bus-lanes and bus-streets in the Southwest Freeway/Westpark corridor, and a CBD bus mall.

3. *Busway*—expanded areawide bus system plus additional park/ride service and an elevated busway in the Southwest Freeway/Westpark corridor and two CBD bus malls.

4. *Light-Rail* (CBD surface)—expanded areawide bus system plus an elevated Light-Rail Facility in the Southwest Freeway/Westpark corridor having at-grade CBD operation on a mall or reserved lanes.

5. *Light-Rail* (CBD tunnel)—same as the other light-rail alternative but featuring a CBD subway.

6. *Heavy-Rail Transit*—expanded areawide bus system plus an elevated heavy-rail facility in the Southwest Freeway/Westpark corridor and a CBD subway.

The proposed evaluation criteria will include transportation, environmental, social, economic and financial impact areas as required by current Federal (NEPA) environmental laws and current Federal CEQ, and UMTA guidelines. Additional impact areas and measures important to local decisionmaking will also be included.

At the May 22 scoping meeting, staff will present the above information in more detail using maps and visual aids, as well as a description of the citizen involvement program and a schedule. The public and affected public agencies will be invited to comment on the terms of the analysis, either orally at the meeting, or in writing for a period of 30 days following the meeting. Appropriate adjustments to the work scope and alternatives will be made accordingly.

If there are any questions, please contact the UMTA Regional Office Director, Mr. Glen Ford, 819 Taylor Street, Suite 9–A–32, Fort Worth, Texas 76102, telephone (817) 334–3787, or the local Project Director, Ms. Linda Cherrington, Metropolitan Transit Authority, P.O. Box 61429, Houston, Texas 77208, telephone (713) 225–1151.

Dated: May 2, 1980.

Robert H. McManus,

Associate Administrator for Planning, Management and Demonstrations.

[FR Doc. 80–14154 Filed 5–7–80; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 80–120]

Christopher, Baretela; Suspension with Prejudice of Customhouse Broker License, No. 5115

Notice is hereby given that the Commissioner of Customs on March 19, 1980, pursuant to Section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and Part 111 of the Customs Regulations, as amended, and upon the specific request of Customhouse broker Christopher Baretela, Elmont, New York, in response to the Notice to Show Cause and Statement of Charges against him dated October 17, 1979, suspended with prejudice for a period of three weeks individual customhouse broker's license, Number 5115 issued to him January 27, 1975 for Customs District of New York, New York. The Commissioner's decision is effective as of May 19, 1980.

Robert E. Chasen,

Commissioner of Customs.

March 19, 1980.

[FR Doc. 80–14138 Filed 5–7–80; 8:45 am]

BILLING CODE 4810–22–M

[T.D. 80–119]

Reimbursable Services—Excess Cost of Preclearance Operation

May 1, 1980.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with pay period beginning May 18, 1980.

Installation:	*Biweekly excess cost*
Montreal, Canada	$17,961
Toronto, Canada	34,727
Kindley Field, Bermuda	5,936
Nassau, Bahama Islands	17,350
Vancouver, Canada	10,674
Winnipeg, Canada	1,993
Freeport, Bahama Islands	13,517
Calgary, Canada	6,537
Edmonton, Canada	4,857

Mitchell A. Levine,

Acting Comptroller.

[FR Doc. 80–14139 Filed 5–7–80; 8:45 am]

BILLING CODE 4810–22–M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 91
Thursday, May 8, 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

[M-278, Amdt. 4; Feb. 2, 1980]

CIVIL AERONAUTICS BOARD.

Notice of additions, deletions and closure of items to the May 1, 1980 meeting.

TIME AND DATE: 9:30 a.m., May 1, 1980.

PLACE:

Room 1027 (open), 1825 Connecticut Avenue N.W.
Room 1012 (closed), Washington, D.C. 20428.

SUBJECT:

Deletion: 7a. Docket 35253, Policy Statement on discriminatory, preferential and prejudicial pricing (memo 6588-B BDA).
Deletion: 9. Docket 36804, Draft Notice of Proposed Rulemaking for one-day special tariff permission on fare decreases, draft order denying exemption request of Western Air Lines (BDA).
Deletion: 11. Docket 36863, Notice of Western Air Lines to terminate service at Sheridan, Wyoming (memo 9397-A, BDA).
Addition (closed): 32. Docket 38055, Application of Aeroflot Soviet Airlines for an exemption that would permit it to provide its own sales, ticketing and ground-handling services (memo 9670, BIA).
Addition (closed): 33. Recommended Negotiating Position for U.S.-Peru Talks Scheduled to begin May 5, 1980 in Washington (BIA).
Addition (closed): 34. Report on Status of China Negotiations.
Addition (closed): 35. Report on Status of New Zealand Negotiations.

STATUS:

1-30 (Open)
31-35 (Closed)

Note.—For Persons Expected to Attend (Closed items) see M-278—Revised Agenda.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

S-924-80 Filed 5-6-80; 3:32 pm]
BILLING CODE 6320-01-M

2

[M-279 Amdt 1; May 5, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the May 8, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., May 8, 1980.

PLACE:

Room 1027 (Open)
Room 1012 (Closed)

SUBJECT: 8a. Docket 37438, Chicago-Columbus-Dayton-Denver-Los Angeles-Richmond Subpart Q Proceeding. Piedmont objects to show-cause order (memo 9675, BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-925-80 Filed 5-6-80; 3:32 pm]
BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, May 16, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-908-80 Filed 5-5-80; 4:13pm]
BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., May 13, 1980.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters: Proposed civil action; proposed administration proceeding; proposed private investigation.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-913-80 Filed 5-6-80; 10:42 a.m.]
BILLING CODE 6351-01-M

5

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., May 13, 1980.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Speculative Limits Policy Discussion.

The Commission shall discuss recommendations proposed be the Division of Economics and Education to develop a methodology and guidelines for the establishment of speculative limits in those commodities in which speculative limits have not been imposed.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-912-80 Filed 5-6-80; 10:42 am]
BILLING CODE 6351-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting. Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, May 5, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the application of Northern Central Bank, Williamsport, Pennsylvania, an insured State nonmember bank, for consent to merge, under its charter and title, with the Lewisburg National Bank, Lewisburg, Pennsylvania, and to establish the two offices of the

Lewisburg National Bank as branches of the resultant bank.

