regulations, and orders thereunder, by contractual agreement, or by any other means authorized by law.

(d) *Information for beneficiaries and participants.* Each recipient or other entity required to develop an affirmative action plan pursuant to these regulations shall make the plan available for inspection by employees, participants, beneficiaries, local, State, and Federal government officials, and members of the public upon request. A copy of the plan shall be maintained at each place of employment, and a notice posted at each such place to advise employees and members of the public that the plan is available for inspection upon request.

§ 34.10 Compliance reviews.

(a) *Periodic compliance procedures.* (1) The Federal Inspector will review the practices of recipients, contractors, or subcontractors, which offer significant opportunities for employment or procurement, to determine whether such recipient, contractor, or subcontractor are complying with its affirmative action plans and the rules, regulations, and orders implementing Section 17 and Condition 11 of the President's *Decision.* The review will consist of a comprehensive analysis of all aspects of the recipient's, contractor's, or subcontractor's operations and practices and the conditions resulting therefrom. The review will include an on-site visit if the Federal Inspector determines that such a review is necessary.

(2) The Federal Inspector will continually monitor and verify the status of MBE's and FBE's through procedures as the Inspector may determine appropriate.

(b) *Complaints.* (1) Complaints alleging discrimination or non-compliance with affirmative action plans shall be filed with the Federal Inspector.

(2) A complaint must be filed within 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Federal Inspector for good cause shown.

(3) The complaint should include the name, address, and telephone number of the complainant; the name and address of the person alleged to have discriminated; a description of the alleged discriminatory acts; and any other pertinent information which will assist the investigation and resolution of the complaint. The complaint should be signed by the complainant or his or her authorized representative.

(4) The filing of a complaint with the Federal Inspector shall not constitute the filing of a complaint pursuant to Title VII of the Civil Rights Act of 1964 with the Equal Opportunity Commission unless, by agreement between the two agencies, the Federal Inspector and the Equal Employment Opportunity Commission so provide.

(c) *Investigations.* The Federal Inspector will make a prompt investigation whenever information indicates that a person may have failed to comply with Section 17 or Condition 11 of the President's *Decision* or the implementing rules, regulations, or orders thereunder. The investigation should include, where appropriate, a review of the pertinent practices and policies of the person under investigation, the circumstances under which the possible noncompliance occurred, and other factors relevant to determine whether the person has failed to comply with Section 17, Condition 11 of the President's *Decision*, or the implementing rules, regulations, and orders thereunder.

(d) *Resolution of complaints and investigations.* (1) In exercising the broad authority to enforce these regulations, the Federal Inspector shall, within 90 days of the effective date of these regulations, establish the procedures to be followed in enforcing these regulations. These regulations shall thereafter be amended to incorporate these procedures. The procedures shall, to the extent consistent with ANGTA, be similar to those proposed to be adopted by the Department of Energy to resolve complaints of violations of Title VI of the Civil Rights Act of 1964. See Regulations proposed to be codified at 10 CFR Part 1040, § 1040.104, (Nov. 16, 1978). At a minimum the procedures must incorporate the following subsection 2 thru 5.

(2) The Federal Inspector will initiate action upon all complaints within 35 days of the date the complaint is filed with the Federal Inspector.

(3) If an investigation pursuant to paragraphs (a) through (c) of this section indicates probable non-compliance with Section 17, Condition 11 of the President's *Decision*, or the implementing rules, regulations, or orders thereunder, the Federal Inspector will attempt to resolve the matter by informal methods of conference, conciliation, and persuasion.

(4) Resolution shall be effected through a written agreement between the Federal Inspector, the complainant, if any, and the person who has failed to comply. The agreement shall contain commitments to promptly eliminate all discriminatory conditions, shall identify the precise remedial actions to be taken and dates for completion of remedial actions, and shall include a provision that breath of the agreement may result in further enforcement actions by the Federal Inspector. The Federal Inspector will then certify compliance, on condition that the commitments are kept. Such certification will not preclude a subsequent determination by the Federal Inspector that the full facts were not known at the time agreement was executed, or the commitments undertaken are not sufficient to correct deficiencies.

