of the authority contained in Certificate No. MC–13547 (Sub-No. 5), which authorizes the transportation, as a motor common carrier, of the following: (A) over regular routes, (1) *General commodities* (except those of unusual value, Classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and commodities requiring special equipment). (a) From Kansas City, MO, to Bucyrus, KS, with service from the intermediate point of Kansas City, KS, restricted to pick up only; to the off-route point of Stillwell, KS, restricted to

delivery only; and to and from the off-route point of North Kansas City, MO, unrestricted; From Kansas City over city streets to Kansas City, KS, thence over U.S. Hwy 69 to junction unnumbered Hwy, and thence over unnumbered Hwy to Bucyrus, and return over the same route with no transportation for compensation except as otherwise authorized; (b) Between Kansas City, KS, and Rich Hill, MO, serving the intermediate points in Kansas City, Passaic, and Butler, MO; From Kansas City, KS, over city streets to Kansas City, MO, thence over U.S. Hwy 71 to Rich Hill, and return over the same route; (c) Between Kansas City, KS, and Walker, MO, serving the intermediate and off-route points of Kansas City, Prairie City, Papinsville, Rockville, Schell City, Taberville, Fair Haven, and Harwood, MO, those within 5 miles of Walker, and those within 5 miles of intermediate and off-route points named; From Kansas City, KS, over city streets to Kansas City, MO, thence over U.S. Hwy 71 to junction Bates County, MO, Hwy B, south of Rich Hill, MO, thence over Bates County Hwy B to junction unnumbered Hwy, thence over unnumbered Hwy to junction Vernon County, MO, Hwy C, thence over Vernon County Hwy C to Walker, and return over the same route; (2) *Lumber, cement, sheet metal, brick, meat scraps, and tankage,* from Kansas City, KS, to Schell City, MO, serving no intermediate points; From Kansas City, KS, over city streets to Kansas City, MO, thence over U.S. Hwy 71 to junction unnumbered Hwy near Rich Hill, MO, thence over unnumbered Hwy to Schell City, and return over the same route with no transportation for compensation except as otherwise authorized; (3) *Livestock, oil* in drums and packages, *tires, batteries, packinghouse products* as defined by the Commission, *feed, tankage* and *cheese boxes,* From Kansas City, KS, to Rock Hill, MO, serving the intermediate and off-route points within 8 miles of Rockville for delivery only; From Kansas City, KS, over city streets to Kansas City, MO, thence over U.S. Hwy 71 to junction Bates County, MO Hwy B and thence over Bates County Hwy B to Rockville and; (4) *Livestock, cheese* and *empty oil drums,* From Rockville, MO, to Kansas City, KS, serving the intermediate and off-route within 8 miles of Rockville for pick up only; From Rockville over the route specified next above to Kansas City, KS; (5) *Feed, agricultural implements, fertilizer, fencing and building material, roofing* and *lumber,* From Kansas City, MO, to Bucyrus, KS, with service to the intermediate and off-route points within 20 miles of Bucyrus, restricted to delivery only; and to and from the off-route point to North Kansas City, MO, unrestricted; From Kansas City over city streets to Kansas City, KS, thence over U.S. Hwy 69 to junction unnumbered Hwy, and thence over unnumbered Hwy to Bucyrus, and return over the same route with no transportation for compensation except as otherwise authorized;

(6) *Livestock,* (a) From Bucyrus, KS, to Kansas City, Mo, with service to and from the intermediate and off-route points of Kansas City, KS, and those in KS within 15 miles of Bucyrus, unrestricted; and to those in MO within 25 miles of Kansas City, MO, restricted to delivery only; From Bucyrus over unnumbered Hwy to junction U.S. Hwy 69, thence over U.S. Hwy 69 to Kansas City, KS, and thence over city streets to Kansas City; and (b) From Louisburg, KS, to Kansas City, MO, with service from the intermediate and off-route points within 10 miles of Louisburg, restricted to pick up only; and to the intermediate point of Kansas City, KS, restricted to delivery only; From Louisburg over U.S. Hwy 69 to Kansas City, KS, thence over city streets to Kansas City; and (7) *Livestock, Lumber, Builder Materials, Feed, Fertilizer, Fencing Materials, Agricultural Implements and Parts, Salt, Furniture,* and *Petroleum Products* in Containers, From Kansas City, MO to Bucyrus, KS, with service to and from the intermediate and off-route points of Kansas City, KS, and those in KS within 15 miles of Bucyrus, unrestricted, and to those in MO within 25 miles of Kansas City, MO, restricted to the delivery of livestock only, From Kansas City over city streets to Kansas City, KS, thence over U.S. Hwy 69 to junction unnumbered Hwy, and thence over unnumbered Hwy to Bucyrus; (8) *Livestock, Feed, Seeds, Fertilizer,* and *Twine,* From Kansas City, MO to Louisburg, KS, with service to the intermediate and off-route points within 10 miles of Louisburg, restricted to delivery only; and from the intermediate point of Kansas City, KS, restricted to pick up only; From Kansas City over city streets to Kansas City, KS, thence over U.S. Hwy 69 to Louisburg; (b) over irregular routes, (1) *Building Materials, Paint, Tile and Sewer Pipe,* (a) From Harrisonville and Knobtown, MO, to Louisburg, KS, with no transportation for compensation on return except as otherwise authorized; (b) From Kansas City, MO, and Kansas City, KS, to a point known as Lovett's Station 4 miles north of Louisburg, KS, and points in KS and MO within 10 miles of Lovett's Station, with no transportation for compensation on return except as otherwise authorized; (2) *Feed, Fencing Material, Corrugated Iron, Iron* and *Steel Tanks, Rope, Harness,* and *Hardware,* From Kansas City, MO, and Kansas City, KS, to a point known as Lovett's Station, 4 miles north of Louisburg, KS, and points in KS and MO within 10 miles of Lovett's Station, with no transportation for compensation on return except as otherwise authorized; (3) *Grain, Seed, Hay, Agricultural Implements* and *Parts,* Between a point known as Lovett's Station 4 miles north of Louisburg, KS, and points in KS and MO, within 10 miles of Lovett's Station, on the one hand, and, on the other, Kansas City, MO, and Kansas City, KS; (4) *Livestock,* (a) Between a point known as Lovett's Station 4 miles north of Louisburg, KS, and points in KS and MO within 10 miles of Lovett's Station, on the one hand, and, on the other, points in KS and MO within 15 miles of Kansas City, MO, Kansas City, Fort Scott, Pleasanton and La Cygne, KS, including the points named, and Ottawa, Overland Park, and Paola, KS; (b) Between Kansas City, MO, and Kansas City, KS, and points within 15 miles of Kansas City, MO, and Kansas City, KS, on the one hand, and, on the other, points in KS and MO within 15 miles of Fort Scott, Pleasanton and La Cygne, KS, including the points named, and Ottawa, Overland Park, and Paola, KS; (c) Between Bucyrus, KS, and points within 20 miles thereof on the one hand, and, on the other, Kansas City, KS, and Kansas City, MO. (5) *Grain,* From Bucyrus, KS, and points within 20 miles thereof, to points in MO within 10 miles of the KS–MO State Line, with no transporation for compensation on return except as otherwise authorized; (6) *Wrecked Automobiles,* From Bucyrus, KS to Kansas City, MO, with no transportation for compensation on return except as otherwise authorized; (7) *General Commodities* (except those of unusual value, Classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (a) Between Amsterdam, MO, and points within 25 miles of Amsterdam, on the one hand, and, on the other, Kansas City, MO, and Kansas City, KS; (b) Between points within 25 miles of Amsterdam, MO, including Amsterdam; (8) *HHG, Emigrant Movables,* and *Farm and Road Machinery,* Between Amsterdam, MO, and points within 25 miles of Amsterdam, on the one hand, and, on the otherpoints in KS and MO. Mound City is authorized to operate as a motor

common carrier pursuant to certificates issued in MC–30078 and sub-numbers thereunder. (Hearing site: Kansas City, MO.)

Note.—Application for temporary authority has been filed.

MC–F–14361F, filed March 31, 1980. FROST TRUCK LINES, INC. (Frost) (P.O. Box 28, Billings, MT 59103)—PURCHASE—TIGER TRANSPORTATION, INC., MARY FROST, SUCCESSOR IN INTEREST (Tiger) (2321 21st Street West, Billings, MT 59103). Representative: John J. Cavan, P.O. Box 1297, Billings, MT 59103. Frost seeks authority to purchase the interstate operating rights of Tiger. Mary Frost, the majority stockholder of Frost, seeks authority to acquire control of said rights through the transaction. Frost is purchasing the interstate operating rights contained in Certificate MC 140186, which authorizes the transportation as a motor common carrier, over irregular routes, as follows: (1) *Fresh fruits, fresh berries and fresh vegetables,* when moving in the same vehicle with bananas, From points in CA, to points in MT. (2) *Bananas,* From San Francisco, CA, and points in the Los Angeles and Los Angeles Harbor, CA, Commercial Zones, as defined by the Commission, to points in MT. (3) *Bananas, and fresh fruits, fresh vegetables, and fresh berries,* in mixed loads with bananas, From points in CA, to points in that part of ID north of U.S. Hwy 12. (4) *Meats, meat products, and meat by-products* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), From Billings, MT, to points in CA, NV, UT, and points in Owyhee, Elmore, Custer, Lemhi, Blaine, Camas, Gooding, Twin Falls, Jerome, Lincoln, Cassia, Minidoka, Butte, Power, Oneida, Bannock, Franklin, Bear Lake, Caribou, Bingham, Bonneville, Jefferson, Madison, Teton, Clark, and Fremont Counties, ID. (5) *Hides,* (a) From Billings, MT, to points in CA, restricted to the transportation of traffic originating at Billings, MT, and points in its commercial zone, as defined by the Commission. (b) From Bellingham, Seattle and Tacoma, WA, Idaho, Falls, Roberts, Pocatello, and Gooding, ID, and points in OR, UT, and WY, to Billings MT. (c) From Billings, MT, to points in IL, WI, MI, and IN. (d) From points in WA to points in CA and that part of OR east of U.S. Highway 97. (e) From points in OR to points in CA. (f) From points in OR and WA, to Billings, MT. (6)(a) *Meat, meat products, and meat by-product,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and (b) *poultry, eggs, fresh fruits, fresh berries,* and *fresh vegetables,* when moving in the same vehicle with the commodities described in (a) above, Between Billings, MT, on the one hand, and, on the other, points in WY. (7) *Meats, meat products, and meat by-product,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, From points in CA, to points in Niobrara, Park, Big Horn, Washakie, Hot Springs, Fremont, Campbell, Johnson, Weston, and Crook Counties, WY. (8) *Meats, meat products, and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except cooked, cured and preserved meats); and the *following articles distributed by meat packinghouses* as described in Section C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, namely: bonemeal; fertilizer and fertilizer materials; animal, bird, and poultry feed, and hides and pelts,* From points in CA to points in MT, restricted against the transportation of commodities in bulk. (9) *Meat, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except blood meal, and meat meal, and commodities in bulk),