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of First Peoples Bank of New Jersey, Haddon Township (P.O. Westmont), New Jersey, an insured State nonmember bank, for consent to merge, under its charter and title, with the Mainland Bank, Linwood, New Jersey, and to establish the five offices of the Mainland Bank as branches of the resultant bank.

Application of First Peoples Bank of New Jersey, Haddon Township (P.O. Westmont), New Jersey, for advance consent to the retirement of preferred stock.

Application of Bank of Mississippi, Tupelo, Mississippi, an insured State nonmember bank, for consent to merge, under its charter and title, with Security Bank of Hernando, Hernando, Mississippi, and for consent to establish the two offices of Security Bank of Hernando as branches of the resultant bank.

Application of Banco Regional de Ahorro de Bayamon, Bayamon, Puerto Rico, for consent to change the general character of its business from that of a stock savings bank to a commercial bank.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: May 5, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-914-80 Filed 5-6-80; 11:41 am]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting. Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, May 5, 1980, the Board of Directors of the Federal Deposit Insurance Corporation determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum and resolution regarding a final rule amending Section 309.4 of the Corporation's rules and regulations.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: May 5, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-915-80 Filed 5-6-80; 11:41 am]

BILLING CODE 6714-010-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting. Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, May 12, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in the proposed purchase of assets of and assumption of liability to pay deposits made in Commonwealth Bank of Metuchen, Metuchen, New Jersey, by First National Bank of New Jersey, Totowa, New Jersey.

Request by the Comptroller of the Currency for a report on the competitive factors involved in the proposed merger of Key Bank of Southeastern New York N.A., Chester, New York, and The Valley National Bank, Wallkill, New York, Walden, New York.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of Legal Division actions taken pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550, 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 5, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-916-80 Filed 5-6-80; 11:41 am]

BILLING CODE 6714-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting. Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, May 12, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii) and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Application for Federal deposit insurance:

Bank of San Marino, a proposed new bank, to be located at 2060 Huntington Drive, San Marino, California, for Federal deposit insurance.

Application for consent to establish a branch:

The East New York Savings Bank, New York (Brooklyn), New York, for consent to establish a branch at 320 Fifth Avenue, New York (Manhattan), New York.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,291-L—Franklin National Bank, New York, New York.
Case No. 44,299-L—Franklin National Bank, New York, New York.
Case No. 44,301-L—Franklin National Bank, New York, New York.
Case No. 44,303-L—Franklin National Bank, New York, New York.
Case No. 44,305-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin.
Case No. 44,306-L—International City Bank and Trust Company, New Orleans, Louisiana.
Memorandum re: First State Bank of Northern California, San Leandro, California.
Memorandum re: Franklin Bank, Houston, Texas.

Audit Report: Liquidation Committee Cases—Real Estate, dated December 6, 1979.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 5, 1980.

Hoyle L. Robinson,

Executive Secretary.

[S-917-80 Filed 5-6-80; 11:41 am]

BILLING CODE 6714-01-M

10

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, May 13, 1980, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, Personnel.

* * * * *

DATE AND TIME: Wednesday, May 14, 1980, 2 p.m.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Certifications.
Advisory opinions:
Draft AO 1980-30—Sue Ann Dillport, Treasurer, Frank Askin for Congress Committee.
Draft AO 1980-33—John J. Buttita, National Association of Realtors.
Draft AO 1980-34—Michael R. Gardner, Connally for President Committee.
Draft AO 1980-35—Kerry H. Stowell, Pago Headquarters.
Draft AO 1980-38—Sue E. Wadel, Treasurer, Allen for Congress Committee.
Draft AO 1980-39—Susan A. Myers, Counsel to Fluor-PAC.
Draft AO 1980-41—Vincent V. Chaney, Treasurer, Slack for Congress Committee.
Draft AO 1980-49—Steven D. Weinstein (Weinstein for Congress Committee).
Election of officers.
Clearinghouse project review.
1980 Election and related matters.
6-Month management report.
Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Lena L. Stafford,

Secretary to the Commission.

[S-927-80 Filed 5-6-80; 3:49 pm]

BILLING CODE 6715-01-M

11

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR, p. 29165 and 29166, May 1, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 5, 1980.

PLACE: 1700 G 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 items have been added to the agenda for the open meeting:

Applications for Branch Offices—Home Federal Savings and Loan Association of San Diego, San Diego, California AND Glendale Federal Savings and Loan Association, Glendale, California.
Application for Branch Offices—Glendale Federal Savings and Loan Association, Glendale, California AND First Federal Savings and Loan Association of Santa Monica, Santa Monica, California.
Merger—Tuscan Savings and Loan Association, Baltimore, Maryland INTO Chesapeake Federal Savings and Loan Association, Baltimore, Maryland.

Announcement is being made at the earliest practicable time.

No. 345, May 5, 1980.

[S-909-80 Filed 5-5-80; 4:35 pm]

BILLING CODE 6720-01-M

12

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., May 13, 1980.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Joint petition for clarification of separate orders of conditional approval of Agreements Nos. 9427-6 and 9552-4, Germany-North Atlantic Ports Rate Agreement and North Atlantic/West Europe Rate Agreement, respectively.
2. Petition of the Government of the Virgin Islands to institute a formal investigation of the Puerto Rico/Virgin Islands Trade.
3. Fact Finding Investigation No. 10: Possible Unlawful Action of Carriers and Conferences of Carriers in the Treatment of Overland/Overland Common Point Cargo—Report of Investigative Officer.
4. Informal Docket No. 746(I): Girton Manufacturing Company v. Prudential Lines, Inc. Review of Settlement Officer's decision.
5. Docket No. 79-74: Japan/Korea and Gulf Freight Conference (Agreement No. 3103-67—Extension of Intermodal Authority)—Petition to reopen of Proponents.

Portion closed to the public:

1. Petition for reconsideration of the qualifications of Carnival Cruise Lines, Inc., as a self-insurer.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-918-80 Filed 5-6-80; 11:43 am]

BILLING CODE 6730-01-M

13

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR, 28852, April 30, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, May 5, 1980.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting: Appointment of an officer at a Federal Reserve Bank.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: May 5, 1980.

[S-911-80 Filed 5-6-80; 10:31 am]

BILLING CODE 6210-01-M

14

NATIONAL LABOR RELATIONS BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published May 7, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Thursday, May 15, 1980.