(5) If the Federal Inspector's investigation does not warrant enforcement action, the Federal Inspector shall so inform the complainant, if any, and the person who was investigated. The complainant shall also be notified of any action taken including the achievement of voluntary compliance.

(6) Between the period of these effective dates of these regulations and the effective date of the enforcement procedures established by the Federal Inspector, pursuant to paragraph (d)(1) of this section, the Federal Inspector shall at a minimum adhere to paragraphs (d)(2)–(5) of this section.

(e) *Acts of intimidation or retaliation prohibited.* No person shall intimidate, threaten, coerce, harass, or retaliate against any individual for the purpose of interfering with any right or privilege secured by Section 17, Condition 11 the President's *Decision*, and implementing rules, regulations, orders, because such individual has opposed a practice prohibited by Section 17 or by this Part, made a complaint, testified, assisted in, benefited from, or participated in any manner in an investigation, compliance review, proceeding or hearing, conducted pursuant to these regulations. The identity of complainants may be kept confidential except to the extent necessary to carry out the purpose of this Part, including investigatory actions, hearings, or judicial proceedings.

§ 34.11 Enforcement sanctions.

The provisions of Section 17, the President's *Decision*, and implementing rules, regulations, and orders, as appropriate, will be enforced through:

(a) The issuance of a compliance order by the Federal Inspector pursuant to Section 11 of ANGTA; or

(b) The commencement of a civil action for appropriate relief, including a permanent or temporary injunction, or a civil penalty not to exceed $25,000 per day; or

(c) By any other means authorized by law.

[FR Doc. 80-14599 Filed 5-9-80; 8:45 am]
BILLING CODE 4310-10-M

Bureau of Land Management

43 CFR Part 2650

Alaska; Waiver of Regulations To Validate a Selection Application Under the Alaska Native Claims Settlement Act

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This waiver of the regulations validates the Sealaska Corporation's priority 3 selection filed under Section 14(h)(8) of the Alaska Native Claims Settlement Act.

EFFECTIVE DATE: December 13, 1977.

FOR FURTHER INFORMATION CONTACT: Beau McClure 202-343-6511 or Bob Arnold, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

In view of the special public interest to be protected in the area lying immediately adjacent to Parrot Lake, the uppermost lake in the Essowah drainage area on Dall Island, and pursuant to the regulations in 43 CFR 2650.0-8, it is hereby ordered that the provisions of the regulations in 2653.9(c) are waived specifically for the Sealaska Corporation's 14(h)(8) selection in Section 21, T. 81 S., R. 84 E., Copper River Meridian.

Cecil D. Andrus,

Secretary of the Interior.

May 2, 1980.

[FR Doc. 80-14553 Filed 5-9-80; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 148

[CGD 79-141]

Unslaked Lime Shipping Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulation for the shipment of unslaked lime in bulk by eliminating the requirements for Shipping Papers and Dangerous Cargo Manifest when unslaked lime is shipped in unmanned, all steel, double-hulled barges. This provision was in the former regulation 46 CFR Part 146 and was not transferred to 46 CFR Part 148.

EFFECTIVE DATE: This amendment is effective on June 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John McAnulty (G-MHM-2/TP14) Room 1406, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202-426-1578).

SUPPLEMENTARY INFORMATION: On February 28, 1980 the Coast Guard published a proposed rule (45 FR 13139) concerning this amendment. Interested persons were given until April 11, 1980 to submit comments. A total of seven manufacturers and shippers of unslaked lime commented on the proposed rule. All comments were incorporated into the docket and considered in development of the final rule.

The final rule has been evaluated in accordance with DOT "Regulatory Policies and Procedures" 44 FR 11033 (February 26, 1979). A copy of the final evaluation may be obtained from the Commandant (G-CMC/TP24) U.S. Coast Guard, Washington, D.C. 20593, (202-426-1477).

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Mr. John F. McAnulty, Project Manager, Office of Merchant Marine Safety and Mr. Michael M. Mervin, Project Attorney, Office of Chief Council.