From Billings, MT, to points in OR and WA and points in Ada, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Gem, Idaho, Kootenia, Latah, Lewis, Nez Perce, Payette, Shoshone, Valley, and Washington Counties, ID. (10) *Meat, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from points in OR and WA, to points in WY. (11) *Meat meal, bone meal, and blood meal,* from points in MT to points in ND, MN, WI, NE, and IA. (12) *Meats, meat products, and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from Billings, MT, to points in ND, MN, WI, IL, NE, MI, and IN, restricted to the transportation of traffic originating at Billings, MT. (13) *Such commodities* as are used by meat packers in the conduct of their business, except those commodities in bulk, when destined to and from the use of meat packers, from points in CA, NV, UT, and those in that part of ID on and east of U.S. Highway 93, to Billings, MT. (14) *Meat, meat products, and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points of entry on the International boundary line between the United States and Canada located in ID and MT, to points in MT, ID, OR, WA, CA, NV, WY, UT, and AZ. (15)a *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except fertilizer and salt), and *equipment, materials, and supplies* used in the conduct of such business; and (b) *fertilizer* and *salt,* moving in mixed loads with the commodities described in (a) above, (i) from Burley, ID, Salina, UT, and points in CA and WA, to points in Carbon and Valley Counties, MT, and points in Big Horn, Campbell, Fremont, Hot Springs, Johnson, Sheridan, Park, Washakie, and Weston Counties, WY. (ii) from points in ID (except Burley), UT (except Salina) and OR to Glasgow, MT, restricted in (15) above transportation of shipments destined to points in MT and WY and the authority granted by sale or otherwise. (16) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides), from Casper, WY, to points in CO. (17)(a) *Commodities,* the transportation of which is exempt from economic regulation pursuant to the provisions of Section 203(b)(6) of the Act, when moving in the same vehicle and at the same time with the commodities in (b) and (c) below; (b) *meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and (c) such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such business, between points in MT, restricted in (17) above to the transportation of shipments originating at or destined to points in MT. (18) *Meats, meat products, and meat by-products, and articles*

distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and bonemeal), from Billings, MT, to points in CA, UT, ID, NV, OR, and WA, restricted to the transportation of traffic originating at Billings, MT, and points in its commerical zone as defined by the Commission. (19) *Hides*, from Billings, MT, to points in CA, OR, and WA. (20) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Billings, MT, to points in KS. (21) *Lumber and lumber products*, from points in Rosebud County, MT, to points in ND, SD, NE, KS, IA, WI, MN, IL, and MO. (22) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from Billings, MT, to points in AZ, AR, CO, IA, KY, MO, NJ, NM, NY, OH, OK, PA, SD, and TX, restricted to the transportation of shipments originating at Billings, MT. (23)(a) *Canned foodstuffs and frozen vegetables*, and (b) *food chips* when moving at the same time and in the same vehicle with the commodities in (a) above,

From Cowley, WY, to points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, restricted in (23) above to traffic originating at the plant site of Big Horn Canning Co., at Cowley, WY. (24) *such commodities* as are used by meat packers in the conduct of their business when destined to and used by meat packers (except meat, and commodities in bulk, in tank vehicles), From points in MI, OH, IN, MO, AR, OK, MN, KS, CO, IL, WI, IA, NE, ND, SD, to Billings, MT. (25) *Fresh or frozen poultry*, when moving in mixed loads with the commodities described in (23)(a) above, From points in MI, OH, IN, MO, AR, OK, MN, KS, CO, IL, WI, IA, NE, ND, and SD, to points in MT, restricted (a) to the transportation of shipment originating at and destined to points in the above-described origin and destination territories, and (b) against the transportation of foodstuffs from Frankfort, Saugatuck, and Allen Township (Hillsdale County), Mich., Cleveland, Ohio, Sioux Falls, Madison, and Mitchell, SD, Elk Grove, Deerfield, and Chicago, IL, Waterloo, Ottumwa, Fort Dodge, Esterville, Des Moines, Webster City, and Cherokee, Iowa, Omaha, and Freemont, NE, Denver, Greeley, and Pueblo, CO, Fort Atkinson, WI, and Waseka, Fairmont, Winnebago, Duluth, Austin, and Worthington, MN. (26) *Fresh meat*, From Scottsbluff, NE, to points in MT. (27) *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), From points in Ada County, ID, to points in CA, CO, MT, OR, WA, and WY, restricted to the transportation of traffic originating at the plant site and storage facilities of Columbia Foods, Inc., Subsidiary of Iowa Beef Packers, Inc., in Ada County, ID. The authority granted herein, in Part (17) may be tacked or joined with carrier's other irregular-route authority. Frost is authorized to operate as a motor common carrier pursuant to certificates issued in MC-118288 and sub-numbers thereunder (Hearing site: Billings, MT.)

Note.—Application for temporary authority has been filed.

[FR Doc. 80-17324 Filed 6-6-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-11]

Gold Drugs, Inc., Hartford, Conn.; Notice of Hearing

Notice is hereby given that on April 15, 1980, the Drug Enforcement Administration, Department of Justice, issued to Gold Drugs, Inc., Hartford, Connecticut, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke DEA Certificate of Registration AG6333253, previously issued to Respondent under Section 303(f) of the Controlled Substances Act, and as to why the Drug Enforcement Administration should not deny Respondent's pending application for renewal of such registration.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Wednesday, June 11, 1980, in the Hearing Room, Room 1210, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C.

Dated: June 2, 1980.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 80-17392 Filed 6-6-80; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering and Applied Science; Notice of Open Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering and Applied Science—Task Group on University/Industry/Government Coupling.
Date: June 27, 1980.
Place: 1800 G Street, N.W., Room 338, Washington, D.C. 20550.
Type of meeting: Open.
Contact person: Mr. John Kaatz, Program Manager, Industrial Program, Room 1121, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-7527.
Summary minutes: Mr. John Kaatz, Program Manager, Industrial Program, Room 1121, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering and Applied Science activities and programs.

Agenda

8:30: Welcome—W. H. Wetmore
8:45: Opening remarks—G. Place
9:00: U/I/G: Background [1]; Study reports: West Germany—W. H. Wetmore; United Kingdom—R. D. Lauer
10:15: Break
10:30: Japan [1]—R. I. Schoen; France—Jay Harris; United States—J. R. Kaatz
12:00: Lunch
12:45: Discussion
2:15: Break
2:30: Committee Recommendations for: 1. Current Industrial Program, 2. Future Programmatic Thrusts
3:45: Closing remarks—G. Place
4:00: Adjournment

Dated: June 4, 1980.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80-17309 Filed 6-6-80; 8:45 am]

BILLING CODE 7535-01-M

Advisory Committee on Science and Society; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463,

[1] Each will be informal, with plenty of opportunity for discussion.

as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science and Society.
Date, time, and place: June 24–25, 1980, 9:00 a.m. to 5:00 p.m., Room 540, 1800 G Street, N.W., Washington, D.C. 20550.
Contact person: Margaret Hunter, Office of Science and Society, Directorate for Science Education, National Science Foundation, Room W-680, Washington, D.C. 20550, Telephone (202) 282–7770.
Type of meeting: Open.
Purpose of committee: To identify problems and priorities and to increase the effectiveness of the Office of Science and Society and its constituent programs.
Agenda: (1) Current activities and status of program; (2) discussion of Oversight Subcommittee report; and (3) objectives and goals of the Office of Science and Society.
Summary minutes: May be obtained from Margaret Hunter, contact person at the address given above.

Date: June 4, 1980.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80–17307 Filed 6–6–80; 8:45 am]

BILLING CODE 7555–01–M

International Decade of Ocean Exploration Ad Hoc Subcommittee; Notice of Meeting

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Subcommittee on the Crustal Processes of the Mid-Ocean Ridge Project, of the Advisory Committee for Ocean Sciences.
Date and time: June 26 and 27, 1980; 8:45 a.m. to 5:00 p.m.
Place: Room 643, National Science Foundation, Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Bruce Malfait, International Decade of Ocean Exploration Section, Room 605, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–7906.
Purpose of ad hoc subcommittee: To provide the IDOE Ad Hoc Subcommittee members with additional expertise in the review and evaluation of proposals relating to oceanographic research related to Crustal Processes at Mid-Ocean Ridge Project.
Agenda: Detailed review and evaluation of proposals for support of the Crustal Processes of the Mid-Ocean Ridge Project.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.
Dated: June 4, 1980.

Fred K. Murakami,

Committee Management Officer.

[FR Doc. 80–17308 Filed 6–6–80; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

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 June 24–25, 1980 at the Quality Inn, 8040 13th Street, Silver Spring, MD 20910. Notice of this meeting was published May 15, 1980.

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, recording 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 agenda for subject meeting shall be as follows: *Tuesday and Wednesday, June 24–25, 1980, 8:30 a.m. until the conclusion of business each day.*

The Subcommittee may meet in Executive Session, with any of its consltants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representative of the NRC Staff, their consultants and other interested persons regarding pertinent portions of the NRC research program for the ACRS annual reports to NRC and Congress. In addition, the Subcommittee will be briefed by representative of the NRC Office of Nuclear Regulatory Research (RES) on NRC research programs related to LOCAs and Transients, and LOFT.