CHANGES IN THE MEETING: The time of the meeting has been changed to 10 a.m.

Dated, Washington, D.C., May 6, 1980.

By direction of the Board:

George A. Leet,

Associate Executive Secretary, National Labor Relations Board.

[S-919-80 Filed 5-6-80; 12:53 pm]

BILLING CODE 7545-01-M

15

[NM-80-19]

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 29658, May 5, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Monday, May 12, 1980.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: The first five items will be open to the public; the sixth item will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Downeast Airlines, Inc., deHavilland DHC-6-200, N68DE, Rockland, Maine, May 30, 1979.
2. *Railroad Accident Report*—Rear-end Collision of ConRail Commuter Trains, Philadelphia, Pennsylvania, October 16, 1979, and *Recommendation* to the Federal Railroad Administration.
3. *Marine Accident Report*—Collision of INCA TUPAC YUPANQUI with Butane Barge PANAMA CITY near New Orleans,, Louisiana, August 30, 1979, and *Recommendation* to the U.S. Coast Guard.
4. *Special Study*—Commuter Airlines Safety Study and *Recommendation* to the Federal Aviation Administration.
5. *Fiscal year 1980 Safety Objective*—Increased Surveillance of Part 135 Operators.
6. *Order*—Petition of McHenry, Dkt. SM-2316; disposition of petition for reconsideration.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

May 6, 1980.

[S-923-80 Filed 5-6-80; 3:32 pm]

BILLING CODE 4910-58-M

16

NUCLEAR REGULATORY COMMISSION.

DATE: Monday, May 12, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

2 p.m.

Meeting with Harrisburg-Middletown Area Citizens Groups Regarding the Cleanup of TMI-2 (approximately 1 hour, public meeting.)

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634-1410. Those planning to attend a meeting should reverify the status on the day of the meeting.

May 5, 1980.

Walter Magee,

Office of the Secretary.

[S-922-80 Filed 5-6-80; 2:54 pm]

BILLING CODE 7590-01-M

17

NUCLEAR REGULATORY COMMISSION.

DATE: Tuesday, May 6, 1980 (revised).

PLACE: Commissioner's conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

2 p.m.

1. Affirmation of Memorandum and Order in Philippines Export (approximately 5 minutes, public meeting).
2. Time Reserved for Discussion and Vote on Affirmation Item (if required 15 minutes, public meeting).
3. Briefing on Systematic Evaluation Program (approximately 1 hour, public meeting).

ADDITIONAL INFORMATION:

1. The Affirmation Session previously scheduled for Tuesday, May 6:

—Post CP Designs and Other Changes
—Board on TMI-2 Modifications
—Request for Hearing on Point Beach

are *Rescheduled* for Thursday, May 8, as Item 2 at 2 p.m.

2. The Briefing on General Position on Protection of Routing Information is *Postponed.*

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR DAILY UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

May 1, 1980.

Walter Magee,

Office of the Secretary.

[S-921-80 Filed 5-6-80; 2:54 pm]

BILLING CODE 7590-01-M

18

PAROLE COMMISSION.

Correction

In Sunshine Doc. S-889-80 appearing at page 29658 in the issue for Monday, May 5, 1980, second column, the date for the meeting should read "May 14, 1980".

BILLING CODE 1505-01-M

19

POSTAL RATE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, May 7, 1980.

PLACE: Conference room, room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Motion of the U.S. Postal Service in Docket No. R80-1, dated April 7, 1980, regarding disqualification of a Commission employee.
2. Reconsideration of Commission Order No. 328.

(Closed pursuant to 5 U.S.C. § 552b(c)(10))

CONTACT PERSON FOR MORE INFORMATION: David F. Harris, Secretary, Postal Rate Commission, room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254-5614.

[S-910-80 Filed 5-6-80; 10:31 am]

BILLING CODE 7715-01-M

20

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9 a.m., May 15, 1980.

PLACE: Board's meeting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Reinstatement of widow's annuities based upon annulment.
(2) Extension on payment of unemployment contributions—Chicago and Northwestern Transportation Company.
(3) Interview by industrial psychologist.
(4) Structure of Bureau of Hearings and Appeals.
(5) Continuing control of travel by Board employees.

Portion closed to the public:

(A) Appeal from referee's denial of claim for a "period of disability", Charles H. Webber, Jr.
(B) Conflicting marriage claim, Mary Kirkland.
(C) Conflicting marriage claim, Carrie E. Hodge.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312-751-4920, FTS No. 387-4920.

[S-920-80 Filed 5-6-80; 2:54 pm]

BILLING CODE 7905-01-M

21

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 12, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, May 13, 1980, at 9 a.m., and on Wednesday, May 14, 1980, immediately following open meetings at 10 a.m. and 2 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee; has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioners Loomis, Evans, Pollack and Friedman determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 13, 1980, at 9 a.m., will be:

Regulatory matters bearing enforcement implications.
Institution of injunctive action and administrative proceedings.

The subject matter of the closed meeting scheduled for Wednesday, May 14, 1980, immediately following the 10 a.m. open meeting, will be:

Formal orders of investigation.
Access to investigative files by Federal, State, or Self-Regulatory Authorities.
Settlement of injunctive actions.
Litigation matters.
Institution of injunctive actions.
Consideration of *amicus* participation.
Freedom of Information Act appeals.
Subpoena enforcement action.
Regulatory matter regarding financial institutions.
Opinion.
Administrative proceeding of an enforcement nature.

The subject matter of the closed meeting scheduled for Wednesday, May 14, 1980, immediately following 2 p.m. open meeting.

Post oral argument discussion.

The subject matter of the open meeting scheduled for Wednesday, May 14, 1980, at 10 a.m., will be:

1. Consideration of whether to grant the application of Energy Fund Incorporated, Guardian Mutual Fund, Inc., and The Partners Fund, Inc. (collectively the "Funds"), registered open-end, diversified, management investment companies, and Neuberger and Berman ("N&B"), sub-adviser and principal broker for the Funds, for an order pursuant to Sections 6(c), 17(b) and 17(d) of the Investment Company Act of 1940 (the "Act"), exempting the Funds and N&B from certain provisions of the Act to permit the Funds to engage in portfolio securities loans with N&B. For further information, please contact Christopher Townsend at (202) 272-3035.