DISSCUSSION OF COMMENTS: All seven comments were written by persons engaged in the shipment of unslaked lime in bulk. They were unanimous in approving the corrective action taken by the Coast Guard and cited their respective experience of shipping huge volumes of unslaked lime in bulk without injury or loss of life to either humans or aquatic animals. In consideration of the foregoing, Part 148 of Title 46 Code of Federal Regulations is amended as follows:

1. By revising § 148.04-23 to read:

§ 148.04-23 Unslaked lime in bulk.

(a) Unslaked lime in bulk must be transported in unmanned, all steel, double-hulled barges equipped with weathertight hatches or covers. The barge must not carry any other cargo while unslaked lime is on board.

(b) The originating shipping order and transfer shipping paper requirement in § 148.02-1 and the dangerous cargo manifest requirements in § 148.02-3 do not apply to the transportation of unslaked lime under paragraph (a) of this section.

(46 U.S.C. 170; 49 CFR 1.46(t))

Dated: May 5, 1980.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc. 80-14568 Filed 5-9-80; 8:45 am]

BILLING CODE 4910-14-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1201A

[Docket No. 36873]

Correction to the Definition of Rail Transportation Property

AGENCY: Interstate Commerce Commission.

ACTION: Correction to final rule.

SUMMARY: This rule eliminates Account 702, Temporary Cash Investments, from the definition of Rail Transportation Property. Account 702 was inadvertently added to the text of the definition during the final editing of Docket No. 36873. Reporting Bulletin No. 79-3 temporarily corrects the definition, but this order incorporates the correction in Part 1201A of the Code of Federal Regulations.

DATES: This rule is effective for the reporting year beginning January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: On July 28, 1978, the Commission issued a Notice of Proposed Rulemaking (43 FR 34172) which defined rail transportation property to include all property and other assets that comprise the entire operating unit devoted to rail transportation service. By Order dated January 10, 1979 (44 FR 3493), the definition was incorporated in Part 1201A of the Code of Federal Regulations (CFR). During the editing process of the final rule, Account 702, Temporary Cash Investments, was inadvertently added to the definition.

At the present time, the definition is used by some states to determine the ad valorem tax base of railroads in their jurisdiction. Many states have their own definition of Rail Transportation Property but their definitions do not include temporary cash investments or investments of any kind. The Commission's intent was to define rail transportation property in a manner that would produce uniformity in the ad valorem tax base between jurisdictions. For this reason, Account 702, Temporary Cash Investments should be excluded from the definition of rail transportation property.

The Commission finds that for good cause shown, notice and public proceeding are unnecessary pursuant to 5 U.S.C. 553(b)(B). The carriers affected by this proceeding were given an opportunity to object to the exclusion of Account 702 by responding to the NPR. This final rule reiterates the definition of rail transportation property contained in the NPR.

However, in keeping with our belief that any rule can benefit from public scrutiny, we are requesting that the public study the rule and report, within 45 days, any changes which need to be made. If the Commission concludes after reviewing the comments, that it is necessary to change the revised rule, a further notice will be published in the Federal Register identifying the changes made.

Accordingly, Definition 33, *Rail Transportation Property*, of Part 1201A of Title 49 of the Code of Federal Regulations is amended by the elimination of Account 702, "Temporary Cash Investments".

This Decision does not affect the quality of the human environment.

These rules are issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: April 28, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14470 Filed 5-9-80; 8:45 am]

BILLING CODE 7035-01-M

---

49 CFR Part 1033

[Directed S.O. Nos. 1453, etc.; Supp. Orders Nos. 1, 6]

St. Louis Southwestern Railway Co., et al.; Modification of Reporting Requirements in Specified Directed Service Orders; Supplement to Final Rule

AGENCY: Interstate Commerce Commission.

ACTION: Modification of reporting requirements in specified directed service orders; supplement to final rule.

SUMMARY: In Directed Service Orders Nos. 1453, 1456, and 1462, the Commission authorized various railroads to provide service as "directed rail carriers" (DRCs)—without federal subsidization under 49 U.S.C. 11125(b)(5)—over various lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI"). Those orders require the filing of certain reports with respect to directed service operations.