The ACRS is required by Section 5 of the 1978 NRC Authorization Act to review the NRC research program and budget and to report the results of review to Congress. In order to perform this review, the ACRS must be able to engage in frank discussions with members of the NRC Staff and such discussions would not be possible if held in public sessions. I have determined, therefore, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), that, should such sessions be required, it is necessary to close portions of this meeting to prevent frustration of the above stated aspect of the ARCS' statutory responsibilities. See 5 U.S.C. 552b(c)(9)(B).

Further information regarding 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 congnizant Designated Federal Employee, Dr. Andrew L. Bates (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 4, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80–17357 Filed 6–6–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR–26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the Facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specification to increase the membership of the Station Nuclear Safety Committee and to allow the shift crew composition to be less than the minimum requirements for up to two hours.

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 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 December 31, 1979, (2) Amendment No. 61 to License No. DPR-26, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York. 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 23rd day of May, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactor Branch No. 1, Division of Licensing.

[FR Doc. 80-17364 Filed 6-6-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana & Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-58, and Amendment No. 20 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments (1) provide for a one time only extension of the time for testing the Unit No. 2 ice condenser lower inlet doors and (2) revises the withdrawal schedule for the reactor vessel surveillance capsules for Unit Nos. 1 and 2.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments 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 these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 9, 1980, (2) Amendment Nos. 37 and 20 to License Nos. DPR-58 and DPR-74, 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 Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. 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, Md., this 23d day of May, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 80-17363 Filed 6-6-80; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommenation that it be accepted.

As part of this program, Safety Guide SG-G9, "Establishment and Purpose of Regulations and Guides," has been developed. The Working Group, consisting of Mr. U. Riedel of the Federal Republic of Germany; Mr. G. Subramanian of India; and Ms. Jane Mapes (U.S. Nuclear Regulatory Commission) of the United States of America developed the initial draft of this Safety Guide from an IAEA collation during a meeting on January 14-25, 1980. The Working Group draft was modified by the IAEA Technical Review Committee in a meeting on February 25-29, 1980, and we are soliciting comments on this modified draft. Comments on this draft received by August 1, 1980, will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 2d day of June 1980.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 80-17358 Filed 6-6-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Improved Management and Dissemination of Federal Information; Request for Comment

AGENCY: Office of Management and Budget.

ACTION: Request for public comments.

SUMMARY: On July 25, 1978 the Office of Management and Budget published (Federal Register, page 32204) for public comment a proposed policy on the dissemination of scientific and technical information which results from Federal funds. The purpose of the proposed policy was to (1) establish that scientific and technical information which results from Federal funds shall, to the extent possible, be made available to the pubic, (2) require agencies to select that method for disseminating scientific and technical information which is in the best interests of both the agency and the Government, (3) require, with certain exceptions, that scientific and technical information be made available on a full cost recovery basis and (4) require the National Technical Information Service in the Department of Commerce to maintain a central index of scientific and technical information which is available from the Federal Government.

Over 300 comments were received from Federal agencies, libraries, State and local governments, trade associations, members of the public and others. The majority of the comments received supported the objectives of the proposed policy and provided suggestions on ways to improve the policy directive. Among these suggestions were:

(1) The policy should be clarified to assure a common understanding of its intent and requirements. In particular, it should be clearly stated that the policy does not mandate the use of the National Technical Information Service by Federal agencies for disseminating scientific and technical information.

(2) There should be a greater recognition of the role played by the Federal depository libraries and the private sector in providing public access to federally financed information.

(3) While there is a need to better manage federally financed scientific and technical information, it will be difficult to realize significant improvements without addressing some of the broader information policy issues. In particular, there is a need to establish a policy and organizational framework which will permit these issues to be addressed.

(4) Federal departments and agencies should be permitted maximum flexibility in managing their information resources, consistent with other program responsibilities. However, there is a need for greater central guidance and coordination.

(5) Cost should not become a barrier to public access to federally financed information. However, except when required by law, agencies should generally not be required to finance the dissemination of information beyond that required for mission accomplishment.

These and the many other comments that were received have been carefully considered in revising the policy. While it was not possible to incorporate all of the suggestions, major changes have been made in the proposed policy to address as many of the concerns as possible. As a result, the policy has been significantly expanded and is now entitled "Improved Management and Dissemination of Federal Information." While the policy still establishes an index of scientific and technical information to be managed by the National Technical Information Service, it also addresses the issues of public access to federally financed information and the establishment or expansion of information centers by Federal departments and agencies. The policy also proposes a set of principles to govern the dissemination of and public access to federally financed information.

The Office of Management and Budget is now seeking public comments on this proposed policy.

DATE: Comments should be received by July 25, 1980.

ADDRESS: Comments should be submitted to the Office of Management and Budget, Assistant Director for Regulatory and Information Policy, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Kenneth B. Allen, Office of Management and Budget, Washington, D.C. 20503, 202–395–3785.

Dated: June 3, 1980.

David R. Leuthold,

Budget and Management Officer.

Circular No. A–

To the Heads of Executive Departments and Establishments.

Subject: Improved Management and Dissemination of Federal Information.

1. *Purpose.* This Circular promulgates policies and responsibilities regarding the management and dissemination of information held by the Executive Branch of the Federal Government which is produced or created with Federal funds; establishes a comprehensive index of Federal scientific and technical information; and provides guidance on the establishment or expansion of information centers by Executive Branch departments and establishments.

2. *Applicability.* This Circular applies to all departments and agencies whose budgets are subject to Presidential review in accordance with OMB Circular No. A–11.

Nothing in this Circular is intended to supersede existing law and regulations, including, but not limited to the Freedom of Information Act and Privacy Act. Where applicable the provisions of current law or regulation shall take precedence over the policies and provisions of this Circular.

3. *Definitions.* For the purposes of this Circular, the following definitions shall apply:

a. "Information"—The term "information" as used herein is generally intended to mean publications and other documents, such as reports, studies and brochures, which are available in a paper or microform media. However, agencies are encouraged, as appropriate, to apply the policies and principles contained in this Circular to information which is avalilable in other media, such as computer data bases.

b. "Public information"—Information which is collected, produced or created by or for the Federal Government, with Federal funds, primarily for the purpose of communicating with, educating or informing one or more segments of the public. The distinguishing characteristic of public information is that the agency actively seeks, in some fashion, to disseminate such information or otherwise make it available to the public.

c. "Scientific and technical information"—Data or knowledge resulting from the conduct of federally funded research and development, or required for organizing, administering or performing research and development. Such information is used primarily by scientists and engineers engaged in research and development work.

d. "Information center"—A formally structured organizational unit financed partially or totally with Federal funds and established for the purpose of acquiring, maintaining, retrieving, and synthesizing a body of information and/or data in a clearly defined specialized field or pertaining to a specific mission with the intent of compiling, digesting, repackaging or otherwise organizing and presenting pertinent information and/or data in a logical, timely and useful form.

4. *Background.* Many Federal agencies have a statutory responsibility to disseminate information to the public. To carry out this responsibility, agencies currently employ a multitude of mechanisms, including the Superintendent of Document sales and depository library programs, the National Technical Information Service, clearinghouses, agency information centers and sales programs, journals and periodicals, private industry dissemination services and similar activities. Many of these mechanisms are also used to provide public access to other information produced in connection with the performance of agency missions, although such information is not specifically developed for the purpose of public dissemination.

Unfortunately, the growth in the amount of information collected and maintained by the

government, coupled with agency desires to provide access to this information, has resulted in a continuing proliferation of dissemination mechanisms. The very number of such mechanisms has resulted in unnecessary duplication and overlap in the information collected or created by the Federal Governent; inefficient and overlapping methods of disseminating information; diminished public access to Federal information; and increased costs to the taxpayer. Four particular problems have been identified.

First, the large number of highly specialized mechanisms for disseminating information has inhibited general public access to information held by the Federal Government since many of these mechanisms are designed or intended to serve a particular community of interest and are highly specialized as to subject matter. While such mechanisms may serve their own community of interest well, persons outside that community may not be aware of the existence of the information being disseminated. Furthermore, while an individual agency may appropriately use a variety of mechanisms and activities to disseminate information, there is frequently no single office within the agency which can identify all the information dissemination activities used by the agency. As a result, persons who desire information from a particular agency must frequently identify and contact a large number of sources.

Second, in response to legislative requirements or program needs, many Federal agencies have established information centers for the purpose of collecting information on a particular subject and making it available to interested parties. Currently there are almost 300 such centers which were either totally or partially federally funded. There is evidence which suggests that there has been unnecessary duplication and overlap in the establishment and expansion of such centers.

Third, each year the Federal Government acquires a great deal of scientific and technical information through its involvement in research and development. Although much of this information could be used to support activities in the public and private sector beyond the immediate mission of the sponsoring agencies, it is frequently not readily accessible. Individuals and organizations who are interested in locating scientific and technical information held by the Federal Government must frequently contact a large number of different sources. The lack of a central index inhibits public access to this information and reduces the potential value, through wider usage, of the information.

Finally, there are a multitude of activities in both the public and private sectors devoted to the dissemination of information, while some of these activities have been established by law, Federal agencies often have a great deal of flexibility in determining how information will be disseminated. Unfortunately agencies frequently do not consider all viable options when deciding how to disseminate information and, as a result, sometimes establish new dissemination activities instead of taking advantage of existing activities. This results in increased costs to the government and the public, increases the size of the Federal workforce, contributes to the proliferation of information activities, places the government in unnecessary competition with the private sector and inhibits the ability of the private marketplace to provide information goods and services.