2. Consideration of whether to issue an order on an application filed by Jet Capital Corporation declaring that Jet Capital Corporation is not an investment company. For further information, please contact H. R. Hallock, Jr. at (202) 272-3030, or Carl B. Wilkerson at (202) 272-3014.

3. Consideration of whether to issue a release which sets forth the interpretive views of the Division of Investment Management as to the application of Section 205(1) of the Investment Advisers Act of 1940 to advisory compensation arrangements which are contingent on the investment performance of the funds of advisory clients. For further information please contact Michael J. Eizelman at (202) 272-2079.

4. Consideration of whether to affirm action, taken by the Duty Officer, granting the request of the law firm of Kantor, Davidoff, Winston & Ferber for a waiver of imputed disqualification pursuant to 17 CFR 200.735-8(e). For further information, please contact Myrna Siegel at (202) 272-2430.

5. Consideration of whether to adopt Rule 16a-11 under the Securities Exchange Act, which would exempt from Section 16's operation acquisitions of equity securities by officers, directors, and ten percent beneficial owners pursuant to a dividend reinvestment plan. For further information, please contact Mary A. Binno at (202) 272-2604.

6. Consideration of whether to grant the application of Johnny Mitchell for relief pursuant to Rule 252(f) of Regulation A. For further information, please contact Thomas J. Baudhuin at (202) 272-2644.

7. Consideration of whether to grant the application filed by Churchill Properties, Ltd. pursuant to Section 12(h) of the Securities Exchange Act of 1934 for an exemption from the reporting requirements of Section 13 of the Act. For further information, please contact Michael Connell at (202) 272-2579.

The subject matter of the open meeting scheduled for Wednesday, May 14, 1980, at 2 p.m., will be:

The Commission will hear oral argument on appeals by Allen & Company, a registered broker-dealer, Richard M. Crooks, a trader at that firm, and the Division of Enforcement from the initial decision of an administrative law judge who concluded that Allen should be suspended from effective transactions in over-the-counter securities for five business days, and that Crooks should be suspended from association with any broker or dealer for a like period. For further information, please contact Herbert V. Efron at (202) 272-2754.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Granda at (202) 272-2091.

May 6, 1980.

[S-926-80 Filed 5-6-80; 3:32 pm]

BILLING CODE 8010-01-M

federal register

Thursday
May 8, 1980

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Mortgage Insurance; Elimination of Application Fee

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 204, 213, 220, 221, 234 and 235

[Docket No. R-80-795]

Mortgage Insurance; Elimination of Application Fee

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

ACTION: Interim rule.

SUMMARY: These regulations will eliminate the application fee being charged by the Department on single family applications for mortgage insurance. Commitment extension fees also are being eliminated. In lieu of the Department collecting such application fees, these regulations permit the mortgagee to collect an appraisal fee and inspection fee, if required. The lender will pay the fee personnel directly. Such changes will enable the Department to eliminate numerous application fee billings with a resultant substantial decrease in costs.

DATES: Effective date: June 1, 1980. Comment due date: June 9, 1980.

ADDRESS: Written comments should refer to the docket number and date and should be submitted 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. A copy of each communication will be available for public inspection during regular business hours at the above address. The proposal may be changed in light of the comments received.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Acting Director, Single Family Development Division, Office of Housing, Department of Housing and Urban Development, Room 9270, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6720 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department utilizes a substantial number of fee appraisers and inspectors to perform appraisals and inspections on single family properties. Under the present procedure, the Department charges the mortgagee an application fee to cover the cost of processing. When an application is received and a fee appraiser makes the appraisal or a fee inspector makes an inspection, if required, the Department must pay these individuals directly for their services. By eliminating HUD's collection of an application fee and HUD's payments to the appraisers and inspectors and adopting a procedure whereby mortgagees make direct payment to the fee appraisers and inspectors on individual cases, HUD will substantially reduce the number of application fee billings and payments to these fee personnel. Such a reduction in administrative requirements will result in substantial cost savings to the Department.

To accommodate this procedure, the Department proposes regulatory changes which will:

1. Eliminate the payment of application and commitment extension fees by mortgagees for single family properties.
2. Permit the mortgagee to collect appraisal and inspection fees, if required, from mortgagors.
3. Limit mortgagee collection of appraisal and inspection fees, credit report fees, etc., to the amount actually paid.

HUD has determined that it is essential that these regulations are adopted on June 1, 1980, to provide sufficient time to accomplish the necessary staffing modifications precipitated by this change prior to the start of FY 1981. Since the effect of these revisions was taken into consideration in the development of the FY 1981 Budget, it is imperative that all changes associated with the regulations are concluded prior to the beginning of the fiscal year. The June 1 date provides HUD with a reasonable length of time to incorporate the resulting changes while, at the same time, ensures that every effort can be made to minimize disruption for affected Field Office staff.

Before adopting the regulations, the Secretary is providing 30 days for submittal of public comments. If, as a result of comment, the Secretary determines that change in the regulations is appropriate, their effectiveness will be deferred by publication in the **Federal Register.** Otherwise, unless deferred by such publication, the standards will become effective without notification by the Secretary on June 1, 1980.

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 Rules Docket Clerk at the address set forth above.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, it is proposed that 24 CFR, Chapter II be amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

§ 203.12 [Reserved]

1. By revoking and reserving § 203.12.

2. By revoking and reserving paragraph (a)(1), revising the introductory language of paragraph (a)(3), revising paragraph (a)(3)(v) and adding a new paragraph (a)(3)(vi) in § 203.27 as follows:

§ 203.27 Maximum charges, fees or discounts.

(a) * * *

(1) [Reserved]

(2) * * *

(3) Reasonable and customary amounts, but not more than the amount actually paid by the mortgagee, for any of the following items:

* * * * *

(v) Fees paid to an appraiser or inspector approved by the Commissioner for the appraisal and inspection, if required, of the property.

(vi) Such other reasonable and customary charges as may be authorized by the Commissioner.

* * * * *

3. By revising paragraph (b)(5) and revoking and reserving paragraph (j) in § 203.43.

§ 203.43 Eligibility of miscellaneous type mortgages.