Subsequent analysis reveals that part of the information required to be submitted under the *Reporting Requirements* and *Traffic Reports* paragraphs of the directed service orders would be unduly difficult for the DRC's to obtain. Further, this information would be of limited use in view of the ordered liquidation of the Rock Island estate. Therefore, the reporting requirements in these directed service orders are being modified to reduce the amount of information the DRC's must file.

DATES: *Effective Date:* This decision shall be effective upon its date of service.

Expiration Date: Unless otherwise modified by the Commission, this decision will expire at 11:59 P.M. (central time) on May 31, 1980.

FOR FURTHER INFORMATION CONTACT: Richard J. Schiefelbein, (202) 275-0826; or

Joel E. Burns, (202) 275-7849.

SUPPLEMENTARY INFORMATION: Directed Service Order No. 1453, St. Louis Southwestern Railway Company—Directed Service—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, trustee) between Santa Rosa, NM and St. Louis, MO, Supplemental Order No.1; Directed Service Order No. 1456, St Louis Southwestern Railway Company—Directed Service—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, trustee) between Memphis, TN and Fordyce, AR, Supplemental Order No. 1; Directed Service Order No. 1462, Various Railroads—Directed Service—Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), Supplemental Order No. 6.

Decided: April 23, 1980.

Decision of the Commission

The Rock Island has been in bankruptcy proceedings since 1975, and in September 1979 its cash flow position became so severe as to prevent the continuation of normal rail operations. Accordingly, we issued Directed Service Order No. 1398 (and subs thereunder) authorizing the Kansas City Terminal Railway Company (KCT) to provide service under 49 U.S.C. 11125 as a subsidized "directed rail carrier" (DRC) over the Rock Island rail system. *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289, 478, 718 (1979–80); 44 FR 56343, 70733, and 45 FR 14578 (1979–80). That order expired on March 23, 1980.

In order to permit the continuation of essential rail service, we issued several service orders, under 49 U.S.C. 11123, authorizing various railroads to operate over described RI lines. Because of questions regarding the Commission's jurisdiction to issue these orders under 49 U.S.C. 11123, we superseded those orders with Directed Service Orders Nos. 1453, 1456, and 1462—under 49 U.S.C. 11125—authorizing operations similar to those described in the section 11123 service orders.

These directed service orders contain conditions (under the headings *Reporting Requirements* and *Traffic Reports)* requiring the named DRC's to file: (1) That data regarding the involved lines which RI would have otherwise filed; and (2) monthly traffic reports identifying (a) the number of carloads transported daily over the RI lines they operate, (b) the total gross revenue for those carloads, and (c) RI's normal portion of the total gross revenue.

After further review of these reporting requirements, we have determined that portions of the required information cannot be obtained by the DRC's within the remaining directed service period under these orders (which expire May 31, 1980). Further, much of this information would be of diminished value to the Commission at this time in view of the RI Bankruptcy Court's determination that the entire Rock Island estate should be liquidated.

Therefore, we will amend the reporting requirements and traffic reporting conditions in the directed service orders to read as follows:

Reporting Requirements—We shall require the DRC(s) to include financial and statistical data relating to operation of the involved line(s) with those reports the DRC(s) submits to the Commission covering usual railroad operations. Revenue, expenses, and statistics resulting from the operation of the line(s) shall be internally maintained separate from the DRC(s) usual railroad operations. The Commission may request that information at a later date.

Traffic Reports—The DRC(s) shall file with the Commission, on a monthly basis, a traffic report identifying, by day, the number of carloads transported over the involved line(s). This traffic report shall be submitted to the Commission 30 days after the end of the calendar month for which it is filed.

We find: (1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered: (1) Directed Service Order Nos. 1453, 1456, and 1462 are amended as indicated in this decision.

(2) This decision shall be effective on its service date.

(49 U.S.C. 11125)

By the Commission, Chairman Gaskins, Vice Chairman Greshan, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14591 Filed 5-9-80; 8:45 am]

BILLING CODE 7035-01-M