5. *Policy Principles.* The following principles are established:

a. Public information held by the Federal Government shall be made available to the public in an effective, efficient and economic manner.

b. All other information shall be subject to release to the public unless exempted by the Freedom of Information Act, other law, or potentially subject to claims of privilege in litigation. However, even information which is exemptable may be released unless prohibited by law, executive order or regulation.

c. Information is not a free good; however, no member of the Public should be denied access to public information held by the Federal Government solely because of economic status. In particular, the Federal Government shall rely upon the depository library system to provide free citizen access to public information.

d. Information available through a mechanism other than the depository library system shall, unless required by other law or program objectives, be made available at a price which recovers all costs to the government associated with the dissemination of such information. Information released in accordance with the Freedom of Information or Privacy Act shall be made available at such fees as required by the appropriate law. Fees for information shall be waived or reduced when in the public interest and permitted by law.

e. The Federal Government shall, in accordance with OMB Circular No. A–76 and where not inconsistent with law, place maximum feasible reliance upon the private sector to disseminate public information.

f. The head of each executive department and establishment, consistent with existing laws, has primary responsibility for determining what information will be made available to the public, the methods to be used in making it available and the price to be charged.

6. *Information Dissemination.* The head of each executive department and establishment is responsible for assuring that public information held by his or her organization is made available to the public in an efficient, economic and effective manner and in accordance with existing laws. He or she is also responsible for assuring an appropriate degree and method of public access to other information which is held by the agency and which is subject to release. To carry out these responsibilities, each department and establishment shall issue policies and procedures which:

a. Implement the principles established in section 5 of this Circular.

b. Identify a single office within the department or agency to:

(1) Monitor and coordinate the information dissemination activities of the agency.

(2) Assist persons and organizations external to the agency in identifying and locating information held by the agency.

(3) Assure that the list of government publications required by Section 1902 of Title 44 of the United States Code is provided to the Superintendent of Documents each month.

(4) Maintain an inventory of agency sources, including information centers, bibliographic data bases and similar activities, which have information that may be of interest and is releasable to the public.

(5) Be cognizant of alternative dissemination activities, both public and private, and assist agency managers in selecting the appropriate activity to use.

c. Establish guidance to be used by agency managers in their:

(1) Review of information held by the agency to determine if it may be released to the public.

(2) Evaluation and selection of the most appropriate method for disseminating agency information.

(3) Determination of what price, if any, will be charged for information.

d. Assure that the requirements of Title 44 of the U.S.C. and the regulations issued by the Joint Committee on Printing, U.S. Congress are fulfilled. In particular, each agency shall assure that two (2) copies of those types of government publications cited in Section 1902 Title 44 U.S.C. are provided to the Superintendent of Documents for inclusion in the depository library program and preparation of the *Monthly Catalog* of U.S. Government publications.

e. Assure that the requirements of Title 31 of the United States Code, Sections 483a, and 686(a), and OMB Circular No. A–25, regarding the imposition of charges for agency services, are appropriately and uniformly applied to agency information services. In particular, each agency will establish mechanisms which permit agency managers to identify the costs of disseminating information. All direct and indirect costs associated with the dissemination of information, including the printing, processing, and retention, shall be identified. The costs of producing or creating the primary information should not be included.

7. *Information Centers.* It is the responsibility of each agency head to assure that agency resources are being economically and efficiently managed. In order to avoid the establishment of unnecessary or duplicative information centers and to preclude the unnecessary expenditure of taxpayer dollars, each agency head shall implement the following policies:

a. No Federal funds will be requested to establish a new information center, or significantly expand an existing one, until the agency has reviewed and evaluated existing information, activities and sources to see if they will meet the agency's requirements. At a minimum, this review will include:

(1) Publication of a notice in the **Federal Register** which indicates the agency's intent to establish or expand an information center, the purpose of the center and the subject matter to be included. This notice will permit at least 60 days for comments and suggestions on alternative ways to meet the

agency's requirements. A copy of this notice will be provided to the Director, OMB at the time of publication.

(2) Completion of any analysis required by OMB Circular No. A–76.

(3) Certification by the agency head, or his designee, that the agency review and public comments have not identified viable alternatives to meeting the agency's requirements and the proposed center is the most cost-effective approach.

b. Compliance with the above requirement does not relieve agencies of their responsibility to submit and justify such requests for the establishment or expansion of information centers through the normal budget process.

c. Information centers required to be established by law shall adhere to the above procedures to the extent not inconsistent with the law.

8. *Scientific and Technical Information.* It is hereby established that the National Technical Information Service of the Department of Commerce, which is a clearinghouse for the collection and dissemination of scientific and technical information, will develop and maintain a comprehensive index of scientific and technical information available to the public from the Federal Government. More specifically:

a. The National Technical Information Service shall:

(1) Establish and maintain an index of unclassified scientific and technical information which is produced or created with Federal funds and which is releasable to the public.

(2) Identify, in conjunction with the executive departments and agencies, those categories of scientific and technical information that will be maintained in the NTIS index and the method of submission.

(3) Work with the Superintendent of Documents and other appropriate organizations to eliminate unnecessary duplication and overlap in the indexing and dissemination of information.

b. The head of each executive department and agency shall:

(1) Identify, in conjunction with NTIS, those categories of scientific and technical information that will be maintained in the NTIS index.

(2) Provide one copy and a bibliographic description of each scientific and technical report, study or similar document, identified in accordance with Section 8(b)(1) above, to NTIS. The manner and method of submission will be developed jointly by NTIS and the agency.

Agencies are reminded that compliance with this section does not relieve them of their responsibilities to comply with Title 44 U.S.C. and the printing and binding regulations of the Joint Committee on Printing. Each agency should, where permitted by law, continue to evaluate all viable alternate methods for disseminating or providing access to information, including but not limited to NTIS and activities in the private sector.

9. *Reports.* a. Within 60 days of the effective date of this Circular, and annually thereafter, each agency shall publish a notice in the **Federal Register** which provides information to the public on how they can contact the office identified in Section 6(b) of this Circular. At the same time, this information shall be provided to the Office of Management and Budget.

b. Within 180 days of the effective date of this Circular, each agency shall provide a one-time report to the OMB which identifies what steps the agency has taken or is taking to implement the requirements of this Circular and improve public access to agency information.

10. *Supplementary Information.* This Circular is being issued in order to develop a framework within which public access to information held by the Federal Government can be improved. It is intended to provide agencies with maximum flexibility in order that they may develop policies, procedures and systems which will meet agency requirements and the requirements of this Circular without imposing an unnecessary burden. For that reason, specific guidelines on implementation are not being issued at this time. However, such guidelines will be issued if it becomes evident that they are needed. In the meantime, questions about this Circular should be referred to the Office of Management and Budget, Assistant Director for Regulatory and Information Policy (202) 395–3785.

11. *Effective Date.* This Circular is effective upon issuance and will remain in effect for three years thereafter, unless superseded or rescinded prior to that time.

James T. McIntyre, Jr.,

Director.

[FR Doc. 80–17288 Filed 6–6–80; 8:45 am]

BILLING CODE 3110–01–M

Agency Forms Under Review

June 4, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the ACT also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send

them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Strnad—245–7488

Revisions

Public Health Service
Monthly marriage and divorce statistical report forms
HRA–27, 25, 28, 86, and 26
Monthly
County clerks, 720 responses; 72 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426–1887

New Forms

Federal Highway Administration
The local rural road problem
Single time
County and township officials, 806 responses; 403 hours
Office of Federal Statistical Policy and Standard, 673–7974

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2146

Revisions

Veterans application for compensation and pension
21–526
On occasion
Veterans, 250,000 responses; 250,000 hours
Laverne V. Collins, 395–6880

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–17401 Filed 6–6–80; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16862; SR–CBOE–80–10]

Chicago Board Options Exchange, Inc.; Notice of Filing of Proposed Rule Change and Order Approving Proposed Rule Change

May 30, 1980.

I. Introduction

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that on May 13, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE"), La Salle at Jackson, Chicago, Illinois 60604, filed with the Commission copies of a proposed rule change to increase the number of authorized put and call classes on CBOE in order to accommodate the listing of current Midwest Stock Exchange, Incorporated ("MSE") options classes and to consummate its combination with the MSE options program, after which the MSE will cease to conduct an options program.[1] Specifically, CBOE requests Commission authority to list sixteen additional call classes and nine additional put classes.[2]

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–CBOE–80–10.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

II. Discussion

On April 24, 1979, the Commission, after providing an opportunity for public comment, issued an order approving the combination of the CBOE and MSE options programs (the "Combination").[3] The Commission based its approval of the Combination, in part, on its determination that the Combination would result in certain public benefits as well as certain efficiencies for the financial community.[4] While the Commission considered the proposal during the options expansion moratorium in order to eliminate uncertainty as to the future status of trading in MSE options classes, the Commission found that the consummation of the Combination would result in an expansion of the CBOE's options program and, accordingly, determined that the Combination could not be consummated by the listing of the MSE options classes on the CBOE until the moratorium was terminated.[5]

On March 26, 1980, the Commission issued a policy statement announcing the termination of the options expansion moratorium and soliciting comment on its intention to begin to permit further expansion of the standardized options markets, including the listing of additional put and call classes by the existing options exchanges.[6] With regard to the listing of additional call classes, the Commission stated that, in view of its determination to defer any decision on additional multiple trading of options, it did not intend to authorize any of the options exchanges to list new call classes, including the listing by CBOE of the MSE call classes, until the options exchanges had formulated and jointly submitted to the Commission an appropriate call expansion plan, that provided for the allocation of call classes among the options exchanges. In accordance with the Commission's March 1980 policy statement, the options exchanges have formulated and jointly submitted pursuant to Section 19(b)(1) of the Act a uniform call allocation plan which the Commission today has approved.[7] Accordingly, the criteria set forth by the Commission in the March 1980 policy statement have been satisfied.

---

[1] Currently MSE lists put and call classes on the following underlying securities: Corning Glass Works, Freeport Minerals, Hughes Tool, Litton Industries, Owens Illinois, Northwest Industries, Revlon, Rockwell International and Superior Oil. Call options only are listed on the following underlying securities: Bristol-Meyers, Champion International, Coastal States Gas, Evans Products, Middle South Utilities, Ralston Purina and Safeway Stores.

[2] The nine additional put classes proposed by the CBOE are exclusive of any new put classes CBOE intends to list pursuant to its puts expansion schedule. *See* Securities Exchange Act Release No. 16788 (May 6, 1980).