* * * * *

(b) * * *

(5) Executed in connection with the sale by a State or municipality, or an agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (persons who have served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955) their families and others: *Provided,* That the principal obligation of a mortgage referred to in this paragraph shall not exceed 90 percent of the appraised value of the mortgaged property; or

* * * * *

(j) [Reserved]

* * * * *

4. By revoking and reserving paragraph (c) and revising paragraph (d) of § 203.44 as follows:

§ 203.44 Eligibility of open-end advances.

* * * * *

(c) [Reserved]

(d) The mortgagee may charge the mortgagor a fee not to exceed $25 or 1 percent of the open-end advance, whichever is the lesser, and the amount of out-of-pocket expenditures made by the mortgagee for customary costs of title search and recording fees. The mortgagee may require the mortgagor to pay to the mortgagee all charges permitted under this section on or prior to the date of final disbursement of the open-end advance, together with a sum sufficient to pay the initial insurance charge provided for in § 203.307. No portion of such charges may be included in the principal amount of the open-end advance.

* * * * *

§ 203.60 [Reserved]

5. By revoking and reserving § 203.60.

6. By revoking and reserving paragraph (a), revising the introductory language of paragraph (c), revising paragraph (c)(5) and adding a new paragraph (c)(6) in § 203.100 as follows:

§ 203.100 Charges and fees to lender from borrower.

* * * * *

(a) [Reserved]

* * * * *

(c) *Amounts for Other Items.* Reasonable and customary amounts, but not more than the amount paid by the mortgagee for any of the following items:

* * * * *

(5) Fees paid to an appraiser or inspector approved by the Commissioner for the appraisal and inspection, if required, of the property.

(6) Such other reasonable and customary charges as may be authorized by the Commissioner.

PART 204—COINSURANCE

§ 204.1 [Amended]

7. By deleting from § 204.1, "§ 203.12 Application and commitment extension fees."

8. By revising § 204.4 to read as follows:

§ 204.4 Appraisal and inspection fees.

When the mortgagee determines the appraised value of the property, the eligibility of the property for insurance, and the maximum amount which may be insured, the mortgagee may collect from the mortgagor for its own use a fee not in excess of the appraisal fee and inspection fee, if required, provided in § 203.27(a)(3)(v).

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

9. By revoking and reserving paragraph (c) and revising paragraph (d) in § 213.530 as follows:

§ 213.530 Eligibility of open-end advances.

* * * * *

(c) [Reserved]

(d) The mortgagee may charge the mortgagor a fee not to exceed $25 or 1 percent of the open-end advance, whichever is the lesser, and the amount of out-of-pocket expenditures made by the mortgagee for customary costs of title search and recording fees. The mortgagee may require the mortgagor to pay to the mortgagee all charges permitted under this section on or prior to the date of final disbursement of the open-end advance, together with a sum sufficient to pay the initial insurance charge provided for in this part. No portion of such charges may be included in the principal amount of the open-end advance.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

§ 220.1 [Amended]

10. By deleting from § 220.1(a) "203.12 Application and commitment extension fees" and "203.27 Maximum charges, fees and discounts."

§ 220.2 [Reserved]

11. By revoking and reserving § 220.2.

§ 220.50 [Reserved]

12. By revoking and reserving § 220.50.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

13. By revoking and reserving paragraph (d) in § 221.60.

§ 221.60 Eligibility requirements for low income homeowners.

* * * * *

(d) [Reserved]

* * * * *

14. By revoking and reserving paragraph (c) in § 221.65.

§ 221.65 Eligibility requirements for low and moderate income purchaser of family unit in condominium.

* * * * *

(c) [Reserved]

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

§ 234.13 [Reserved]

15. By revoking and reserving § 234.13.

16. By revising the introductory language of paragraph (a)(2), revising paragraph (a)(2)(v) and adding a new paragraph (a)(2)(vi) in § 234.48 as follows:

§ 234.48 Maximum charges, fees or discounts.

(a) * * *

(1) * * *

(2) Reasonable and customary amounts, but not more than the amount actually paid by the mortgagee, for any of the following items:

* * * * *

(v) Fees paid to an appraiser or inspector approved by the Commissioner for the appraisal and inspection, if required, of the property.

(vi) Such other reasonable and customary charges as may be authorized by the Commissioner.

* * * * *

17. By revoking and reserving paragraph (c) and revising paragraph (d) in § 234.70 as follows:

§ 234.70 Eligibility of open-end advances.

* * * * *

(c) [Reserved]

(d) The mortgagee may charge the mortgagor a fee not to exceed $25 or 1 percent of the open end advance, whichever is the lesser, and the amount of out-of-pocket expenditures made by the mortgagee for customary costs of title search and recording fees. The mortgagee may require the mortgagor to pay to the mortgagee all charges permitted under this section on or prior to the date of final endorsement of the open end advance, together with a sum sufficient to pay the initial insurance charge provided for in Subpart B of this part. No portion of such charges may be included in the principal amount of the open end advance.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

§ 235.1 [Amended]

18. By deleting from § 235.1 "203.12 Application and commitment extension fees."

§ 235.7 [Reserved]

19. By revoking and reserving § 235.7.

20. By revoking and reserving paragraph (b) in § 235.45.

§ 235.45 Eligibility requirements for purchase from rehabilitation sales project.

* * * * *

(b) [Reserved]

* * * * *

(Section 211 of the National Housing Act (12 U.S.C. 1715b))

Issued at Washington, DC, on April 16, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 80-14259 Filed 5-7-80; 8:45 am]

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federal register

Thursday
May 8, 1980

Part III

Department of the Interior

Bureau of Land Management

Implementation of the Alaska Native Claims Settlement Act

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2650

Alaska Native Selections; Implementation of the Alaska Native Claims Settlement Act

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking will amend sections of the existing regulations that implement sections 3(d), 12(a) and (b), 13, 14(h) and 16(b) and (d) of the Alaska Native Claims Settlement Act. The proposed rulemaking will clarify existing procedures to carry out section 2(b) of the Act which directs that the land settlement be accomplished rapidly and with maximum participation by Alaska Natives.

DATES: Comments by July 7, 1980.

ADDRESS: Comments should be sent to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments are available for public review in Room 5555 of the above address during regular duty hours (7:45 a.m. to 4:15 p.m.) on weekdays.

FOR FURTHER INFORMATION CONTACT:
Beaumont McClure, Above address, (202) 343-6511, or
Robert C. Bruce, (202) 343-8735, or
Bob Arnold, 701 C Street, Box 13, Anchorage, Alaska 99513, (907) 271-5768.