[3] Securities Exchange Act Release No. 15761 ("April 1979 Release").

[4] The Commission also determined, in accordance with Section 6(b)(8) of the Act, that the proposal did not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

[5] In this regard, the Commission in the April 1979 Release, at n.15, stated that in order to consummate the combination, the CBOE would be required to file with the Commission, pursuant to Rule 19b–4, a proposed rule change to increase the number of authorized put and call classes on the CBOE, and also to make the proper filing with the Options Clearing Corporation. The Commission determined, however, to permit the MSE, in the interim, to relocate its option trading floor to be contiguous with the CBOE floor thereby alleviating certain cost burdens. The relocation was effected in May 1979.

[6] Securities Exchange Act Release No. 16701 ("March 1980 policy statement").

[7] Securities Exchange Act Release No. 16863 (May 30, 1980).

III. Conclusion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The Commission in its March 1980 policy statement solicited comments on its intention to permit the consummation of the Combination upon the submission of an appropriate call expansion plan. The only comments received by the Commission concerning this aspect of the policy statement were submitted by the CBOE. Those comments are now moot in view of its agreement to participate in the joint call expansion plan. The Commission also indicated in the March 1980 policy statement that, in the absence of significant operational or surveillance problems encountered by the options exchanges or back office difficulties experienced by member firms in handling current or anticipated trade volume, it intended to give the put and call expansion proposals, including CBOE's proposal to list the MSE option classes, expedited treatment. CBOE has represented that its surveillance and operational capabilities and the back office capacity of its member firms are adequate to handle any increased volume that may result from the institution of trading in MSE options classes and the Commission has no information currently before it which is contrary to that representation.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-17281 Filed 6-6-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11195; 811-1749]

Eldorado Fund, Inc.; Notice of Filing of Application Pursuant to Section 8(f) of the Investment Company Act of 1940 for an Order Declaring That Applicant Has Ceased To Be an Investment Company

June 2, 1980.

Notice is hereby given that Eldorado Fund, Inc. ("Applicant") 18158 Westover, Southfield, Michigan 48075, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified, management investment company, filed an application on April 28, 1980, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as that term is defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized under the laws of the State of Delaware. It registered under the Act on October 28, 1968; and on November 7, 1968, it filed a registration statement (File No. 2-30817) under the Securities Act of 1933 covering 500,000 shares of common stock. This registration statement was declared effective by the Commission on March 17, 1970, and Applicant commenced a public offering of shares of its common stock.

The application states, among other things, that on September 14, 1979, and December 12, 1979, Applicant's Board of Directors considered and adopted a plan to liquidate and dissolve Applicant. After the solicitation of proxies, on January 15, 1980, at a Special Meeting of Applicant's shareholders held to consider the Board of Directors' Plan of Dissolution, liquidation of Applicant was approved by its shareholders, with 78.2% of the outstanding shares of common stock voting in favor of the proposed Plan of Dissolution.

The application further states that Applicant's assets (amounting to $184,923.44 or $8.052 per share) after paying or providing for all of Applicant's known debts and liabilities, including liquidation expanses, were distributed to Applicant's remaining shareholders pro rata in cash on January 19, 1980. Remaining undistributed assets include $3,938.53 in a demand deposit account representing unclaimed distributions to those shareholders whom Applicant has not been able to locate; $1,600 to cover legal expenses and $278.57 to cover expenses of mailing reports.

Applicant also states that it is not a party to any pending litigation or administrative proceeding, and has not within the last eighteen months transferred any of its assets to a separate trust the beneficiaries of which were or are shareholders of Applicant. A certificate of dissolution has been filed with the State of Delaware as required under Delaware law to terminate Applicant's legal existence. Finally, the application states that Applicant is not currently engaged in nor will it engage in any business activites except the winding-up of its business affairs.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 27, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-17279 Filed 6-6-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11197; 812-4570]

Kemper Money Market Fund, Inc. et al.; Notice of Filing of Application Pursuant to Section 6(c) of the Act for Exemption From Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

June 2, 1980.

Notice is hereby given that Kemper Money Market Fund, Inc., Cash Equivalent Fund, Inc. and Supervised Cash Account, Inc. ("Funds"), registered under the Investment Company Act of 1940 ("Act") as open-end, diversified, management investment companies, and Kemper Financial Services, Inc. ("Kemper"), 120 South LaSalle St., Chicago, Ill. 60603, the investment manager and principal underwriter for the Funds (the Funds and Kemper are hereinafter referred to as "Applicants"), filed an application on November 13, 1979, and an amendment thereto on May 14, 1980, pursuant to Section 6(c) of the Act for an order exempting them from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit the Funds to compute net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicants represent that each of the Funds is a "money market" fund, the investment objective of which is to maximize current income to the extent consistent with preservation of capital through investment in short-term debt instruments. Applicants further state that investments of the Funds must mature within one year of the date of acquisition. As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states, that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that the Commission, upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants request an exemption from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to permit the Funds to use the amortized cost method of valuing portfolio securities. Applicants submit that the granting of the requested exemptions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants represent that the Boards of Directors of the Funds have determined that, in the absence of unusual circumstances, amortized cost value would represent the fair value of its portfolio securities. It is represented that the Funds' Boards of Directors also believe that the proposal would benefit their shareholders by assuring them the convenience of a stable price of $1.00 for each of their shares, together with protection against dilution and excessive risk in the form of conditions involving procedures for review by the Funds' Boards of Directors and requirements as to the quality of the Funds' portfolio investments.

Applicants undertake to adhere to the following conditions while operating under the exemptive orders they request:

1. In supervising the Funds' operations and delegating special responsibilities involving portfolio management to the Funds' investment adviser, each Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Funds' investment objectives, to stabilize each Funds' net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Boards of Directors of the Funds shall be the following:

(a) Review by the respective Board of Directors as they deem appropriate and at such intervals as are reasonable in light of current market conditions, do determine the extent of deviation, if any, of the net asset values per share of the Funds, as determined by using available market quotations, from the $1.00 amortized cost prices per share of the Funds, and the maintenance of records of such review.

(b) In the event that such deviation from a Fund's $1.00 amortized cost price per share should exceed ½ of 1%, a requirement that such Fund's Board of Directors promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors of a Fund believes that the extent of any deviation from such Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable, such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Funds will maintain dollar-weighted average portfolio maturities appropriate to their objective of maintaining stable net asset values per share; provided, however, that the Funds will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain dollar-weighted average portfolio maturities which exceed 120 days. In

fulfilling this condition, the Funds undertake that if the disposition of a portfolio security by a Fund should result in a dollar-weighted average portfolio maturity in excess of 120 days, such Fund will invest its available assets in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably possible.

4. The Funds will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in Paragraph 1 above; and, the Funds will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of their Boards of Directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the Boards of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Funds will limit their portfolio investments, including repurchase agreements, to U.S. dollar-denominated instruments which their Boards of Directors' determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. The Funds will include in their quarterly reports, as an attachment to form N–1Q, a statement as to whether any action taken pursuant to Paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 27, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such Communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–17283 Filed 6–6–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11192; 812–4612]

Massachusetts Cash Management Trust and Massachusetts Cash Management Trust II; Notice of Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicants From the Provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 Thereunder

May 30, 1980.

Notice is hereby given that Massachusetts Cash Management Trust (the "Trust") and Massachusetts Cash Management Trust II (the "New Trust") 200 Berkeley Street, Boston, Massachusetts 02116 (collectively, "Applicants"), both open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act"), filed an application on February 11, 1980, and amendments thereto on April 14 and May 13, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicants to value their assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Trust was established under Massachusetts law as a Massachusetts business trust under a declaration of trust dated September 8, 1975. The New Trust was established on March 21, 1980, and its investment objectives, policies, trustees and officers, and the provisions of its declaration of trust and by-laws are substantially identical to those of the Trust. Massachusetts Financial Services Company acts as investment adviser to both the Trust and the New Trust. Applicants' investment objectives are to seek as high a level of current income as is considered consistent with the preservation of capital and liquidity by investing exclusively in the following money market instruments: (i) obligations issued or guaranteed as to interest and principal by the United States Government or any agency or instrumentality thereof, or any federally created corporation (subject to restrictions set forth in Applicants' prospectuses, Applicants may enter into repurchase agreements, as defined in the prospectuses); (ii) obligations of banks (including certificates of deposit and bankers' acceptances) which at the date of investment have capital, surplus, and undivided profits (as of the date of their most recently published financial statements) in excess of $100,000,000; (iii) commercial paper which at the date of investment is rated A–1 by Standard & Poor's Corporation ("S&P") or P–1 by Moody's Investors Service, Inc., ("Moody's") or, if not rated, is issued or guaranteed as to payment of principal and interest by companies which at the date of investment have an outstanding debt issue rated AA or better by S&P or Aa or better by Moody's; and (iv) short-term corporate obligations which at the date of investment are rated AA or better by S&P or Aa or better by Moody's. Applicants' portfolio securities are valued on the basis of yields obtained from market makers for securities of comparable maturity, quality and type, except that when such securities have 60 days or less to maturity at the time of valuation they are valued at amortized cost.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of trustees. Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such

security. Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of trustees. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants request an order of the Commission pursuant to Section 6(c) of the Act, exempting them from the provisions of Section 2(a)(41) and Rules 2a–4 and 22c–1 to the extent necessary to permit them to use the amortized cost method of valuation for all their portfolio securities. In support of their request, Applicants submit that many of their investors require an investment vehicle that offers a constant net asset value per share and a relatively smooth stream of investment income. Applicants argue that use of the amortized cost method of valuation permits them to provide investment vehicles with those features. In addition, Applicants represent that each of their boards of trustees has determined that, absent unusual circumstances, amortized cost represents the fair value of their respective portfolio securities. Applicants maintain that the exemptions they request satisfy the exemptive standard set forth in Section 6(c) of the Act. In addition, each Applicant consents to the imposition of the following conditions to any order granting it the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of each Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of each Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

[1] To fulfil this condition, Applicants intend to use actual quotations or estimates of market value reflecting current market conditions chosen by each board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

3. Each Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that neither Applicant will (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Each Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Each Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Each Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 27, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicants will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–17282 Filed 6–6–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–16865; File No. SR–MSE–80–6]

Self-Regulatory Organizations; Proposed Rule Change By Midwest Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on May 9, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

Article IX, Rule 7 of the Midwest Stock Exchange Rules is hereby amended as follows:

Additions Italicized—[Deletions Bracketed]

Article IX.—Trading Rules

Records of Orders Transmitted

Rule 7. Every member, member organization, or any partner of a member firm or officer or director of a member corporation shall preserve, for at least [12 months] *three years*, a record of every order transmitted by such member, member organization, partner in a member firm or officer or director of a member corporation to the Floors of the Exchange, which record shall include the name and amount of the security, the terms of the order and the time when such order was so transmitted, *and the time at which a report of execution was received. These requirements are also applicable to the cancellation of an order covered by this Rule.* [; provided, however, that the Exchange may, upon application for cause shown, grant exemptions from the provisions of this paragraph.]

[Every person originating an order on the Floors of the Exchange shall preserve, for at least 12 months, a record of every order originated by him on the Floors of the Exchange and given to another person for execution, and of any order originating off the Floors of the Exchange, transmitted by any person other than a member, member organization or partner in a member firm or officer or director of a member corporation to such member on the Floors of the Exchange, which record shall include the name and the amount of the security, the terms of the order and the time when such order was given or so transmitted; provided, however, that the Exchange may, upon application for cause shown, grant exemptions from the provisions of this paragraph.]

Exceptions. Under exceptional circumstances the Exchange may upon written request waive the requirements contained in the above rule.

.01 Every order covered by the above rule to be executed pursuant to Section 11(a)(1)(G) of the Act and Rule 11a1–1(T) thereunder shall bear an identifying notation that will enable the executing member to disclose to other members that the order is subject to those provisions.

MSE's Statement of Basis and Purpose of Proposed Rule Change

The purpose of the proposed rule change is to require every member, member organization, partner in a member firm or officer or director of a member corporation to preserve a record of every order transmitted or received by such party for a three year period, as required by Rule 17a–4 of the Securities Exchange Act, as amended. The same requirements will be applicable to the cancellation of an order covered by this Rule.

The proposed rule change also will eliminate the current duplication of Article IX, Rule 7 and Rule 25(a) of Article XX.

In accordance with Sections 6(b)(5) and 17(d)(1) of the Act, the proposed rule change would be in the public interest and protect investors by facilitating the periodic examination of member organizations pursuant to agreements now in effect with other self-regulatory organizations.

The Midwest Stock Exchange, Incorporated has neither solicited nor received any comments.

The Midwest Stock Exchange, Incorporated does not believe that the proposed rule change will impose any burden on competition.

Within 35 days of the date of publication of this notice in the **Federal Register**, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549.

Copies of all such filings with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 30, 1980.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

June 2, 1980.

[FR Doc. 80–17260 Filed 6–6–80; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80–037]

Possible Alteration of the Southern Pacific Transportation Co. Bridge Across the Mermentau River, Mile 68.0, at Mermentau, La.; Public Hearing

The public hearing scheduled for May 16, 1980 announced in 45 F.R. 25207 was cancelled due to local flooding. Notice is hereby given in accordance with Section

3 of the Act of June 21, 1940, as amended, (Truman-Hobbs Act) that a public hearing regarding the possible alteration of the Southern Pacific Transportation Company railroad bridge across the Mermentau River, mile 68.0, Mermentau, Louisiana has been rescheduled for Tuesday, July 15, 1980 at 1:30 p.m. in Mermentau Elementary School, 4th and Church Streets, Mermentau, Louisiana.

(54 Stat. 498, 33 U.S.C. 513; Sec. 6(g)(3), 80 Stat. 937, 49 U.S.C. 1655(g)(3); 33 CFR 116.20 and 49 CFR 1.46(c)(6))

Dated: June 2, 1980.

Peter J. Rots,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 80-17461 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

FAA Flight Service Station Sault Ste. Marie, Mich.; Notice of Decommissioning

Notice is hereby given that on June 1, 1980, the Flight Service Station at Sault Ste. Marie, Michigan will be closed. Services to the aviation public of Sault Ste. Marie, formerly provided by this office, will be provided by the Flight Service Station in Traverse City, Michigan. This information will be reflected in the FAA Organization Statement the next time it is reissued. (Section 313(a), 72 Stat. 752, (49 U.S.C. 1354(a)).

Issued in Des Plaines, Ill., on May 23, 1980.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 80-17177 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Jones and Haskell Counties, Tex.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Jones and Haskell Counties, Texas.

FOR FURTHER INFORMATION CONTACT: John E. Inabinet, P. E., District Engineer, Federal Highway Administration, 826 Federal Building, Austin, Texas 78701, Telephone: (512) 397-5516.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas State Department of Highways and Public Transportation (DHT), intends to prepare an environmental impact statement (EIS) on a proposal for the construction of a four-lane divided highway on new location through the northwestern edge of Stamford from 0.6 mile southwest of FM 2834 to the present junction of US 277 and SH 6 north of Stamford. This segment of new highway will close an approximately 3.1 mile long gap between existing sections of four-lane divided road on US 277. Grade separated interchanges are proposed for construction where the new route will cross the present route about a mile north of the south end of the project and at the intersection with State Highway 6 at the north end. Frontage roads are proposed for most of the southernmost mile of the project. Because of difficulty in predicting availability of funds, the DHT has not yet decided whether to use State or Federal funds to finance construction of this project.

The proposed highway will allow through traffic to avoid the present route along inadequate two-lane two-way streets, which includes a signalized right-angle corner in the central business district. Large trucks have difficulty at this corner and frequently drive partly on the sidewalk in making the turn. Diverting the through traffic from the present route to the proposed expressway-type road will provide a shorter, safer, less congested, faster, and possibly more pleasant route. Benefits to the local community will include a reduction of the traffic volume and congestion on the present route; and, therefore, a reduction of inconvenience, hazards, noise, and air pollution.

Alternatives to be considered for the project include the proposed construction on new alignment in the northwestern edge of Stamford, a longer route farther west in an entirely rural area, and taking no action.

There are currently no plans to hold a formal scoping meeting for this project; however, coordination with other agencies and appropriate public involvement (aspects of scoping) have been conducted throughout project development. On September 3, 1975, a Project Concept Conference was held to make a preliminary identification of the social, economic, and environmental effects of the project, to determine the studies and interdisciplinary input needed, to determine what assistance from other agencies would be needed, and to make a preliminary determination of the public involvement actions needed. This conference was attended by personnel of the State Department of Highways and Public Transportation and officials of the City of Stamford. A public meeting for discussion of the project was held on November 6, 1975. The views of State and Federal agencies were solicited early in the development of the project, and comments were received from the following agencies:

U.S. Fish and Wildlife Service
Texas Parks and Wildlife Department
U.S. Bureau of Mines
U.S. Bureau of Outdoor Recreation
U.S. Soil Conservation Service
U.S. Army Corps of Engineers
U.S. Environmental Protection Agency

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: May 30, 1980.

John E. Inabinet, P.E.

District Engineer, Austin, Tex.

[FR Doc. 80-17250 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

Fair Housing Lending Enforcement; Public Meeting

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of public meeting.

SUMMARY: Settlement of *National Urban League, et al.*, v. *Office of the Comptroller of the Currency, et al.*, (Civil Action No. 76-0718) provides that a semi-annual meeting will be held to review the fair housing lending enforcement program of the Office of the Comptroller of the Currency. Members of the public are invited to attend this meeting.

DATE: July 8, 1980, 2:00 p.m.

ADDRESS: 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Individuals who plan to attend this meeting should be present at the 3rd Floor Conference Room "B" prior to 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Michelle C. White, Special Assistant for Civil Rights, Office of the Comptroller of the Currency, Washington, D.C. 20219, phone 202/287-4263.

SUPPLEMENTARY INFORMATION: Settlement of *National Urban League, et al.*, v. *Office of the Comptroller of the Currency, et al.*, (Civil Action No. 76-0718) provides that a semi-annual

meeting will be held to review the fair housing lending enforcement program of the Office of the Comptroller of the Currency. Representatives of the Comptroller of the Currency, will discuss their fair housing program and any changes made or proposed therein and will receive and consider suggestions from the National Urban League.

Members of the public are invited to attend this meeting and will be given an opportunity to make comments and suggestions with respect to the enforcement program of the Comptroller of the Currency.

Dated: June 3, 1980.

Jo Ann S. Barefoot,

Deputy Comptroller for Customer and Community Programs.

[FR Doc. 80-17418 Filed 6-6-80; 8:45 am]

BILLING CODE 4810-33-M

Customs Service

[TMK-2-RRUEE]

HOUSEWORKS LTD.; Application for Recordation of Trade Name

On March 27, 1980, there was published in the **Federal Register** (45 FR 20271) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name HOUSEWORKS, LTD. The notice advised that prior to final action on the application filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevent data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice.

The name HOUSEWORKS, LTD., is hereby recorded as the trade name of Houseworks, Ltd., a corporation organized under the laws of the State of Georgia, located at 3937 Oakcliff Industrial Court, Atlanta, Georgia 30340, when applied to doll house accessories and miniature furniture, manufactured in Hong Kong and Taiwan.

Dated: June 4, 1980.

Salvatore E. Caramagno,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 80-17437 Filed 6-6-80; 8:45 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 112
Monday, June 9, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 2 p.m. (eastern time), Tuesday, June 10, 1980.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Status Report and Recommended Extension to five ABAR Contracts.
2. Proposed contract for services needed to conduct EEO–4 Survey.
3. Report on Commission Operations by the Executive Director.

Closed to the public:

Litigation Authorizaton; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued June 3, 1980.

[S–1111–80 Filed 6–5–80; 3:39 pm]

BILLING CODE 6570–06–M

2

FEDERAL ENERGY REGULATORY COMMISSION.

June 4, 1980.

TIME AND DATE: 10 a.m., June 11, 1980.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—452nd Meeting, June 11, 1980, Regular Meeting 10 a.m.