SUPPLEMENTARY INFORMATION: This proposed rulemaking amends the existing regulations covering: Certification and selections by Native groups; village survey plans; and the contiguity of village selections. The proposed rulemaking drops the initial publication requirement of section 14(h)(1) of the Alaska Native Claims Settlement Act of selections for cemetery sites and historic places and section 14(h)(8) regional filings and indicates which lands are available for the various elements included under section 14(h) selections. The proposed rulemaking also provides for the rejection of oil and gas lease offers by the Bureau of Land Management to the extent they conflict with valid selections under the proposed rulemaking.

In March 1978, the Department of the Interior completed an intensive eight-month review of policy issues aimed at speeding the conveyance of lands to Alaska Natives and smoothing implementation of other portions of the Alaska Native Claims Settlement Act. Decisions on issues listed in the previous paragraph, were among those requiring changes in regulations.

In keeping with the direction for maximum Native participation contained in section 2(b) of the Alaska Native Claims Settlement Act, the provisions of this proposed rulemaking were distributed to the Alaska Federation of Natives Land Managers' Association for preliminary comments.

Section 2650.3-3. Pending oil and gas lease offers do not constitute lawful entries or valid existing rights. In March 1978, the Secretary of the Interior decided that all pending oil and gas lease offers should be rejected if they conflict with the subsurface estate in lands to be conveyed to a Native corporation. In the past, the authority for rejecting oil and gas lease offers has been retained by the Secretary of the Interior and the Assistant Secretary for Land and Water Resources. These regulations will delegate rejection authority to the Alaska State Director, Bureau of Land Management, insofar as oil and gas lease offers that conflict with proposed conveyances of the subsurface estate to a Native corporation. This delegation will eliminate an unnecessary handling of a routine action by the Washington Office of the Bureau of Land Management and by the Assistant Secretary for Land and Water Resources, and will thereby expedite conveyances to the Alaska Native Corporations.

Section 2650.5-4. Village survey regulations are modified in several respects. First, the proposed regulations add a sentence to paragraph (a) that explains the extent to which permanent on-the-ground monuments will be set along the exterior boundaries of the village ownership, i.e., at angle points and at intervals of approximately 2 miles on straight lines. Existing regulations provide this same standard for regional corporations but fail to set any standard for village corporations. These proposed regulations, therefore, clear up any uncertainty.

Second, the proposed regulations state the Department's non-intervention position regarding the reconveyance process required by section 14(c) of the Alaska Native Claims Settlement Act.

Third, survey requirements are amended to allow village corporations to submit geographically phased plans for the survey of lands to be reconveyed under section 14(c) of the Alaska Native Claims Settlement Act. In this way, certain geographic areas can be surveyed and reconveyed while the conflicts or problems in other geographic areas are being resolved.

Section 2651.4. Existing regulations require that each selection by a given corporation under a single authority must stand on its own for purposes of contiguity determinations. A new provision has been added to section 2651.4(b) which will allow selections of the adjacent surface estates by two or more corporations to be considered as one tract for purposes of contiguity determinations. It will also allow selections of the surface estate under the authority of sections 12(a), (b), and (c), and section 14(h) of the Alaska Native Claims Settlement Act to be considered as selections under a single authority for purposes of determining contiguity of those selections.

This proposed rulemaking modifies the existing regulations in an attempt to more clearly describe what lands consitute "reasonably compact" selections.

Provisions have also been added regarding the compactness of land selections involving rivers and streams. These provisions adjust existing regulations to conform to an agreement reached between Doyon, Limited and the United States in settlement of *Doyon, Limited* v. *Andrus,* Civil No. 1586-73 (D.D.C. March 16, 1973). Under these provisions, village selections must be in whole sections, as required by section 12(a)(2) of the Alaska Native Claims Settlement Act. These proposed rules would add specific criteria for determining compactness which are lacking in existing regulations.

Section 2653.3. This proposed rulemaking amends existing regulations to clarify the categories of land that are available for selection as cemetery sites and historical places; for Native groups; for Natives residing in Sitka, Kenai, Kodiak, and Juneau, Alaska; as Native primary places of residence; and for regional corporations under section 14(h)(8) of the Alaska Native Claims Settlement Act.

Section 2653.6. The Department of the Interior's 1978 review concluded that the eligibility criteria for Native groups, as described in existing regulations, were more restrictive than the criteria that apply to village eligibility determinations. Subsequently, the Department determined that the criteria used to establish eligibility should be more like those used for village eligibility determinations. Further, it was established as a matter of Departmental policy that there will be no new time extensions for filing Native group applications.

Since village eligibility only required enrollment and not residency and enrollment, the continuous residency requirements for Native groups have been dropped in this proposed rulemaking. The enrollment regulations allow enrollment to an intended residence which is not always the actual residence at the time of enrollment.

Existing regulations require an eligible member of a Native group to actually reside in a permanent structure used as a dwelling house as of the 1970 census enumeration and continue to have used that structure as a principal place of residence since that time. Under the proposed rulemaking, all Natives belonging to the group must be enrolled in the locality and at least 3 must have actually lived there for a period of time during 1970.

Existing regulations require that the lands occupied by the group's permanent structures used as dwelling houses must be available for selection for the group to receive any lands. The proposed rulemaking permits the selection of other available public lands, within prescribed limits, if the lands occupied by the group's structures used as dwelling houses are not available and the available public lands surrounding it are insufficient to fulfill the group's entitlement.

The proposed rulemaking does not disqualify an otherwise eligible Native group for the single reason that the lands under its structures used as dwelling houses are not available for selection. Existing regulations require that such lands be available. Consequently, the provisions for issuing a certificate of ineligibility have been deleted.

Additionally, Native groups now may receive title to national wildlife refuge and forest lands if such lands were used and are immediately adjacent to the group's situs.

In addition to protecting valid existing rights, the Alaska Native Claims Settlement Act, in section 14(c), provides that title to the surface estate of lands within areas conveyed to village corporations that are occupied as a primary place of residence or business, a subsistence campsite, or a headquarters for reindeer husbandry are to be reconveyed by the village to the occupant. There is no comparable provision for occupants on Native group corporation lands. There may be circumstances where persons occupy lands in areas selected by Native group corporations under conditions similar to those described in section 14(c), but it is our belief that these circumstances are small in number and that they can be worked out between the occupant and the Native group corporation. If any member of the public feels that these issues cannot be resolved through negotiation between an occupant and a Native corporation, we would appreciate any comments on methods of resolving these issues. Valid existing rights will be protected on Native group lands.