CAP–1. Docket No. EL80–4, Metropolitan Edison Co.
CAP–2. Docket No. ER79–566, Interstate Power Co.
CAP–3. Docket No. ER79–283, The Kansas Power & Light Co.
CAP–4. Docket Nos. ER79–528 and ER80–153, Cincinnati Gas & Electric Co. and Union Light, Heat & Power Co.

Miscellaneous Agenda—452nd Meeting, June 11, 1980, Regular Meeting

CAN–1. Docket No. QF80–2, Ottumwa Water Works

Gas Agenda—452nd Meeting, June 11, 1980, Regular Meeting

CAG–1. Docket No. RP74–4, Cities Service Gas Co.
CAG–2. Docket No. RP80–92, El Paso Natural Gas Co.
CAG–3. Docket No. TA80–2–44 (PGA80–2A), Commercial Pipeline Co., Inc.
CAG–4. Docket No. TA80–2–33 (PGA80–2A), El Paso Natural Gas Co.; Docket No. TA80–2–42 (PGA80–2A), Transwestern Pipeline Co.
CAG–5. Docket No. RP72–142, Cities Service Gas Co.
CAG–6. Docket No. RP80–3, Michigan Wisconsin Pipe Line Co.
CAG–7. Docket Nos. CI77–298, IN79–3, G–3973, G–76360, G–11936, G–11943, and G–11946, Mobil Oil Corp.
CAG–8. Docket Nos. AR61–2, et al. and AR69–1, AR64–2 et al., AR67–1 et al., and AR70–1 et al., area rate proceedings et al., (Southern Louisiana, Texas Gulf Coast, other Southwest, Permian Basin II Areas).
CAG–9. Docket Nos. FERC gas rate schedule Nos. 273 and 305, Gulf Oil Corp.; Docket No. CI80–43, Exxon Corp.; Docket No. CI78–1128, Arkla Exploration Co.
CAG–10. Docket No. G–4880 et al., Diamond Shamrock Corp. et al.; Docket No. CI80–1, The Offshore Co.; Docket No. CI80–2, Sonat Exploration Co.; Docket No. CI80–203, Union Oil Co. of California; Docket No. G–4614 et al., Southland Royalty Co. et al.; Docket No. CI76–492, Cotton Petroleum Corp.; Docket No. CI80–263, Diamond Shamrock Corp.; Docket No. CI79–514, The Louisiana Land & Exploration Co.; Docket No. G–17396 et al., Kerr-McGee Corp. et al.; Docket No. CI80–19 et al., Chevron U.S.A. Inc. et al.; Docket No. CI79–437, Getty Oil Co.; Docket No. CI77–42, Mobil Oil Exploration & Producing Southeast Inc.; Docket No. CI80–189, Gulf Oil Corp.; Docket No. CI80–169, Transco Exploration Co.; Docket No. CI80–224, Quintana Offshore, Inc.; Docket No. CI80–225, Quintana Oil & Gas Corp.; Docket No. CS71–109 et al., Aikman Brothers et al.; Docket No. CS71–530 (CS73–560), Crystal Oil Co. (Charter Exploration & Production Co.); Docket No. CS71–831, (William J. Atkins, trustee for trusts under the estate of Katherine A. Atkins (Katherine Adger Atkins et al.); Docket No. CS71–835, (William J. Atkins, executor of succession of John B. Atkins, Jr. (John B. Atkins, Jr.); Docket No. CS80–89, J. C. Thompson.
CAG–11. Docket No. CP79–218, Transcontinental Gas Pipe Line Corp.
CAG–12. Docket No. CP80–82, Michigan Wisconsin Pipe Line Co., Texas Eastern Transmission Corp., and Transcontinental Gas Pipe Line Corp.
CAG–13. Docket No. CP70–309, Panhandle Eastern Pipe Line Co.
CAG–14. Docket No. CP80–58, Panhandle Eastern Pipe Line Co.
CAG–15. Docket No. CP79–8, Mountain Fuel Supply Co.; Docket No. CP79–124, Colorado Interstate Gas Co.; Docket No. CP79–184, United Gas Pipe Line Co., and Northern Gas Pipe Line Co.; Docket Nos. CP79–42 and CP80–165, Sea Robin Pipeline Co.
CAG–16. Docket No. CP80–119, Michigan Wisconsin Pipe Line Co.; Docket No. CP80–204, Northern Natural Gas Co., Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co.
CAG–17. Docket No. CP74–102, Texas Eastern Transmission Corp.
CAG–18. Docket No. CP80–152, East Tennessee Natural Gas Co.
CAG–19. Docket No. CP80–184, Southern Natural Gas Co.
CAG–20. Docket No. CP80–307, Consolidated Gas Supply Corp.
CAG–21. Docket No. CP80–243, Columbia Gas Transmission Corp.
CAG–22. Docket No. CP80–190, United Gas Pipe Line Co.

Power Agenda—452nd Meeting, June 11, 1980, Regular Meeting

I. Licensed Project Matters

P–1. Project No. 2830, Town of Madison Electric Works Department; Project No. 2915, Madison Paper Industries.
P–2. Project No. 553, City of Seattle, Wash.
P–3. Docket No. EL78–43, City of Bountiful, Utah, Power & Light Co., City of Santa Clara, Calif., and Pacific Gas & Electric Co.

II. Electric Rate Matters

ER–1. Docket No. ER80–308, Georgia Power Co.
ER–2. Docket No. ER80–184, Oklahoma Gas & Electric Co.

ER–3. Docket No. ER80–343, Southern Company Services, Inc.
ER–4. Docket No. ER80–344, Carolina Power & Light Co.
ER–5. Docket Nos. E–9002 and ER76–122, Commonwealth Edison Co.
ER–6. Docket No. ER80–71, Central Illinois Public Service Co.
ER–7. Docket No. ER76–530, Arizona Public Service Co.
ER–8. Docket No. EL78–13, Central Virginia Electric Cooperative, Inc., Craig-Botetourt Electric Cooperative, Inc., and Southside Electric Cooperative, Inc., v. Appalachian Power Co.

Miscellaneous Agenda—452nd Meeting, June 11, 1980, Regular Meeting

M–1. Docket No. RM80–31, Dam Safety.
M–2. Reserved
M–3. Reserved
M–4. Docket No. RM78–22 (Part 8), Regulations establishing procedures for informal rulemakings, including *ex parte* restrictions.
M–5. Docket No. RM80–11, statement of policy on distributor access to outer continental shelf gas.
M–6. Docket No. RM80–38, Rule to provide incentive pricing for high-cost natural gas produced from wells drilled in deep waters.
M–7. Docket No. GP80– , NGFA well category determination, southland royalty, JD80–15789.
M–8. Docket No. GP80–85, New Mexico Oil Conservation Division, Southland Royalty Co., Oliver No. 1 Well, JD79–203; Docket No. GP80–86, U.S. Geological Survey, New Mexico, Southland Royalty Co., McClanahan No. 18 well, JD79–11326; Docket No. GP80–87, U.S. Geological Survey, New Mexico, Conoco Inc., Lockhart A–27 No. 8 well, JD78–17362, AXI Apache J. No. 19 well, JD79–18030, Lockhart B–11 No. 16 well, JD79–18202.
M–9. Docket No. RO79–9, Mobil Oil Corp.
M–10. Docket No. RA80–17, New Jersey Highway Authority.
M–11. Docket No. RA79–20, Kern County Refinery, Inc.

Gas Agenda—452nd Meeting, June 11, 1980, Regular Meeting

I. Pipeline Rate Meters

RP–1. Docket No. RP72–133 (PGA79–2), United Gas Pipe Line Co.

II. Producer Matters

CI–1. Docket No. RI73–60, Mitchell Energy Corp.
CI–2. Docket No. RI79–21, Shell Oil Co.
CI–3. Docket Nos. CI79–178, CI78–1268, CI79–200, CI78–1251, CI78–1272, CI78–816, G–11083 et al., CI75–16 et al., G–5010 et al., CI79–512, CI80–59, CI79–620, CI80–55, CI79–522, CI79–553, CI80–43, CI79–130, CI79–199, CI79–178, and CI64–349, Exxon Corp.; Docket Nos. CI78–180 et al., CI78–532, CI79–519, CI79–522, CI79–593, and CI79–537, Texaco Inc.; Docket Nos. CI78–713 and CI79–648, Champlin Petroleum Co.; Docket Nos. CI79–309, CI79–153, CI77–797, CI79–461, CI79–529, CI79–485, CI78–736, CI79–126, CI79–44, CI78–519, CI79–631, rate schedule 89, rate schedule 12 et al., CI78–1232, CI78–1173, CI78–604, G–14515, CI77–123, CI78–674, CI78–993, G–12154, CI75–22, rate schedule 9, rate schedule 271, rate schedule 316 et al., rate schedule 590, CI79–249, CI76–215, CI76–239, rate schedule 599, rate schedule 624, Docket No. CI77–263, rate schedule 272, CI80–189, and rate schedule 273, Gulf Oil Corp.; Docket Nos. CI80–147 and CI79–514, Louisiana Land Offshore Exploration Co., Inc.; Docket Nos. CI76–783 and CI78–1128, Arkla Exploration Co.; Docket No. CI80–204, Aminoil of Louisiana Inc., rate schedule Nos. 42, 55, 67, and 22, Warren Petroleum Co., a Division of Gulf Oil Corp.

III. Pipeline Certificate Matters

CP–1. Docket No. TC79–136, Nucor Steel-Nebraska, Division of Nucor Corp.

Kenneth F. Plumb,
Secretary.

[S–1106–80 Filed 6–4–80; 4:29 pm]
BILLING CODE 6450–85–M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR p. 37577, June 3, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 6, 1980.

PLACE: FDIC Building, 550, 17th Street NW., Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting.

Application for Permission to Convert to a Federal Chartered Stock Form—Carolina Federal Savings and Loan Association of Raleigh, Raleigh, North Carolina.

Announcement is being made at the earliest practicable time.

No. 367, June 4, 1980.