The principal author of this proposed rulemaking is Beaumont McClure of the Alaska Programs Staff of the Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Note. The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 or 43 CFR Part 14.

Under the authority of section 25 of the Alaska Native Claims Settlement Act (5 U.S.C 551 et seq.), it is proposed to amend Part 2650, Group 2600, Subchapter B, Chapter II, Title 43 of the Code of Federal Regulations as set forth below:

1. A new § 2650.3-3 is added as follows:

§ 2650.3-3 Oil and gas lease offers.

Pending oil and gas lease offers made pursuant to subpart 3110 of this title do not constitute lawful entries or valid existing rights. Such offers, to the extent they conflict with valid selections to be conveyed under the act, shall be rejected. Such rejection shall be made by the Alaska State Director, Bureau of Land Management, shall be the final decision of the Department of the Interior, and shall not be subject to administrative appeal.

2. Section 2650.5-4 is amended to read as follows:

§ 2650.5-4 Village surveys.

(a) Only the exterior boundaries of contiguous entitlements for each village corporation shall be surveyed. Where land within the outer perimeter of a selection is not selected, the outer boundaries of the area included in the contiguous entitlements shall be deemed exterior boundaries. Survey monuments shall be established on the exterior boundaries at angle points and at intervals of approximately 2 miles on straight lines. The survey shall be made after the total acreage entitlement of the village has been selected.

(b) The Department shall not intervene in decisions of the corporations involving conveyances made pursuant to section 14(c) of the act.

(c) Surveys will be made within the village corporation selections to delineate those tracts required by law to be conveyed by the village corporations pursuant to section 14(c) of the act.

(d)(1) Plans for the survey of tracts described in paragraph (c) of this section may be submitted in stages by the village corporation provided such plan includes all tracts to be surveyed within an identified geographic area, and provided that a general plan for the phased survey of all the separate geographic areas is also submitted.

(2) Each plan submitted to the Bureau of Land Management shall meet the following criteria:

(i) Tracts shall be clearly identified on the ground and marked with durable materials;

(ii) Tract boundaries shall be clearly drawn and identified on a map and shall reflect occupancy as of December 18, 1971;

(iii) The map shall show written approval of the village corporation;

(iv) The plan shall contain a statement showing that there are no conflicts between village corporations and potential transferees;

(v) Other reasonable requirements specified by the Alaska State Director that are necessary to meet the commitments of section 14(c) of the act shall be met.

(3) Lands shown by the records of the Bureau of Land Management as not having been conveyed to the village corporation shall be excluded by adjustments on the map by the Bureau of Land Management. No surveys shall begin prior to final written approval of

the map by the village corporation and the Bureau of Land Management. After such written approval, the map shall constitute a plan of survey. Surveys shall then be made in accordance with the plan of survey.

(4) Plans of survey meeting the criteria set forth in paragraph (d) (2) of this section may be amended following submission only if deemed appropriate by the Alaska State Director. Requests for alteration received after the preparation of survey instructions shall be allowed only under exceptional circumstances as determined by the Alaska State Director.

(5) Survey priorities shall be the responsibility of the Alaska State Director and, to the extent possible, will consider the surveying requests of Native corporations on a region by region basis.

§ 2651.0-3 [Amended]

3. Section 2651.0-3 is amended by deleting the "(b)" after the figure "16."

4. Section 2651.4 is amended by revising paragraph (b) to read as follows:

§ 2651.4 Selection limitations.

* * * * *

(b)(1) To the extent necessary to obtain its entitlement, each eligible village corporation shall select all available lands within the township or townships within which all or part of the village is located, and shall complete its selection from among all other available lands. Selections shall be contiguous and reasonably compact except where separated by lands which are unavailable for selection.

(2) For purposes of contiguity, all valid surface estate selections under different authorities provided in the act or by different corporations shall be considered as though they were selected under one authority or by one corporation.

(3) The total area selected shall not be considered to be reasonably compact if:

(i) It excludes other lands available for selection within its exterior boundaries except that a section in which a body of water comprises more than one-half of the total acreage of the section need not be selected unless all of the riparian lands surrounding the body of water are selected;

(ii) Lands which are similar in character to the village site or lands ordinarily used by the village inhabitants are disregarded in the selection process; or

(iii) An isolated tract of public lands of less than 1,280 acres remains outside the exterior selection boundary.

(4) Without abridging the rights of the village corporation in paragraph (d) of this section, lands which, by irrevocable agreement (filed with the Secretary) have been validly selected by the appropriate regional corporation, shall not be judged as available for selection in consideration of the compactness criteria.

(5) A village corporation may select in a contiguous fashion, available lands along one or both sides of a river or stream, provided that such configuration of land selections does not isolate and render inaccessible comparable lands in the same river or stream valley that will not be selected by the regional corporation, unless a reasonable access easement to such unselected lands is granted by the village or regional corporation. Seceltions shall conform to paragraph (c) of this section, and unless such selections exceed the limits of the valley floor, they shall be at least 3 sections deep if made only on one side of the river or stream, and at least 2 sections deep on each side if made on both sides of the river or stream. For the purpose of counting depth of sections, measurements shall be made perpendicular to the river or stream and the outermost section affected by the mean high water elevation of the river or stream shall be counted as the first section.

5. Section 2653.3 is amended as follows:

§ 2653.3 Lands available for selection.

(a)(1) Selection may be made for existing cemetery sites or historical places, Native groups, corporations formed by the Natives residing in Sitka, Kenai, Juneau and Kodiak and for primary places of residence from any unappropriated and unreserved lands which the Secretary may withdraw for those purposes: *Provided,* That National Wildlife Refuge System lands and National Forest lands may be made available as provided in section 14(h)(7) of the act and the regulations in this subpart. Selection under sections 14(h) (1), (2), or (5) may be made in accordance with § 2653.2(d) of this title, from any unappropriated and unreserved lands which are:

(i) Lands withdrawn solely under section 17(d)(1);

(ii) Lands formerly withdrawn under sections 11(a) (1) or (3) and not selected under sections 12 or 19; or

(iii) Lands formerly withdrawn and not selected under section 16.

(2) Native groups with dwelling structures located within or outside but immediately adjacent to a National Wildlife Refuge or National Forest may select lands within the National Wildlife Refuge or National Forest, as the case may be, to the extent such lands constitute the situs of the group's dwelling structures and public lands used by the group that are immediately adjacent to the situs of the dwelling structures. Public lands not contiguous to the situs of the dwelling structures are not available for selection, except in accordance with § 2653.6(b)(1) of this title.

(3) Selections under section 14(h)(3) may be made from unappropriated and unreserved lands in accordance with § 2653.7 of this title.

(b) Selections pursuant to section 14(h)(8) by regional corporations other than the regional corporation for southeastern Alaska shall be made from lands previously withdrawn under section 11(a) (1) or (3) which are not otherwise appropriated and where such withdrawal terminated solely for lack of selection under sections 12 or 19.

(c) Selections pursuant to section 14(h)(8) by the regional corporation for southeastern Alaska shall be made from lands withdrawn by sections 16 (a) or (d) and not selected by the village corporations; except lands on Admiralty Island in the Angoon withdrawal area not available for selection; and lands in the Saxman and Yakutat withdrawal areas are available for selection only with the consent of the Governor of the State of Alaska.

6. Section 2653.5 is amended by replacing the existing paragraph (h) with a new paragraph (h) and adding a new paragraph (i) as follows:

§ 2653.5 Cemetery sites and historical places.

* * * * *

(h) The Bureau of Land Management shall forward the application to the Director, Juneau Area Office, Bureau of Indian Affairs, for investigation, report and certification and supply a copy to the National Park Service. When an application pertains to lands within a National Wildlife Refuge or National Forest, the Bureau of Land Management shall also forward information copies of the application and the size and location of segregated lands to the agency or agencies involved.

(i) If, during its investigation, the Bureau of Indian Affairs finds that the location of the site as described in the application is in error, it shall notify the applicant, the Bureau of Land Management and other affected Federal agencies of such error. The applicant shall have 60 days from receipt of such notice to file with the Bureau of Land Management an amendment to its application with respect to the location of the site. Upon acceptance of such amendment, the Bureau of Land Management shall reprocess the application, including segregation of lands.

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7. Section 2653.6 is amended by revising paragraphs (a) (4), (5) and (6) and (b) (1), (2), and (7) to read as follows:

§ 2653.6 Native groups.

(a) * * *

(4) The Bureau of Indian Affairs shall investigate and determine whether each member of a Native group formed pursuant to section 14(h)(2) of the act is enrolled pursuant to section 5 of the act. The Bureau of Indian Affairs shall determine whether the members of the Native group are enrolled in the locality specified in its application. The Bureau of Indian Affairs shall specify the number and names of Natives who are enrolled in the locality, including children who are members of the group and who are temporarily elsewhere for purposes of education, and it shall further determine whether the members of the Native group constitute the majority of the residents of the locality. The Bureau of Indian Affairs shall determine and identify the exterior boundaries of the Native group's locality and the location of all those structures of the Native group used as dwelling houses.

(5) The Native group shall have an identifiable physical location as evidenced by occupancy consistent with the Natives' own cultural patterns and life style and be composed of at least 3 adult persons who are members of separate households, are enrolled pursuant to section 5 of the act, and used the locality as a place where they actually lived for a period of time during 1970. The 3 membrs of the group, although members of separate households, may occupy the same dwelling houses. The group shall have the character of a separate community, distinguishable from nearby communities, but shall not be disqualified if it meets the other criteria specified in this subpart by reason of the locality having been temporarily unoccupied in 1970 because of an act of God or government authority occurring within the preceding 10 years. A Native enrolled in the locality shall be deemed a resident of the locality.

(6) The Bureau of Indian Affairs shall issue its certification, containing its findings of fact required to be made herein and its determination of the eligibility of the Native group. It shall send a copy thereof by certified mail to the Bureau of Land Management, the Native group, its regional corporation and any party of record.

* * * * *

(b) *Selections.* (1) Native group selections shall not exceed the amount recommended by the regional corporation or 320 acres for each Native member of a group, or 7,680 acres for each Native group, whichever is less. Any acreage selected in excess of that number shall be identified as alternate selections and shall be numerically ordered to indicate selection preference. An eligible Native group shall select its entitlement to lands from those public lands occupied by its dwellings and from adjacent available lands used by the group. Public lands which are available for this purpose are set forth in § 2653.3(a) of this title. Where the quantity of public lands is insufficient to satisfy the group's entitlement, the Secretary may withdraw up to 2 times the remaining entitlement from public lands that:

(i) Are otherwise available in accordance with § 2653.3(a) of this title;

(ii) To the extent possible, are of a character similar to and proximate to those on which the group is located; and

(iii) Are within 50 miles of the center of the group's situs.

The Secretary shall also consider for withdrawal any other public lands nominated by the group. A group shall have 90 days from notification of the withdrawal to identify the lands it wishes to receive. Conveyance of lands reserved for the National Wildlife Refuge System made pursuant to this part are subject to the provisions of section 22(g) of the act and § 2650.4–6 of this title as though they were conveyances to a village corporation.

(2) Upon receipt of the applications of a Native group for a determination of its eligibility under section 14(h)(2) of the act, the Bureau of Land Management shall segregate the land encompassed within the group locality from land available for that purpose pursuant to § 2653.6(b)(1) of this title.

* * * * *

(7) The Bureau of Land Management shall issue appropriate decision documents on the selection of a Native group determined to be eligible and shall serve a copy of such decision by certified mail on the Native group, its regional corporation and any party of record, and the decision shall be published in accordance with § 2650.7 of this title.

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8. Section 2653.9 is amended by revising paragraph (a) to read as set forth below; deleting existing paragraph (d) and redesignating (e) as (d).

§ 2653.9 Regional selections.

(a) Applications by a regional corporation for selection of lands within its boundaries under section 14(h)(8) of the act shall be filed with the proper office of the Bureau of Land Management in accordance with § 2650.2(a) of this title. Selections made under sections 14(h) (1), (2), (3) and (5) of the act will take priority over selections made pursuant to section 14(h)(8) of the act.

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Guy R. Martin,
Assistant Secretary of the Interior.
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