[S–1109–80 Filed 6–5–80; 9:59 am]
BILLING CODE 6720–01–M

4

FEDERAL HOME LOAN BANK.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR p. 37577, June 3, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 6, 1980.

PLACE: FDIC Building, 550 17th Street NW., Sixth floor., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

CHANGES IN THE MEETING: The following item was posted in error. Please Disregard:

Regulation on Induced Savings Withdrawals.

The following item has been added to the agenda for the open meeting:

Regulation on Conversation from State Stock to Federal Stock Charter.

Announcement is being made at the earliest practicable time.

No. 358, June 5, 1980.

[S–1110–80; Filed 6–5–80; 2:53 pm]
BILLING CODE 6720–01–M

5

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of Change in Subject of Meeting.

The National Credit Union Administration Board had determined that its business requires that the previously announced meeting on Thursday, June 5, 1980, include the following additional item which will be open to public observation:

Consideration of changes in the early withdrawal penalty on Share Certificate Accounts.

Earlier announcement of this change was not possible. The previously announced items are:

1. Review of Central Liquidity Facility lending rate.
2. Litigation referral to Department of Justice regarding applicability of California Sales Tax to Federal credit unions.
3. Proposed amendments to Pub. L. 95–630—Financial Institutions Regulatory & Interest Rate Control Act of 1978.
4. Group purchasing activities.
5. The collection and processing of semiannual financial and statistical data from all federally insured credit unions.
6. Report on actions taken under delegations of authority.
7. Applications for charter, amendments to charters, bylaw amendments, mergers as may be pending at that time.
8. Early withdrawal penalty.

The meeting will be held at 9:30 a.m., in the seventh floor board room, 1776 G Street NW., Washington, D.C.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1107–80 Filed 6–5–80; 9:17 am]
BILLING CODE 7535–01–M

6

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, June 11, 1980.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Federal Credit Unions Acting as Depositories and Financial Agents of the Government—Final Rule.
3. Report on actions taken under delegations of authority.
4. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10 a.m.

TIME AND DATE: 10:15 a.m., Wednesday, June 11, 1980.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed charter amendment. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Proposed mergers. Closed pursuant to exemptions (8) and (9) (A)(ii).
3. Proposed conversion from Federal to State charter with continued NCUSIF insurance. Closed pursuant to exemptions (8) and (9) (A)(ii).
4. Administrative Action under section 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).
5. Requests from Federally insured credit unions for special assistance under section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Report on actions takenunder delegations of authority. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).
7. Personnel Actions. Closed pursuant to exemptions (6).

FOR MORE INFORMATION CONTACT:
Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1108–80; Filed 6–5–80; 9:17 am]

BILLING CODE 7535–01–M

Reader Aids

Federal Register

Vol. 45, No. 112

Monday, June 9, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders and problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
523-5237	Corrections
523-5215	Public Inspection Desk
523-5227	Index and Finding Aids
523-5235	Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

523-3419	
523-3517	
523-5227	Index and Finding Aids

Presidential Documents:

523-5233	Executive Orders and Proclamations
523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266 -5282	Public Law Numbers and Dates, Slip Laws, U.S. Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, JUNE

37175-37396.....2
37397-37680.....3
37681-37800.....4
37801-38022.....5
38023-38334.....6
38335-39236.....9

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

465.....37397

3 CFR

Administrative Orders:
Presidential Determination:
No. 80-19 of May 28, 1980.....37681

5 CFR

213.....38023-38024
Proposed Rules:
Ch. 1.....37610
352.....37452
720.....38061

6 CFR

705.....37397, 38335

7 CFR

10.....37175
301.....38024
711.....37398
908.....37801, 38339
910.....37683, 38033
923.....38034
947.....37178
1701.....37399
Proposed Rules:
760.....37453
916.....38386
917.....38062, 38387
930.....38063
1493.....37854
1701.....37454, 38064
2842.....38064

8 CFR

207.....37392
208.....37392
209.....37392
238.....38339
245.....37392
343b.....38340

9 CFR

3.....37616
78.....38035
92.....38036
Proposed Rules:
83.....38071

10 CFR

32.....38340
73.....37399
95.....37410
140.....37410
205.....37683
212.....38038
445.....37685
500.....38276
501.....38276
502.....38276
503.....38302
505.....38302
507.....38276
Proposed Rules:
211.....37697
212.....37697

12 CFR

204.....37410
217.....37685
229.....37412-37415
341.....37179
343.....37179
1204.....37801-37803
590.....38342
Proposed Rules:
1204.....38072, 38388

13 CFR

Proposed Rules:
Ch. III.....37972
Ch. V.....37972
120.....37454

14 CFR

11.....38342
21.....38342
25.....38342
29.....38342
37.....38342
39.....37179-37181, 37805-37811, 38349
71.....37811, 38352
73.....38352
91.....38342
97.....37181
121.....38342
127.....38342
135.....38342
249.....37812
Proposed Rules:
Ch. I.....38073
39.....37221, 37222, 38402
71.....37858, 38404

15 CFR

370.....37183
373.....37415
374.....37415
376.....37415
379.....37183, 37435
385.....37415
386.....37183
399.....37415
Proposed Rules:
Ch. I.....37972
Ch. II.....37972
Ch. III.....37972
Ch. VIII.....37972
Ch. XII.....37972

19 37374

16 CFR

13 ..... 37686, 38039, 38352
460 37674
1508 37418
Proposed Rules:
705 37386

17 CFR

240 37687
Proposed Rules:
270 38407

18 CFR

1 38354
141 ..... 37420, 38354
260 37812
271 37185
282 37185
292 38040
Proposed Rules:
282 38080

19 CFR

54 ..... 38040, 38355

20 CFR

Proposed Rules:
Ch. I 37648
Ch. IV 37648
Ch. V 37648
Ch. VI 37648
Ch. VII 37648

21 CFR

101 37420
103 37422
207 38042
510 ..... 37424, 38048
522 37425
558 ..... 37424, 38048–38049
573 38049
Proposed Rules:
310 37455

22 CFR

208 37688
Proposed Rules:
6 37456
6f 37456
171 37456

24 CFR

220 38356
Proposed Rules:
115 37697
203 38410

25 CFR

221 37688

26 CFR

1 38050
7 38050
Proposed Rules:
48 38411

27 CFR

Proposed Rules:
19 38258
70 38258
240 38258
245 38258
250 38258
270 ..... 38258, 38271
275 ..... 38258, 38271

28 CFR

42 37620

29 CFR

102 37425
Proposed Rules:
Subtitle A 37648
Ch. II 37648
Ch. IV 37648
Ch. V 37648
Ch. XVII 37648
Ch. XXV 37648
1613 38083
2550 38084
2610 38415

30 CFR

250 37816–37817
816 37818
Proposed Rules:
Ch. I 37648
Ch. VII 37223, 37697, 38088
55 38087
56 38087
57 38087

31 CFR

103 37818
535 ..... 37679, 37688

32A CFR

Proposed Rules:
Ch. VI 37972

33 CFR

147 37186
165 37187
Proposed Rules:
183 38417

34 CFR

5b 37426
30 37426
73 37426
100 37426
104 37426
106 37426

36 CFR

251 38324
920 38056

37 CFR

Proposed Rules:
Ch. I 37972

38 CFR

17 38356
36 38056

39 CFR

111 37426–37427
Proposed Rules:
111 38419

40 CFR

52 ..... 37188, 37192, 37428–37430, 37689, 37821
62 37431
80 37197
418 37198
423 37432
426 37198
432 37198
Proposed Rules:
51 37466
52 ..... 37224, 37699, 38419
80 37225
86 38422
162 38087
180 37700

41 CFR

Ch. 101 ..... 37199, 37432
3–4 37693
101–11 37433
101–17 37199
101–18 37199
101–19 37199
101–45 ..... 37693, 38369

42 CFR

59 37433
Proposed Rules:
405 37858
441 37858
447 37466

43 CFR

Public Land Orders:
5726 37438
5727 37439
5728 37837
5729 38369

44 CFR

64 37207
65 ..... 37442, 37694
67 37208–37209
70 38370–38379
205 37440
Proposed Rules:
67 ..... 37226, 37227, 37861

45 CFR

74 ..... 37666, 38380
100c 37442
Proposed Rules:
63 37700
1050 37867

46 CFR

66 38384
283 37442
527 37694
536 38057
Proposed Rules:
Ch. II 37972
Ch. IV 37703

47 CFR

73 ..... 37210, 37838, 38057
74 37839
Proposed Rules:
2 37237
22 37237
68 37704
73 ..... 37238–37246, 37468 37868–37869
90 37237

49 CFR

450 37212
451 37212
452 37212
453 37212
571 38380
800 37842
1033 ..... 37219, 37220, 37843–37845, 38057–38059, 38382
1041 37218
Proposed Rules:
71 38423
575 37870

50 CFR

20 37847
230 37451
255 37852
611 37695
Proposed Rules:
Ch. II 37972
Ch. VI 37972
661 37870

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

COMMODITY FUTURES TRADING COMMISSION

30426 5–8–80 / Designation of a futures commission merchant to be the agent of foreign brokers and foreign traders

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

31059 5–12–80 / Interlocutory appeals from rulings of presiding officers; rules of practice and procedure

FEDERAL COMMUNICATIONS COMMISSION

29837 5–6–80 / FM Broadcast Station in Bloomfield, Iowa; changes made in table of assignments

29835 5–6–80 / FM Broadcast Station in Mountain Home, Ark.; changes made in table of assignments

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

31990 5–15–80 / Low-income housing; elderly or handicapped housing; loan disbursements for building components stored off-site; interim

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 6, 1980

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: July 11 and 25; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

ST. LOUIS, MO.

WHEN: June 24 and 25; at 9:00 a.m. (identical sessions.)

WHERE: Room 3720, Federal Office Bldg. 1520 Market Street, St. Louis, Mo.

RESERVATIONS: Call Evelyn Wiebusch, Federal Information Center, 314–425–4106.

dial•a•reg

For an advance "look" at the Federal Register, try our information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the Federal Register.

Washington: **202-523-5022**

Chicago: **312-663-0884**

Los Angeles: **213-688-6694**